

## A. PUBLIC RECORDS STATUTES

As noted in the Introduction and Glossary of Terms, your state likely recognizes a distinction between “public records,” which may include correspondence, office records, personnel records, etc., and “government publications,” which may be compiled as a means to disseminate government information of educational or public interest. This section addresses statutes that concern public records and, in particular, those that focus on record keeping requirements and retention. The compilation of statutes for your state may combine record keeping requirements with public access provisions or freedom of information laws. Those statutes are addressed in Sections B & C.

1. Does your state have “public records statutes,” as referred to in the paragraph above?

- Yes  
 No

a. If “Yes,” cite your state’s public records statutes and the administrative regulations that supplement them.

Iowa Code Chapter 7A; 304.7-304.15; 303.12-303.15; 602.5110; 602.4106; 602.8103-.8104; 372.13(5); 331.323 (2)(4); 331.603; 622.30(2).

Iowa Admin Code 7A.6 [61] 1.1-1.6; 7A.14 [401] 5.7; 7A.20 [401] 5.18; 7A.30 [401] 10.1-10.7. 304 [671] 1.1-1.3; 2.2; 2.4; [681] 10.1-10.3.

303.12-.15 [223] 1.1-1.9; 3.1-3.17; 13.1-13.9; 14.1-14.6; 15.1-15.7; 22.1-22.5; 23.1-23.4; 35.1-35.8; 40.1-40.3; 41.1-41.7; 42.1-42.3; 43.1-43.3; 44.1; 44.2.

b. If “No,” skip this whole section.

Additional comments:

Ch. 7A deals with records, reports and publications that are to be produced and their distribution to government agencies; sections of 304 cited deal with records management and preservation; Sections of 303 deal with archives; 602.5110 – Court of Appeals records; 602.4106 – Supreme Court; 602.8103 et seq. – district court; 372.13(5) – cities; 321 – counties; 622.30(2) – courts.

2. The public records statutes/regulations apply to which of the following branches?

- Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Some of the statutes apply specifically to records of courts, counties, or cities; see citations in Item A.1.a, above.

Additional comments:

3. Cite to public records statutes/regulations where “public record” is defined.

Iowa Code § 22.1(3); § 304.2(6).

Additional comments:

Chapter 22 deals with examination of public records (open records). Section 304.2(6) defines “Record” in the chapter on State Forms and Records – “a document, book, paper, photograph, sound recording or other material, regardless of physical form . . .”

4. Do the public records statutes/regulations address electronic records separately vis-à-vis print records?

Yes  
 No

a. If “Yes,” cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Iowa Code § 554D.119, part of the Uniform Electronic Transfers Act, requires a government agency to determine whether and the extent to which it will create and retain electronic records and convert written records to electronic; § 554D.120 says that to the extent that an agency uses electronic records and signatures, the office of the Secretary of State, the Information Technology Dept and the Attorney General’s office may rule on the manner and format of record creation, sending, storage, security, preservation, disposition and integrity; § 304.13A requires agencies that produce or make available for public inspection written reports or newsletters to maintain them in electronic form and to make them available on an internet site maintained by the IT department in consultation with the State Librarian; § 304.7(2) requires the State Records Commission to adopt rules regarding public records policies for an electronic repository for mandatory state reports. Other subsections of § 304.7 deal with rules for maintenance and retention of records in general – See definition in § 304.2(6). Section 14B.202 says that a government agency may not limit access to a record by requiring that it be received in electronic form only. Electronic records are treated differently in that they represent a migration to a new format that requires procedures not adequately covered by rules for older formats.

Additional comments:

5. Do the public records statutes/regulations address retention of records?

Yes  
 No

a. If “Yes,” cite to and briefly summarize the retention provisions.

Iowa code § 304.7(4) requires the Records Commission to make rules regarding standards for selective retention of records of continuing value. Subsection (5) deals with procedures for compiling and submitting lists and schedules for records proposed for disposal.

- b. If "Yes," also cite to and discuss any provisions/regulations that address retention of electronic records; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Iowa Code § 554D.119 states that a governmental agency of this state will determine whether, and the extent to which, it will create and retain electronic records. Section 7A.22 allows the Legislative Council to establish policies for producing and distributing electronic documents and requires that it ensure the widest dissemination possible at cost.

Additional comments:

- 6. Do the public records statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to public records or acknowledge the state's responsibility to permanently maintain public records?

Yes  
 No

- a. If "Yes," cite to and provide relevant language.

Iowa Code § 22.2 states that every person shall have the right to examine and copy a public record and to publish or otherwise disseminate the record or information contained in it.

Additional comments:

- 7. Is a public records administrator, a public records commission or other officer/government entity responsible for administering the public records statutes/regulations?

Yes  
 No

- a. If "Yes," cite to applicable statutes/regulations and identify the responsible officer/government entity.

Iowa Code Ch. 304, particularly §304.6, describes the creation and the powers and duties of the State Records Commission.

- b. If "Yes," also cite to and discuss any source of law requiring the responsible officer/government entity to permanently maintain government information; cite attorney general opinions, court decisions, and administrative rules or guidelines.

Iowa Administrative Code 671 -1.1 to 1.3 and 2.1 to 2.4, plus the State Records Management Manual outlined in 671-2, deal with records retention and decisions for disposal. This includes protection of vital records necessary for the operation of the agency in the event of a natural or man made disaster. The manual also includes standards and procedures for digitizing and micrographics. A draft revision of the retention schedule part of the manual is being considered for adoption; new policies and procedures are to be added as revised.

Additional comments:

In January 2002, the State Records Commission formed a subcommittee, the Iowa Electronic Records Committee, whose purpose is to recommend and review policies, guidelines and best practices for the creation, maintenance, access and long-term preservation or destruction of electronic records. See <<http://www.iowasrc.org/ERC/>> . The ERC has drafted guidelines for electronic mail. A grant from the National Historical Publications and Records Commission will fund the Iowa Electronic Records Archival Planning Project, overseen by the State Records Commission and administered by the State Archives and the Information Technology Department, allowing the ERC to develop a strategic plan for electronic archiving.

8. Has any public records legislation/administrative regulation been proposed calling for “permanent public access” to electronic public records?

Yes

No

- a. If “Yes,” cite to and briefly discuss the legislation/proposed regulation; what was the outcome?  
b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

9. Has litigation under the public records statutes resulted from the state’s failure to “permanently” maintain a public record?

Yes

No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

10. Discuss any unique circumstances in your state relevant to “permanent public access” of public records under public records statutes/regulations.

## **B. FREEDOM OF INFORMATION ACT**

A state’s freedom of information act (or law) generally addresses public access to “public records.” As noted under Section A above, the compilation of statutes for your state may combine record keeping requirements and public access provisions.

1. Does your state have a “freedom of information act,” as referred to in the paragraph above?

Yes

No

- a. If “Yes,” cite your state’s freedom of information act (or law) statutes and the administrative regulations that supplement them.

Iowa Code Ch. 22. For a list of relevant administrative regulations, see the **Attachment for Item B.1.a – FREEDOM OF INFORMATION ACT**, appended to this Survey Report immediately following Section M, below. A majority of the regulations adopt the portion of the “Uniform Rules on Agency Procedure,” published with the Iowa Administrative Code, captioned “Fair Information Practices,” with amendments and exceptions appropriate to the agency. Typical matters dealt with by the regulations include requests for access to records, access to confidential records, requests for treatment as a confidential record, consent to disclosure, routine use, availability, data processing, and personally identifiable information.

- b. If “No,” skip this whole section.

Additional comments:

2. The freedom of information act statutes/regulations apply to which of the following branches?

- Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Iowa Code § 22.1(1) defines “government body.”

Additional comments:

3. Cite to freedom of information law statutes/regulations where “public record” is defined.

Iowa Code § 22.1(3).

Additional comments:

4. Do the freedom of information act statutes/regulations address electronic records separately vis-à-vis print records?

- Yes  
 No

- a. If “Yes,” discuss whether the freedom of information act statutes/regulations had been amended at any time to cover electronic records; cite to and provide amending language.

Iowa Code § 22.2 amended by Iowa Acts 1989 (73 G. A.) Ch. 189, § 1: “3. However, notwithstanding subsections 1 and 2, a government body which maintains a geographic computer database is not required to permit access to or use of the database by any person except on terms and conditions acceptable to the governing body. The governing body shall establish reasonable

rates and procedures for the retrieval of specified records, which are not confidential records, stored in the database upon the request of any person.”

- b. If “Yes,” also cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Iowa Code § 22.2(3) provides exceptions to the right to examine public records: a. A geographic computer database except on terms and conditions acceptable to the government body; b. Data processing software developed by the government body as provided for in § 22.3A, which also states that a public record should not be withheld because it is combined with data processing software.

Additional comments:

- 5. Do any freedom of information act statutes/regulations assure “permanent public access” of electronic public records?

Yes  
 No

- a. If “Yes,” cite to and discuss any provisions/regulations that address “permanent public access”; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

- 6. Do the freedom of information act statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens’ access to public records or acknowledge the state’s responsibility to permanently maintain public records?

Yes  
 No

- a. If “Yes,” cite to and provide relevant language.

A number of the individual agency regulations on fair information practices contain the same or similar language as Iowa Admin. Code r. 193-13.2 (Professional Licensing and Regulations) – “the purpose of this chapter is to facilitate broad public access to open records.”

Additional comments:

- 7. Has any freedom of information legislation/administrative regulation been proposed calling for “permanent public access” of electronic public records?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss the legislation/proposed regulation; what was the outcome?

- b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

8. Has litigation under the freedom of information act resulted from the state’s failure to “permanently” maintain a public record?

Yes

No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

9. Discuss any unique circumstances in your state relevant to “permanent public access” of public records under freedom of information act statutes/regulations.

### C. PUBLIC ACCESS LAWS

The term “public access law” is intended to be a catchall for all other statutes that address the permanency and public accessibility of government information. The type of law appropriately falling under this section is most likely to be a statute that governs availability and access of *government publications*. An example of such a statute is the “Free Public Access to the Code of Maryland Regulations Act,” whose title alone explains much about its purpose.

1. Does your state have any “public access laws,” as referred to in the paragraph above?

Yes

No

- a. If “Yes,” cite each of your state’s public access law statutes and the administrative regulations that supplement them.

Iowa Code § 18.80 deals with a reserve supply of state publications. Section 18.82 requires the state printing administrator to make and supervise the distribution of printed matter in a manner most economical and useful to the public. In § 7A.22, pricing of the Iowa Code, session laws, court rules, administrative code, and administrative bulletin should cover production costs. Section 18.83 requires the superintendent of printing to inform the public of the publication of documents, their content, and how to obtain. No regulations found for §§18.80-.83, 7a.22. Section 2.42(12), (13) deals with duty of the legislative council to establish rates for distribution of General Assembly information in electronic format that encourage distribution to the public and conform to the open records statutes. No regulations found for §2.42.

- b. If “No,” skip this whole section.

Additional comments:

2. For each public access law, specify the branches to which it applies.

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Iowa Code § 18.75(6) says that the state printing administrator shall have custody of codes, agency rules and publications, and Supreme court reports and sell, account for and distribute them.

Additional comments:

3. For each public access law, cite to and discuss provisions/regulations addressing the particular form of government information addressed by the law.

Iowa Code § 18.80 applies to printed documents. Section 7A.22 deals with printed documents in its earliest paragraphs, but later says that the legislative council may establish policies for electronic publications, ensuring the widest possible dissemination of versions containing search and retrieval functions priced at costs of production and distribution.

Additional comments:

4. For each public access law, do the applicable statutes/regulations address electronic information separately vis-à-vis print information?

- Yes
- No

a. If "Yes," cite to and briefly discuss statutes/regulations addressing electronic information; how is it treated differently?

See comments in Item 3, above, about § 7A.22.

Additional comments:

5. For each public access law, do the applicable statutes/regulations specifically address permanency of the information?

- Yes
- No

a. If "Yes," for each public access law, cite to and briefly discuss the permanency provisions.

Additional comments:

6. For each public access law, do the applicable statutes/regulations specifically address accessibility of information?

Yes  
 No

a. If "Yes," cite to and briefly discuss the accessibility provisions.

See comments on Iowa Code §§ 18.82, 18.83, 7A.22 and 2.42 in Item C.1.a, above.

Additional comments:

7. For each public access law, do the applicable statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to government publications or acknowledge the state's responsibility to permanently maintain government publications?

Yes  
 No

a. If "Yes," cite to and provide relevant language.

Additional comments:

8. Has any public access legislation/administrative regulation been proposed calling for "permanent public access" of electronic publications?

Yes  
 No

a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?

b. If "Yes," also cite to documents from the legislative or regulatory history.

Additional comments:

9. Has litigation under any public access law resulted from the state's failure to "permanently" maintain a government publication?

Yes  
 No

a. If "Yes," cite to and briefly discuss each case.

Additional comments:

10. Discuss any unique circumstances in your state relevant to "permanent public access" of government publications under public access laws.

**D. STATE OFFICE FOR TECHNOLOGY AND CHIEF INFORMATION OFFICER**

1. Does your state have an office for technology (or department of information technology, department of information service, or equivalent) and/or a chief information officer (or equivalent)?

- Yes
- No

a. If “Yes,” provide the complete official name for the office and/or officer; cite to the statute giving that information.

Information Technology Department – see Iowa Code § 14B.102. Section 14B.104 states that the director of the department shall also serve as the chief information officer.

b. If “No,” skip this whole section.

Additional comments:

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the office/officer; when was the statute first enacted?

Iowa Code § 14B.101 - .109, enacted 2000.

Additional comments:

3. Does the office/officer have power to promulgate administrative regulations?

- Yes
- No

a. If “Yes,” cite the body of administrative regulations promulgated by the office/officer.

Iowa Administrative Code 471 – 1.1 – 15.4.

Additional comments:

The Information Technology Council, of which the department director is a member, has the power to promulgate regulations – see Iowa Code § 14B.105

4. The office/officer has jurisdiction over which branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Iowa Code § 14B.101 contains definitions of “agency” and “government entity.”

Additional comments:

5. Are the powers/responsibilities of the office/officer defined differently for electronic government information vis-à-vis print government information?

Yes

No

- a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

Chapter 14B appears to deal primarily with electronic applications, however, it defines “public records” as meaning the same as in § 22.1, which includes all formats.

6. Do applicable statutes/regulations for the office/officer set forth powers/responsibilities relating to “permanent public access” of government information?

Yes

No

- a. If “Yes,” cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

7. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes

No

- a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

8. Whether or not a supporting source of law can be identified, does the office/officer acknowledge responsibility to permanently maintain government information?

Yes

No

- a. If “Yes,” briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

9. Has the office/officer undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes

No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

The Iowa Electronic State Documents Repository, <<http://www.infoiowa.state.ia.us/reports/>>, began in August 2002. It is not certain if all types of documents will be loaded initially, as hoped, because of uncertainties about funding and resources. A software change and a recently hired staff member working full-time on the project are expected to improve the function of this site after early technical problems. See A.4.a. regarding statutory requirements for internet publication of reports and newsletters.

Additional comments:

10. Has any litigation involving the office/officer resulted from the state's failure to "permanently" maintain government information?

Yes  
 No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

11. Discuss any unique circumstances in your state relevant to the office for technology and/or chief information officer.

## **E. STATE TECHNOLOGY PLANS**

1. Does your state have a current official information technology plan (or equivalent)?

Yes  
 No

- a. If "Yes," describe what government entity was responsible for creating the plan; cite to the source of its authority.

Information Technology Department and the Charter Planning Team. Authorized by request from the governor – See Introduction to Charter Strategic Document.

- b. If "Yes," also provide complete bibliographic information about the plan; when was it published?

Iowa Information Technology Dept. Servers, Storage, E-mail, Web Hosting, and Data Warehouse Charter Projects [Charter Strategic Document version 3], June 28, 2002  
<<http://www2.info.state.ia.us/charter/MeetingHandout.htm>>.

- c. If "No," skip this whole section.

Additional comments:

2. The technology plan covers which branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

According to the introduction to the Charter Strategic Document, the ITD has been asked by the Governor to provide consolidated services for server and storage management, e-mail delivery, web hosting, and data warehousing for executive branch departments. Iowa Code § 14B.102(2)(b) lists as one of the ITD powers and duties – implementing the strategic information technology plan as proposed and updated by the information technology council. Section 14B.105(2)(d) requires the information technology council to prepare and annually update a strategic information technology plan for use throughout state government.

Additional comments:

3. Does the current plan include a section on permanency and public accessibility of electronic government information?

- Yes
- No

a. If “Yes,” cite to and provide relevant language of the plan.

Additional comments:

4. Discuss any unique circumstances in your state relevant to technology planning or the current information technology plan.

## F. STATE PRINTING OFFICE AND STATE PRINTER

1. Does your state have an official printing office (or equivalent) and/or an official printer (or equivalent)?

- Yes
- No

a. If “Yes,” provide the complete official name for the printing office and/or official printer; cite to the statute giving that information.

State Printing Administrator (division of the Dept. of General Services) Iowa Code § 18.74.

b. If “No,” skip this whole section.

Additional comments:

The director of the Department of General Services shall, according to Iowa Code § 18.27 et. seq., let contracts for all printing for all state offices when cost is payable out of taxes, etc.

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the printing office/official printer.

Iowa Code §§ 18.74 – 18.103.

Additional comments:

3. Does the printing office/official printer have power to promulgate administrative regulations?

Yes

No

- a. If “Yes,” cite the body of administrative regulations promulgated by the printing office/official printer.

Additional comments:

4. The printing office/official printer has jurisdiction over which branches?

Executive

Legislative

Judicial

Administrative (applying to all agencies, no matter what branch of government)

Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Implied by sections of chapter 18, Dep’t of General Services.

Additional comments:

5. Briefly discuss the functions of the printing office/official printer.

Duties – have general supervision of matters relating to enforcement of printing contracts; control and direct the document dept; have custody of Codes, etc and sell, account for and distribute.

- a. Describe your state's use of in-house agency publishing and/or commercial publishing of government information.

Iowa Code § 18.49 provides that the director of General Services may authorize department heads outside Polk Co. [seat of government] to secure bids for printing but the G.S. director must approve the bid and contract. Departments inside Polk Co. must have the director’s approval for printing unless it is required by law (§ 18.63)

- b. What percentage of official state government documents are printed by the printing office/official printer?

Unknown.

- c. To what extent is the printing office/official printer involved in the electronic dissemination of government information?

The Printing Division does not directly provide access to electronic government documents, with the exception of the Salary Book, but they provide an electronic file of their printed documents to agencies if desired. Although Iowa Code §18.97 provides that the administrator, with the Legislative Council, may establish policies for the substitution of electronic formats when distributing key documents such as codes to state and local agencies, including relevant portions of the Iowa Administrative Code and supplements, the Printing Division is not doing this. The Code of Iowa, session laws, Iowa Administrative Code, Court Rules and a few other publications are being electronically maintained on the state web site by the Legislative Service Bureau, which is also offering electronic versions of the Code and session laws for sale along with print versions.

Additional comments:

6. Are the powers/responsibilities of the printing office/official printer defined differently for electronic government information vis-à-vis print government information?

Yes  
 No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

See Item F.5.c, above, regarding Iowa Code § 18.97.

Additional comments:

7. Do applicable statutes/regulations for the printing office/official printer set forth powers/responsibilities relating to "permanent public access" of government information?

Yes  
 No

- a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes  
 No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the printing office/official printer acknowledge responsibility to permanently maintain government information?

Yes

No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

In February 2003 e-mail, the Printing Administrator acknowledges responsibility for maintaining certain specific items in hard copy and one title in electronic format, but points to the State Archives as having statutory authority for document preservation and retention. He is very much involved with PPA issues, however, having an interest in the effect on the work of the Printing Division and serving on the State Records Commission, its Electronic Records Committee, and the Scope and Boundaries sub-committee.

Additional comments:

10. Has the printing office/official printer undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes

No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

11. Has any litigation involving the printing office/official printer resulted from the state's failure to "permanently" maintain government information?

Yes

No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official printing office and/or official printer.

## G. STATE ARCHIVES AND STATE ARCHIVIST

This section addresses your state's official archives and state archivist. If these responsibilities are by law under the auspices of your state library and state librarian, please move on to Section H.

1. Does your state have an official archives (or equivalent) and/or an official archivist (or equivalent)?

Yes  
 No

- a. If "Yes," provide the complete official name for the archives and/or archivist; cite the statute giving that information.

State Archivist – Iowa Code § 303.12.

- b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the archives/archivist.

Iowa Code §§ 303.12 – 303.15.

Additional comments:

The archivist is part of the Historical Division of the Dept. of Cultural Affairs. Iowa Code § 304.10 describes the duty of the archivist to review lists and schedules on record retention submitted to the Records Commission to see if records proposed for disposal have value to other agencies or have research or historical value.

3. Does the archive/archivist have power to promulgate administrative regulations?

Yes  
 No

- a. If "Yes," cite the body of administrative regulations promulgated by the archive/archivist.

Additional comments:

Iowa Administrative Code § 223-13.5(2) states that records of state agencies shall be transferred to the State Archives in accordance with rules and procedures established by the state records commission as stated in the Records Management Manual and in accordance with Iowa Code Chapter 304.

4. The archive/archivist has defined responsibilities for which branches?

Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Iowa Code § 303.13 says that state executive and administrative departments, offices or officials, councils, boards, bureaus and commissions shall deliver to the state archives all archives as defined in § 303.12. Confirmed by an archivist on the State Archives staff to include all branches of state government.

Additional comments:

5. Briefly discuss the functions of the archive/archivist.

Appraises government materials that no longer have administrative, fiscal or legal value to an agency to determine if they have sufficient historical, research, or information value to warrant permanent preservation; acts as custodian of the archives; prescribes rules for arrangement and labeling; makes certified copies of documents upon request.

Additional comments:

6. Are the powers/responsibilities of the archive/archivist defined differently for electronic government information vis-à-vis print government information?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the archive/archivist set forth powers/responsibilities relating to “permanent public access” of government information?

Yes  
 No

- a. If “Yes,” cite to and discuss any provisions /regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Iowa Code §§ 303.12 and 303.13 give the archivist the responsibility of deciding, in consultation with the agency chief executive officer and in accordance with the records manual, whether materials will be accepted for retention. Iowa Administrative Code §§ 223-13.1 –13.9 pertain to collection policies of the historical society; § 13.5(2) refers specifically to the archives, requiring that agency records be transferred to the archives in adherence to the rules and procedures in the Records Management Manual and in accordance with Iowa Code Ch. 304. Iowa Administrative Code §§ 223 – 3.1 – 3.17 deal with public records and fair information practices.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes  
 No

a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the archive/archivist acknowledge responsibility to permanently maintain government information?

Yes  
 No

a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Phone conversation with archivist Jackie Perry of the State Archives staff, February 2003. See Iowa Code §303.12.

Additional comments:

10. Has the archive/archivist undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes  
 No

a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

The Iowa Department of Cultural Affairs has developed the "Imagine Iowa 2010" cultural plan. In the section on Historic Preservation and Documentation, objectives include an "Imaging Iowa" project that would make searchable electronic archives of government resources available to the public; another objective would have state and local agencies using appropriate technology to preserve 21st century records, including those in electronic form. See the Department of Cultural Affairs web site: <<http://www.state.ia.us/government/dca/index.html>>. It is not clear what further action may have been taken on this plan. See also the description of the Electronic Records Committee in Item A.7.b, above.

Additional comments:

11. Has any litigation involving the archive/archivist resulted from the state's failure to "permanently" maintain government information?

Yes  
 No

- a. If “Yes,” briefly discuss the circumstances of each case and its outcome, and provide citations to any court decisions.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official archive and/or official archivist.

## H. STATE LIBRARY AND STATE LIBRARIAN

This section addresses your state’s official library and state librarian. There is no separate section that addresses the official law library and state law librarian, if any. If your state has an official library *and* an official law library (and/or official librarian *and* official law librarian), it may be appropriate to address those government entities and/or persons separately.

1. Does your state have an official library (or equivalent) and/or an official librarian (or equivalent)?

Yes  
 No

- a. If “Yes,” provide the complete official name for the library and/or librarian; cite to the statute giving that information.

State Librarian – Iowa Code § 256.52(3).

- b. If “No,” skip this whole section.

Additional comments:

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the library/librarian.

Iowa Code §§ 256.50 – 256.56 define powers and duties of the division of libraries and information services within the Dept of Education. Section 256.52(3) defines duties and responsibilities of the state librarian. Section 256.54 describes structure and duties of the state library, which includes the medical and law libraries and state data center. The law library is run by the law librarian, (2).

Additional comments:

3. Does the library/librarian have power to promulgate administrative regulations?

Yes  
 No

- a. If “Yes,” cite the body of administrative regulations promulgated by the library/librarian.

Iowa Administrative Code 286 – 1.1-1.7, 3.1-3.9, 7.1-7.6

Additional comments:

The state commission of libraries, covered in Iowa Code § 256.52, is responsible for promulgating regulations.

4. The library/librarian has defined responsibilities for which branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Iowa Code § 256.56 defines “state agency” as a legislative, executive, or judicial office of the state. In § 256.51, one of the duties of the division is to determine policy for providing information service to the three branches of state government.

Additional comments:

5. Briefly discuss the functions of the library/librarian.

The division of libraries and information services shall determine policy for providing information service to state government and to legal and medical communities, coordinate a statewide interlibrary loan and information network, administer state depository library program, administer continuing education program, advise libraries in specialized areas such as building and automation, establish and administer standards for state agency libraries, the regional library system, and public libraries, control all division property including deaccessioning as needed.

Additional comments:

6. Are the powers/responsibilities of the library/librarian defined differently for electronic government information vis-à-vis print government information?

- Yes
- No

a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Iowa Code § 256.56 requires the state library to develop a system of electronic access to documents. Section 256.50 - definitions - (4) “state publications” means all multiply produced publications regardless of format . . .”

Additional comments:

7. Do applicable statutes/regulations for the library/librarian set forth powers/responsibilities relating to “permanent public access” of government information?

- Yes
- No

- a. If “Yes,” cite to and discuss any provisions/regulations that address those powers/responsibilities ; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Iowa Code § 256.56 (see previous question) provides for electronic access but does not specifically address permanency.

Additional comments:

The State Library and the Information Technology Department have jointly developed the Iowa Electronic State Documents Repository (see Item H.10, below).

8. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes  
 No

- a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the library/librarian acknowledge responsibility to permanently maintain government information?

Yes  
 No

- a. If “Yes,” briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

On the State Library web page it says that the State Documents Center collects all state publications in any format and distributes them to libraries around the state and the National Archives. Three permanent depository libraries – the State Library, the University of Iowa Libraries, and the Library of Congress – archive all of these documents.

<[http://www.silo.lib.ia.us/for\\_state\\_govt/state\\_documents-center/index.html](http://www.silo.lib.ia.us/for_state_govt/state_documents-center/index.html)>.

Additional comments:

10. Has the library/librarian undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes  
 No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

The State Library has partnered with the Information Technology Department to develop the Iowa Electronic State Documents Repository: <<http://www.infoiowa.state.ia.us/reports/index.htm>>.

which went online in August 2002. The repository is not yet fully operational; staff have changed software and are making necessary fixes to improve procedures for adding documents. The name will be changed to Iowa Publications On-line. The library is not certain if it will load other types of documents initially in addition to the reports and newsletters required by Iowa Code §304.13A, which it will do if at all possible, because of uncertainty about funding and resources.

Additional comments:

11. Has any litigation involving the library/librarian resulted from the state's failure to "permanently" maintain government information?

Yes

No

a. If "Yes," cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the state library and/or state librarian.

## I. STATE DEPOSITORY LIBRARY LAWS

States often have a depository library program patterned after the federal model for disseminating federal government publications.

1. Does your state have a "depository library program," as referred to in the paragraph above?

Yes

No

a. If "Yes," cite your state's depository library law statutes and the administrative regulations that supplement them.

Iowa Code §§ 256.51(1)(c) and 256.53 Iowa Administrative Code § 286 – 1.3(2), 3.9.

b. If "No," skip this whole section.

Additional comments:

2. Do the depository library statutes/regulations address electronic government information separately vis-à-vis print government information?

Yes

No

a. If "Yes," cite to and briefly discuss statutes/regulations addressing electronic government information; how is it treated differently?

- b. If “No,” explain whether or not the statutes/regulations have been construed to cover electronic government information?

No cases found construing the statutes or regulations.

Additional comments:

3. Do any depository library statutes/regulations assure “permanent public access” of electronic government information?

Yes  
 No

- a. If “Yes,” cite to and discuss any provisions/regulations that address “permanent public access”; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Iowa Administrative Code § 286 - 3.9(5) says that permanent depositories must permanently maintain 2 copies of each publication. The language suggests print publications, although the definition of “state publications” in § 3.9(1) includes “all electronic information sources in all electronic formats.”

Additional comments:

The State Library prints two paper copies of all electronic documents that they are able to find on the web and notifies the other two permanent depositories, the University of Iowa Libraries and the Library of Congress, of their web locations. Staff have had to take the initiative in searching for and identifying new electronic documents since agencies often do not notify them.

4. Do the depository library statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens’ access to government information or acknowledge the state’s responsibility to permanently maintain public records?

Yes  
 No

- a. If “Yes,” cite to and provide relevant language.

Additional comments:

5. Have depository libraries as a whole undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes  
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

There was a plan to issue all publications to every depository within state in CD format but it has not been carried out. See also Item H.10, above, for a description of the Iowa Electronic State Documents Repository.

Additional comments:

6. Please determine the absolute number or percentage of titles:

- Formerly distributed in print, now distributed exclusively in electronic format.
- Never before distributed, now distributed in electronic format.

Roughly estimated, 25% of documents are now available only electronically, 25% in paper and electronically.

Additional comments:

7. Discuss the depository library program's effectiveness and actual accomplishments in disseminating, preserving and providing access of electronic government information?

See comments in Item I.3.a.

Additional comments:

The University of Iowa Libraries' Government Publications Department, a permanent depository, is adding URL's to some bibliographic records as they are identified, but there is not always a site that has all the issues of a serial. Paper copies may be made to fill in an unclaimable issue.

## J. COOPERATIVE ARRANGEMENTS

One can imagine any number of cooperative arrangements to assure "permanent public access." A well-known example is the partnership between the Texas Electronic Depository program (involving the Texas State Library and Archives Commission) and the University of North Texas Libraries (see description for program C304 at Computers in Libraries 2002 on the Information Today website). A hypothetical example of a less formalized cooperative arrangement is where a state's highest court relies on the state bar association to publish the court's decisions.

1. To secure PPA, has any state agency or other government entity (judicial, legislative or executive) partnered with any not for profit, educational, or for profit organization outside of government?

- Yes
- No

- a. If "Yes," describe each partnership, noting whether it is funded by a grant or through a government appropriation; give a brief history and summary of accomplishments.

The IowAccess project <<http://www.state.ia.us/government/iitt/iowaccess/final1.pdf>> is providing a coordinated service for citizen access to government information and ability to perform transactions with government agencies such as paying taxes and doing UCC searches. The network manager is Iowa Interactive, a subsidiary of NIC, Inc., a company that provides online services for many state and local government agencies in the U.S. IowAccess coordinates the state website, which is partly funded through fees obtained or collected by the Information Technology Department and partly through appropriations. The Advisory Council is composed of representatives of business, private citizens and governments. The state website, <<http://iowaccess.org>>, links to individual agency websites, a number of which have agency publications.

Additional comments:

2. Does the state rely on any cooperative activities that are not actually formalized?

Yes  
 No

a. If "Yes," describe each relationship and cooperative activity; give a brief history and a summary of accomplishments.

The opinions of the Supreme Court and Court of Appeals are posted on the Iowa State Bar Association website <<http://www.iowabar.org>>, although the courts also post opinions on their own website. Also, the Legislature's web site, one of the most well-developed of the agency sites with documents going back to 1995 or 1996, has been supported by the League of Women Voters and Cornell College.

Additional comments:

3. Does any state agency or other government entity secure "permanent public access" through any other type of cooperative arrangement?

Yes  
 No

Not aware of any such arrangement.

a. Describe each cooperative arrangement; give a brief history and a summary of accomplishments.

Additional comments:

Although it is funded by appropriations and fees rather than a cooperative arrangement, the Iowa Courts Online Service, <<http://www.iowacourtsonline.org>>, which went online in January 2002, is a notable example of public access to government information. Access is free to basic court information, such as case disposition and criminal appellate records for all counties and appellate courts. Current information and archives back 4-10 years are available. More detailed information such as judgments and liens was added in September 2002 for a monthly fee.

## **K. FACTORS TO BE CONSIDERED IN FUTURE ADVOCACY OR REFORM EFFORTS**

1. If “permanent public access” is neglected in your state, carefully examine existing public records statutes, freedom of information statutes, public access laws, etc., and respond to the following:
  - a. If possible, cite to and discuss one or two specific places in statutes or other sources of law where the state legislature or a responsible agency might naturally insert basic reform language.
  - b. If specific places to insert reform language are not obvious, very briefly discuss what state agency or other government entity might naturally be made responsible for “permanent public access.”

The agency coalitions that have only fairly recently begun their efforts on the Electronic Records Committee (Information Technology Department, State Archives, State Library, General Services Printing Division, et al.) and the Iowa Electronic Documents Repository (Information Technology Department and State Library) are the natural ones to work toward permanent public access. Although the outlook for state funding for PPA is not encouraging, the Electronic Records Committee hopes that the plan to be developed under the recent grant will help them to justify legislative appropriations and to obtain other grants.

Additional comments:

2. Discuss known failed efforts in your state to achieve “permanent public access”; how might new efforts succeed?

Do not know of any.

Additional comments:

## **L. DIRECTORY**

This section asks you to collect directory-type information for important state officials involved in the dissemination of government information.

Provide official contact information for:

1. State Chief Information Officer (or equivalent)

Debbie O’Leary  
Acting Director, Information Technology Department  
401 SW 7th, Suite N  
Des Moines, IA 50309  
Telephone: (515) 725-0353  
E-Mail: [debbie.oleary@itd.state.ia.us](mailto:debbie.oleary@itd.state.ia.us)

2. State Printer

Scott Bertness  
Iowa Department of General Services  
Printing Division  
Grimes State Office Building, Basement Level  
Des Moines, IA 50319-0104  
Telephone: (515) 281-5051  
E-Mail: Scott.Bertness@dgs.state.ia.us

3. State Archivist

Gordon Hendrickson  
State of Iowa Historical Building  
600 East Locust  
Des Moines, IA 50319-0290  
Telephone: (515) 281-5164  
E-Mail: Gordon.Hendrickson@dca.state.ia.us

4. State Librarian and/or State Law Librarian

Mary Wegner  
State Librarian of Iowa  
1112 East Grand Avenue  
Des Moines, IA 50319  
Telephone: (515) 281-4105  
E-Mail: mary.wegner@lib.state.ia.us

Linda Robertson  
State Law Librarian  
State Law Library  
State Capitol Building  
Des Moines, IA 50319  
Telephone: (515) 281-5124  
E-Mail: Linda.Robertson@lib.state.ia.us

5. State Attorney General (on freedom of information act issues, etc.)

Tom Miller  
Iowa Attorney General  
1305 East Walnut Street  
Des Moines, IA 50319  
Telephone: (515) 281-5164  
E-Mail: webteam@ag.state.ia.us

## M. IMPORTANT STATE RESOURCES

Provide URLs or other finding information for:

1. Official state home page –

<<http://www.iowaccess.org>>

2. State agency portal –

<<http://www.iowaccess.org/main/addressbooks/ADstate/index.html>>

- a. Does the portal have a searching capability similar to FirstGov?

The search choices are “search for a website” and “Search all state documents online.” There is an alphabetical listing of agencies with links.

3. Legislative website

<<http://www.legis.state.ia.us>>

- a. Does the website cover the current year only?

No. There are archives going back to 1995 for most features, such as bills, bill history, Iowa Code.

- b. Are services free or fee-based?

Free.

4. Judicial websites –

<<http://www.judicial.state.ia.us/>>, <<http://www.iowacourtsonline.org>>

5. Regulatory agency websites

See answer to Item M.2, above.

6. Freedom of Information Service Hotline

- a. Does the state have an ombudsman for freedom of information act issues?

Yes – Iowa Citizens’ Aide/Ombudsman Office, an independent agency whose head is appointed by the Legislative Council with legislative approval, is empowered in general terms by Iowa Code chapter 2C to investigate and resolve citizen complaints against agencies; however, the Attorney General’s web page refers citizens to this office for FOIA issues.

b. Is the state attorney general's office the public's contact for freedom of information act issues?

No. The Attorney General's web page, in its Sunshine Advisory Bulletins, refers citizens who have inquiries or complaints about public records to the Citizens' Aide Ombudsman.

**Attachment for Item B.1.a - FREEDOM OF INFORMATION ACT**

<u>Code Section or Chapter</u>	<u>Agency No. and Rule</u>	<u>Code Section or Chapter</u>	<u>Agency No. and Rule</u>	<u>Code Section or Chapter</u>	<u>Agency No. and Rule</u>
Ch. 22	[61] 2.14(8)	22.11(cont'd)	[81] 24.1	22.11(cont'd)	[281] 5.1
	10.1-10.8		24.3		5.3
	[193] 13.1-13.17		24.6		5.6
	[193A] 2.7		24.9-24.17		5.9-5.16
	[205] 6.1-6.5	[101]	5.1		56.23
	[263] 5.1		5.3	[282]	5.1
	5.3		5.6		5.3
	5.6		5.9-5.11		5.6
	[421] 2.1-2.16	[111]	13.1-13.15		5.9-5.16
	[429] 3.1	[141]	3.1-3.15	[283]	6.1
	[471] 2.1-2.9	[161]	11.1-11.17		6.3
	[481] 5.1-5.16	[181]	1.7		6.6
	[555] 6.1	[185]	18.1		6.9-6.12
	6.3		18.9-18.17	[286]	2.1
	6.6	[187]	7.1		2.3
	6.9-6.12		7.9-7.16		2.9-2.17
	10.18	[189]	25.1	[288]	3.1-3.17
			25.3	[289]	5.1
	[561] 2.1-2.15		25.6		5.3
	10.18		25.9-25.15		5.6
	[571] 2.1	[191]	1.3		5.9-5.13
	[605] 5.1	[193D]	5.1	[301]	5.1
	5.9		5.3		5.3
	[611] 2.1		5.9-5.16		5.6
	2.3	[193F]	9.1		5.9-5.11
	2.9-2.18		9.3	[321]	19.1
	[701] 5.1-5.16		9.7		19.3
	86.1		9.9-9.16		19.9-19.17
	87.2	[197]	1.1	[351]	10.1-10.17
	88.2		1.3	[371]	9.1
	[761] 4.9		1.9-1.16		9.3
	[765] 2.1	[201]	5.1-5.3		9.9-9.16
	[801] 6.1		5.5	[401]	2.1
	6.3		5.6		2.3
	6.6-6.15		5.9-5.16		2.6
22.2	[657] 14.1-14.16	[205]	5.1-5.15		2.9-2.17
	[761] 610.1-610.4	[221]	2.1	[411]	7.1-7.12
22.3	[61] 1.4		2.3	[421]	2.1
	[761] 610.1-610.4		2.6		2.3
22.7	[481] 5.1		2.9-2.17		2.6
	5.3	[223]	3.1-3.17		2.9-2.16
	5.6	[261]	169.1	[425]	2.1
	5.9-5.16		169.3		2.2
	5.9-5.17		169.9-169.16	[427]	2.1
	[493] 4.1-4.15	[263]	5.1		2.2
22.11	[21] 6.1		5.3	[428]	2.1
	6.3		5.6		2.2
	6.6	[265]	13.1	[429]	3.1
	6.9-6.16		13.3		3.2
	[25] 8.1		13.4		3.14
	8.2		13.6	[431]	2.1
	[61] 2.1-2.17		13.9		2.2

<u>Code Section or Chapter</u>	<u>Agency No. and Rule</u>	<u>Code Section or Chapter</u>	<u>Agency No. and Rule</u>	<u>Code Section or Chapter</u>	<u>Agency No. and Rule</u>
22.11(cont'd)	[433] 6.1	22.11(cont'd)	[551] 5.3	22.11(cont'd)	[721] 5.1
	6.2		5.9-5.11		5.3
	[434] 2.1		[561] 2.1-2.15		5.9-5.16
	2.2		[567] 2.1	[727]	5.1
	[435] 4.1		[571] 2.1		5.3
	4.2		[575] 3.1		5.6
	[441] 9.1-9.13		[597] 3.1		5.9-5.16
	[481] 5.1		3.3	[741]	5.1
	5.3		3.6		5.3
	5.6	[605]	5.1		5.6
	5.9-5.16		5.9		5.9-5.11
	9.11	[621]	12.1	[751]	2.1-2.15
	22.2		12.3	[761]	4.1
	25.3		12.6		4.3
	30.11		12.9-12.15		4.4
	40.4	[641]	175.1		4.9
	41.16		175.3		4.10
	50.8		175.6-175.17		607.7
	71.9	[643]	5.1	[781]	2.1
	72.1-72.4		5.3		2.3
	74.1-74.5		5.6		2.6
	75.1-75.12		5.9-5.17		2.9-2.17
	100.36	[645]	10.1	[811]	5.1
	[486] 8.1		10.3		5.3
	8.3		10.5		5.6
	8.6		10.6		5.9-5.18
	8.9-8.13		10.9-10.16	[871]	42.1-42.14
	[489] 4.1	[650]	6.1	[875]	1.11-1.23
	4.3		6.3	[876]	9.1
	4.6		6.6		9.3
	4.9-4.14		6.9-6.17		9.6
	[491] 3.1	[653]	2.1		9.8-9.14
	3.3		2.3	[877]	25.1-25.14
	3.6		2.6		
	3.9-3.14		2.7		
	[493] 4.1-4.15		2.9-2.17		
	[501] 7.1	[655]	11.1-11.3		
	7.3	[657]	14.1		
	7.6		14.3		
	7.8-7.16		14.6		
	[541] 8.1		14.9-14.17		
	8.3	[661]	25.1-25.13		
	8.9-8.16	[681]	17.1		
	[543] 6.1		17.3		
	6.3		17.6		
	[545] 8.1		17.7		
	8.3		17.9-17.16		
	8.9-8.17	[701]	5.1		
	[547] 9.1		5.3		
	9.3		5.6		
	9.9-9.17		5.9-5.16		
	[551] 5.1	[705]	1.5		