

2.3 (17A,22) Requests for access to records.

2.3(1) *Location of record.* A request for access to a record should be directed to the director or the particular agency office where the record is kept. If the location of the record is not known by the requester, the request shall be directed to the Director, Department of Natural Resources, 900 East Grand Avenue, Fourth Floor, Wallace State Office Building, Des Moines, Iowa 50319-0034. If a request for access to a record is misdirected, agency personnel will promptly forward the request to the appropriate person within the agency.

2.3(2) *Office hours.* Open records shall be made available during all customary office hours which are 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

2.3(3) *Request for access.* Requests for access to open records may be made in writing or in person. The office may also accommodate telephone requests where appropriate. Requests shall identify the particular records sought by name or description in order to facilitate the location of the record. Mail or telephone requests shall include the name, address and telephone number of the person requesting the information. A person shall not be required to give a reason for requesting an open record.

2.3(4) *Response to requests.* Access to an open record shall be provided promptly upon request unless the size or nature of the request makes prompt access infeasible. If the size or nature of the request for access to an open record requires time for compliance, the custodian shall comply with the request as soon as feasible. Access to an open record may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The custodian shall promptly give notice to the requester of the reason for any delay in access to an open record and an estimate of the length of that delay and, upon request, shall promptly provide that notice to the requester in writing.

The custodian of a record may deny access to the record by members of the public only on the grounds that such a denial is warranted under Iowa Code sections 22.8(4), 22.10(4) or that it is a confidential record, or that its disclosure is prohibited by a court order. Access by members of the public to a confidential record is limited by law and, therefore, may generally be provided only in accordance with the provisions of rule 2.4(17A,22) and other applicable provisions of law.

2.3(5) *Security of record.* No person may, without permission from the custodian, search or remove any record from agency files. Examination and copying of agency records shall be supervised by the custodian or a designee of the custodian. Records shall be protected from damage and disorganization.

2.3(6) *Copying.* A reasonable number of copies of an open record may be made in the agency's office. If photocopy equipment is not available in the agency office where an open record is kept, the custodian shall permit its examination in that office and shall arrange to have copies promptly made elsewhere.

2.3(7) *Fees.*

a. *When charged.* To the extent permitted by applicable provisions of law, the payment of fees may be waived in the case of small requests when the imposition of fees is inequitable or when a waiver is in the public interest. Charges for examination or copies requested in writing by a person in a capacity as representative of another governmental entity or where copies are provided under provisions of a written agency contract may be waived.

b. *Copying and postage costs.* Anyone making a request for reproduction of the department's records will prepay for services at the following rates, in addition to actual mailing costs:

(1) Photocopies (direct copies on 8½" x 11", 8½" x 14", or 11" x 17" paper)—40 cents per page.

(2) Paper copy from microfilm records—50 cents per page.

(3) Microfiche copy from microfilm records—\$1 per fiche.

(4) The actual reproduction cost will be charged for any blueprint, picture, oral tape or any other work product not subject to photocopying.

(5) Computer stored information:

Tape files—\$100 per file, copied only to 9-track tape with standard IBM labels.

Three UP gummed mailing labels and 4 UP Cheshire labels, 30 cents per 1000 records read, and \$10 per 1000 labels written. A minimum charge of \$15 or actual cost will be assessed, whichever is greater. Programming time over ten minutes will be charged at the rate of \$25 per hour or any portion of an hour.

c. *Supervisory fee.* An hourly fee may be charged for actual agency expenses in supervising the examination and copying of requested records when the supervision time required is in excess of one-half hour. The custodian shall prominently post in agency offices the hourly fee to be charged for supervision of records during examination and copying. That hourly fee shall not be in excess of the hourly wage of an agency clerical employee who ordinarily would be appropriate and suitable to perform this supervisory function.

d. *Search fees.* If the request requires research or if the record or records cannot reasonably be readily retrieved by the office, the requester will be advised of this fact. Reasonable search fees may be charged where appropriate. In addition, all costs for retrieval and copying of information stored in electronic storage systems may be charged to the requester.

e. *Advance deposits.*

(1) When the estimated total fee chargeable under this subrule exceeds \$25, the custodian may require a requester to make an advance payment to cover all or a part of the estimated fee.

(2) When a requester has previously failed to pay a fee chargeable under this subrule, the custodian may require advance payment of the full amount of any estimated fee before the custodian processes a new request from that requester.

561-2.3

EPA Rulemakings

CFR: 40 C.F.R. 70, Appendix A, Iowa (a)
FRM: 60 FR 45671 (9/1/95)
PRM: 60 FR 20465 (4/26/95)
State Submission: 11/10/93
State Proposal: N/A
State Final: IAC 9/7/88 (Effective 8/17/88)
APDB File: IA-36
Description: The EPA approved a new chapter "Public Records and Fair Information Practices."
This chapter establishes procedures for maintenance of records, facilitates public access to open records, and sets policy with respect to the handling of confidential information. This chapter was approved in conjunction with Title V rules.

Difference Between the State and EPA-Approved Regulation

None.