

Kossuth County Public Records Policy

Purpose

Kossuth County works to achieve and enforce open government laws. Many public records can be accessed online. The Iowa Open Records law is designed to ensure that the public has access to the public records of government bodies at all levels in Iowa. The Iowa Open Meetings Law regulates the methods by which public meetings are conducted. Anyone may request public records in Iowa.

Policy

It is the policy of Kossuth County to enable inspection and copying of public records of the County in conformance with the Iowa Open Records law (Iowa Code Chapter 22). Further, it is the policy of this County to recover reasonable costs arising from the examination, copying, and/or provision of access to public records of the County consistent with the Iowa Open Records law. Persons making requests for public records are encouraged to use a standard form and submit it to the applicable department head where the records are located, although use of the form is not mandatory for a valid request.

Scope

This policy is applicable to all Kossuth County departments in custody of public records of the County.

Administrative Procedures

Public records are available for inspection during customary office hours of 8 a.m. to 4:00 p.m. Monday through Friday, except holidays. Examination and copying shall be done under the supervision of the record custodian. A record custodian should not relinquish control of the actual records and precautions should be taken to ensure against damage, destruction, loss, and/or disorganization of the records made available for examination.

Kossuth County charges appropriate fees for providing public examination and copying of public records. The Kossuth County Auditor will assist departments and offices in meeting all requirements and procedures related to requests for records. This policy is not intended to preclude routine responses to verbal requests for documents by the public or media to staff.

Requests for access to records should be directed to the appropriate department head or director of the department where the records are kept. The persons holding the following positions are hereby delegated with the responsibility for implementing the requirements of Chapter 22 with respect to records maintained in their respective departments.

Kossuth County Emergency Medical Services – EMS Director
Board of Supervisors – Chairman, Board of Supervisors
Conservation Department – Conservation Director
Human Resources Department – Human Resources Administrator
Information Technology Department – Information Technology Director
Medical Examiner Department – Director of Medical Examiner
Secondary Roads Department – County Engineer
Commission of Veterans Affairs – Veterans Affairs Director
Sanitarian – Sanitarian
General Assistance – General Assistance Administrator
Kossuth Waste Management Association – Engineer of Landfill and Transfer Station
Planning and Zoning – Zoning Administrator

General Information Requests

- Birth, Death, or Marriage Certificates & Passports: Contact the Recorder's Office
- Court Related Matters: Contact the Clerk of Court at 515-295-3240
- Property Taxes, Motor Vehicle Licenses: Contact the Treasurer's Office
- Claims, Voting & Drainage: Contact the Auditor's Office

- Property Assessments: Contact the Assessor's Office
- Legal Matters: Contact the County Attorney's Office
- Criminal & Civil Records: Contact the Sheriff's Office

Requests involving multiple departments will be coordinated by the Kossuth County Auditor. All requests, written or oral, for public records should be fulfilled in compliance with state law. Immediate access to records may be affected by a good faith effort to verify the scope of the records requested, locate the specific records requested, determine whether any of the records, or information contained therein, is confidential in nature, and provide access to the requested record(s) unless a basis exists for withholding access pursuant to Iowa Code Sections 22.7, 22.8, lawful court order or other applicable law. If the request is denied in whole or in part, the requestor shall be provided a description of the reason for denial of the request including a reference to the legal authority for the denial.

Confidential Records

If the department has a concern about whether the record requested may be considered confidential or otherwise not subject to examination, the lawful custodian should endeavor to identify the potential basis for confidential treatment and consult with the Kossuth County Attorney's Office prior to making a record available to the requestor.

There are multiple sources of legal authority that require confidentiality for certain types of records maintained by Kossuth County including but not limited to Iowa Code Section 22.7. It is important to note that there are other federal and state laws that require confidentiality of certain types of records, and that release of documents subject to these legal protections may lead to penalties against the County or in some cases the individuals who released confidential records contrary to law. Confidential records may be withheld when appropriate authority exists to do so, and confidential information within an otherwise public record may be redacted prior to a record's release. If a confidential record is withheld from examination and copying, or confidential information within an otherwise public record is redacted, the County will identify the document(s) and cite the applicable legal authority which supports the decision to withhold the confidential information from public examination.

Fees for Reasonable Costs

Fulfillment of a request may be made contingent on payment of a fee and an estimate of expenses shall be communicated to the requestor prior to fulfilling a request. The following fee schedule shall apply:

Staff Time fee:

- Requests requiring less than 30 cumulative minutes of staff time will not incur charges. Any request requiring more than 30 minutes of staff time will be rounded up to the nearest 30 minutes and billed based on an hourly rate. The hourly rate will be calculated by the respective Department Head, based on the hourly rate of staff involved in the request. If it is estimated that the retrieval requires staff time in excess of 30 minutes, the party requesting the documents will be notified in advance of the estimated expense.
- No department may require advance payment of any fee unless the requestor has previously failed to pay fees in a timely fashion, the requestor is from out of state and/or the fee has been estimated to exceed \$100.
- Staff time includes:
 1. time spent retrieving potentially responsive documents,
 2. reviewing documents for responsiveness, confidential or other information exempt from disclosure,
 3. redaction; and
 4. time spent supervising or assisting the examination of records by the requestor on site.
- The County Attorney's Office may be consulted to determine if confidential documents or information are included in a request, and/or the bases for withholding records from public release, and a fee will be assessed in half-hour increments based on the hourly rate of the reviewing attorney.

Copying fee: Charges up to 50 cents per page may be assessed for each page copied in addition to the hourly fee referenced above. A fee of \$2.00 per 1st page of an email plus \$1.00 per additional page may be charged. The lawful custodian of the record will determine the fee, so please contact the appropriate custodian for fee amounts.

Information Technology fee: Requests necessitating computer programming or extraction of data by the Information Technology Department will be assessed a charge based on the hourly rate of staff involved in the request. Note that local governments do not have to create data through cross tabulations, selective analysis, or other data manipulation, nor is there an obligation to provide information in a form other than that which exists at the time of the request. Any such work is discretionary and may be subject to charges for staff time.

Postage or shipping expense fee: Fees for mailing or shipping will be assessed based on actual cost.

Miscellaneous fee: Miscellaneous fees, including county-provided data storage devices (e.g., CDs, thumb drives, hard drives), requested or required for transmission of the request, will be assessed based on actual cost of the medium.

Departments responding to the request are responsible for calculating appropriate charges using these guidelines.