

# House File 777 - Reprinted

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 234)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to open records and public meetings, including  
2 creation of the Iowa public information board, and providing  
3 an effective date and making an appropriation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2139HV 83  
6 rh/rj/14

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1 1 Section 1. Section 8A.341, subsection 2, Code 2009, is  
1 2 amended to read as follows:  
1 3 2. If money is appropriated for this purpose, by November  
1 4 1 of each year supply a report which contains the name,  
1 5 gender, county, or city of residence when possible, official  
1 6 title, salary received during the previous fiscal year, base  
1 7 salary as computed on July 1 of the current fiscal year, and  
1 8 traveling and subsistence expense of the personnel of each of  
1 9 the departments, boards, and commissions of the state  
1 10 government except personnel who receive an annual salary of  
1 11 less than one thousand dollars. The number of the personnel  
1 12 and the total amount received by them shall be shown for each  
1 13 department in the report. All employees who have drawn  
1 14 salaries, fees, or expense allowances from more than one  
1 15 department or subdivision shall be listed separately under the  
1 16 proper departmental heading. On the request of the director,  
1 17 the head of each department, board, or commission shall  
1 18 furnish the data covering that agency. The report shall be  
1 19 distributed upon request without charge in an electronic  
1 20 medium to each caucus of the general assembly, the legislative  
1 21 services agency, the chief clerk of the house of  
1 22 representatives, and the secretary of the senate. Copies of  
1 23 the report shall be made available to other persons in an  
1 24 electronic medium upon payment of a fee, which shall not  
1 25 exceed the cost of providing the copy of the report. Sections  
1 26 22.2 through ~~22.6~~ 22.5 apply to the report. All funds from  
1 27 the sale of the report shall be deposited in the printing  
1 28 revolving fund established in section 8A.345.

1 29 Sec. 2. Section 8E.202, subsection 1, unnumbered paragraph  
1 30 1, Code 2009, is amended to read as follows:

1 31 The department and each agency shall provide for the widest  
1 32 possible dissemination of information between agencies and the  
1 33 public relating to the enterprise strategic plan and agency  
1 34 strategic plans, including but not limited to internet access.  
1 35 This section does not require the department or an agency to  
2 1 release information which is classified as a confidential  
2 2 record under this Code, ~~including but not limited to section~~  
~~2 3 22.7.~~

2 4 Sec. 3. Section 8E.202, subsection 3, Code 2009, is  
2 5 amended to read as follows:

2 6 3. A record which is confidential under this Code ~~-~~  
~~2 7 including but not limited to section 22.7,~~ shall not be  
2 8 released to the public under this section.

2 9 Sec. 4. Section 21.1, Code 2009, is amended by striking  
2 10 the section and inserting in lieu thereof the following:

2 11 21.1 INTENT == DECLARATION OF POLICY.

2 12 1. The general assembly recognizes that open government is  
2 13 a cornerstone to ensuring and protecting the free exchange of  
2 14 information from government to the people and it is therefore  
2 15 the intent of the general assembly to do all of the following:

2 16 a. Provide access to governmental information as an  
2 17 essential function of government and an integral part of the

2 18 routine duties of governmental officers and employees.

2 19 b. Balance transparency in government with the need to  
2 20 protect personal privacy.

2 21 c. Recognize barriers that may impede the public's access  
2 22 to governmental information and participation in governmental  
2 23 functions and remove those barriers.

2 24 d. Ensure and facilitate the public's right to access and  
2 25 review governmental information.

2 26 2. Ambiguity in the construction or application of this  
2 27 chapter should be resolved in favor of openness.

2 28 Sec. 5. Section 21.4, subsections 1 and 3, Code 2009, are  
2 29 amended to read as follows:

2 30 1. ~~A Except as provided in subsection 3, a governmental~~  
2 31 ~~body, except township trustees, shall give notice of the time,~~  
2 32 ~~date, and place of each meeting including a reconvened meeting~~  
2 33 ~~of the governmental body, and its tentative agenda of the~~

2 34 ~~meeting, in a manner reasonably calculated to apprise the~~  
2 35 ~~public of that information. Reasonable notice shall include~~  
3 1 ~~advising the news media who have filed a request for notice~~  
3 2 ~~with the governmental body and posting the notice on a~~  
3 3 ~~bulletin board or other prominent place which is easily~~  
3 4 ~~accessible to the public and clearly designated for that~~  
3 5 ~~purpose at the principal office of the body holding the~~  
3 6 ~~meeting, or if no such office exists, at the building in which~~  
3 7 ~~the meeting is to be held.~~

3 8 3. Subsection 1 does not apply to any of the following:

3 9 a. A meeting reconvened within four hours of the start of  
3 10 its recess, where an announcement of the time, date, and place  
3 11 of the reconvened meeting is made at the original meeting in  
3 12 open session and recorded in the minutes of the meeting and  
3 13 there is no change in the agenda.

3 14 b. A meeting held by a formally constituted subunit of a  
3 15 parent governmental body may conduct a meeting without notice  
3 16 as required by this section during a lawful meeting of the  
3 17 parent governmental body, or during a recess in that meeting  
3 18 of up to four hours, or a meeting of that subunit immediately  
3 19 following that the meeting of the parent governmental body, if  
3 20 the meeting of the that subunit is publicly announced in open  
3 21 session at the parent meeting and the subject of the meeting  
3 22 reasonably coincides with the subjects discussed or acted upon  
3 23 by the parent governmental body.

3 24 Sec. 6. Section 21.5, subsection 1, paragraph j, Code  
3 25 2009, is amended to read as follows:

3 26 j. To discuss the purchase of particular real estate only  
3 27 where premature disclosure could be reasonably expected to  
3 28 increase the price the governmental body would have to pay for  
3 29 that property. The minutes and the ~~tape audio~~ recording of a  
3 30 session closed under this paragraph shall be available for  
3 31 public examination when the transaction discussed is  
3 32 completed.

3 33 Sec. 7. Section 21.5, subsection 4, Code 2009, is amended  
3 34 to read as follows:

3 35 4. A governmental body shall keep detailed minutes of all  
4 1 discussion, persons present, and action occurring at a closed  
4 2 session, and shall also ~~tape audio~~ record all of the closed  
4 3 session. The detailed minutes and ~~tape audio~~ recording of a  
4 4 closed session shall be sealed and shall not be public records  
4 5 open to public inspection. However, upon order of the court  
4 6 in an action to enforce this chapter, the detailed minutes and  
4 7 ~~tape audio~~ recording shall be unsealed and examined by the  
4 8 court in camera. The court shall then determine what part, if  
4 9 any, of the minutes should be disclosed to the party seeking  
4 10 enforcement of this chapter for use in that enforcement  
4 11 proceeding. In determining whether any portion of the minutes  
4 12 or recording shall be disclosed to such a party for this  
4 13 purpose, the court shall weigh the prejudicial effects to the  
4 14 public interest of the disclosure of any portion of the  
4 15 minutes or recording in question, against its probative value  
4 16 as evidence in an enforcement proceeding. After such a  
4 17 determination, the court may permit inspection and use of all  
4 18 or portions of the detailed minutes and ~~tape audio~~ recording  
4 19 by the party seeking enforcement of this chapter. A  
4 20 governmental body shall keep the detailed minutes and ~~tape~~  
4 21 ~~audio~~ recording of any closed session for a period of at least  
4 22 one year from the date of that meeting, except as otherwise  
4 23 required by law.

4 24 Sec. 8. Section 21.6, subsection 3, paragraph a, Code  
4 25 2009, is amended to read as follows:

4 26 a. Shall assess each member of the governmental body who  
4 27 participated in its violation damages in the amount of not  
4 28 more than five hundred dollars ~~nor and not~~ less than one

4 29 hundred dollars. However, if a member of a governmental body  
4 30 knowingly participated in such a violation, damages shall be  
4 31 in the amount of not more than two thousand five hundred  
4 32 dollars and not less than one thousand dollars. These damages  
4 33 shall be paid by the court imposing it to the state of Iowa,  
4 34 if the body in question is a state governmental body, or to  
4 35 the local government involved if the body in question is a  
5 1 local governmental body. A member of a governmental body  
5 2 found to have violated this chapter shall not be assessed such  
5 3 damages if that member proves that the member did any of the  
5 4 following:

- 5 5 (1) Voted against the closed session.
- 5 6 (2) Had good reason to believe and in good faith believed  
5 7 facts which, if true, would have indicated compliance with all  
5 8 the requirements of this chapter.
- 5 9 (3) Reasonably relied upon a decision of a court, ~~or~~ a  
5 10 formal opinion of the attorney general, or the attorney for  
5 11 the governmental body, given in writing, or as memorialized in  
5 12 the minutes of the meeting at which an oral opinion was given,  
5 13 or an advisory opinion of the attorney general or the attorney  
5 14 for the governmental body, given in writing.

5 15 Sec. 9. Section 21.8, subsection 1, unnumbered paragraph  
5 16 1, Code 2009, is amended to read as follows:

5 17 A governmental body may conduct a meeting and individual  
5 18 members of a governmental body may participate in meetings of  
5 19 a governmental body by electronic means only in circumstances  
5 20 where ~~such~~ a meeting in person is impossible or impractical  
5 21 and only if the governmental body complies with all of the  
5 22 following:

5 23 Sec. 10. NEW SECTION. 22.0A INTENT == DECLARATION OF  
5 24 POLICY.

5 25 1. The general assembly recognizes that open government is  
5 26 a cornerstone to ensuring and protecting the free exchange of  
5 27 information from government to the people and it is therefore  
5 28 the intent of the general assembly to do all of the following:

- 5 29 a. Provide access to governmental information as an  
5 30 essential function of government and an integral part of the  
5 31 routine duties of government officers and employees.
- 5 32 b. Balance transparency in government with the need to  
5 33 protect personal privacy.
- 5 34 c. Recognize barriers that may impede the public's access  
5 35 to governmental information and participation in governmental  
6 1 functions and remove those barriers.

6 2 d. Ensure and facilitate the public's right to access and  
6 3 review government information.

6 4 2. Ambiguity in the construction or application of this  
6 5 chapter should be resolved in favor of openness.

6 6 Sec. 11. Section 22.2, subsection 1, Code 2009, is amended  
6 7 to read as follows:

6 8 1. a. Every person shall have the right to examine and  
6 9 copy a public record and to publish or otherwise disseminate a  
6 10 public record or the information contained in a public record.

6 11 b. Unless otherwise provided for by law, the right to  
6 12 examine a public record shall include the right to examine a  
6 13 public record without charge while the public record is in the  
6 14 physical possession of the custodian of the public record.

6 15 ~~The~~  
6 16 c. Unless otherwise provided for by law, the right to copy  
6 17 a public record shall include the right to make photographs or  
6 18 photographic copies while the public record is in the  
6 19 possession of the custodian of the public record. If a public  
6 20 record exists in electronic form, the governmental body shall  
6 21 provide a copy of the public record in electronic form, if  
6 22 reasonable. All rights under this section are in addition to

6 23 the right to obtain a certified copy of a public record under  
6 24 section 622.46.

6 25 Sec. 12. NEW SECTION. 22.2A RECORD REQUESTS == TIME  
6 26 LIMITS.

6 27 1. Upon receipt of an oral or written request to examine  
6 28 or copy a public record, the lawful custodian shall, if  
6 29 reasonable in the ordinary course of business, permit such  
6 30 examination or copying at the time of the request. If it is  
6 31 not reasonable in the ordinary course of business to permit  
6 32 examination or copying of the public record at the time of the  
6 33 request, the lawful custodian shall immediately notify the  
6 34 requester, orally or in writing, when such examination or  
6 35 copying may take place, which shall be no later than five  
7 1 business days from the time of the request unless there is  
7 2 good cause for further delay. If further delay is necessary  
7 3 because of good cause in responding to a request to examine or  
7 4 copy a record the lawful custodian knows is a public record,

7 5 the lawful custodian shall provide the requester with a  
7 6 written statement detailing the reason or reasons for the  
7 7 delay and the date by which the request will be satisfied.  
7 8 2. If the lawful custodian is in doubt as to whether the  
7 9 record requested is a public record or whether the requester  
7 10 should be permitted to examine or copy an optional public  
7 11 record specified in section 22.7, the lawful custodian shall  
7 12 make that determination within ten business days from the date  
7 13 of the request unless further delay is necessary because of  
7 14 good cause, which is communicated in writing to the requester.  
7 15 Examination or copying of the government record shall be  
7 16 allowed within five business days from the date the lawful  
7 17 custodian makes the decision in such circumstances to permit  
7 18 examination or copying of the record unless there is good  
7 19 cause for further delay in fulfilling the request as provided  
7 20 in subsection 1.  
7 21 3. If the lawful custodian denies a request to examine or  
7 22 copy a public record, the custodian must provide the requester  
7 23 at the time of the denial a written statement denying the  
7 24 request and detailing the specific reason or reasons for the  
7 25 denial.  
7 26 4. If the lawful custodian does not fulfill a request to  
7 27 examine or copy a public record within the times prescribed in  
7 28 this section, the request shall be deemed denied and the  
7 29 requester shall be entitled to file a lawsuit against the  
7 30 lawful custodian pursuant to section 22.10.

7 31 Sec. 13. Section 22.3, Code 2009, is amended to read as  
7 32 follows:

7 33 22.3 SUPERVISION == FEES.

7 34 1. The examination and copying of public records shall be  
7 35 done under the supervision of the lawful custodian of the  
8 1 records or the custodian's authorized designee. The lawful  
8 2 custodian shall not require the physical presence of a person  
8 3 requesting or receiving a copy of a public record and shall  
8 4 fulfill requests for a copy of a public record received in  
8 5 writing, by telephone, or by electronic means. Fulfillment of  
8 6 a request for a copy of a public record may be contingent upon  
8 7 receipt of payment of expenses to be incurred in fulfilling  
8 8 the request and such estimated expenses shall be communicated  
8 9 to the requester upon receipt of the request who shall be  
8 10 responsible for payment of such expenses once the requester  
8 11 authorizes the copy of the public record. The lawful  
8 12 custodian may adopt and enforce reasonable rules regarding the  
8 13 examination and copying of the records and the protection of  
8 14 the records against damage or disorganization. The lawful  
8 15 custodian shall provide a suitable place for the examination  
8 16 and copying of the records, but if it is impracticable to do  
8 17 the examination and copying of the records in the office of  
8 18 the lawful custodian, the person desiring to examine or copy  
8 19 shall pay any necessary expenses of providing a place for the  
8 20 examination and copying.

8 21 2. All expenses of the examination and copying shall be  
8 22 paid by the person desiring to examine or copy. The lawful  
8 23 custodian may charge a reasonable fee for the services of the  
8 24 lawful custodian or the custodian's authorized designee in  
8 25 supervising the examination and copying of the records or in  
8 26 reviewing the records for confidential information prior to  
8 27 release. If the lawful custodian is an executive branch  
8 28 agency, the lawful custodian shall provide such services at no  
8 29 charge to a requestor for up to three hours per month. If

8 30 copy equipment is available at the office of the lawful  
8 31 custodian of any public records, the lawful custodian shall  
8 32 provide any person a reasonable number of copies of any public  
8 33 record in the custody of the office upon the payment of a fee.  
8 34 The fee for the copying service as determined by the lawful  
8 35 custodian shall not exceed the actual cost of providing the  
9 1 service. Actual costs shall include only those expenses  
9 2 directly attributable to supervising the examination of and  
9 3 making and providing copies of public records. Actual costs  
9 4 shall not include charges for ordinary expenses or costs such  
9 5 as employment benefits, depreciation, maintenance,  
9 6 electricity, or insurance associated with the administration  
9 7 of the office of the lawful custodian.

9 8 Sec. 14. Section 22.7, subsection 7, Code 2009, is amended  
9 9 to read as follows:

9 10 7. Appraisals or appraisal information concerning the sale  
9 11 or purchase of real or personal property for public purposes,  
9 12 prior to public announcement of a project the execution of any  
9 13 contract for such sale or purchase or the submission of the  
9 14 appraisal to the property owner or other interest holders as  
9 15 provided in section 6B.45.

9 16 Sec. 15. Section 22.7, subsection 8, Code 2009, is amended  
9 17 to read as follows:

9 18 ~~8. Iowa department of economic development information~~  
9 19 ~~Information on an industrial or commercial development~~  
9 20 ~~prospect with which the Iowa department of economic~~  
9 21 ~~development or a city is currently negotiating, prior to~~  
9 22 ~~submission by the department or the city of a proposal for~~  
9 23 ~~financial assistance or other incentives for the prospect for~~  
9 24 ~~approval by the director of the department or by the governing~~  
9 25 ~~body of the city.~~

9 26 Sec. 16. Section 22.7, subsection 10, Code 2009, is  
9 27 amended by striking the subsection.

9 28 Sec. 17. Section 22.7, subsection 11, Code 2009, is  
9 29 amended to read as follows:

9 30 11. a. Personal information in confidential personnel  
9 31 records of ~~public government bodies including but not limited~~  
9 32 ~~to cities, boards of supervisors and school districts relating~~  
9 33 ~~to identified or identifiable individuals who are officials,~~  
9 34 ~~officers, or employees of the government bodies. However, the~~  
9 35 ~~following information relating to such individuals contained~~  
10 1 ~~in personnel records shall be public records:~~

10 2 (1) ~~The name and compensation of the individual including~~  
10 3 ~~any written agreement establishing compensation or any other~~  
10 4 ~~terms of employment excluding any information otherwise~~  
10 5 ~~excludable from public information pursuant to this section or~~  
10 6 ~~any other applicable provision of law. For purposes of this~~  
10 7 ~~paragraph, "compensation" means payment of, or agreement to~~  
10 8 ~~pay, any money, thing of value, or financial benefit conferred~~  
10 9 ~~in return for labor or services rendered by an officer,~~  
10 10 ~~employee, or other person plus the value of benefits including~~  
10 11 ~~but not limited to casualty, disability, life, or health~~  
10 12 ~~insurance, other health or wellness benefits, vacation,~~  
10 13 ~~holiday, and sick leave, severance payments, retirement~~  
10 14 ~~benefits, and deferred compensation.~~

10 15 (2) ~~The date the individual was employed by the government~~  
10 16 ~~body.~~

10 17 (3) ~~The positions the individual holds or has held with~~  
10 18 ~~the government body.~~

10 19 (4) ~~The educational institutions attended by the~~  
10 20 ~~individual, including any diplomas and degrees earned, and the~~  
10 21 ~~names of the individual's previous employers, positions~~  
10 22 ~~previously held, and dates of previous employment.~~

10 23 (5) ~~Any final disciplinary action taken against the~~  
10 24 ~~individual that resulted in the individual's discharge.~~

10 25 b. ~~Personal information in confidential personnel records~~  
10 26 ~~of government bodies relating to student employees shall only~~  
10 27 ~~be released pursuant to 20 U.S.C. } 1232g.~~

10 28 Sec. 18. Section 22.7, subsections 40, 43, and 48, Code  
10 29 2009, are amended to read as follows:

10 30 40. ~~The portion of a record request that contains an~~  
10 31 ~~internet protocol number which identifies the computer from~~  
10 32 ~~which a person requests a record, whether the person using~~  
10 33 ~~such computer makes the request through the IowAccess network~~  
10 34 ~~or directly to a lawful custodian. However, such record may~~  
10 35 ~~be released with the express written consent of the person~~  
11 1 ~~requesting the record.~~

11 2 43. ~~Information obtained by the commissioner of insurance~~  
11 3 ~~pursuant to section 502.607, subsection 2.~~

11 4 48. ~~Sex offender registry records under chapter 692A-~~  
11 5 ~~except shall only be released as provided in section 692A.13.~~

11 6 Sec. 19. Section 22.7, subsection 52, paragraphs a and c,  
11 7 Code 2009, are amended to read as follows:

11 8 a. ~~The following records relating to a charitable donation~~  
11 9 ~~made to a foundation acting solely for the support of an~~  
11 10 ~~institution governed by the state board of regents, to a~~  
11 11 ~~foundation acting solely for the support of an institution~~  
11 12 ~~governed by chapter 260C, to a private foundation as defined~~  
11 13 ~~in section 509 of the Internal Revenue Code organized for the~~  
11 14 ~~support of a government body, or to an endow Iowa qualified~~  
11 15 ~~community foundation, as defined in section 15E.303, organized~~  
11 16 ~~for the support of a government body:~~

11 17 (1) ~~Portions of records that disclose a donor's or~~  
11 18 ~~prospective donor's personal, financial, estate planning, or~~  
11 19 ~~gift planning matters.~~

11 20 (2) ~~Records received from a donor or prospective donor~~  
11 21 ~~regarding such donor's prospective gift or pledge.~~

11 22 (3) ~~Records containing information about a donor or a~~  
11 23 ~~prospective donor in regard to the appropriateness of the~~  
11 24 ~~solicitation and dollar amount of the gift or pledge.~~

11 25 (4) ~~Portions of records that identify a prospective donor~~  
11 26 ~~and that provide information on the appropriateness of the~~

11 27 solicitation, the form of the gift or dollar amount requested  
11 28 by the solicitor, and the name of the solicitor.

11 29 (5) Portions of records disclosing the identity of a donor  
11 30 or prospective donor, including the specific form of gift or  
11 31 pledge that could identify a donor or prospective donor,  
11 32 directly or indirectly, when such donor has requested  
11 33 anonymity in connection with the gift or pledge. This  
11 34 subparagraph does not apply to a gift or pledge from a  
11 35 publicly held business corporation.

12 1 c. Except as provided in paragraphs "a" and "b", portions  
12 2 of records relating to the receipt, holding, and disbursement  
12 3 of gifts made for the benefit of regents institutions and made  
12 4 through foundations established for support of regents  
12 5 institutions, including but not limited to written  
12 6 fund-raising policies and documents evidencing fund-raising  
12 7 practices, shall be subject to this chapter. Unless otherwise  
12 8 provided, the lawful custodian of all records subject to this  
12 9 paragraph is the regents institution to be benefited by such  
12 10 gifts.

12 11 Sec. 20. Section 22.7, subsection 55, Code 2009, is  
12 12 amended to read as follows:

12 13 55. An intelligence assessment and intelligence data under  
12 14 chapter 692, ~~except shall only be released~~ as provided in  
12 15 section 692.8A.

12 16 Sec. 21. Section 22.7, Code 2009, is amended by adding the  
12 17 following new subsection:

12 18 NEW SUBSECTION. 62. DRAFTS, MEMORANDA, OR NOTES. Drafts,  
12 19 memoranda, or notes in preliminary form. However, such a  
12 20 record considered or used in the final formulation,  
12 21 recommendation, adoption, or execution of any official policy  
12 22 or action by a public official authorized to make such  
12 23 decisions for the governmental body shall be available for  
12 24 examination and copying at the time the record is distributed  
12 25 to a majority of the government body for consideration or is  
12 26 adopted or executed as the official policy or official action  
12 27 of a government body.

12 28 Sec. 22. NEW SECTION. 22.7A SOCIAL SECURITY NUMBERS IN  
12 29 PUBLIC RECORDS.

12 30 1. To the greatest extent feasible, a government body  
12 31 shall not disclose a person's social security number unless  
12 32 the disclosure is authorized by law.

12 33 2. A government body shall make reasonable efforts to  
12 34 exclude social security numbers from public records, as  
12 35 follows:

13 1 a. Exclude social security numbers on licenses, permits,  
13 2 and other documents that may be readily observed by the  
13 3 public.

13 4 b. Give individuals the option not to submit a social  
13 5 security number to the government body unless submission of  
13 6 the social security number is essential to the provision of  
13 7 services by the government body or is required by law.

13 8 c. Make any other efforts to prevent social security  
13 9 numbers from being included in public records and to protect  
13 10 such numbers from disclosure.

13 11 3. If a public record contains a social security number,  
13 12 the government body shall, to the extent practicable, make  
13 13 reasonable efforts to redact the social security number prior  
13 14 to releasing the record if such redaction does not materially  
13 15 affect the value of the public record and is permitted by law.  
13 16 The redaction of a social security number from a public record  
13 17 shall not delay public access to the public record except for  
13 18 the time required to perform the actual redaction. As used in  
13 19 this subsection, "redact" means to render the social security  
13 20 number unreadable or truncated so that no more than the last  
13 21 four digits of the social security number may be accessed as  
13 22 part of the record.

13 23 4. A government body that solicits information containing  
13 24 a person's social security number or that is the lawful  
13 25 custodian of public records containing social security numbers  
13 26 shall, if subject to chapter 17A, adopt rules or, if a  
13 27 political subdivision or other public body, adopt guidelines  
13 28 to administer the use and disclosure of social security  
13 29 numbers consistent with this section.

13 30 Sec. 23. Section 22.10, subsection 3, paragraph b, Code  
13 31 2009, is amended to read as follows:

13 32 b. Shall assess the persons who participated in its  
13 33 violation damages in the amount of not more than five hundred  
13 34 dollars ~~not and not~~ less than one hundred dollars. However,  
13 35 if a member of a government body knowingly participated in

14 1 such a violation, damages shall be in the amount of not more  
14 2 than two thousand five hundred dollars and not less than one

14 3 thousand dollars. These damages shall be paid by the court  
14 4 imposing them to the state of Iowa if the body in question is  
14 5 a state government body, or to the local government involved  
14 6 if the body in question is a local government body. A person  
14 7 found to have violated this chapter shall not be assessed such  
14 8 damages if that person proves that the person ~~either voted did~~  
14 9 any of the following:

14 10 (1) Voted against the action violating this chapter,  
14 11 refused to participate in the action violating this chapter,  
14 12 or engaged in reasonable efforts under the circumstances to  
14 13 resist or prevent the action in violation of this chapter+  
14 14 ~~had.~~

14 15 (2) Had good reason to believe and in good faith believed  
14 16 facts which, if true, would have indicated compliance with the  
14 17 requirements of this chapter+ ~~or reasonably.~~

14 18 (3) Reasonably relied upon a decision of a court, ~~or an a~~  
14 19 formal opinion of the attorney general, or the attorney for  
14 20 the ~~governmental~~ government body, given in writing, or as  
14 21 memorialized in the minutes of the meeting at which an oral  
14 22 opinion was given, or an advisory opinion of the attorney  
14 23 general or the attorney for the government body, given in  
14 24 writing.

14 25 Sec. 24. Section 22.10, subsection 5, Code 2009, is  
14 26 amended by striking the subsection.

14 27 Sec. 25. Section 22.13, Code 2009, is amended to read as  
14 28 follows:

14 29 22.13 SETTLEMENTS == ~~GOVERNMENTAL~~ GOVERNMENT BODIES.

14 30 1. A written summary of the terms of settlement, including  
14 31 amounts of payments made to or through a claimant, or other  
14 32 disposition of any claim for damages made against a  
14 33 ~~governmental~~ government body or against an employee, officer,  
14 34 or agent of a ~~governmental~~ government body, by an insurer  
14 35 pursuant to a contract of liability insurance issued to the  
15 1 ~~governmental~~ government body, shall be filed with the  
15 2 ~~governmental~~ government body and shall be a public record.

15 3 2. A final binding settlement agreement between any  
15 4 government body of this state or unit or official of such a  
15 5 government body that resolves a legal dispute between such a  
15 6 government body and another person or entity shall be filed  
15 7 with the government body. For each such settlement agreement,  
15 8 the government body shall prepare and file, together with the  
15 9 settlement agreement, a brief summary indicating the identity  
15 10 of the parties involved, the factual and legal nature of the  
15 11 dispute, and the terms of the settlement. The settlement  
15 12 agreement and summary shall be available for public  
15 13 inspection.

15 14 Sec. 26. Section 22.14, subsection 3, Code 2009, is  
15 15 amended to read as follows:

15 16 3. If a fiduciary or other third party with custody of  
15 17 public investment transactions records fails to produce public  
15 18 records within a reasonable period of time as requested by the  
15 19 ~~public~~ government body, the ~~public~~ government body shall make  
15 20 no new investments with or through the fiduciary or other  
15 21 third party and shall not renew existing investments upon  
15 22 their maturity with or through the fiduciary or other third  
15 23 party. The fiduciary or other third party shall be liable for  
15 24 the penalties imposed under ~~section 22.6 statute, common law,~~  
15 25 ~~or contract~~ due to the acts or omissions of the fiduciary or  
15 26 other third party ~~and any other remedies available under~~  
15 27 ~~statute, common law, or contract.~~

15 28 Sec. 27. NEW SECTION. 22.15 JUDICIAL BRANCH == RULES.

15 29 This chapter does not apply to government records owned,  
15 30 created, possessed, or under the control of the judicial  
15 31 branch related to the performance by the courts of their  
15 32 judicial functions. The supreme court shall prescribe rules  
15 33 governing access to such records consistent with the purposes  
15 34 of this chapter.

15 35 Sec. 28. NEW SECTION. 23.1 OPEN MEETINGS, PUBLIC  
16 1 RECORDS, AND PRIVACY ADVISORY COMMITTEE.

16 2 1. COMMITTEE ESTABLISHED. An open meetings, public  
16 3 records, and privacy advisory committee is established to  
16 4 serve as a resource for public access to government  
16 5 information in light of the policy of this state to provide as  
16 6 much public access to government information and proceedings  
16 7 as is consistent with the public interest and the need to  
16 8 protect individuals against undue invasions of personal  
16 9 privacy.

16 10 2. MEMBERSHIP.

16 11 a. The advisory committee shall consist of seventeen  
16 12 members including twelve voting members and five nonvoting  
16 13 members.

16 14 (1) The voting members shall be the following:  
16 15 (a) One member representing municipal interests  
16 16 recommended by the Iowa league of cities, appointed by the  
16 17 governor.  
16 18 (b) One member representing county or regional interests  
16 19 recommended by the Iowa state association of counties,  
16 20 appointed by the governor.  
16 21 (c) One member representing educational interests jointly  
16 22 recommended by the Iowa association of school boards, the Iowa  
16 23 association of community college trustees, and the state board  
16 24 of regents, appointed by the governor.  
16 25 (d) One member representing freedom of information  
16 26 advocacy group interests recommended by the Iowa freedom of  
16 27 information council, appointed by the governor.  
16 28 (e) One member representing newspaper interests  
16 29 recommended by the Iowa newspaper association, appointed by  
16 30 the governor.  
16 31 (f) One member representing broadcasting interests  
16 32 recommended by the Iowa broadcasters association, appointed by  
16 33 the governor.  
16 34 (g) Three public members, appointed by the governor.  
16 35 (h) The attorney general or the attorney general's  
17 1 designee.  
17 2 (i) The citizens' aide or the citizens' aide's designee.  
17 3 (j) The director of the department of cultural affairs or  
17 4 the director's designee.  
17 5 (2) The nonvoting members of the advisory committee shall  
17 6 be a representative from the department of administrative  
17 7 services with expertise in electronic records, two state  
17 8 representatives, one appointed by the speaker of the house of  
17 9 representatives and one appointed by the minority leader of  
17 10 the house of representatives, and two state senators, one  
17 11 appointed by the majority leader of the senate and one  
17 12 appointed by the minority leader of the senate.  
17 13 b. A majority of the advisory committee members shall  
17 14 constitute a quorum.  
17 15 3. DUTIES. The advisory committee shall:  
17 16 a. Serve as the central coordinator of information about  
17 17 the public's right to access government information and  
17 18 proceedings. The advisory committee shall provide basic  
17 19 information about the requirements of chapters 21 and 22 and  
17 20 other relevant freedom of information laws and shall also  
17 21 provide information about best practices for state and local  
17 22 governments to comply with and to enforce such laws.  
17 23 b. Serve as a resource to support the establishment and  
17 24 maintenance of a central publicly accessible internet site  
17 25 that provides specific guidance to members of the public about  
17 26 utilizing the relevant law to be better informed and active  
17 27 participants in open government.  
17 28 c. Make training opportunities available to lawful  
17 29 custodians, government bodies, governmental bodies, and other  
17 30 persons subject to the requirements of chapters 21 and 22 and  
17 31 require all newly employed persons who have responsibilities  
17 32 in relation to chapters 21 and 22 to receive training upon  
17 33 initial employment and to require all employees to receive  
17 34 annual training thereafter approved by the advisory committee.  
17 35 d. Make recommendations to the governor and the general  
18 1 assembly by proposing legislation relating to issues involving  
18 2 public access to meetings of a governmental body and to  
18 3 records of a government body including but not limited to the  
18 4 following issues:  
18 5 (1) The categorization of government records.  
18 6 (2) Public employment applications.  
18 7 (3) Information unduly invading personal privacy including  
18 8 personal information on mailing lists and opt-in provisions  
18 9 relating to such lists.  
18 10 (4) Serial meetings of less than a majority of a  
18 11 governmental body.  
18 12 (5) Definitions of what constitutes a governmental body  
18 13 for purposes of chapter 21 and what constitutes a government  
18 14 body for purposes of chapter 22.  
18 15 e. Aid the general assembly in evaluating the impact of  
18 16 legislation affecting public access to government information.  
18 17 f. Conduct public hearings, conferences, workshops, and  
18 18 other meetings as necessary to address problems and suggest  
18 19 solutions concerning access to government information and  
18 20 proceedings.  
18 21 g. Review the collection, maintenance, and use of  
18 22 government records by lawful custodians to ensure that  
18 23 confidential records and information are handled to adequately  
18 24 protect personal privacy interests.

18 25 4. MEETINGS. The advisory committee shall elect a  
18 26 chairperson and vice chairperson. The committee shall meet at  
18 27 least three times per year but may meet as often as necessary.  
18 28 At least one of the meetings shall be held during the regular  
18 29 legislative session. Meetings may be called by the  
18 30 chairperson or at the request of four members. The advisory  
18 31 committee is subject to the open meetings requirements of  
18 32 chapter 21.

18 33 5. EXPENSES OR COMPENSATION.

18 34 a. A member of the general assembly shall be paid, in  
18 35 accordance with section 2.10, per diem and necessary travel  
19 1 and actual expenses incurred in attending meetings of the  
19 2 advisory committee.

19 3 b. Public members appointed by the governor shall receive  
19 4 reimbursement for actual and necessary expenses incurred while  
19 5 serving in their official capacity.

19 6 6. FUNDING. The advisory committee may seek grants,  
19 7 appropriations, and outside funding to fund the costs of  
19 8 public hearings, conferences, workshops, and other activities  
19 9 of the committee. Contributions to support the work of the  
19 10 committee shall not be accepted from a political party with a  
19 11 pecuniary or other vested interest in the outcome of the  
19 12 issues considered by the committee.

19 13 7. STAFFING. The legislative services agency shall  
19 14 provide staffing and administrative support for the advisory  
19 15 committee. In addition, the committee may contract for  
19 16 administrative, professional, and clerical services subject to  
19 17 the availability of funding.

19 18 8. REPORT. The advisory committee shall conduct an  
19 19 evaluation of the effectiveness of the enforcement provisions  
19 20 in chapters 21 and 22, including an evaluation of the manner  
19 21 in which complaints are handled by the citizens' aide, the  
19 22 appropriate county attorney, and the attorney general, and  
19 23 shall submit a report of its findings and recommendations  
19 24 including a recommendation relating to the need to establish a  
19 25 separate enforcement agency, if necessary, to the governor and  
19 26 the general assembly no later than January 10, 2011.

19 27 Sec. 29. Section 455K.4, subsection 4, Code 2009, is  
19 28 amended to read as follows:

19 29 4. Information that is disclosed under subsection 2,  
19 30 paragraph "b", is confidential and is not subject to  
19 31 disclosure under chapter 22. ~~A governmental entity,  
19 32 governmental employee, or governmental official who discloses  
19 33 information in violation of this subsection is subject to the  
19 34 penalty provided in section 22.6.~~

19 35 Sec. 30. Section 22.6, Code 2009, is repealed.

20 1 Sec. 31. APPOINTMENTS TO OPEN MEETINGS, PUBLIC RECORDS,  
20 2 AND PRIVACY ADVISORY COMMITTEE. The recommending entities for  
20 3 appointments to the open meetings, public records, and privacy  
20 4 advisory committee shall consult with one another prior to  
20 5 submitting final recommendations to the governor to avoid  
20 6 violations of sections 69.16 and 69.16A.

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