



Open Records Policy

As of 04/01/2016 Resolution #16-057

It is the policy of the City of Newton to meet all requests for information and documents within the constraints of Iowa Code Chapter 22. The purpose of this policy is to fix fees for public examination and photocopying. The City of Newton 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. These categories include but are not limited to: Confidential business information of the City; Personnel records; Personal identification information; City Attorney communications that are protected by state or federal law; Customer usage or consumption data; Confidential information received from other municipalities, utilities, regulatory agencies or law enforcement; Copyrighted material or trade secrets; Data processing software, except for records otherwise considered public and separable from the software; and Homeland security and emergency management plans.

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.

Provisions

- This policy applies to all city departments. This policy is not intended to preclude verbal responses to routine requests for information.
- The Police Chief is the lawful custodian of police records, the Fire Chief is the lawful custodian of fire records, the Library Director is the lawful custodian of library records, and the City Clerk is the lawful custodian of all other city records. Requests for records should be made to the lawful custodian of said records.

- The following fee schedule shall apply:

Format of Record	Cost
Photocopies	\$0.25 per page (black and white) \$0.50 per page (color)
Electronic media (All open records requests that are responded to by electronic media shall be done so that the document may not be altered.)	\$5.00 per CD (data files) \$25.00 per DVD (audio / video) \$10.00 per USB drive
Routinely prepared or bound reports	Actual cost(s) to produce

Additional Cost Factors

Employee Tasks	Cost
Hourly rate for clerical time needed for the reproduction of photocopies	Actual cost(s) of employee time if time involved exceeds 30 minutes
Hourly rate for professional staff time needed to produce or review the documents	Actual cost(s) of employee time if time involved exceeds 30 minutes
Hourly rate for clerical staff time to supervise record examination	Actual cost(s) of employee time if time involved exceeds 30 minutes
Legal cost to review and determine if a record is confidential	Actual cost(s)

The City, in its discretion, may require a minimum deposit to cover estimated copy charges and estimated fees for supervising the examination or for compiling of records in response to a request.

- All parties are asked to complete a [Public Records Request form](#) to allow the city to promptly respond to requests. The purpose of the form is to allow the city to seek clarification of public records requests as the city is unable to provide a response if a request is vague or if the city cannot reasonably determine what records have been requested.
- No original public records or documents can be removed from the premises at which they are stored. Parties requesting the inspection of public records may do so at a date and time during regular city business hours that is established by the custodian and in an on premise room as arranged by the custodian.
- The requesting party shall receive the desired photocopies after all costs are paid. No copies shall be released until full payment is received by the custodian. All custodians shall collect the fee, provide a receipt to the requesting party, and remit the money and copy of the receipt to the Finance Department.
- As per Iowa Code, the City will provide access to the record within 10 (ten) business days of the request under normal circumstances; unless delayed to determine whether the record is a public record or a confidential record, and such delay to determine whether a confidential record shall not exceed 20 (twenty) calendar days.
 - a. A reasonable delay that may exceed the 20 (twenty) calendar days is not a violation if the purpose of the delay is:
 - 1. to seek an injunction or to determine if an injunction should be sought per Iowa Code; and/or

3. Information about alarm and security systems such as key or electronic codes, passwords, wiring diagrams, system specifications, security cameras and security camera footage, electronic door systems and security procedures and planning related to such systems;
4. Information about security systems governing information technology systems, including hardware, software, passwords and protocols;
5. Information about specific threats, assessments of specific threats, and plans for addressing specific threats held by the City, recognized threat assessment team or other authorized group of individuals;
6. Information about the location of hazardous materials such as controlled substances, radioactive materials, toxic materials, explosives and other hazardous biological materials;
7. Information about protocols related to cash, cash handling, cash equivalents and property with unique or extraordinary value;
8. Assessments of security vulnerability of the City, City assets, or systems.

Disclosure of Security Related Information:

Security Related Information may be disclosed to an authorized contractor or other governmental entity when necessary to maintain or improve operations of the City.

Situations in which such a necessity arises includes, but is not limited to, contractors working on the City's information or communications systems, joint projects with other entities or other public safety agencies using the City's communications systems.

Before Security Related Information is disclosed to non-governmental entities under this provision, a Security Related Information exchange Agreement must be signed and returned to the City. Before Security Related Information is disclosed to governmental entities under this provision, A Security Related information Notice must be provided to the receiving entity.

Document Identification:

When possible, documents containing security related information shall be clearly marked with the following statement in the header or footer of each page:

CONTROLLED UNCLASSIFIED INFORMATION

In addition, the following statement will be added to the document's title page:

NOTICE: The contents of this document are proprietary to the City of Newton and shall not be disclosed, disseminated, copied, or used except for purposes expressly authorized in writing by the City of Newton.

Documents containing security related information should not be left out in the open when not in use.