

Senate File 2192 - Introduced

SENATE FILE 2192

BY SENG

A BILL FOR

1 An Act relating to open records requests and violations.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 22.2A Record requests — time
2 limits.

3 1. Upon receipt of an oral or written request to examine or
4 copy a public record, the lawful custodian shall, if feasible
5 in the ordinary course of business, permit such examination
6 or copying at the time of the request. If it is not feasible
7 in the ordinary course of business to permit examination or
8 copying of the public record at the time of the request, the
9 lawful custodian shall immediately notify the requester, orally
10 or in writing, when such examination or copying may take place,
11 which shall be no later than five business days from the time
12 of the request unless there is good cause for further delay.
13 If further delay is necessary because of good cause, the lawful
14 custodian shall provide the requester with a written statement
15 detailing the reason or reasons for the delay and the date by
16 which the request will be satisfied.

17 2. If the lawful custodian is in doubt as to whether the
18 record requested is a public record or whether the requester
19 should be permitted to examine or copy a public record
20 authorized but not required to be released under section 22.7,
21 the lawful custodian shall make that determination within ten
22 business days from the date of the request. Examination or
23 copying of the government record must be allowed within five
24 business days from the date the lawful custodian makes the
25 decision in such circumstances to permit examination or copying
26 of the record.

27 3. If the lawful custodian denies a request to examine or
28 copy a public record, the custodian must provide the requester
29 at the time of the denial a written statement denying the
30 request and detailing the specific reason or reasons for the
31 denial.

32 4. If the lawful custodian does not fulfill a request to
33 examine or copy a public record within the times prescribed
34 in this section, the request shall be deemed denied and the
35 requester shall be entitled to file a lawsuit against the

1 lawful custodian pursuant to section 22.10.

2 Sec. 2. Section 22.8, subsection 4, paragraph d, Code 2011,
3 is amended to read as follows:

4 d. To determine whether a confidential record should be
5 available for inspection and copying to the person requesting
6 the right to do so. A reasonable delay for this purpose shall
7 not exceed twenty calendar days and ordinarily should not
8 exceed ten business days. In adjudicating an attorney fee
9 claim pursuant to a violation of this paragraph, the district
10 court shall make an express finding as to whether a delay in
11 making the government record available by a lawful custodian
12 was reasonable and in good faith.

13 Sec. 3. NEW SECTION. 22.15 Receipts and disbursements.

14 The records of accounts of receipts and disbursements of a
15 government body are public records and shall be made available
16 to the public upon request.

17 EXPLANATION

18 RECORDS REQUESTS — TIME LIMITS. The bill provides that
19 upon receipt of an oral or written request to examine or copy
20 a public record, the lawful custodian shall, if feasible in
21 the ordinary course of business, permit such examination or
22 copying at the time of the request. If it is not feasible
23 in the ordinary course of business to permit examination or
24 copying of the public record at the time of the request, the
25 lawful custodian shall immediately notify the requester, orally
26 or in writing, when such examination or copying may take place
27 which shall be no later than five business days from the time
28 of the request unless there is good cause for further delay.
29 If further delay is necessary because of good cause, the lawful
30 custodian shall provide the requester with a written statement
31 detailing the reason or reasons for the delay and the date by
32 which the request will be satisfied. If the lawful custodian
33 is in doubt as to whether the record requested is a public
34 record or whether the requester should be permitted to examine
35 or copy a record authorized but not required to be released

1 pursuant to Code section 22.7, the lawful custodian shall make
2 that determination within 10 business days from the date of the
3 request. Examination or copying of the record must be allowed
4 within five business days from the date the lawful custodian
5 makes the decision to permit examination or copying of the
6 record. If the lawful custodian denies a request to examine
7 or copy a record, the custodian must provide the requester at
8 the time of the denial a written statement denying the request
9 and detailing the specific reason or reasons for the denial.
10 If the lawful custodian does not fulfill a request to examine
11 or copy a public record within the time frames prescribed,
12 the request shall be deemed denied and the requester shall be
13 entitled to a lawsuit against the lawful custodian pursuant to
14 Code section 22.10.

15 RECORDS REQUESTS — DELAYS — ATTORNEY FEES. Current
16 law provides that a good-faith, reasonable delay by a lawful
17 custodian in permitting the examination and copying of a
18 government record is not a violation of Code chapter 22 if the
19 purpose of the delay is due to certain circumstances, including
20 if the lawful custodian needs time to determine whether a
21 confidential record should be available for inspection and
22 copying to the person requesting the right to do so. A
23 reasonable delay for this purpose shall not exceed twenty
24 calendar days and ordinarily should not exceed ten business
25 days. The bill provides that in adjudicating an attorney fee
26 claim pursuant to a violation of this provision, the district
27 court is required to make an express finding as to whether a
28 delay in allowing the release of the government record by a
29 lawful custodian was reasonable and in good faith.

30 RECEIPTS AND DISBURSEMENTS — RECORDS REQUESTS. The
31 bill amends Code chapter 22 to provide that the records of
32 accounts of receipts and disbursements of a government body are
33 public records and shall be made available to the public upon
34 request. Under Code chapter 22, a government body includes a
35 state agency, any county, city, township, school corporation,

S.F. 2192

1 political subdivision, tax-supported district, certain
2 nonprofit corporations, and the governing body of a drainage
3 or levee district.