

## **City of Oskaloosa Public Records Request Policy**

### Statement of Policy

It is the policy of the City of Oskaloosa, Iowa to respond in an orderly and expeditious manner in accordance with Iowa Code Chapter 22 to requests to inspect or receive copies of public records maintained by the City of Oskaloosa.

### Applicability

This policy applies to all City departments, except the Fire and Police Departments which have their own public records policies.

The Police Chief is the lawful custodian of police records, the Fire Chief is the lawful custodian of fire records and the City Clerk is the lawful custodian of all other city records. Requests for records should be made to the respective lawful custodian.

### Policy and Procedures

#### **In General**

The City of Oskaloosa recognizes the right of the public to access public records maintained by the City in accordance with state law. The City also recognizes that certain records maintained by the City are not public records or may be exempt from public disclosure and that a request to access public records may require a balance of the right of the public to access the records, individual privacy rights, governmental interests, confidentiality issues, and privilege issues. Additionally, when the City responds to requests to inspect or copy records, costs are incurred by the City. This policy is adopted to balance these competing interests, to establish an orderly and consistent procedure for responding to public records requests and to support the adoption of a fee schedule designed to reimburse the City for the actual costs incurred in responding to public records requests.

#### **Online Access to Documents and the Municipal Code**

Access to City Council minutes and resolutions, as well as advisory committee and board minutes can be viewed via the City website [www.oskaloosaiowa.org](http://www.oskaloosaiowa.org) through the "Radix Portal." These documents are current from November 1947 through the present date. City Council agendas are also accessible through the "Radix Portal" from January 2010 through the present date, and can be viewed for five (5) years following the City Council meeting.

All City Council agendas are posted prior to any meetings, and minutes and resolutions are posted to the "Radix Portal" forty eight (48) hours following City Council meetings. The public can access these documents at any time online and the pages can be viewed

and printed. The City reserves the right to monitor and audit all activity through the "Radix Portal."

The Municipal Code for the city of Oskaloosa is also available online via the City's website. The Municipal Code can be accessed at any time, and pages can be viewed and printed. The Municipal Code is updated quarterly following the adoption of any ordinance.

### **Responding to Public Records Requests**

The following procedures shall be followed in responding to requests to inspect or receive copies of public records maintained by the City of Oskaloosa.

1. Requests to inspect or copy public records maintained by the City should if possible be made in writing sufficient to identify the specific document or documents requested or the category or categories of documents requested. A written request may, but is not limited to, be completed by filling out the City's Public Record Request Form (Appendix A). Under the following circumstances, documents may be provided without a written request:
  - a. Documents made generally available to the public at public meetings;
  - b. When, in the judgment of the City, it is more efficient and better serves the public interest to make available or provide copies of requested records without requiring the request to be in writing; and
  - c. Subject to approval by the City Manager, any department may establish a departmental policy to allow verbal requests for public records maintained by the department which are routinely requested by members of the public as part of the department's regular work.
  - d. This section should not imply that the city will not accept other forms of requests to inspect or copy public records.
2. The person or entity making a public records request will not be required to disclose the reason for the request unless it is determined by the City that the reason for the request is relevant to determine whether a requested record is exempt from disclosure under a conditional exemption as set forth in Iowa Code Section 22.7.
3. Any request for access to public records maintained by the City of Oskaloosa, with the exception of police and fire records, must be referred to the City Clerk's Office for review of the request, collection of the records to be reviewed or copied, and completion of request. Any request for public records which could be exempt from disclosure under the conditional exemptions in Iowa Code Section 22.7 shall be referred to the City Attorney for review and response.

4. When a request for public records is received, a review will be conducted to determine what public records, if any, exist which are responsive to the request and to determine if any responsive records may be exempt from disclosure. The City shall not be required to compile information or create reports related to requested public records. The City may impose reasonable rules or restrictions to protect requested records and to prevent interference with the regular discharge of duties by City staff. According to Iowa Code Section 22.8(d) the City has a maximum of twenty (20) days and ordinarily will not exceed ten (10) business days to complete a public records request, in order to determine whether a confidential record should be available for inspection and copying.
5. If the request is for digital GIS (Geographical Information Systems) data the requestor will be required to sign the City's Digital Data Licensing Agreement (Attachment B). The following guidelines apply to any requester for GIS data:
  - a. Requests for emergency operations and critical infrastructure should be referred to the City Manager who, in consultation with the City Attorney, will determine whether the request is for information required to be kept confidential.
  - b. Data may be provided in PDF format printouts if requested.
  - c. Data in digital format will be provided in standard ESRI shape-file or personal geo-database format.
  - d. Data will be provided in the Iowa South 1983 State Plane Coordinate System with survey feet as the unit of measure.
  - e. All data transactions require a signed license agreement prior to delivery.
  - f. Data does not replace or modify city ordinances or other legal instruments.
  - g. The City is under no obligation to inform licensees of data updates.
  - h. Requests for GIS digital data should be forwarded to the City Clerk's Office.
6. The City reserves the right to seek clarification of any public records request before responding to the request. The City reserves the right to deny any public records request if the request is sufficiently vague or unclear that the City cannot reasonably determine what records have been requested.

7. The fee to be charged for providing records in response to a public records request will be in accordance with the most current fee schedule adopted by the City Council.
  - a. At the requestor's preference the City may make the requested records available in hard copy or in electronic format. The requestor may ask the City to supply copied records either by mail, electronic mail, fax or if pickup at Oskaloosa City Hall.
  - b. The City reserves the right to adjust the above fee structure for extraordinary requests and provide a cost estimate to the requestor prior to request completion.
    - i. Any extraordinary request for GIS digital or hard copy data which requires custom manipulation/reporting by City staff will be forwarded to the City Manager's Office for acceptance or denial of such request.
    - ii. Any appeals to the City Manager's Office denial may be made to the City Council during any regular meeting.
8. The person requesting the public records can request the City to prepare an estimate of the charges that will be incurred to respond to the public records request. The City may also require prepayment of the estimated charges before copying any of the requested records or making the records available for inspection or copying. If the actual costs incurred by the City to respond to a records request are less than the amount of any required prepayment, the overpayment will be refunded promptly to the person or entity making the prepayment. If the actual costs incurred by the City to respond to the request are more than the amount of prepayment, the City shall charge the requestor for all additional costs.
9. Unless otherwise prohibited by law, the City may, at the City's discretion, furnish copies of requested records without charge or at a reduced fee if the City determines that the waiver or reduction of fees is in the public interest.
10. The City shall provide a reasonable opportunity for the inspection, examination or copying of requested public records which are not exempt from disclosure. Unless otherwise approved in advance and in writing by the City Clerk's Office, any inspection, examination or copying of requested records shall be done at Oskaloosa City Hall during regular City business hours.
11. The City reserves the right to not release copies of requested public records until the requestor pays for the corresponding charges to complete said request.