

General 2.01

Personnel Files/ Employee Access

Scope:

All city employees.

Effective Date:

11/20/08

General Policy

It is the policy of the City of Marion that personnel files contain all information relevant to the employment history of each city employee. It is the policy of the City of Marion to permit access by all city employees to their own personnel files and to provide for correction of any erroneous information maintained in such files. Only information related to job performance or business necessity will be maintained in these files.

Provisions:

- 1) Official personnel files shall be kept at City Hall in the City Manager's Office. Personnel files include all relevant employee information including the following:
 - commendations;
 - certificates of completion of any special training, class or degree program;
 - requests for leaves of absence or maternity leave;
 - results of all physical examinations paid for by the city;
 - performance evaluations;
 - notices of employee counseling as set forth in Policy 3.9,
 - reprimands, suspensions and any other disciplinary actions;
 - Discrimination complaints and statements of grievances.

Copies of the above documents shall be forwarded to the city manager for inclusion in personnel files.

- 2) City employees will be permitted access to their employment files during normal office hours in the city manager's office, provided that the employee has requested in writing access to their own file. Employees will be permitted to examine, take notes and make copies of any materials contained in their file. Employees wishing to examine their files must have the permission of their supervisor or department head to leave the job. The city manager, his/her executive assistant, payroll clerk or human resource coordinator must be present during this examination.
- 3) An employee may request correction of any alleged misinformation contained in these files. If this request is denied, the employee will receive an explanation of the reason thereof, and will be permitted to place a concise statement of disagreement in the file.
- 4) Access to the employee's personnel file will be limited to the employee, the employee's department head, and assistant department head, city manager, his/her executive assistant, payroll clerk or human resource coordinator unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release information.
- 5) Except when authorized by a statement signed by the employee or former employee, no information concerning the employee will be given to an outside source other than:
 - Confirmation of employment
 - Confirmation of salary
 - Dates of Employment
 - Job title
 - Department

General 2.02

Political Activity			
Scope:	All city employees.	Effective Date:	11/02/06

General Policy
It is the policy of the City of Marion to limit political activity of city employees when it adversely affects job performance.

Provisions:
<ol style="list-style-type: none">1. A city employee shall not, while performing official duties or while using city equipment at the person's disposal by reason of position, solicit in any manner contributions for any political party or candidate or engage in any political activity during working hours that impairs the efficiency of the position or presence during the working hours. A person shall not seek or attempt to use any political endorsement in connection with any appointment to any city position.2. A city employee shall not use his/her position as a city employee to influence the vote or political action of any other persons.3. A person who in any manner supervises a city employee shall not directly or indirectly solicit the person supervised to contribute money, anything of value, or service to a candidate seeking election, or a political party or candidate's political committee.4. A city employee who becomes a candidate for any elective public office shall, upon request of the employee and commencing any time within thirty days prior to a primary, special, or general election, and continuing until after the thirty-day period, automatically be given a leave of absence without pay. An employee who is a candidate for any elective public office shall not campaign while on duty as an employee.5. Employees shall not wear or display political buttons or other political materials supporting a political candidate or cause while on duty.6. This section shall not be construed to prohibit any employee or group of employees, individually or collectively, from expressing honest opinions and convictions, or making statements and comments concerning their wages or other conditions of their employment.7. Any city employee whose principal employment is in connection with an activity which is financed in whole or part by loans or grants made by the United States or a federal agency, except an individual who exercises no function in connection with that activity, shall not:<ol style="list-style-type: none">a. Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.b. Directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes; orc. Be a candidate for elective office.

General 2.03



Iowa Gift Law			
<i>Scope:</i>	All city employees	<i>Effective Date:</i>	11/02/06

General Policy
The City of Marion is committed to upholding the highest ethical standards in all of our business practices. Therefore, all employees shall comply with Chapter 68B of the Code of Iowa regulating the receipt and reporting of gifts

Provisions:
<ol style="list-style-type: none">1) See Appendix A for applicable sections of Chapter 68B of the Code of Iowa.2) If you have questions or need clarification regarding the City's "No Gift" standard contact your Department Director, the Human Resources Office or the City Manager's Office.

APPENDIX A – Iowa GIFT LAW

68B.22 Gifts accepted or received.

1. Except as otherwise provided in this section, a public official, public employee, or candidate, or that person's immediate family member shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor. A public official, public employee, candidate, or the person's immediate family member shall not solicit any gift or series of gifts from a restricted donor at any time.
2. Except as otherwise provided in this section, a restricted donor shall not, directly or indirectly, offer or make a gift or a series of gifts to a public official, public employee, or candidate. Except as otherwise provided in this section, a restricted donor shall not, directly or indirectly, join with one or more other restricted donors to offer or make a gift or a series of gifts to a public official, public employee, or candidate.
3. A restricted donor may give, and a public official, public employee, or candidate, or the person's immediate family member, may accept an otherwise prohibited nonmonetary gift or a series of otherwise prohibited nonmonetary gifts and not be in violation of this section if the nonmonetary gift or series of nonmonetary gifts is donated within thirty days to a public body, the department of administrative services, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stockholder or other individual. All such items donated to the department of administrative services shall be disposed of by assignment to state agencies for official use or by public sale. A person subject to section 8.7 that receives a gift pursuant to this subsection shall file a report pursuant to section 8.7.
4. Notwithstanding subsections 1 and 2, the following gifts may be received by public officials, public employees, candidates, or members of the immediate family of public officials, public employees, or candidates:
 - a) Contributions to a candidate or a candidate's committee.
 - b) Informational material relevant to a public official's or public employee's official functions, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.
 - c) Anything received from anyone related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.
 - d) An inheritance.
 - e) Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient. This paragraph shall not apply to functions described under paragraph "s".
 - f) Items received from a bona fide charitable, professional, educational, or business organization to which the donee belongs as a dues-paying member, if the items are given to all members of the organization without regard to individual members' status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received.
 - g) Actual expenses of a donee for food, beverages, registration, travel, and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the donee has participation or presentation responsibilities.

- h) Plaques or items of negligible resale value which are given as recognition for the public services of the recipient.
- i) Food and beverages provided at a meal that is part of a bona fide event or program at which the recipient is being honored for public service.
- j) Nonmonetary items with a value of three dollars or less that are received from any one donor during one calendar day.
- k) Items or services solicited by or given to a state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member for purposes of a business or educational conference, seminar, or other meeting; or solicited by or given to state, national, or regional government organizations, whose memberships and officers are primarily composed of state or local government officials or employees, for purposes of a business or educational conference, seminar, or other meeting.
- l) Items or services received by members or representatives of members at a regularly scheduled event that is part of a business or educational conference, seminar, or other meeting that is sponsored and directed by any state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member, or received at such an event by members or representatives of members of state, national, or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees.
- m) Funeral flowers or memorials to a church or nonprofit organization.
- n) Gifts which are given to a public official or public employee for the public official's or public employee's wedding or twenty-fifth or fiftieth wedding anniversary.
- o) Payment of salary or expenses by a person's employer or the firm in which the person is a member for the cost of attending a meeting of a subunit of an agency when the person whose expenses are being paid serves on a board, commission, committee, council, or other subunit of the agency and the person is not entitled to receive compensation or reimbursement of expenses from the state or a political subdivision of the state for attending the meeting.
- p) Gifts of food, beverages, travel, or lodging received by a public official or public employee if all of the following apply:
 - 1) The public official or public employee is officially representing an agency in a delegation whose sole purpose is to attract a specific new business to locate in the state, encourage expansion or retention of an existing business already established in the state, or to develop markets for Iowa businesses or products.
 - 2) The donor of the gift is not the business or businesses being contacted. However, food or beverages provided by the business or businesses being contacted which are consumed during the meeting are not a gift under section 68B.2, subsection 9, or this section.
 - 3) The public official or public employee plays a significant role in the presentation to the business or businesses on behalf of the public official's or public employee's agency.
- q) Gifts other than food, beverages, travel, and lodging received by a public official or public employee which are received from a person who is a citizen of a country other than the United States and are given during a ceremonial presentation or as a result of a custom of the other country and are of personal value only to the donee.
- r) Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food,

drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

- s) Gifts of food, beverage, and entertainment received at a function where every member of the general assembly has been invited to attend, when the function takes place during a regular session of the general assembly. A sponsor of a function under this paragraph shall file a registration prior to the function taking place identifying the sponsor and the date, time, and location of the function. The registration shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board. After a function takes place, the sponsor of the function shall file a report disclosing the total amount expended, including in-kind expenditures, on food, beverage, and entertainment for the function. The report shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board within twenty-eight calendar days following the date of the function.
5. For purposes of determining the value of an item given or received, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose behalf the item is given and the value of an item received shall be the value actually received by the donee.
 6. A gift shall not be considered to be received by a public official or public employee if the state is the donee of the gift and the public official or public employee is required to receive the gift on behalf of the state as part of the performance of the person's duties of office or employment.
 7. A person shall not request, and a member of the general assembly shall not agree, that a member of the general assembly sell tickets for a community-related social event that is to be held for members of the general assembly in Polk county during the legislative session. This section shall not apply to Polk county or city of Des Moines events that are open to the public generally or are held only for Polk county or city of Des Moines legislators.
 8. Except as otherwise provided in subsection 4, an organization or association which has as one of its purposes the encouragement of the passage, defeat, introduction, or modification of legislation shall not give and a member of the general assembly shall not receive food, beverages, registration, or scheduled entertainment with a per person value in excess of three dollars.

General 2.04

City Vehicles			
<i>Scope:</i>	All city employees.	<i>Effective Date:</i>	01/09/92

General Policy
It is the policy of the City of Marion to assure that city-owned vehicles are not used for private or unauthorized purposes, and that they are maintained in good working order.

Provisions:
<ol style="list-style-type: none">1) City-owned vehicles shall not be used for private or unauthorized purposes.2) Employees shall be responsible for the care and conservation of city-owned vehicles and shall report promptly accidents, breakdowns, or malfunctioning of any unit in order that necessary repairs may be made.3) City-owned vehicles are to be taken home only in cases where the employee is subject to emergency calls during off-duty hours as authorized by the department head or city manager, or as determined by the city manager.4) In using the city's vehicular equipment, employees shall observe all traffic laws and safety rules.5) Employees authorized by a department head or the city manager may drive a city-owned vehicle if they have a valid driver's license. The driver's license must be appropriate for the vehicle being driven. City employees who drive a city-owned vehicle must be eligible for insurance coverage as determined by the city's insurance carrier. City employees who drive a city-owned vehicle must have a valid driver's license appropriate for the vehicle being driven.6) City-owned vehicles shall not be operated by persons who are not city employees except in emergency situations or as authorized by the city manager. In an emergency situation, authorization must be given by an employee as agent for the city to the person driving the city-owned vehicle. No person shall operate a city-owned vehicle unless that person has a valid driver's license appropriate for the vehicle being driven.

General 2.05

Vehicle Safety Policy

Scope:

All city employees who operate a motor vehicle on city business.

Effective Date:

8/4/05

General Policy

It is the policy of the City of Marion to establish guidelines and procedures to be followed to protect the safety of individuals operating any motor vehicle on city business.

Provisions:

- 1) Drivers are required to:
 - a. Read, understand and follow the provisions of this policy.
 - b. Maintain a valid drivers license and adhere to license restrictions. Employees who are required by their job description to have a Commercial Drivers License (CDL) shall maintain the appropriate class of CDL license with appropriate endorsements and restrictions as set forth in the job description.
 - c. Report all moving violation convictions (on- or off-duty) to their department head. Moving violations received while on duty shall be reported immediately to their supervisor. Moving violations (after convictions or pleading guilty) received while off duty shall be reported to their department head within two (2) employee working days of receiving such violation.
- 2) Department Heads are required to:
 - a. Ensure that the Vehicle Safety Program Acknowledgement form is signed by each driver and forwarded to the City Manager to be kept in the employee's personnel file.
 - b. Ensure that all accident reports are completed for all accidents and forward in accordance with city Safety Policies.
 - c. Take appropriate action with respect to "High Risk Drivers" as set forth in these policies, in consultation with City Manager.
- 3) City Manager shall:
 - a. Be responsible for assuring implementation of and compliance with Vehicle Safety Policies.
 - b. Provide for obtaining and evaluating Driving Records to identify "High Risk Drivers".
- 4) An employee shall not be assigned or allowed to use a motor vehicle on city business, if:
 - a. The employee does not have a valid operator's license issued by the State of Iowa; or
 - b. The employee possesses licenses from more than one state; or
 - c. The drivers license is suspended or revoked.
- 5) An employee is subject to termination if his/her license is revoked and/or suspended (including temporary suspension) if the employee's job description requires the employee to drive and/or possess a valid drivers license (including Commercial Drivers License).
- 6) Employees who receive reimbursement from the city for use of personal vehicles for city business shall provide on an annual basis to the City Manager proof of automobile liability insurance limits of at least \$100,000 per person, \$300,000 per accident and \$100,000 property damage. Such employees shall maintain their vehicle in safe operating condition.
 - a. Use of a personal motorcycle for city business is prohibited.

- 7) Department heads shall comply with the following procedures regarding employee “driver” applicants for employment with the City for positions involving operating motor vehicles on city business.
 - a. The department head shall request a Driving Record regarding the applicant. The department head shall carefully consider the driving record in making a hiring decision. In general, an applicant shall not be hired if their Driving Record indicates the applicant is a “High Risk Driver”.
 - b. If a position is offered to an applicant identified as a “High Risk Driver”, employment shall be conditioned only upon a probationary basis.
 - c. If an existing employee is changing from a non-driving position to a position requiring driving on city business, the employee’s driving record shall be evaluated on the same basis as set forth in Sections 6.a and b above.
- 8) The City Manager will obtain driving records on an annual basis for all existing “drivers”. In addition, the city maintains the right to conduct periodic and random review of driving records at its discretion.
- 9) Employees shall be suspended from driving privileges (which may result in termination if the job description requires driving), and applicants for employment shall not be hired, if they have any of the following:
 - a. Felony conviction involving a vehicle.
 - b. Leaving the scene of an accident as defined by state law.
- 10) A “driver” will be classified as a “High Risk Driver” if the driver has one or more of the following within the immediate preceding three-year period.
 - a. Conviction for an alcohol and/or drug related driving offense.
 - b. Refusal to submit to a Blood Alcohol Content (BAC) test.
 - c. Conviction for reckless driving.
 - d. Three or more moving violations (on- or off-duty) (if an incident involves more than one violation, only the most severe violation shall be counted under this provision), or avoidable accidents on city business involving property damage valued at \$2,000 or more.
 - e. Suspension, revocation or administrative restriction of operator’s license.
 - f. At-fault in a fatal accident.

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- 11) If an employee is identified as a “High Risk Driver”, the employee shall be placed on probation until such time as the employee no longer qualifies as a “High Risk Driver” per Section 9 above. Terms of probation may include additional driver training, referral to the Employee Assistance Program or other stipulations, operating limitations or other conditions as deemed appropriate by the employee’s department head.

An employee on probation may lose driving privileges if the employee commits any single repeat violation or an additional violation as described in Section 10, or any terms of probation are violated. The loss of driving privileges may result in termination if the employee’s job description involves driving.

- 12) Drivers are required to notify their supervisor immediately when:
 - a. Any illness, injury, physical condition or use of medication may impair or affect their ability to safely drive a motor vehicle.
 - b. They receive a suspension, revocation or administrative restriction of the driver’s operating license. If this occurs, the driver must also immediately discontinue use of the motor vehicle.
- 13) Definitions of Terms – In the context of this policy, the following definitions shall be used:

General 2.05



Accident – Any accident involving a motor vehicle that results in bodily injury or property damage.

At-Fault Accident – An accident involving \$2,000 or more in property damage where the driver has been convicted of or pled guilty to a moving violation issued by a law enforcement officer.

Avoidable Accident – An accident involving \$2,000 or more in property damage in which the City Accident Investigation Committee determines to be avoidable, or which the city or its insurance company pays more than 50% of the liability claim(s) related to the accident. An accident involving a public safety vehicle operating in emergency response mode or snow/ice removal equipment involved in active snow/ice removal operations will not be considered avoidable if the vehicle or equipment is operated in conformance with department policy.

City Vehicle – A motor vehicle owned or leased by the city including a temporary replacement vehicle.

Driver – An employee assigned to or who operates a motor vehicle on city business.

Driving Record – A document obtained from the Iowa Department of Transportation providing information on motor vehicle violations, accidents and license status of a specific driver.

High Risk Driver – Any driver on probation or suspension or who's driving history meets the criteria in Section 10 this policy.

Moving Violation – Any conviction of traffic code violation recognized by the Iowa Department of Transportation as a moving violation.

Non-City Vehicle – Any motor vehicle used on city business but not provided by the city, including privately owned, leased or rented vehicles.

On-Duty City Business – State Workers Compensation regulations shall be the basis of determining on duty city business.

14) Effective Date – These policies shall take effect on September 1, 2005. The provisions of these polices shall be applied prospectively.

General 2.05

Travel Regulations

Scope:

All city employees and elected officials.

Effective Date:

11/02/06

General Policy

Upon occasion, city employees may be called upon to travel out of town at city expense while conducting official business. City employees are expected to exercise the same care in incurring expenses that they would if traveling on personal business.

Provisions:

- 1) All out-of-town travel and expenses incurred by city employees shall be approved in advance of departure by the responsible department head and/or city manager. Approval by the department head must be contingent on the fact that the cost of the travel is within the proper budgeted line items.

Travel within the Cedar Rapids/Marion area or one day travel within the State of Iowa requires only department head approval. Travel for more than one day or outside the state of Iowa requires city manager approval.

The travel approval shall be requested on a travel request form submitted to the city manager. The original copy will be returned to the requesting employee and represents the authority to travel. The original must be kept to be used for reimbursement of appropriate expenses.

- 2) After receiving travel approval, the employee may receive a travel advance by submitting a copy of the approval to the city clerk's office and signing the required receipt. Travel advances must be approved by the city manager. Any unused travel advance must be returned to the city clerk on the first work day back from the approved travel. A request for reimbursement of travel expenses covered by the travel advance must be prepared and submitted within five (5) working days of return. Failure by a department or an individual to adhere to these requirements can result in loss of travel advance privileges.

Travel advances must be kept to a minimum whenever possible. Prepayment of registration fees, use of travel bureaus, and billing of the city for expenses are authorized and encouraged to keep travel advances to a minimum.

- 3) Approved air travel shall be at coach or tourist class when available. The use of the employee's personal car for trips outside the metropolitan area may be authorized by the approving authority. The allowance for such use shall be at the rate set forth by the State of Iowa and IRS regulations unless otherwise mutually agreed to by the employee and department head. The route shall be by the most direct route possible. In approving the use of a personal car in long distance travel the approving authority shall take into account travel time, cost and convenience of the employee. In no case shall the reimbursement for the use of a personal car exceed the amount of a round-trip airfare at coach or tourist rate, if available.

Car rental may be authorized when other forms of transportation are not available, when rental is less expensive than other forms of transportation or when it is the most convenient and effective means of transportation.

Use of a city-owned car may be authorized when it appears to be the appropriate means of travel. Overnight use of city owned vehicles requires the approval of the department head.

- 4) Employees will be reimbursed for necessary and approved travel expenses. Employees required to use their personal vehicle for city business shall be reimbursed at the rate set forth by the State of Iowa and IRS regulations.

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Requests for reimbursement of travel expense must be reviewed and approved by the appropriate department head. Such approval must be noted on the claim before submittal to the city clerk for processing. The department head shall make submittal to the city clerk for processing. The department head shall make certain that the reimbursement request form is properly filled out and all documentation is attached before approving payment.

All travel claims and reimbursement requests will be processed through the finance director and must be approved by the department head and city manager.

If the spouse of an employee accompanies the employee on approved travel, the employee must pay for all additional costs of transportation, meals, registration, and any lodging costs over and above the single rate.

- 5) Employees will be reimbursed for meals and incidental expenses related to authorized travel based on the "M&IE Rate" column of the "Per Diem Allowances" table as published in the most current edition of the U.S. Master Tax Guide. The finance director will advise Departments as to the current per diem rate for specific locations.

Where travel involves less than a full day, or in such situations where meals are provided as part of the conference registration, the "M&IE Rate" will be adjusted accordingly: 1/6 (16.67%) for breakfast, 1/3 (33.33%) for lunch, 1/2 (50%) for dinner. Employees will be eligible for breakfast allowance if travel commences before 7:00 a.m.; employees will be eligible for dinner if the employee's return to Marion is after 6:00 p.m.

- 6) Employees will not be reimbursed for any funds spent on alcoholic beverages.
- 7) Certain employees may by resolution of the City Council by authorized credit cards for the purpose of incurring travel expenses. The following rules shall apply to the use of such credit cards:
 - a. Credit cards shall only be used by the employee to whom such credit card was issued. Department heads to whom credit cards have been issued may use such card for payment of travel expenses for employees in their department.
 - b. The City Clerk shall retain control of all credit cards. The City Clerk shall not provide an employee with their credit card unless approved by the City Manager. (Such approval shall normally be requested in conjunction with the submission of the Travel Request Form.)
 - c. The City Manager may authorize the use of the credit card for local expenses on a case-by-case basis.
 - d. The use of the City credit card shall only be used for expenses while conducting official business. The credit card shall not be used for personal items. In the case where official use and personal use of the card cannot reasonably be separated (for example, on a hotel bill in which the employee had a personal phone call), the employee shall reimburse the City in full within three (3) calendar days upon his/her return to work.

CHAPTER 22

EXAMINATION OF PUBLIC RECORDS (OPEN RECORDS)

Referred to in §2.42, §7C.13, §8C.4, §8C.5, §10A.105, §11.42, §15.106A, §15.107C, §15.118, §15.318, §15E.46, §16.2D, §21.10, §23.1, §23.2, §23.5, §23.6, §23.7, §23.8, §23.10, §23.11, §23B.3, §28A.9, §28E.6, §28F.13, §28J.28, §28N.2, §39A.4, §80F.1, §87.11, §88.6, §88.16, §91.12, §97A.5, §97B.17, §99F.12, §99G.4, §99G.10, §99G.34, §99G.35, §100C.3, §101A.2, §103A.17, §135.43, §135.156E, §137.109, §144.43, §159.34, §162.2A, §162.10C, §183A.5, §203.16, §203C.24, §231B.2, §231C.3, §235A.15, §235B.6, §235D.1, §235E.2, §237.18, §237.21, §252B.9, §252B.24, §252J.2, §256F.4, §256F.10, §256H.2, §256L.7, §261B.6, §261E.9, §266.46, §266.47, §272D.2, §279.16, §279.24, §279.38, §279.38A, §279.62, §321.491, §321A.3, §321N.2, §331.210A, §331.303, §331.399, §331.909, §358C.12, §388.10, §411.5, §421.17, §421.48, §455B.105, §455B.117, §455B.179, §455K.4, §459.304, §459.312, §466.7, §473.7, §480.3, §502.607, §502A.15, §505.8, §505.17, §507.10, §507.14, §507A.4, §507C.11, §507E.5, §508.36, §508C.12, §508C.13, §508C.18A, §508D.9, §508E.6, §508E.7, §508E.15, §510B.3, §513B.7, §515B.10, §516E.18, §518C.11, §521A.7, §521C.3, §521E.8, §521F.9, §521H.6, §522.8, §522B.14, §523A.801, §523I.201, §523I.202, §523I.213A, §524.215, §529.2, §533.108, §533.501, §533A.10, §533C.507, §535B.10, §535D.15, §536.10, §536A.15, §543B.15, §554.9523, §602.2103, §633A.5107, §679C.106, §679C.108, §685.2, §685.6, §692.18, §714.24, §715A.9A, §904.602, §915.12

22.1 Definitions. 22.8 Injunction to restrain examination.
22.2 Right to examine public records — exceptions. 22.9 Denial of federal funds — rules.
22.3 Supervision — fees. 22.10 Civil enforcement.
22.3A Access to data processing software. 22.11 Fair information practices.
22.4 Hours when available. 22.12 Political subdivisions.
22.5 Enforcement of rights. 22.13 Settlements — government bodies.
22.6 Penalty. Repealed by 2011 Acts, ch 106, §16, 17. 22.14 Public funds investment records in custody of third parties.
22.7 Confidential records.

22.1 Definitions.

1. The term "government body" means this state, or any county, city, township, school corporation, political subdivision, tax-supported district, nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D; the governing body of a drainage or levee district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized; or other entity of this state, or any branch, department, board, bureau, commission, council, committee, official, or officer of any of the foregoing or any employee delegated the responsibility for implementing the requirements of this chapter.

2. The term "lawful custodian" means the government body currently in physical possession of the public record. The custodian of a public record in the physical possession of persons outside a government body is the government body owning that record. The records relating to the investment of public funds are the property of the public body responsible for the public funds. Each government body shall delegate to particular officials or employees of that government body the responsibility for implementing the requirements of this chapter and shall publicly announce the particular officials or employees to whom responsibility for implementing the requirements of this chapter has been delegated. "Lawful custodian" does not mean an automated data processing unit of a public body if the data processing unit holds the records solely as the agent of another public body, nor does it mean a unit which holds the records of other public bodies solely for storage.

3. a. As used in this chapter, "public records" includes all records, documents, tape, or other information, stored or preserved in any medium, of or belonging to this state or any county, city, township, school corporation, political subdivision, nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D, or tax-supported district in this state, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing.

b. "Public records" also includes all records relating to the investment of public funds including but not limited to investment policies, instructions, trading orders, or contracts,

whether in the custody of the public body responsible for the public funds or a fiduciary or other third party.

[C71, 73, 75, 77, 79, 81, §68A.1]

84 Acts, ch 1145, §1; 84 Acts, ch 1185, §1

C85, §22.1

90 Acts, ch 1271, §702; 91 Acts, ch 258, §27; 92 Acts, ch 1156, §6, 7; 2004 Acts, ch 1019, §2; 2005 Acts, ch 19, §15, 126; 2009 Acts, ch 132, §2; 2009 Acts, ch 179, §32; 2010 Acts, ch 1061, §180

Referred to in §8A.101, §23.2, §455B.117, §543E.5, §721.1

22.2 Right to examine public records — exceptions.

1. Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record. Unless otherwise provided for by law, the right to examine a public record shall include the right to examine a public record without charge while the public record is in the physical possession of the custodian of the public record. The right to copy a public record shall include the right to make photographs or photographic copies while the public record is in the possession of the custodian of the public record. All rights under [this section](#) are in addition to the right to obtain a certified copy of a public record under [section 622.46](#).

2. A government body shall not prevent the examination or copying of a public record by contracting with a nongovernment body to perform any of its duties or functions.

3. However, notwithstanding [subsections 1 and 2](#), a government body is not required to permit access to or use of the following:

a. A geographic computer database by any person except upon 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. Data processing software developed by the government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body, as provided in [section 22.3A](#).

[C71, 73, 75, 77, 79, 81, §68A.2]

84 Acts, ch 1185, §2

C85, §22.2

89 Acts, ch 189, §1; 96 Acts, ch 1099, §14; 98 Acts, ch 1224, §17; 2015 Acts, ch 42, §1

Referred to in §8A.106, §8A.341, §22.14, §68B.32A, §303.19, §331.608, §357A.11A, §388.9, §388.9A, §459.304, §459A.208, §904.602

22.3 Supervision — fees.

1. The examination and copying of public records shall be done under the supervision of the lawful custodian of the records or the custodian's authorized designee. The lawful custodian shall not require the physical presence of a person requesting or receiving a copy of a public record and shall fulfill requests for a copy of a public record received in writing, by telephone, or by electronic means. Fulfillment of a request for a copy of a public record may be contingent upon receipt of payment of expenses to be incurred in fulfilling the request and such estimated expenses shall be communicated to the requester upon receipt of the request. The lawful custodian may adopt and enforce reasonable rules regarding the examination and copying of the records and the protection of the records against damage or disorganization. The lawful custodian shall provide a suitable place for the examination and copying of the records, but if it is impracticable to do the examination and copying of the records in the office of the lawful custodian, the person desiring to examine or copy shall pay any necessary expenses of providing a place for the examination and copying.

2. All expenses of the examination and copying shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian's authorized designee in supervising the examination and copying of the records. If copy equipment is available at the office of the lawful custodian of any public records, the lawful custodian shall provide any person a reasonable number of copies of any public record in the custody of the office upon the payment of a fee. The fee for

the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those expenses directly attributable to supervising the examination of and making and providing copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian.

[C71, 73, 75, 77, 79, 81, §68A.3]

C85, §22.3

2001 Acts, ch 44, §2; 2005 Acts, ch 103, §1; 2006 Acts, ch 1010, §14

Referred to in §2.42, §8A.341, §321.11, §483A.22A

22.3A Access to data processing software.

1. As used in [this section](#):

a. “Access” means the instruction of, communication with, storage of data in, or retrieval of data from a computer.

b. “Computer” means an electronic device which performs logical, arithmetical, and memory functions by manipulations of electronic or magnetic impulses, and includes all input, output, processing, storage, and communication facilities which are connected or related to the computer including a computer network. As used in this paragraph, “computer” includes any central processing unit, front-end processing unit, miniprocessor, or microprocessor, and related peripheral equipment such as data storage devices, document scanners, data entry terminal controllers, and data terminal equipment and systems for computer networks.

c. “Computer network” means a set of related, remotely connected devices and communication facilities including two or more computers with capability to transmit data among them through communication facilities.

d. “Data” means a representation of information, knowledge, facts, concepts, or instructions that has been prepared or is being prepared in a formalized manner and has been processed, or is intended to be processed, in a computer. Data may be stored in any form, including but not limited to a printout, magnetic storage media, disk, compact disc, punched card, or as memory of a computer.

e. “Data processing software” means an ordered set of instructions or statements that, when executed by a computer, causes the computer to process data, and includes any program or set of programs, procedures, or routines used to employ and control capabilities of computer hardware. As used in this paragraph “data processing software” includes but is not limited to an operating system, compiler, assembler, utility, library resource, maintenance routine, application, computer networking program, or the associated documentation.

2. a. A government body may provide, restrict, or prohibit access to data processing software developed by the government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body, regardless of whether the data processing software is separated or combined with a public record. A government body shall establish policies and procedures to provide access to public records which are combined with its data processing software. A public record shall not be withheld from the public because it is combined with data processing software.

b. A government body shall not acquire any electronic data processing system for the storage, manipulation, or retrieval of public records that would impair the government body’s ability to permit the examination of a public record and the copying of a public record in either written or electronic form.

c. If a public record is only available as a part of or in combination with data processing software in order to permit the examination or copying of the public record, the government body shall bear the cost of separation of the public record from the data processing software.

d. An electronic public record shall be made available in the format in which it is readily accessible to the government body if that format is useable with commonly available data processing or database management software. The government body may make a public record available in a specific format requested by a person that is different from that in which the public record is readily accessible to the government body and may charge the reasonable

costs of any required processing, programming, or other work required to produce the public record in the specific format in addition to any other costs allowed under [this chapter](#).

e. The cost chargeable to a person receiving a public record separated from data processing software under [this subsection](#) shall not be in excess of the charge under [this chapter](#) unless the person receiving the public record requests that the public record be specially processed or produced in a format different from that in which the public record is readily accessible to the government body.

f. A government body may establish payment rates and procedures required to provide access to data processing software, regardless of whether the data processing software is separated from or combined with a public record. Proceeds from payments may be considered repayment receipts, as defined in [section 8.2](#). The payment amount shall be calculated as follows:

(1) The amount charged for access to a public record shall be not more than that required to recover direct publication costs, including but not limited to editing, compilation, and media production costs, incurred by the government body in developing the data processing software and preparing the data processing software for transfer to the person. The amount shall be in addition to any other fee required to be paid under [this chapter](#) for the examination and copying of a public record. If a person accesses a public record stored in an electronic format that does not require formatting, editing, or compiling to access the public record, the charge for providing the accessed public record shall not exceed the reasonable cost of accessing that public record. The government body shall, if requested, provide documentation which explains and justifies the amount charged. This subparagraph shall not apply to any publication for which a price has been established pursuant to another section, including [section 2A.5](#).

(2) If access to the data processing software is provided to a person for a purpose other than provided in subparagraph (1), the amount may be established according to the discretion of the government body, and may be based upon competitive market considerations as determined by the government body.

3. A government body is granted and may apply for and receive any legal protection necessary to secure a right to or an interest in data processing software developed by the government body, including but not limited to federal copyright, patent, and trademark protections, and any trade secret protection available under [chapter 550](#). The government body may enter into agreements for the sale or distribution of its data processing software, including marketing and licensing agreements. The government body may impose conditions upon the use of the data processing software that is otherwise consistent with state and federal law.

[96 Acts, ch 1099, §15; 98 Acts, ch 1224, §18; 99 Acts, ch 207, §12; 2003 Acts, ch 35, §38, 49; 2011 Acts, ch 127, §45, 89; 2015 Acts, ch 42, §2](#)

Referred to in [§8A.341, §8B.32, §22.2, §22.7, §169A.1](#)

22.4 Hours when available.

The rights of persons under [this chapter](#) may be exercised at any time during the customary office hours of the lawful custodian of the records. However, if the lawful custodian does not have customary office hours of at least thirty hours per week, such right may be exercised at any time from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m. Monday through Friday, excluding legal holidays, unless the person exercising such right and the lawful custodian agree on a different time.

[C71, 73, 75, 77, 79, 81, §68A.4]

[84 Acts, ch 1185, §3](#)

C85, §22.4

Referred to in [§8A.341](#)

22.5 Enforcement of rights.

The provisions of [this chapter](#) and all rights of persons under [this chapter](#) may be enforced by mandamus or injunction, whether or not any other remedy is also available. In the alternative, rights under [this chapter](#) also may be enforced by an action for judicial review

according to the provisions of the Iowa administrative procedure Act, [chapter 17A](#), if the records involved are records of an “agency” as defined in that Act.

[C71, 73, 75, 77, 79, 81, §68A.5]

[84 Acts, ch 1185, §4](#)

C85, §22.5

[2003 Acts, ch 44, §114](#)

Referred to in [§8A.341](#)

22.6 Penalty. Repealed by 2011 Acts, ch 106, §16, 17.

22.7 Confidential records.

The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:

1. Personal information in records regarding a student, prospective student, or former student maintained, created, collected or assembled by or for a school corporation or educational institution maintaining such records. [This subsection](#) shall not be construed to prohibit a postsecondary education institution from disclosing to a parent or guardian information regarding a violation of a federal, state, or local law, or institutional rule or policy governing the use or possession of alcohol or a controlled substance if the child is under the age of twenty-one years and the institution determines that the student committed a disciplinary violation with respect to the use or possession of alcohol or a controlled substance regardless of whether that information is contained in the student’s education records. [This subsection](#) shall not be construed to prohibit a school corporation or educational institution from transferring student records electronically to the department of education, an accredited nonpublic school, an attendance center, a school district, or an accredited postsecondary institution in accordance with [section 256.9, subsection 44](#).

2. Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of a patient or former patient or a counselee or former counselee, including outpatient. However, confidential communications between a crime victim and the victim’s counselor are not subject to disclosure except as provided in [section 915.20A](#). However, the Iowa department of public health shall adopt rules which provide for the sharing of information among agencies and providers concerning the maternal and child health program including but not limited to the statewide child immunization information system, while maintaining an individual’s confidentiality.

3. Trade secrets which are recognized and protected as such by law.

4. Records which represent and constitute the work product of an attorney, which are related to litigation or claim made by or against a public body.

5. Peace officers’ investigative reports, and specific portions of electronic mail and telephone billing records of law enforcement agencies if that information is part of an ongoing investigation, except where disclosure is authorized elsewhere in this Code. However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under [this section](#), except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual. Specific portions of electronic mail and telephone billing records may only be kept confidential under [this subsection](#) if the length of time prescribed for commencement of prosecution or the finding of an indictment or information under the statute of limitations applicable to the crime that is under investigation has not expired.

6. Reports to governmental agencies which, if released, would give advantage to competitors and serve no public purpose.

7. Appraisals or appraisal information concerning the sale or purchase of real or personal property for public purposes, prior to the execution of any contract for such sale or the submission of the appraisal to the property owner or other interest holders as provided in [section 6B.45](#).

8. Economic development authority information on an industrial prospect with which the authority is currently negotiating.

9. Criminal identification files of law enforcement agencies. However, records of current and prior arrests and criminal history data shall be public records.

10. A claim for compensation and reimbursement for legal assistance and supporting documents submitted to the state public defender for payment from the indigent defense fund established in [section 815.11](#), as provided in [section 13B.4B](#).

11. a. Personal information in confidential personnel records of government bodies relating to identified or identifiable individuals who are officials, officers, or employees of the government bodies. However, the following information relating to such individuals contained in personnel records shall be public records:

(1) The name and compensation of the individual including any written agreement establishing compensation or any other terms of employment excluding any information otherwise excludable from public information pursuant to [this section](#) or any other applicable provision of law. For purposes of this paragraph, “*compensation*” means payment of, or agreement to pay, any money, thing of value, or financial benefit conferred in return for labor or services rendered by an official, officer, or employee plus the value of benefits conferred including but not limited to casualty, disability, life, or health insurance, other health or wellness benefits, vacation, holiday, and sick leave, severance payments, retirement benefits, and deferred compensation.

(2) The dates the individual was employed by the government body.

(3) The positions the individual holds or has held with the government body.

(4) The educational institutions attended by the individual, including any diplomas and degrees earned, and the names of the individual’s previous employers, positions previously held, and dates of previous employment.

(5) The fact that the individual was discharged as the result of a final disciplinary action upon the exhaustion of all applicable contractual, legal, and statutory remedies.

b. Personal information in confidential personnel records of government bodies relating to student employees shall only be released pursuant to 20 U.S.C. §1232g.

12. Financial statements submitted to the department of agriculture and land stewardship pursuant to [chapter 203](#) or [chapter 203C](#), by or on behalf of a licensed grain dealer or warehouse operator or by an applicant for a grain dealer license or warehouse license.

13. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library. The records shall be released to a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.

14. The material of a library, museum or archive which has been contributed by a private person to the extent of any limitation that is a condition of the contribution.

15. Information concerning the procedures to be used to control disturbances at adult correctional institutions. Such information shall also be exempt from public inspection under [section 17A.3](#). As used in [this subsection](#) disturbance means a riot or a condition that can reasonably be expected to cause a riot.

16. Information in a report to the Iowa department of public health, to a local board of health, or to a local health department, which identifies a person infected with a reportable disease.

17. Records of identity of owners of public bonds or obligations maintained as provided in [section 76.10](#) or by the issuer of the public bonds or obligations. However, the issuer of the public bonds or obligations and a state or federal agency shall have the right of access to the records.

18. Communications not required by law, rule, procedure, or contract that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged

from making them to that government body if they were available for general public examination. As used in [this subsection](#), “*persons outside of government*” does not include persons or employees of persons who are communicating with respect to a consulting or contractual relationship with a government body or who are communicating with a government body with whom an arrangement for compensation exists. Notwithstanding this provision:

a. The communication is a public record to the extent that the person outside of government making that communication consents to its treatment as a public record.

b. Information contained in the communication is a public record to the extent that it can be disclosed without directly or indirectly indicating the identity of the person outside of government making it or enabling others to ascertain the identity of that person.

c. Information contained in the communication is a public record to the extent that it indicates the date, time, specific location, and immediate facts and circumstances surrounding the occurrence of a crime or other illegal act, except to the extent that its disclosure would plainly and seriously jeopardize a continuing investigation or pose a clear and present danger to the safety of any person. In any action challenging the failure of the lawful custodian to disclose any particular information of the kind enumerated in this paragraph, the burden of proof is on the lawful custodian to demonstrate that the disclosure of that information would jeopardize such an investigation or would pose such a clear and present danger.

19. Examinations, including but not limited to cognitive and psychological examinations for law enforcement officer candidates administered by or on behalf of a governmental body, to the extent that their disclosure could reasonably be believed by the custodian to interfere with the accomplishment of the objectives for which they are administered.

20. Information concerning the nature and location of any archaeological resource or site if, in the opinion of the state archaeologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. [This subsection](#) shall not be construed to interfere with the responsibilities of the federal government or the state historic preservation officer pertaining to access, disclosure, and use of archaeological site records.

21. Information concerning the nature and location of any ecologically sensitive resource or site if, in the opinion of the director of the department of natural resources after consultation with the state ecologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. [This subsection](#) shall not be construed to interfere with the responsibilities of the federal government or the director of the department of natural resources and the state ecologist pertaining to access, disclosure, and use of the ecologically sensitive site records.

22. Reports or recommendations of the Iowa insurance guaranty association filed or made pursuant to [section 515B.10, subsection 1](#), paragraph “a”, subparagraph (2).

23. Information or reports collected or submitted pursuant to [section 508C.12, subsections 3 and 5](#), and [section 508C.13, subsection 2](#), except to the extent that release is permitted under those sections.

24. Reserved.

25. Financial information, which if released would give advantage to competitors and serve no public purpose, relating to commercial operations conducted or intended to be conducted by a person submitting records containing the information to the department of agriculture and land stewardship for the purpose of obtaining assistance in business planning.

26. Applications, investigation reports, and case records of persons applying for county general assistance pursuant to [section 252.25](#).

27. Marketing and advertising budget and strategy of a nonprofit corporation which is subject to [this chapter](#). However, this exemption does not apply to salaries or benefits of employees who are employed by the nonprofit corporation to handle the marketing and advertising responsibilities.

28. The information contained in records of the centralized employee registry created in [chapter 252G](#), except to the extent that disclosure is authorized pursuant to [chapter 252G](#).

29. Records and information obtained or held by independent special counsel during the course of an investigation conducted pursuant to [section 68B.31A](#). Information that is disclosed to a legislative ethics committee subsequent to a determination of probable cause by independent special counsel and made pursuant to [section 68B.31](#) is not a confidential record unless otherwise provided by law.

30. Information contained in a declaration of paternity completed and filed with the state registrar of vital statistics pursuant to [section 144.12A](#), except to the extent that the information may be provided to persons in accordance with [section 144.12A](#).

31. Memoranda, work products, and case files of a mediator and all other confidential communications in the possession of a mediator, as provided in [chapters 86](#) and [216](#). Information in these confidential communications is subject to disclosure only as provided in [sections 86.44](#) and [216.15B](#), notwithstanding any other contrary provision of [this chapter](#).

32. Social security numbers of the owners of unclaimed property reported to the treasurer of state pursuant to [section 556.11, subsection 2](#), included on claim forms filed with the treasurer of state pursuant to [section 556.19](#), included in outdated warrant reports received by the treasurer of state pursuant to [section 556.2C](#), or stored in record systems maintained by the treasurer of state for purposes of administering [chapter 556](#), or social security numbers of payees included on state warrants included in records systems maintained by the department of administrative services for the purpose of documenting and tracking outdated warrants pursuant to [section 556.2C](#).

33. Data processing software, as defined in [section 22.3A](#), which is developed by a government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body.

34. A record required under the Iowa financial transaction reporting Act listed in [section 529.2, subsection 9](#).

35. Records of the Iowa department of public health pertaining to participants in the gambling treatment program except as otherwise provided in [this chapter](#).

36. Records of a law enforcement agency or the state department of transportation regarding the issuance of a driver's license under [section 321.189A](#).

37. Mediation communications as defined in [section 679C.102](#), except written mediation agreements that resulted from a mediation which are signed on behalf of a governing body. However, confidentiality of mediation communications resulting from mediation conducted pursuant to [chapter 216](#) shall be governed by [chapter 216](#).

38. *a.* Records containing information that would disclose, or might lead to the disclosure of, private keys used in an electronic signature or other similar technologies as provided in [chapter 554D](#).

b. Records which if disclosed might jeopardize the security of an electronic transaction pursuant to [chapter 554D](#).

39. Information revealing the identity of a packer or a person who sells livestock to a packer as reported to the department of agriculture and land stewardship pursuant to [section 202A.2](#).

40. The portion of a record request that contains an internet protocol number which identifies the computer from which a person requests a record, whether the person using such computer makes the request through the IowaAccess network or directly to a lawful custodian. However, such record may be released with the express written consent of the person requesting the record.

41. *a.* Medical examiner records and reports, including preliminary reports, investigative reports, and autopsy reports.

b. Notwithstanding paragraph "a", the following shall be released as follows:

(1) Medical examiner-authored records and reports, including preliminary reports, investigative reports, and autopsy reports, shall be released to a law enforcement agency that is investigating the death, upon the request of the law enforcement agency.

(2) Preliminary reports of investigations by the medical examiner and autopsy reports for a decedent by whom an anatomical gift was made in accordance with [chapter 142C](#) shall be released to a procurement organization as defined in [section 142C.2](#), upon the request of such

procurement organization, unless such disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

(3) Autopsy reports shall be released to the decedent's immediate next of kin, upon the request of the decedent's immediate next of kin, unless disclosure to the decedent's immediate next of kin would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

c. Information regarding the cause and manner of death shall not be kept confidential under [this subsection](#), unless disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

42. Information obtained by the commissioner of insurance in the course of an investigation as provided in [section 523C.23](#).

43. Information obtained by the commissioner of insurance pursuant to [section 502.607](#).

44. Information provided to the court and state public defender pursuant to [section 13B.4, subsection 5](#); [section 814.11, subsection 7](#); or [section 815.10, subsection 5](#).

45. The critical asset protection plan or any part of the plan prepared pursuant to [section 29C.8](#) and any information held by the department of homeland security and emergency management that was supplied to the department by a public or private agency or organization and used in the development of the critical asset protection plan to include, but not be limited to, surveys, lists, maps, or photographs. However, the director shall make the list of assets available for examination by any person. A person wishing to examine the list of assets shall make a written request to the director on a form approved by the director. The list of assets may be viewed at the department's offices during normal working hours. The list of assets shall not be copied in any manner. Communications and asset information not required by law, rule, or procedure that are provided to the director by persons outside of government and for which the director has signed a nondisclosure agreement are exempt from public disclosures. The department of homeland security and emergency management may provide all or part of the critical asset plan to federal, state, or local governmental agencies which have emergency planning or response functions if the director is satisfied that the need to know and intended use are reasonable. An agency receiving critical asset protection plan information from the department shall not disseminate the information without prior approval of the director.

46. Military personnel records recorded by the county recorder pursuant to [section 331.608](#).

47. A report regarding interest held in agricultural land required to be filed pursuant to [chapter 10B](#).

48. Sex offender registry records under [chapter 692A](#), except as provided in [section 692A.121](#).

49. Confidential information, as defined in [section 86.45, subsection 1](#), filed with the workers' compensation commissioner.

50. Information concerning security procedures or emergency preparedness information developed and maintained by a government body for the protection of governmental employees, visitors to the government body, persons in the care, custody, or under the control of the government body, or property under the jurisdiction of the government body, if disclosure could reasonably be expected to jeopardize such employees, visitors, persons, or property.

a. Such information includes but is not limited to information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures of a government body to attack.

b. [This subsection](#) shall only apply to information held by a government body that has adopted a rule or policy identifying the specific records or class of records to which [this subsection](#) applies and which is contained in such a record.

51. The information contained in the information program established in [section 124.551](#), except to the extent that disclosure is authorized pursuant to [section 124.553](#).

52. *a.* The following records relating to a charitable donation made to a foundation acting solely for the support of an institution governed by the state board of regents, to the board of the Iowa state fair foundation when the record relates to a gift for deposit in or expenditure from the Iowa state fairgrounds trust fund as provided in [section 173.22A](#), to a foundation acting solely for the support of an institution governed by [chapter 260C](#), to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in [section 15E.303](#), organized for the support of a government body:

(1) Portions of records that disclose a donor's or prospective donor's personal, financial, estate planning, or gift planning matters.

(2) Records received from a donor or prospective donor regarding such donor's prospective gift or pledge.

(3) Records containing information about a donor or a prospective donor in regard to the appropriateness of the solicitation and dollar amount of the gift or pledge.

(4) Portions of records that identify a prospective donor and that provide information on the appropriateness of the solicitation, the form of the gift or dollar amount requested by the solicitor, and the name of the solicitor.

(5) Portions of records disclosing the identity of a donor or prospective donor, including the specific form of gift or pledge that could identify a donor or prospective donor, directly or indirectly, when such donor has requested anonymity in connection with the gift or pledge. This subparagraph does not apply to a gift or pledge from a publicly held business corporation.

b. The confidential records described in paragraph "a", subparagraphs (1) through (5), shall not be construed to make confidential those portions of records disclosing any of the following:

(1) The amount and date of the donation.

(2) Any donor-designated use or purpose of the donation.

(3) Any other donor-imposed restrictions on the use of the donation.

(4) When a pledge or donation is made expressly conditioned on receipt by the donor, or any person related to the donor by blood or marriage within the third degree of consanguinity, of any privilege, benefit, employment, program admission, or other special consideration from the government body, a description of any and all such consideration offered or given in exchange for the pledge or donation.

c. Except as provided in paragraphs "a" and "b", portions of records relating to the receipt, holding, and disbursement of gifts made for the benefit of regents institutions and made through foundations established for support of regents institutions, including but not limited to written fund-raising policies and documents evidencing fund-raising practices, shall be subject to [this chapter](#).

d. [This subsection](#) does not apply to a report filed with the ethics and campaign disclosure board pursuant to [section 8.7](#).

53. Information obtained and prepared by the commissioner of insurance pursuant to [section 507.14](#).

54. Information obtained and prepared by the commissioner of insurance pursuant to [section 507E.5](#).

55. An intelligence assessment and intelligence data under [chapter 692](#), except as provided in [section 692.8A](#).

56. Individually identifiable client information contained in the records of the state database created as a homeless management information system pursuant to standards developed by the United States department of housing and urban development and utilized by the economic development authority.

57. The following information contained in the records of any governmental body relating to any form of housing assistance:

a. An applicant's social security number.

b. An applicant's personal financial history.

c. An applicant's personal medical history or records.

d. An applicant's current residential address when the applicant has been granted or has

made application for a civil or criminal restraining order for the personal protection of the applicant or a member of the applicant's household.

58. Information filed with the commissioner of insurance pursuant to [sections 523A.204, 523A.205, 523A.206, 523A.207, 523A.401, 523A.502A, and 523A.803](#).

59. The information provided in any report, record, claim, or other document submitted to the treasurer of state pursuant to [chapter 556](#) concerning unclaimed or abandoned property, except the name and last known address of each person appearing to be entitled to unclaimed or abandoned property paid or delivered to the treasurer of state pursuant to that chapter.

60. Information in a record that would permit a governmental body subject to [chapter 21](#) to hold a closed session pursuant to [section 21.5](#) in order to avoid public disclosure of that information, until such time as final action is taken on the subject matter of that information. Any portion of such a record not subject to [this subsection](#), or not otherwise confidential, shall be made available to the public. After the governmental body has taken final action on the subject matter pertaining to the information in that record, [this subsection](#) shall no longer apply. [This subsection](#) shall not apply more than ninety days after a record is known to exist by the governmental body, unless it is not possible for the governmental body to take final action within ninety days. The burden shall be on the governmental body to prove that final action was not possible within the ninety-day period.

61. Records of the department on aging pertaining to clients served by the office of substitute decision maker.

62. Records maintained by the department on aging or office of long-term care ombudsman that disclose the identity of a complainant, resident, tenant, or individual receiving services provided by the department on aging, an area agency on aging, or the office of long-term care ombudsman, unless disclosure is otherwise allowed under [section 231.42, subsection 12](#), paragraph "a".

63. Information obtained by the superintendent of credit unions in connection with a complaint response process as provided in [section 533.501, subsection 3](#).

64. Information obtained by the commissioner of insurance in the course of an examination of a cemetery as provided in [section 523I.213A, subsection 7](#).

65. Tentative, preliminary, draft, speculative, or research material, prior to its completion for the purpose for which it is intended and in a form prior to the form in which it is submitted for use or used in the actual formulation, recommendation, adoption, or execution of any official policy or action by a public official authorized to make such decisions for the governmental body or the government body. [This subsection](#) shall not apply to public records that are actually submitted for use or are used in the formulation, recommendation, adoption, or execution of any official policy or action of a governmental body or a government body by a public official authorized to adopt or execute official policy for the governmental body or the government body.

66. Personal information contained on electronic driver's license or nonoperator's identification card records that is provided by the licensee or card holder to the department of transportation for use by law enforcement, first responders, emergency medical service providers, and other medical personnel responding to or assisting with an emergency.

67. Electronic mail addresses of individuals or phone numbers of individuals, and personally identifiable information about those individuals, collected by state departments and agencies for the sole purpose of disseminating emergency or routine information and notices through electronic communications that are not prepared for a specific recipient.

68. Information required to be provided by a disclosing entity pursuant to 42 C.F.R. §455.104, pertaining to an individual with an ownership or control interest who is an officer or director of a nonprofit corporation.

69. The evidence of public employee support for the certification or decertification of an employee organization as defined in [section 20.3](#) that is submitted to the public employment relations board as provided in [sections 20.14 and 20.15](#).

[C71, 73, 75, 77, 79, 81, §68A.7; 81 Acts, ch 36, §1, ch 37, §1, ch 38, §1, ch 62, §4]
83 Acts, ch 90, §9; 84 Acts, ch 1014, §1; 84 Acts, ch 1185, §5, 6

C85, §22.7

85 Acts, ch 134, §16; 85 Acts, ch 175, §1; 85 Acts, ch 208, §1; 86 Acts, ch 1184, §1; 86 Acts, ch 1228, §1; 87 Acts, ch 223, §20; 88 Acts, ch 1010, §1; 88 Acts, ch 1256, §1; 89 Acts, ch 194, §1; 89 Acts, ch 304, §102; 89 Acts, ch 311, §22; 90 Acts, ch 1017, §1; 90 Acts, ch 1271, §703; 92 Acts, ch 1212, §3; 93 Acts, ch 79, §2; 93 Acts, ch 163, §27; 94 Acts, ch 1023, §76; 94 Acts, ch 1064, §1; 94 Acts, ch 1092, §1; 94 Acts, ch 1174, §1; 95 Acts, ch 100, §1; 95 Acts, ch 129, §1; 95 Acts, ch 191, §1; 96 Acts, ch 1037, §1; 96 Acts, ch 1099, §16; 96 Acts, ch 1133, §38; 96 Acts, ch 1150, §1; 96 Acts, ch 1212, §10; 97 Acts, ch 92, §1; 97 Acts, ch 159, §1; 98 Acts, ch 1062, §8, 9; 98 Acts, ch 1073, §9; 98 Acts, ch 1090, §59, 84; 99 Acts, ch 88, §1, 11, 13; 99 Acts, ch 146, §43; 2000 Acts, ch 1014, §1; 2000 Acts, ch 1140, §1; 2000 Acts, ch 1147, §27; 2000 Acts, ch 1161, §1; 2000 Acts, ch 1189, §25; 2001 Acts, ch 24, §17; 2001 Acts, ch 108, §1; 2002 Acts, ch 1038, §1; 2002 Acts, ch 1067, §13; 2002 Acts, ch 1076, §2; 2002 Acts, ch 1098, §1; 2002 Acts, ch 1117, §53, 56; 2003 Acts, ch 114, §1; 2003 Acts, ch 145, §286; 2003 Acts, ch 179, §157; 2004 Acts, ch 1091, §3; 2004 Acts, ch 1104, §4; 2004 Acts, ch 1147, §6; 2004 Acts, ch 1161, §65, 68; 2004 Acts, ch 1175, §462, 468; 2005 Acts, ch 19, §16; 2005 Acts, ch 68, §2; 2005 Acts, ch 168, §8, 23; 2006 Acts, ch 1054, §1, 2; 2006 Acts, ch 1117, §2; 2006 Acts, ch 1122, §1; 2006 Acts, ch 1127, §1; 2006 Acts, ch 1147, §1, 11; 2006 Acts, ch 1148, §1; 2006 Acts, ch 1185, §57, 58, 92; 2007 Acts, ch 37, §1; 2007 Acts, ch 62, §1; 2007 Acts, ch 126, §11; 2007 Acts, ch 175, §1; 2008 Acts, ch 1032, §201; 2008 Acts, ch 1144, §2, 12, 13; 2008 Acts, ch 1191, §34, 99; 2009 Acts, ch 23, §6; 2009 Acts, ch 48, §1; 2009 Acts, ch 119, §33; 2010 Acts, ch 1121, §1; 2011 Acts, ch 20, §3; 2011 Acts, ch 30, §1; 2011 Acts, ch 79, §2; 2011 Acts, ch 106, §8 – 10, 17; 2011 Acts, ch 118, §39, 85, 89; 2012 Acts, ch 1086, §1; 2012 Acts, ch 1115, §2, 17; 2013 Acts, ch 18, §4; 2013 Acts, ch 29, §7; 2013 Acts, ch 103, §1; 2013 Acts, ch 116, §2; 2013 Acts, ch 129, §47; 2014 Acts, ch 1136, §23; 2015 Acts, ch 42, §3; 2015 Acts, ch 60, §1; 2015 Acts, ch 128, §1, 50, 51; 2015 Acts, ch 138, §12, 161, 162; 2016 Acts, ch 1018, §1; 2016 Acts, ch 1085, §1, 3

Referred to in §2C.9, §10B.5, §15.274, §21.5, §29C.17A, §34A.7A, §68B.31, §68B.32B, §76.11, §87.11, §99G.34, §100.5, §124.553, §135.43, §135O.4, §136A.7, §147A.26, §166D.10, §173.22A, §202A.2, §203.11B, §203D.4, §206.23A, §232.149, §252G.5, §263B.10, §266.46, §266.47, §280.19A, §299A.11, §321.189A, §452A.33, §455B.117, §462A.7, §465C.14, §466B.47, §466B.49, §476.74, §477A.7, §515.103, §523A.204, §523A.205, §523A.206, §523A.207, §523A.401, §523A.502A, §523A.803, §523C.23, §556.24A, §692.8A, §692.18, §708.2B, §716.6B, §901.5B, §901C.2, §907.4, §907.9, §915.90

Future repeal of subsection 39 if substantially similar federal legislation or regulation is implemented; finding and order by secretary of agriculture; 99 Acts, ch 88, §11
NEW subsections 68 and 69

22.8 Injunction to restrain examination.

1. The district court may grant an injunction restraining the examination, including copying, of a specific public record or a narrowly drawn class of public records. A hearing shall be held on a request for injunction upon reasonable notice as determined by the court to persons requesting access to the record which is the subject of the request for injunction. It shall be the duty of the lawful custodian and any other person seeking an injunction to ensure compliance with the notice requirement. Such an injunction may be issued only if the petition supported by affidavit shows and if the court finds both of the following:

- a. That the examination would clearly not be in the public interest.
- b. That the examination would substantially and irreparably injure any person or persons.

2. An injunction shall be subject to the rules of civil procedure except that the court in its discretion may waive bond.

3. In actions brought under [this section](#) the district court shall take into account the policy of [this chapter](#) that free and open examination of public records is generally in the public interest even though such examination may cause inconvenience or embarrassment to public officials or others. A court may issue an injunction restraining examination of a public record or a narrowly drawn class of such records, only if the person seeking the injunction demonstrates by clear and convincing evidence that [this section](#) authorizes its issuance. An injunction restraining the examination of a narrowly drawn class of public records may be issued only if such an injunction would be justified under [this section](#) for every member within the class of records involved if each of those members were considered separately.

4. Good-faith, reasonable delay by a lawful custodian in permitting the examination and

copying of a government record is not a violation of [this chapter](#) if the purpose of the delay is any of the following:

- a. To seek an injunction under [this section](#).
- b. To determine whether the lawful custodian is entitled to seek such an injunction or should seek such an injunction.
- c. To determine whether the government record in question is a public record, or confidential record.
- d. To determine whether a confidential record should be available for inspection and copying to the person requesting the right to do so. A reasonable delay for this purpose shall not exceed twenty calendar days and ordinarily should not exceed ten business days.
- e. Actions for injunctions under [this section](#) may be brought by the lawful custodian of a government record, or by another government body or person who would be aggrieved or adversely affected by the examination or copying of such a record.
- f. The rights and remedies provided by [this section](#) are in addition to any rights and remedies provided by [section 17A.19](#).

[C71, 73, 75, 77, 79, 81, §68A.8]

[84 Acts, ch 1185, §7](#)

C85, §22.8

Referred to in [§23.5](#), [§23.11](#)

22.9 Denial of federal funds — rules.

If it is determined that any provision of [this chapter](#) would cause the denial of funds, services or essential information from the United States government which would otherwise definitely be available to an agency of this state, such provision shall be suspended as to such agency, but only to the extent necessary to prevent denial of such funds, services, or essential information.

An agency within the meaning of [section 17A.2, subsection 1](#), shall adopt as a rule, in each situation where [this section](#) is believed applicable, its determination identifying those particular provisions of [this chapter](#) that must be waived in the circumstances to prevent the denial of federal funds, services, or information.

[C71, 73, 75, 77, 79, 81, §68A.9]

[84 Acts, ch 1185, §8](#)

C85, §22.9

22.10 Civil enforcement.

1. The rights and remedies provided by [this section](#) are in addition to any rights and remedies provided by [section 17A.19](#). Any aggrieved person, any taxpayer to or citizen of the state of Iowa, or the attorney general or any county attorney, may seek judicial enforcement of the requirements of [this chapter](#) in an action brought against the lawful custodian and any other persons who would be appropriate defendants under the circumstances. Suits to enforce [this chapter](#) shall be brought in the district court for the county in which the lawful custodian has its principal place of business.

2. Once a party seeking judicial enforcement of [this chapter](#) demonstrates to the court that the defendant is subject to the requirements of [this chapter](#), that the records in question are government records, and that the defendant refused to make those government records available for examination and copying by the plaintiff, the burden of going forward shall be on the defendant to demonstrate compliance with the requirements of [this chapter](#).

3. Upon a finding by a preponderance of the evidence that a lawful custodian has violated any provision of [this chapter](#), a court:

- a. Shall issue an injunction punishable by civil contempt ordering the offending lawful custodian and other appropriate persons to comply with the requirements of [this chapter](#) in the case before it and, if appropriate, may order the lawful custodian and other appropriate persons to refrain for one year from any future violations of [this chapter](#).

- b. Shall assess the persons who participated in its violation damages in the amount of not more than five hundred dollars and not less than one hundred dollars. However, if a person knowingly participated in such a violation, damages shall be in the amount of not more than two thousand five hundred dollars and not less than one thousand dollars. These damages

shall be paid by the court imposing them to the state of Iowa if the body in question is a state government body, or to the local government involved if the body in question is a local government body. A person found to have violated [this chapter](#) shall not be assessed such damages if that person proves that the person did any of the following:

(1) Voted against the action violating [this chapter](#), refused to participate in the action violating [this chapter](#), or engaged in reasonable efforts under the circumstances to resist or prevent the action in violation of [this chapter](#).

(2) Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with the requirements of [this chapter](#).

(3) Reasonably relied upon a decision of a court, a formal opinion of the Iowa public information board, the attorney general, or the attorney for the government body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the government body, given in writing.

c. Shall order the payment of all costs and reasonable attorney fees, including appellate attorney fees, to any plaintiff successfully establishing a violation of [this chapter](#) in the action brought under [this section](#). The costs and fees shall be paid by the particular persons who were assessed damages under paragraph “b” of [this subsection](#). If no such persons exist because they have a lawful defense under that paragraph to the imposition of such damages, the costs and fees shall be paid to the successful plaintiff from the budget of the offending government body or its parent.

d. Shall issue an order removing a person from office if that person has engaged in a prior violation of [this chapter](#) for which damages were assessed against the person during the person’s term.

4. Ignorance of the legal requirements of [this chapter](#) is not a defense to an enforcement proceeding brought under [this section](#). A lawful custodian or its designee in doubt about the legality of allowing the examination or copying or refusing to allow the examination or copying of a government record is authorized to bring suit at the expense of that government body in the district court of the county of the lawful custodian’s principal place of business, or to seek an opinion of the attorney general or the attorney for the lawful custodian, to ascertain the legality of any such action.

[84 Acts, ch 1185, §9; 2005 Acts, ch 99, §2; 2011 Acts, ch 106, §11, 12, 17; 2012 Acts, ch 1115, §3, 17](#)

Referred to in [§23.5, §23.6, §23.10](#)

22.11 Fair information practices.

[This section](#) may be cited as the “*Iowa Fair Information Practices Act*”. It is the intent of [this section](#) to require that the information policies of state agencies are clearly defined and subject to public review and comment.

1. Each state agency as defined in [chapter 17A](#) shall adopt rules which provide the following:

a. The nature and extent of the personally identifiable information collected by the agency, the legal authority for the collection of that information, and a description of the means of storage.

b. A description of which of its records are public records, which are confidential records, and which are partially public and partially confidential records and the legal authority for the confidentiality of the records. The description shall indicate whether the records contain personally identifiable information.

c. The procedure for providing the public with access to public records.

d. The procedures for allowing a person to review a government record about that person and have additions, dissents, or objections entered in that record unless the review is prohibited by statute.

e. The procedures by which the subject of a confidential record may have a copy of that record released to a named third party.

f. The procedures by which the agency shall notify persons supplying information requested by the agency of the use that will be made of the information, which persons

outside of the agency might routinely be provided this information, which parts of the information requested are required and which are optional and the consequences of failing to provide the information requested.

g. Whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

2. A state agency shall not use any personally identifiable information after July 1, 1988, unless it is in a record system described by the rules required by [this section](#).

[84 Acts, ch 1185, §10](#)

Referred to in [§22.12](#)

22.12 Political subdivisions.

A political subdivision or public body which is not a state agency as defined in [chapter 17A](#) is not required to adopt policies to implement [section 22.11](#). However, if a public body chooses to adopt policies to implement [section 22.11](#) the policies must be adopted by the elected governing body of the political subdivision of which the public body is a part. The elected governing body must give reasonable notice, make the proposed policy available for public inspection and allow full opportunity for the public to comment before adopting the policy. If the public body is established pursuant to an agreement under [chapter 28E](#), the policy must be adopted by a majority of the public agencies party to the agreement. These policies shall be kept in the office of the county auditor if adopted by the board of supervisors, the city clerk if adopted by a city, and the chief administrative officer of the public body if adopted by some other elected governing body.

[84 Acts, ch 1185, §11](#)

22.13 Settlements — government bodies.

When a government body reaches a final, binding, written settlement agreement that resolves a legal dispute claiming monetary damages, equitable relief, or a violation of a rule or statute, the government body shall, upon request and to the extent allowed under applicable law, prepare a brief summary of the resolution of the dispute indicating the identity of the parties involved, the nature of the dispute, and the terms of the settlement, including any payments made by or on behalf of the government body and any actions to be taken by the government body. A government body is not required to prepare a summary if the settlement agreement includes the information required to be included in the summary. The settlement agreement and any required summary shall be a public record.

[91 Acts, ch 96, §1; 2011 Acts, ch 106, §13, 17](#)

22.14 Public funds investment records in custody of third parties.

1. The records of investment transactions made by or on behalf of a public body are public records and are the property of the public body whether in the custody of the public body or in the custody of a fiduciary or other third party.

2. If such records of public investment transactions are in the custody of a fiduciary or other third party, the public body shall obtain from the fiduciary or other third party records requested pursuant to [section 22.2](#).

3. If a fiduciary or other third party with custody of public investment transactions records fails to produce public records within a reasonable period of time as requested by the public body, the public body shall make no new investments with or through the fiduciary or other third party and shall not renew existing investments upon their maturity with or through the fiduciary or other third party. The fiduciary or other third party shall be liable for the penalties imposed under statute, common law, or contract due to the acts or omissions of the fiduciary or other third party.

[92 Acts, ch 1156, §8; 2011 Acts, ch 106, §14, 17](#)

General 2.07



Public Records			
<i>Scope:</i>	All city employees.	<i>Effective Date:</i>	7/1/88

General Policy
It is the policy of the City of Marion to comply with Chapter 22 of the Iowa Code.

Provisions:
<ol style="list-style-type: none">1) City employees must comply with Chapter 22 of the Iowa Code regarding examination of public records. Employees should familiarize themselves with this section so they may comply with it.2) See Appendix B.

General 2.08

Uniform & Dress Code

Scope:

Those city employees described below.

Effective Date:

11/20/08

General Policy

It is the policy of the City of Marion that each employee is expected to dress appropriately for the job. It is further the policy of the City of Marion that certain city employees be provided with uniforms and a uniform allowance because the performance of their duties is enhanced if they are in uniform.

Provisions:

- 1) City department heads are responsible for setting appropriate dress standards for their employees, subject to approval by the City Manager. In setting dress standards, departments should consider the nature of work, safety considerations, the nature of the employee's public contact (if any) and the normal expectations of outside parties with whom the employee will work and the prevailing practices of other workers in similar jobs.
- 2) The city will pay 50% of the cost of replacement of one pair of safety shoes per fiscal year for permanent non-bargaining employees required to wear safety shoes. Employees will be paid on a reimbursable basis.
- 3) The city will pay 100% of the cost of replacement of one pair of safety glasses per fiscal year for permanent employees required to wear safety glasses. If an employee requires prescription glasses, the city will pay 50% of the cost of such glasses (including frames). The city reserves the right to designate an approved vendor for prescription safety glasses. City participation in the cost of prescription safety glasses will be contingent upon the safety glasses being obtained from the approved vendor. Employees will be paid on a reimbursable basis.
- 4) City departments are responsible for establishing departmental policies regarding safety shoes and safety equipment for temporary or seasonal employees.

General 2.09

Access to the City Manager			
<i>Scope:</i>	All employees, when union grievance procedures or Civil Service Commission procedures are not applicable.	<i>Effective Date:</i>	07/01/88

General Policy
Employees may have access to the City Manager to present disputes or complaints, provided that the departmental chain-of-command has been exhausted.

Provisions:
<ol style="list-style-type: none"> 1) Employees may have access to the City Manager to present complaints, disputes or disagreements for which union grievance procedures or Civil Service procedures are not applicable. Before employees meet with the City Manager, they shall first present their complaints, disputes or disagreements in a timely fashion through their departmental chain- of-command.

General 2.10

Bereavement/Hospitalization Flowers

<i>Scope:</i>	All permanent employees and elected/appointed officials.	<i>Effective Date:</i>	01/07/93
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General Policy

As a personnel benefit and to promote a caring work place, it is the policy of the City of Marion to send flowers to employees who are bereaved or hospitalized.

Provisions:

- 1) In the event of a death in the family of an employee or elected/appointed official, the City shall send flowers to that employee as an expression of sympathy. For the purpose of this section, the employee's family shall include the following: spouse, child, stepchild, parent or stepparent.
- 2) In the event of a death of an employee or elected/appointed official, the City shall send flowers to the family of the employee or elected/appointed official.
- 3) In the event an employee or elected/appointed official is hospitalized for a serious medical condition for more than one day, the City shall send flowers to the employee.

General 2.11

Employee Identification Badgets			
<i>Scope:</i>	All city employees	<i>Effective Date:</i>	01/07/10

General Policy
It is the policy of the City of Marion that employees shall have city issued identification.

Provisions:
<ol style="list-style-type: none">1) Marion staff will be issued identification (ID) badges for the purpose of providing additional security and identification of staff working in the field and interacting with the public. The ID badge will contain a facial photo, name, name of the department the employee works in, city logo, and city phone numbers. Badges will be made available to all elected city council, board, and commission members and to appointive board members whose responsibilities for the city may include frequent visitation of sites outside their normal meeting location.2) Use of the ID card will provide reliable and controlled identification and will display to the public the authorized presence of the city staff person. ID badges for seasonal and temporary employees will have expiration dates. Badges for permanent staff will not expire. If an employee makes a significant change to their personal appearance (ex. shaving a beard) a new photograph shall be taken and a new badge issued.3) Badges are to be visible at all times (via lanyard, belt clip, pocket clip, etc.) on the outer clothing between the shoulder and the waist at any time the employee may be interacting with the public outside their normal work location. Normal work location is defined as inside a city-owned building that is the employees primary work site (ex. city hall, parks maintenance building). Employees that are outside city buildings for more than incidental activity, such as walking to their car, must have the badges on display at all times. Badges must be clearly visible if employees are at or in any city-owned facilities that are not their primary work site. ID badges are to be clearly visible at all times for employees going onto private property in the course of their work and for employees working and for employees visiting public project work locations.4) Employees in departments requiring a distinctive work uniform or that issue their own badges may set their own internal policy under this section.5) ID badges may not be used by city employees for purposes other than identification in the performance of their official duties as a city employee. Use of the badge for personal gain is strictly prohibited and any such use shall be subject to discipline at the discretion of the department head and/or city manager as applicable. Badges for seasonal employees must be returned to the city at the end of the work season.

General 2.12

Internet and E-mail Usage

Scope:

All city employees

Effective Date:

08/05/99

General Policy

It is the policy of the city that all employees abide by these guidelines when using city computers and the services of both internal and external data-bases and information exchange networks, and where applicable, voice mail and related electronic messaging devices.

Provisions:

- 1) The following definitions shall apply:

Electronic Messaging Device (EMD): City computers, electronic mail systems, voice mail systems, paging systems, electronic bulletin boards, Internet services, mobile data computers and facsimile transmissions.

System Administrator: The department staff person designated with responsibility for managing electronic messaging through individual EMDs and computer networks.

- 2) Transmission of electronic messages and information on communications media provided for employees shall be treated with the same degree of propriety, professionalism and confidentiality as official written correspondence.
- 3) The city encourages authorized and trained personnel with access to EMDs to utilize these devices whenever necessary. However, use of any of these devices is a privilege that is subject to revocation.
- 4) EMDs and their contents - with the exception of personally owned software specifically authorized for installation on city computers - are the property of the city and intended for use in conducting official business with limited exceptions as noted in this policy.
- 5) An EMD is intended to conduct the business of the city and is restricted to that purpose. Installation of or access to software for purely entertainment purposes is prohibited. Exceptions to business use include the following:
 - a. Infrequent personal use of these devices may be permissible if limited in scope and frequency, if in conformance with other elements of this policy, and if not connected with a profit-making business enterprise or the promotion of any product, service or cause that has not received prior supervisory approval. Employees are advised that they do not maintain any right to privacy in EMO equipment or its contents, to include personally owned software.
 - b. Personnel may make off-duty personal use of city computers for professional and career development purposes when in keeping with other provisions of this policy and with prior knowledge of an appropriate supervisor.
 - c. Personal use must not involve any prohibited activities or interfere with the productivity of the employee or his/her co-workers or consume large system resources or storage capacity or otherwise deplete system resources available for business activity.
- 6) Employees are advised that they do not maintain any right to privacy in EMO equipment or its contents, to include personally owned software.

- a. The city reserves the right to access any information contained in EMDs and may require employees to provide password to files that have been encrypted or password protected.
 - b. The city reserves the right to access, for quality control purposes and/or for violation of this policy, electronic and voice transmissions of members conducting business of the city.
- 7) Accessing or transmitting materials (other than directly required for city business) that involves the use of obscene language, images, jokes, sexually explicit materials, or messages that disparage any person, group or classification of individuals is prohibited whether or not a recipient has consented to or requested such material. Solicitation of funds, political material, harassing messages or other such messages are specifically prohibited.
- 8) Confidential, proprietary or sensitive information may be disseminated (or made available through shared directories or networked systems) only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes but is not limited to transmittal of personnel information, such as performance reviews, complaints, grievances, misconduct, disciplinary information, medical records or related employee information.
- 9) Importing/Downloading Information and Software
- a. Employees shall not download or install on their city computer or network terminal any file (including sound and video files and files attached to e-mail messages), software or other materials from the Internet or other external sources without taking prescribed steps to preclude infection by computer viruses.
 - i. Material shall be downloaded to floppy drives and scanned for viruses prior to being entered into any individual computer or shared system.
 - ii. In no case shall external materials or applications be downloaded directly to any shared network drive. When in doubt, employees shall consult the system manager for guidance.
 - b. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.
 - i. Any software for which proof of licensing (original disks, original manuals and/or license) cannot be provided is subject to removal by authorized City personnel.
 - ii. Privately owned software may be loaded on City computers only if approved by the system administrator.
 - iii. Privately owned software may be removed if it conflicts with departmental hardware or software, interferes with the ability of other employees to access or utilize the EMD or occupies excessive storage space needed by the department.
 - c. Employees shall observe copyright restrictions of any documents, images or sounds sent through or stored on electronic mail.
 - d. Any hardware enhancements or additions to City-owned equipment must be approved and authorized by the system administrator. The system administrator is responsible for determining proper installation procedures.
- 10) Employees shall not permit unauthorized persons to use the city's e-mail system.

General 2.12

- 11) E-mail bulletin boards and conference-type features are to be used for city business purposes. Only duly authorized employees or officials may speak/ write in the name of the city. Other employees may participate in news-groups or chats in the course of business when relevant to their duties, but they do so as individuals speaking only for themselves.
- 12) Credit card numbers, telephone calling card numbers, log-in passwords and other parameters which can be used to gain access to city goods or services must not be sent over the Internet in readable form.
- 13) No employee may use the city internet services to deliberately propagate any virus, worm, Trojan horse or trap-door program code. No employee may use the city internet services knowingly to disable or overload any computer system or network, or to circumvent any system intending to protect the privacy or security of another user.

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Mobile Device Policy

Scope:

All city employees who have access to mobile device

Effective Date:

06/19/14

General Policy

This policy is established for the management of mobile devices for City employees. It sets guidelines for city-provided mobile devices, and the use of personal employee-owned mobile devices for work-related purposes.

City-provided mobile devices furnished directly and funded by the City of Marion shall be defined as handheld wireless network capable devices containing an operating system that have technology built in to be connected to city information systems including file servers and city email accounts or that store usernames and passwords used to access city resources.

Mobile devices include smart phones, tablets, and other personal wireless devices. The IT Division and City Manager's Office shall keep an updated and comprehensive list of mobile devices that are governed by this policy.

Department designated mobile device support personnel are responsible at the departmental level for managing mobile devices with the support of the IT Division.

Mobile Device Management (MDM) is a City-wide system that enables mobile devices to be managed centrally to ensure mobile security settings are maintained consistently.

Mobile Device Authorization

- 1) The Mobile Device Authorization Form must be filled out for each employee who will receive a new city-provided mobile device or receive new authorization for use of personal devices for work-related purposes. The form must be completed by the department head, signed by both the department head and employee, and submitted to the City Manager's Office to be added to the IT asset hardware inventory. Exceptions will be made for special circumstances where phone identifying information must remain confidential. In these cases, an alternate identifier will be used.
- 2) The Mobile Device Authorization Form provides two options: City-Provided Mobile Device/Access to City Email and Calendar on Personal Mobile Device. For each option, the type of mobile device must be specified. Justification for the request must be provided on the form; the type of use and frequency of use anticipated by the employee should be included in this section.
- 3) For security purposes, only city-provided mobile devices will have the capability to connect to the city network, file server, and secure internal wireless. Employees with authorization on their personal devices will be limited to accessing city email and calendar only. Further, the City reserves the right to remove or wipe information or data from personal mobile devices authorized for official City use if there is deemed to be a threat. The capability to remote wipe a device is automatically enabled when email and calendaring is configured on a mobile device. A remote wipe can be executed by the employee, the department designated mobile device support personnel or the IT Division.
- 4) The execution of a remote wipe will only be performed under circumstances where the device's physical status could put the City's IT resources at risk, or upon notice from the employee that the device is lost or stolen. Remote wipe will not be used under any other circumstances. Every effort will be made to communicate with the employee prior to executing a wipe. Employees may also initiate a remote wipe on their own if their device is lost or stolen using the City's email web portal.

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- 5) When a personal device with access to City email and calendar will no longer be used by the authorized employee for City business, the employee is required to notify the department designated mobile device support personnel or the IT Division in advance of this change so that City data can be wiped from it. If employees require assistance in backing up personal data on personal mobile devices prior to a planned wipe, they may request assistance from the IT Division. Further, when wiping City data from a personal mobile device, every effort will be made to do this selectively, so as to not impact personal data.

Cost Responsibilities

- 1) The City is responsible for the acquisition and operating costs of City-issued mobile devices. Employees who are assigned city-provided mobile devices are responsible for good care and maintenance of the device they are assigned.
- 2) Employees authorized to access City email and calendar on a personal mobile device are responsible for the purchase and all associated costs of the mobile device.

Administrative Process

- 1) As stated in section 2, Department Heads are responsible for submitting the Mobile Device Authorization Form on behalf of each employee who shall require a City-provided mobile device or will access City email and calendar from a personal mobile device. Both the Department Head and employee are required to sign the form. Forms should be submitted to the City Manager's Office to be added to the IT asset hardware inventory.
- 2) The City Manager's Office will maintain a list to track which employees have City-provided devices or have been authorized to access City email and calendar on personal devices. Departments must use the IT Purchasing Policy as guidance when purchasing mobile devices.
- 3) Prior to receiving a City-provided mobile device, the department designated mobile device support personnel will be responsible for enrolling it into Mobile Device Management (MDM), and configuring department-specific permissions.
- 4) If there are special circumstances when enrollment in MDM would be prohibitive to performing work duties, those devices may be exempt from enrollment. High security, as outlined in this policy, must be configured and monitored on these devices manually by the department designated mobile device support personnel.

Guidelines

- 1) These guidelines address a range of security threats to, or related to the use of, enterprise data:

Threat	Description
Device loss	Devices used to transfer or transport work files could be lost or stolen.
Data theft	Sensitive City of Marion data is deliberately stolen and sold by an employee or unsanctioned party.
Malware	Malware and other threats could be introduced via a mobile device.

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Compliance	Loss of theft of financial and/or personal and confidential data could expose the City of Marion to the risk of non-compliance with various identity theft and privacy laws.
Negative public image	Damage to the City of Marion's public image as the result of a compromise resulting from access through a mobile device.

- 2) Requirements for ALL mobile devices Connecting to any City Information System (both City-provided and personal)
- a. When using data services on a mobile device to connect to any City information system capable of backing up, storing, or otherwise accessing City of Marion data, the employee must agree to the following City of Marion defined processes for doing so:
 - i. An employee must review the City of Marion's IT Policies and understand the appropriate usage of a mobile device while doing City business.
 - ii. An employee must promptly report lost or stolen devices to the department designated mobile device support personnel or IT Division as soon as the loss is noticed. It is also the responsibility of the employee to immediately change passwords to email and other City systems accessed from the device.
 - iii. If the device was lost or stolen it must be wiped remotely (see section 2)
 - iv. If a mobile device is determined to be the source of malware or any risk to City IT resources, the employee's user account may be disabled or mobile device access revoked until remediation steps on the device have been taken. Upon remediation, the employee must submit a request to have mobile access reinstated.
 - v. All mobile devices will be set up with an access lock using a 6-digit, non-simple pin and time out setting of no more than 5 minutes. The pin settings will be set to 10 consecutive attempts; once that number is exceeded, the device will be reset to factory defaults. For mobile devices that do not support a 6-digit pin, a 4-digit pin will be permitted. Biometric security measures should complement the access lock if available on a mobile device. Biometric security measures cannot substitute pin protection.
 - vi. Protected City of Marion data (SSNs, credit card numbers, health information, etc.) will not be stored on mobile devices.
 - vii. Only "apps" approved through each "App Store" are allowed to coincide on the same device used to access City resources. No "apps" will be permitted from sources, other than the official "App Store" on the device. (additional "app" restrictions apply to City-provided devices).
 - viii. Personally stored data may be lost while service or support is troubleshooting the device.
 - ix. All mobile devices used to access any City information are not permitted to be used by other parties, including spouses, children, and co-workers. Pins used to unlock the device must remain confidential.
- 3) Requirements for City-Provided Mobile Devices
- a. City-provided mobile devices have greater access to City information resources than authorized personal devices do. Consequently, more significant security measures are required:
 - i. City-issued mobile devices will be treated with the same IT security considerations as a computer owned and operated by employees of the City.
 - ii. Encryption is required.
 - iii. Mobile device must be set to utilize the City's private wireless network when within range.
 - iv. The department designated mobile device support personnel must manage the enrollment into MDM of all department mobile devices.
 - v. The City reserves the right to de-authorize the use of the mobile device if discovered to be a security threat.
 - vi. Employees may only load pre-approved "apps" that serve an essential work purpose onto their mobile devices. Departments may determine which apps serve essential work purposes for their departmental functions. Department designated mobile device support

personnel are responsible for submitting their list of approved apps to the City Manager's Office on a quarterly basis. The City Manager's Office reserves the right to deny any app that does not have a work-related justification. The IT Division reserves the right to block any app that does not pass a quarterly security assessment.

- vii. Connections to City resources beyond email, and calendar access is permitted on City-provided mobile devices managed by the City IT Division.
- viii. Employees are subject to abide by all other IT policies.
- ix. Only incidental personal use of the mobile device is permitted.

4) Requirements for Personal Mobile Devices, Authorized to Access City Email and Calendar

- a. Employees authorized to access City email and calendar on a personal mobile device will be granted access via their individual City user account.
 - i. Employees must have prior authorization before connecting to City resources with personal devices. See Section 2.
 - ii. Department designated mobile device support personnel and the IT Division reserve the right to refuse, by physical and non-physical means, the ability to connect personal mobile devices to the City of Marion IT infrastructure.
 - iii. Personal devices are not permitted to connect to the City's private wireless networks.
 - iv. Personal devices are not permitted to access internal network resources.
 - v. Access to city IT resources with personal mobile devices is limited to email and calendaring.
 - vi. The employee shall be responsible for backing up and restoring personal data in the event that it is inadvertently wiped by the City during a detected security breach.
 - vii. An employee will understand that using a personal device for City business may result in personal records and/or the device being subject to public disclosure, and/or disclosure during litigation.
 - viii. The City does not guarantee compatibility with personal devices to City resources. The IT Division will maintain an updated list of accepted mobile platforms known to integrate with the City's network.
 - ix. The IT Division may deny access to City resources for particular devices or users. This includes, but is not limited to, devices that are not compatible with the City systems, devices that have been "rooted" or "jailbroken", or devices that contain malicious apps.
 - x. Upon separation from the City, all City email and data will be deleted from an employee's personal mobile device. The mobile device must be inspected by the department designated mobile device support personnel or the IT Division.
 - xi. The City does not provide technical support for personal equipment beyond providing the configuration information necessary to connect to city email and calendar. Backup support prior to a planned wipe may also be requested by the employee.

Freedom of Information Act

- 1) In the event that a request is received from the public according to the Freedom of Information Act, phone records will need to be made available in compliance with this request. This will include records of all City-provided mobile devices and those that access City resources, but are personally owned.

Questions

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- 1) Any questions concerning the City's Mobile Device Policy or related procedures should be directed to the IT Manager within City Manager's Office.