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William R. Peterson

July 11, 2022

Iowa Public Information Board (IPIB)  
502 E. 9th Street  
Des Moines, Iowa 50319

RE: Timely compliance rule

Dear Iowa Public Information Board,

We are concerned with the rules proposed by the Iowa Public Information Board related to timely compliance in Administrative Rule 497-Chapter 11. We have consulted with the Iowa County Attorneys Association, Inc. and would echo their comments regarding these rules, which we have summarized below.

- 1) The rules as drafted exceed the statutory authority granted to the Iowa Public Information Board by the legislature in Chapter 22 of the Iowa Code. The rules that set a two-day acknowledgement by the governmental entity is not required by Code, thus complaints that go to the Iowa Public Information Board will be judged on a different standard than those that go directly to District Court.
- 2) The two-day acknowledgement is overly burdensome and unworkable for many government entities. In counties, many offices and employees that may receive open records requests have multiple roles and responsibilities for the county. The Iowa County Attorneys Association, Inc., have given several examples and there are many more, such as a staff member in the treasurers' office on the days of the tax sale.
- 3) Section 11.6(22) related to "factors affecting timely compliance" also exceeds the statutory authority vested in the Iowa Public Information Board, as Iowa Code Section 22 already addresses reasonable delay, and this rule does not take into consideration the impact of a large open records request on response time.

We respectfully request that you do not pass these rules. They exceed statutory authority granted to the Iowa Public Information Board and will result in many practical issues for counties working diligently to answer these requests.

Thank you for the opportunity to review and comment on these proposed rules.

Sincerely,

/s/ Kristi Harshbarger

Kristi Harshbarger  
ISAC General Counsel