

Informal question Laura Belin submitted to the Iowa Public Information Board on March 9, 2018

1. On February 13, I asked Megan Tooker, executive director of the Iowa Ethics and Campaign Disclosure Board, for the five board members' official e-mail addresses. I had questions relating to the board's most recent meeting, which I attended and covered on my Iowa politics website, Bleeding Heartland.

2. Tooker replied the same day, "I don't publish their email addresses. If you want to get a hold of them, you can send an email to me to be forwarded or send a letter to our office at 510 E. 12th St DM 50319 and if it's addressed to them I forward it to them."

3. While researching an article for Bleeding Heartland, I submitted a public records request that included e-mail correspondence between IECDB members and the executive director. On February 22, Tooker fulfilled that request, but documents were provided with board members' e-mail addresses blacked out.

4. I asked on what legal grounds the IECDB was not providing e-mail addresses used to conduct official business of a government body. There is no requirement of confidentiality; some state agencies (for instance, the Iowa Board of Regents) publish such e-mail addresses online. I have submitted many other requests under Chapter 22 and have never seen official e-mail addresses redacted on documents provided.

5. On February 28, Tooker replied that "There are several provisions throughout section 22.7 that pertain to privacy, including paragraphs 11, 38, 50 and 67. I take the position that the Board members' contact information is part of their confidential personnel records and may be redacted. In 1999, the Supreme Court of Iowa held a public employee's address, birth date and gender were confidential personnel records under Iowa Code section 22.7(11). See *Clymer v. City of Cedar Rapids*, 601 N.W.2d 42 (Iowa 1999). The Court in *Clymer* stated

"the basic theme emerging from the few cases dealing with disclosure of public employees' addresses is that such information does not serve the core purpose of the freed of information statutes--to enlighten the public about the operation or activities of the government. Put another way, a public employee has a substantial privacy interest in his or her address that outweighs the public interest in disclosure, unless the information is necessary to open the government's actions to the light of public scrutiny." *Id.* at 47.

The Court further stated:

"Employees serving in the public sector have a legitimate interest in avoiding unwanted contacts at their homes by protecting this information from public dissemination. As counsel for the firefighters aptly stated, public employees 'deal

with people who don't necessarily have the same boundaries as the people sitting in this courtroom.' " Id. at 48.

Iowa Code section 22.7(11) protects "personal information in confidential personnel records" of "officials, officers, or employees of the government bodies." The Ethics Board members are "officials" under the definition of that term in Iowa Code section 68B.2(17). While the Clymer case did not address telephone numbers or email addresses, I think the Court's rationale for protecting privacy likewise weighs in favor of keeping our Board members' personal email addresses and telephone numbers confidential. I provided you with the records you requested except for the addresses which were the means those records were transmitted. I don't believe the redaction in any way limited your right to view records concerning the "operation or activities" of the government body. Ideally, our Board members would each have a government email address. The last time I checked, it would cost the Board several hundred dollars a year for all of our Board members to have a government email address. We have never felt the need warranted the expense. Anyone wishing to send correspondence to our Board may do so by sending it to the Board's office via mail, fax or email (we have a general email address at ethicsboard@iowa.gov).

6. I do not agree that a court ruling related to home addresses of state employees is comparable to what I have requested. I have not asked for home phone numbers or home addresses for IECDB members--only for the addresses of e-mail accounts those board members use to conduct the public's business. Citizens should be able to contact those who serve on public bodies directly, without going through staff. The Iowa Supreme Court ruling obviously does not prohibit state agencies from providing such information. As mentioned above, the Iowa Board of Regents posts e-mail contact information for each member on the website. Most state employees' work e-mail addresses are published online.

7. I do not agree that the supposed expense of creating government e-mail accounts justifies concealing from Iowa citizens the e-mail addresses state officials use to conduct the public's business. Anyone who agrees to serve on a state board should be accessible to the public. Anyone wishing to shield a private e-mail address can set up a separate e-mail account, solely for board business, for free or at minimal cost.