

March 15, 1967
Passed on File

*Governmental Affairs 3-16, Pass 4-13
State Government Affairs 4-22*

Senate File 537

By STANLEY, KRUCK, RIGLER,
SHIRLEY, BENDA, HEYING,
RILEY, RENO, BALLOUN,
NURSE, DeKOSTER, MILLS,
LANGE, FLATT, MESSERLY,
LAMBORN, KOSEK, HOUGEN,
NEU, WALSH, SHAFF, JEPSEN,
VAN EATON, DeHART, ERSKINE,
ELY, HILL and REICHARDT

Passed Senate, Date 4-24-67 Passed House, Date 6-19-67
Vote: Ayes 55 Nays 2 Vote: Ayes 80 Nays 27

*Passed Senate Approved
as amended by House
and further amended by
Senate, 7-1-67,
40-15*

A BILL FOR

*Motion to reconsider filed 6-19
" " " lost 6-19
Passed House per further
amended by Senate 7-1-67.
95-9*

An Act to protect the right of citizens to examine public records and make copies thereof.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Wherever used in this Act, "public records"
- 2 includes all records and documents of or belonging to this
- 3 state or any county, city, town, township, school corporation,
- 4 political subdivision, or tax-supported district in this state,
- 5 or any branch, department, board, bureau, commission, council,
- 6 or committee of any of the foregoing.
- 1 Sec. 2. Every citizen of Iowa shall have the right to
- 2 examine all public records and to copy such records, unless
- 3 some other provision of the Code expressly limits such right
- 4 or requires such records to be kept secret or confidential.
- 5 The right to copy records shall include the right to make
- 6 photographs or photographic copies while the records are in
- 7 the possession of the lawful custodian of the records. All
- 8 rights under this section are in addition to the right to
- 9 obtain certified copies of records under section six hundred
- 10 twenty-two point forty-six (622.46) of the Code.

1 Sec. 3. Such examination and copying shall be done under
2 the supervision of the lawful custodian of the records or his
3 authorized deputy. The lawful custodian may adopt and enforce
4 reasonable rules and regulations regarding such work and the
5 protection of the records against damage or disorganization.
6 The lawful custodian shall provide a suitable place for such
7 work, but if it is impracticable to do such work in the office
8 of the lawful custodian, the person desiring to examine or
9 copy shall pay any necessary expenses of providing a place for
10 such work. All expenses of such work shall be paid by the
11 person desiring to examine or copy. The lawful custodian may
12 charge a reasonable fee for the services of the lawful custodian
13 or his authorized deputy in supervising the records during such
14 work.

1 Sec. 4. The rights of citizens under this Act may be exer-
2 cised at any time during the customary office hours of the
3 lawful custodian of the records. However, if the lawful custo-
4 dian does not have customary office hours of at least thirty
5 (30) hours per week, such right may be exercised at any time
6 from nine (9) o'clock a.m. to noon and from one (1) o'clock
7 p.m. to four (4) o'clock p.m. Monday through Friday, excluding
8 legal holidays, unless the citizen exercising such right and
9 the lawful custodian agree on a different time.

1 Sec. 5. The provisions of this Act and all rights of citi-
2 zens under this Act may be enforced by mandamus or injunction,
3 whether or not any other remedy is also available.

1 Sec. 6. It shall be unlawful for any person to deny or
2 refuse any citizen of Iowa any right under this Act, or to
3 cause any such right to be denied or refused. Any person know-
4 ingly violating or attempting to violate any provision of this
5 Act shall be guilty of a misdemeanor and upon conviction shall
6 be punished by a fine of not more than one hundred (100) dollars.

1 Sec. 7. The following public records shall be kept confi-
2 dential, unless otherwise ordered by a court, by the lawful

3 custodian of the records, or by another person duly authorized
4 to release information:

5 1. Personal information in records regarding a student,
6 prospective student, or former student of the school corpora-
7 tion or educational institution maintaining such records.

8 2. Hospital records and medical records of the condition,
9 diagnosis, care, or treatment of a patient or former patient,
10 including outpatient.

1 Sec. 8. In accordance with the rules of civil procedure
2 the district court may grant an injunction restraining the
3 examination (including copying) of a specific public record,
4 if the petition supported by affidavit shows and if the court
5 finds that such examination would clearly not be in the public
6 interest and would substantially and irreparably injure any
7 person or persons. The district court shall take into account
8 the policy of this Act that free and open examination of public
9 records is generally in the public interest, even though such
10 examination may cause inconvenience or embarrassment to public
11 officials or others. Such injunction shall be subject to the
12 rules of civil procedure except that the court in its discre-
13 tion may waive bond.

1 Amend Senate File 537 as follows:

2 1. By adding the following new section thereto:

3 "Section ninety-one point thirteen (91.13), Code 1966
4 is hereby repealed."

5 2. Amend section two (2), line two (2), by inserting
6 after the word, "records" the words, "and the news media may
7 publish such records".

Filed - *adopted 4-21*
April 20, 1967

By GAUDINEER

1 Amend Senate File 537 by adding the following new
2 section:

3 "Section four hundred twenty-two point sixty-five
4 (422.65), Code 1966, is amended by adding the following new
5 sentence at the end of subsection one (1):

6 'This subsection shall prevail over the provisions of
7 any general law of this state relating to public records.'"

Filed - *adopted 4-21*
April 21, 1967

By O'MALLEY and STANLEY

1 Amend Senate File 537 as follows:
2 1. Insert the following new subsection at the end of
3 Section 7:
4 "3. Trade secrets which are recognized and protected
5 as such by law."
6 2. Insert the following new sentence at the end of
7 Section 8:
8 "Reasonable delay by any person in permitting the
9 examination of a record in order to seek an injunction under
10 this section is not a violation of this Act, if such person
11 believes in good faith that he is entitled to an injunction
12 restraining the examination of such record."

Filed - *adopted 4-21*
April 21, 1967

By STANLEY

1 Amend Senate File 537 as follows:
2 Amend section seven (7) by adding the following new sub-
3 sections thereto:
4 "3. Records which represent and constitute the word pro-
5 duct of an attorney, which are related to litigation or claim
6 made by or against a public body.
7 "4. Police investigative reports, except where disclosure
8 is authorized elsewhere in this Code."

Filed and adopted
April 24, 1967

By GAUDINEER

1 Amend Senate File 537 as follows:
2 1. Amend the Gaudineer amendment filed April 24, 1967 by
3 striking from line four (4) the word, "word" and by inserting
4 in lieu thereof the word, "work".

Filed and adopted
April 24, 1967

By GAUDINEER

1 Amend Senate File 537 as follows:
2 Amend the House amendment to Senate File 537 by striking
3 in line twelve (12) the words "public announcement of a
4 project" and inserting in lieu thereof the words "acquisition
5 of the property".

Filed - *adopted 6-26, motion to reconsider filed 6-27, prevailed 7-1*
June 23, 1967 *Lost - 7-1-67* By RILEY

1 Amend the House amendment to Senate File 537 by adding the
2 following after the word "state." in line twenty (20):
3 "11. Records of mentally ill persons and birth records of } I
4 illegitimate children. }
5 "Lists or copies of birth, death or marriage records may } II
6 not be obtained for commercial purposes."

Filed - *Div. I adopted 6-27; Div. II withdrawn 6-27*
June 23, 1967 *motion to reconsider filed 6-27, prevailed 7-1* By HAGEDORN, RENO, and
ELVERS

1 Amend Senate File 537 as follows:

2 1. Amend Section 7, subsection five (5), by
3 striking from line one (1) the word "Police" and
4 inserting in lieu thereof the words "Peace officers".

5 2. Further amend Section 7 by adding thereto the
6 following subsections:

7 "6. Reports to governmental agencies which, if
8 released, would give advantage to competitors and
9 serve no public purpose.

10 7. Appraisals or appraisal information concerning
11 the purchase of real or personal property for public
12 purposes, prior to public announcement of a project.

13 8. Iowa development commission information on an
14 industrial prospect with which the commission is
15 currently negotiating.

16 9. Criminal identification files of law-
17 enforcement agencies. However, records of current and
18 prior arrests shall be public records.

19 10. Personal information in confidential personnel
20 records of the military department of the state."

21 3. Further amend Senate File 537 by adding thereto
22 the following section:

23 Sec. 11. If it is determined that any provision of
24 this Act would cause the denial of funds, services or
25 essential information from the United States
26 government which would otherwise definitely be available
27 to an agency of this state, such provision shall be
28 suspended as to such agency, but only to the extent
29 necessary to prevent denial of such funds, services,
30 or essential information.

Filed

June 22, 1967

Senate adopted as amended 7-1-67.

1 Amend the house amendment to Senate File 537, filed June
2 22, 1967, as follows:

3 1. By inserting the following after the word "state." in
4 line twenty (20):

5 "11. Personal information in confidential personnel
6 records of public bodies including but not limited to cities,
7 towns, boards of supervisors and school districts."

Filed - *adopted 7-1.*

June 28, 1967

By O'MALLEY and FROMMELT

1 Amend Senate File 537 by adding the following sec-
2 tion thereto:

3 This Act, being deemed of immediate importance, shall be in
4 full force and effect from and after its passage and publication
5 in The Algona Upper Des Moines, a newspaper published at
6 Algona, Iowa and in the Independence Conservative,
7 a newspaper published at Independence, Iowa.

Filed and adopted

July 1, 1967

By MURRAY and PATTON

HOUSE

- 1 Amend Senate File 537, Section seven (7), by adding the
- 2 following subsection:
- 3 "Reports to regulatory agencies which, if released, would
- 4 give advantage to competitors and serve no public purpose."

Filed - *Adopted as amended 6-16*
June 2, 1967

NOLIN of Carroll.

- 1 Amend Senate File 537 by adding the following new
- 2 section:
- 3 "If it is definitely established that any provision of
- 4 this Act would cause the denial of federal funds which would
- 5 otherwise definitely be available to an agency of this state,
- 6 such provision shall be suspended as to such agency, but
- 7 only to the extent which is essential to prevent such denial
- 8 of federal funds."

Filed - *Withdrawn 6-16*
June 13, 1967

HICKLIN of Louisa-Muscatine.

- 1 Amend the Nolin amendment to Senate File 537, by striking
- 2 word "regulatory" in line three (3) and inserting the word ^{the}
- 3 in lieu thereof. "governmental"

Filed - *Adopted 6-16*
June 13, 1967

NOLIN of Carroll.

- 1 Amend Senate File 537 as follows:
- 2 By striking the period in line six (6) and adding the
- 3 following:
- 4 ", except departments, agencies, or instrumentalities
- 5 in which the administering of Federal funds is a part of
- 6 its function."

Filed - *Withdrawn 6-16*
June 14, 1967

MENSING of Cedar.

- 1 Amend Senate File 537, section seven (7), as follows:
- 2 1. Amend subsection four (4) by striking from line one
- 3 (1) the word "police" and inserting in lieu thereof the
- 4 words "peace officers".
- 5 2. By adding the following subsection:
- 6 "Criminal arrest records except such records shall be
- 7 available to county attorneys and peace officers."

Filed - *Adopted as amended 6-19*
June 15, 1967

MAYBERRY of Webster.
THORSEN of Scott.
DUFFY of Dubuque.

- 1 Amend Senate File 537, Section 7 by adding
- 2 thereto the following paragraph:
- 3 "All vital statistics records such as births,
- 4 deaths, marriages, and records of the mentally ill."

Filed - *Withdrawn 6-19*
June 15, 1967

CONKLIN of Black Hawk.

1 Amend Senate File 537 by adding the following new sections
thereto:

2 Sec. "Any request to examine or copy any public record
shall be
3 made in writing and shall state with reasonable specificity
the
4 description of the particular public record sought to be
examined
5 or copied."

6 Sec. "Nothing in this Act shall be construed to require
the law-
7 ful custodian to permit the use of any mechanical copying
equipment
8 in the possession of the branch, department, board, bureau,
commission,
9 council or committee for the reproduction or copying of re-
quested
10 public records."

11 Sec. "Any person who shall willfully violate any rule or
regu-
12 lation of any branch, department, board, bureau, commission,
council
13 or committee promulgated for the protection of its records
against
14 damage or disorganization shall be punished by imprisonment in
the
15 county jail not more than one year, or by fine not exceeding
five-
16 hundred dollars, or by both such fine and imprisonment."

Filed - *Lost 6-19*
June 16, 1967

GANNON of Jasper.
MALONEY of Polk.

1 Amend Senate File 537 as follows:

2 1. Amend Section 7 of Senate File 537 by adding the follow-
ing new
3 subsections thereto:

4 "3. The criminal records and all administrative or profes-
sional
5 records relating thereto of persons who are or have been in-
mates
6 of county jails, or correctional institutions, or who are
parolees
7 or probationers under the supervision of the Department of
Social
8 Services or any other person or agency.

9 "4. The records of commitment, adoption or release of child-
ren
10 including those committed to the State Juvenile Home and the
Iowa
11 Annie Wittenmyer Home.

12 "5. The records of personal matters of all public welfare
13 recipients and recipients of child welfare services.

14 "6. Confidential personnel evaluation records, real estate
15 transaction proposals and any other information concerning
personnel,
16 patients, or inmates, that would subject the administrator to
17 liability."

Filed - *Lost 6-19*
June 16, 1967

GANNON of Jasper.

1 Amend Senate File 537 by striking all after the enacting
2 clause and inserting in lieu thereof the following:
3 Section 1. Every citizen of Iowa shall have the right to
examine
4 all public records and to copy such records, unless some
5 other provision of the laws or regulations of the government
6 of the United States or of the state of Iowa expressly
7 limits such right or requires such records to be kept secret
8 or confidential. Any citizen denied such right may petition
9 the district court for a writ of mandamus which shall issue
10 unless the court finds that such examination would result
11 in serious injury to some person, or his reputation, which
12 overrides the public interest in full disclosure of public
13 records.

Filed - *Last 6-19*
June 16, 1967

JOHNSTON of Polk.
GANNON of Jasper.

1 Amend the Mayberry, Thordsen and Duffy amendment to
2 Senate File 537, filed June 15, 1967, by striking lines
3 5 through 7, inclusive, and inserting in lieu thereof
4 the following:
5 "2. By adding the following subsections:
6 'Criminal identification files of law-enforcement
7 agencies. However, records of current and prior arrests
8 shall be public records.
9 'Privileged and classified records
10 of the military department of the state.'"

Filed - *adopted 6-19*
June 16, 1967

MAYBERRY of Webster.
THORSEN of Scott.
DUFFY of Dubuque.

1 Amend Senate File 537, Section 7, by adding the
2 following new subsection thereto:
3 Appraisals or appraisal information of either real
4 or personal property obtained for the purpose of
5 establishing the estimated costs of any project pro-
6 posed to be undertaken or appraisals or appraisal
7 information to be used in the acquisition of real
8 or personal property for public purposes.

Filed - *withdrawn 6-19*
June 16, 1967

CURRAN of Cerro Gordo.

1 Amend Senate File 537 by adding the following
2 new section:
3 "If it is determined that any provision of this
4 Act would cause the denial of funds, services or
5 essential information from the United States Govern-
6 ment which would otherwise definitely be available
7 to an agency of this State, such provision shall be
8 suspended as to such agency, but only to the extent
9 necessary to prevent denial of such funds, services,
10 or essential information".

Filed - *Adopted 6-16*
June 16, 1967

HICKLIN of Louisa-Muscatine.

1 Amend the House amendment to Senate File 537 as follows:
2 By inserting the following after the word "state." in line
twenty (20):
3 "11. Personal information in confidential personnel records
of
4 public bodies including but not limited to cities, towns,
boards of
5 supervisors and school districts."
6 By adding at the end thereof the following:
7 "4. Further amend Senate File 537 by adding the following
section
8 thereto:
9 'This Act, being deemed of immediate importance, shall be in
full
10 force and effect from and after its passage and publication in
The Algona
11 Upper Des Moines, a newspaper published at Algona, Iowa, and in
the
12 Independence Conservative, a newspaper published at Independence,
13 Iowa.'"

As Adopted by the Senate

House concurred 7-1

1 Amend Senate File 537 by adding to section seven (7)
2 the following additional subsections:
3 Appraisals or appraisal information concerning the
4 purchase of real or personal property for public purposes,
5 prior to public announcement of a project.
6 Iowa development commission information on an industrial
7 prospect with which the commission is currently negotiating.

Filed - *adopted 6-19*
June 19, 1967

HICKLIN of Louisa-Muscatine.