



Public Records Request Policy

Revision #	3
Implementation Date	01/23/2014
Last Reviewed/Update Date	08/14/2024
Resolution #	32045

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1. Purpose

The Public Records Request Policy defines the procedures and fees associated with handling public records requests made to the City of Marion, Iowa. It is the policy of the City of Marion, 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 Marion.

2. Applicability

This policy applies to all City departments.

3. Background

The City of Marion 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.

4. Designated Custodian

Iowa Code Section 22.1(2) requires government bodies to delegate an official or employee as its "lawful custodian" responsible for implementing the requirements of Iowa Code Chapter 22 and to provide that information to the public. The City's "lawful custodian" is the City Clerk or any employee delegated such responsibilities by the City Clerk. The City Clerk has designated employees to serve as the lawful custodian for records specific to and in the custody of the Fire and Police Departments. Contact information for all lawful custodians may be found at the end of this policy.

5. 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 Marion.

- A) Records requests may come in the form of a letter, email, fax or verbal request. In order to accurately and timely process a records request, the City needs to know the full extent of the request and how to contact the requester in case the Clerk or designee has any questions or concerns. The requester



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may put his or her request in writing using the City of Marion's Public Records Request Portal.

- B) Any request for public records maintained by the City of Marion must be referred to the lawful custodian's office for review of the request, collection of the records, and completion of request. Contact information for all lawful custodians may be found at the end of this policy.
- C) 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.
 - 1) At the requester's preference the City may make the requested records available in hard copy or in electronic format. The requester may ask the City to supply copied records either by mail, electronic mail, fax or pickup at Marion City Hall.
 - 2) Notwithstanding subsection 1 above, the City may provide the record in any reasonable format. Even if the request is for a specific format, the City may provide the record in a comparable alternative format.
 - 3) The City reserves the right to adjust the fee structure for extraordinary requests and provide a cost estimate to the requester prior to request completion.
- D) The City is not required to provide a copy of a public record that is published on the City's website and is accessible to the public. In such circumstances, the City shall notify the requester that the information is available and provide directions for accessing the information.
- E) The person requesting 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 an advance deposit 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 requester for all additional costs. If a records request is cancelled, the City will charge the amount of eligible fees already incurred from the deposit. If the deposit is greater than the fees incurred, the balance will be returned to the requester.
- F) 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.
- G) 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



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applicable lawful custodian, any inspection, examination or copying of requested records shall be done during regular City business hours.

- H) The City reserves the right to not release copies of requested public records until the requester pays for the corresponding charges to complete said request.

6. Fee Schedule

The following fees and costs may be charged pursuant to Iowa Code Chapter 22 for access and/or copies of public records maintained by the City of Marion.

Copy Charges-

As approved by the most recent Schedule of Fees.

Postage Charges-

If the requester chooses to have records mailed to them, postage will be charged at actual cost.

Media Storage Device Charges (USB)-

If the requester chooses to have records saved on a USB or other portable media storage device, the device will be charged at actual cost.

Labor Charges-

The City will provide 30 minutes of City staff time free of charge to respond to each requester. Requester's will be charged at the hourly rate for those involved in obtaining or reviewing records.

Legal Charges-

Some requests may need to be reviewed by the City Attorney. In such circumstances, the requestor will be billed for the time spent by the City Attorney at the attorney's hourly rate.

8. Disclaimer

Although records provided to a requester may be deemed "open" or "public" records within the meaning of Iowa Code Chapter 22, the City recommends that requesters' use of any information provided by the City comply with all local, state, and federal laws, including but not limited to laws related to privacy, harassment, discrimination, debt collection, libel, slander and tort.



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9. Questions

Any questions concerning the City's Public Records Request Policy or related procedures or fees should be directed to the applicable records custodian:

For General Questions or Requests:

City Clerk
City of Marion
1225 6th Avenue, Suite 110
Marion, IA 52302
cityclerk@cityofmarion.org
319-743-6327

For Questions or Requests relating specifically to the Police Department:

Records Clerk
Marion Police Department
6315 Highway 151
Marion, IA 52302
records@marionpolice.com
319-200-7714

For Questions or Requests relating specifically to the Fire Department:

Records Clerk
Marion Fire Department
100 Irish Drive
Marion, IA 52302
319-377-8237