

## 516 PUBLIC RECORDS

### 516.1 POLICY

It is the policy of the Board of Trustees that the Des Moines Water Works shall comply fully with the open records requirements of applicable law. Public records of or belonging to the Water Works are available for public examination and reproduction as of right, except those records that are exempt from disclosure by law.

### 516.2 DEFINITION OF PUBLIC RECORDS

The term “public record” is defined in Section 22.1(3) Code of Iowa.

### 516.3 EXEMPT RECORDS

Exempt Records are those records required or permitted by law to be kept confidential, including records defined as confidential or exempt in Section 22.7, Code of Iowa, Section 388.9, Code of Iowa, Section 388.9A, Code of Iowa, and Section 622.10, Code of Iowa. Records which include information, such as health information, required by federal law to be kept confidential shall be deemed Exempt Records. Security matters as set out in Rule 618.2 are Exempt Records. Attorney client communications and attorney work product are confidential Exempt Records.

### 516.4 EXEMPTION AND WAIVER OF EXEMPTION

Exempt Records are not available for examination or copying by the public. Water Works may, in its discretion, make Exempt Records available when such disclosure is not prohibited by law and disclosure is deemed in the best interests of Water Works.

### 516.5 COPYRIGHT

Except as permitted by law, materials subject to third party copyright, and which Water Works does not have the rights to copy, may be examined, but shall not be copied unless the requesting party secures and provides permission to copy to Water Works, provided by the holder of the copyright.

## 516.6 REQUESTS FOR EXAMINATION OF RECORDS

Any person may make a request to examine or copy a public record. A request may be made in writing, orally in person, by telephone, or by electronic means. Requests for public records should be directed to the Chair, the CEO and General Manager, or the Director of Customer Service. Any request received by any other staff member shall be referred to the Director of Customer Service, and the request shall be deemed made upon receipt of the Director of Customer Service. To assure a consistent application of fees, and to document responses provided, the Director of Customer Service is the person designated by the Water Works to respond to all requests. If public records that are requested are available online, the requesting party may be advised of such availability and requested to obtain access by such means. Authority to make decisions as to the proper response to a request is delegated to the Director of Customer Service. If the Director of Customer Service is uncertain if a records request seeks records that are exempt from disclosure, a written opinion of counsel to the Water Works may be obtained, and records may be withheld from examination and copying in accordance with such opinion. The Director of Customer Service, or counsel to the Water Works are also authorized to request informal advice or a formal opinion from the Iowa Public Information Board with respect to any issue arising from a public records request.

## 516.7 COSTS

The Water Works may charge a reasonable fee for the services of a Water Works employee(s) to supervise the examination and copying of the records, or to identify, review, and produce requested records. All expenses of the examination and copying shall be paid by the person desiring to examine or copy a public record.

If the requested records take less than 30 minutes to identify, review, and produce, then there will be no charge for producing records. If, after reviewing the request, the Director of Customer Service determines that it will take more than 30 minutes to identify, review, and produce records, then the Director of Customer Service will communicate to the requester an estimate of the number of Water Works staff hours it will take to identify, review, and produce the requested records. The Director of Customer Service will communicate to the requester the hourly rate of each staff member and time required of each staff member to respond to the request. The hourly cost for Water Works staff time to fulfill a records request is limited to the staff's hourly rate, and does not include employment benefits, depreciation, maintenance, electric, or insurance costs associated with the administration of the Water Works' office. In addition to the cost of staff time to identify, review, and produce records, the Director of Customer Service will disclose any other actual costs Water Works will incur to identify, review, and produce the requested records.

The estimate of costs may include attorney fees if the request will require that the requested records be reviewed by an attorney to determine whether portions of the records are confidential attorney-client privilege or attorney work product, are otherwise protected confidential information.

#### 516.8 PREPAYMENT OF COSTS

When the estimated costs to fulfill a request to examine or copy a public record will exceed \$50.00, fulfillment of the request may be contingent on the Water Works receiving prepayment in advance of the expenses to be incurred in fulfilling the request.

#### 516.9 EXAMINATION OF RECORDS

Public records are available for public examination during office hours at the main office of the Des Moines Water Works at 2201 George Flagg Parkway, Des Moines, Iowa 50321, or at such other location in Des Moines, Iowa, as the Director of Customer Service shall specify. Examination includes, but is not limited to, the right of an examining party to make copies on site by means which do not require unreasonable accommodation by the Water Works. Examination of records shall be done under the supervision of a Water Works employee, at the cost of the requesting party.

#### 516.10 TIMING

Most requests to examine and copy public records will be granted or denied within twenty days of the request, and ordinarily within ten business days of the request. However, depending on the size and nature of the request, Water Works may require additional time to respond to a request. If the request is to be fulfilled by providing copies of records, Water Works will make reasonable efforts to provide such copies within twenty days of the request, and ordinarily within ten business days of the request, unless additional time is necessary due to the size and nature of the request. Water Works will determine whether records should be withheld to protect confidentiality within a reasonable time, not to exceed twenty days of the request.

#### 516.11 COPIES OF RECORDS

Paper copies of public records will be made available during office hours upon request. A Water Works employee shall perform any copying using Water Works copying facilities or copying services of an outside vendor will be engaged in the discretion of the Director of Customer Service. The cost of paper copies will be actual costs incurred. If an outside copy vendor is utilized such cost shall be the amount paid to the vendor, without markup for overhead. If the Des Moines Water Works makes the copies using its own facilities the cost shall be deemed to be \$1.00 for the first page and \$0.25 per page thereafter unless special circumstances indicate a different actual cost.

#### 516.12 ELECTRONIC RECORDS AND COPIES

Public records maintained in electronic format may be provided in an electronic format useable with commonly available data processing or database management software. Copies of other public records may also be provided in electronic form. The amount charged for access to electronically maintained public records, and for copies provided in electronic form shall be the costs required for electronic search and retrieval of the information and direct publication or reproduction costs, including but not limited to editing, compilation, and media production costs incurred by the Water Works for transfer to the requestor. No person is permitted to access the data processing software Water Works uses to access or store public records. If a person requests a record that is combined with the data processing software then Water Works will separate the record from the data processing software prior to providing the record to the person requesting the record. Water Works will bear the cost of separating a record from the data processing software.

#### 516.13 INCIDENTAL COPIES

Staff of the Water Works may provide copies of public records to any person, including a customer, without charge in their discretion when incidental to the conduct of business.

#### 516.14 COURTESY COPIES

To the extent public records are not available online, copies of requested public records may be provided without charge to accredited representatives of news organizations and to bona fide interest groups, non-profit entities and government agencies having an interest in the matters set forth in the public records. The Director of Customer Service shall have the right to limit the number of courtesy copies provided without charge to any recipient if providing requested copies without charge would impose an undue financial burden on the Water Works.