

ACCESS TO PUBLIC RECORDS

1. Definitions
 - a. "Authority" means any formally constituted unit or subunit of the Board, e.g., Board, Board-appointed committees, officers of the Board.
 - b. "Legal Custodian" means any person or position designated under (3) or otherwise designated by law to carry out responsibilities under the District's policy and the public records law.
 - c. "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information or characteristics, which have been created or is being kept by an authority. "Record" includes, but is not limited to handwritten or printed pages, maps, charts, photographs, films, recordings, tapes and computer or fax printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator in the name of a person for whom the originator is working, materials which are purely the property of the custodian and have no relation to his/her office/ materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale or which are available for inspection at a public library.
 2. Custody and Delivery of Official Property
 - a. Except as provided under (8), each officer and employee of the district shall safely keep and preserve all records received from his/her predecessor or other persons as required by law to be filed, deposited or kept in his/her office or which are in lawful possession or control of which he/she or they may be lawfully entitled as such officers or employees.
 - b. Upon the expiration of any officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his/her successor all records then in his/her custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the District clerk. If a vacancy occurs before a successor is selected or qualified, such records shall be delivered to and receipted for by the clerk, on behalf of the successor, to be delivered to the successor upon the latter's receipt.
 3. Legal Custodian
 - a. The Superintendent or designee shall be the legal custodian of District records.
 - b. The legal custodian of records maintained in a publicly owned or leased building shall designate one or more deputies to act as legal custodian of such records in his/her absence or as otherwise required to respond to requests for records.
 - c. The legal custodians have full legal power to render decisions and to carry out duties.
 4. Public Records Notices
 - a. The Superintendent and Director of Business Services shall inform any authority identified in (1) (a) about the notice requirements of sections 19.33(4) and 19.34(1) and (2) of the statutes and shall assist any authority in meeting the authority's obligations under those statutes.
 5. Public Access to Records: Fees
 - a. Except as provided in (7), any person has a right to inspect a record and to make or receive a copy of any record as provided in section 19.35(1) of the statutes.
 - b. Records will be available for inspection and copying during all regular office hours from 8:00 a.m. to 4:00 p.m., Monday through Friday (except holidays).
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- c. A requestor shall be permitted to use facilities comparable to those available to District employees to inspect, copy or abstract a record.
 - d. The legal custodian may require supervision of the requestor during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
 - e. A requestor shall be charged a fee for the cost of copying and locating records as follows:
 - (1) The fee for photocopying shall be 20 cents per page.
 - (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - (3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer or fax printouts and audio or video tapes shall be charged.
 - (4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - (5) There is no charge for locating a record unless the actual cost exceeds \$50.00 in which case, the actual cost shall be determined by the legal custodian and billed to the requestor.
 - (6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$50.00.
 - (7) Elected officials and employees of the District shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - (8) The legal custodian may provide copies of a record without charge, or at a reduced charge, where he/she determines that the waiver or reduction is in the public interest.
6. Access Procedures
- a. A request to inspect or copy a record shall be made to the legal custodian or deputy. The request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. No request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. However, if the record is kept at a private residence or if security reasons or federal law so dictates, identification may be required. Mail requests may not be denied unless a fee prepayment is required under (5) (e) 6.
 - b. Each legal custodian, upon request for a record, shall as soon as practicable and without delay either fill the request or notify the requestor of the authority's denial.
 - c. A request for a record may be denied as provided in (7). Oral requests may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requestor within five business days of the oral denial. If a written request is denied in whole or in part, the requestor shall receive a written statement of the reasons for the denial. Written denials must include a statement informing the requestor that the denial may be reviewed by a court of mandamus under section 19.37 (1), or upon application to the Attorney General or a District Attorney.
7. Limitations on Right to Access
- a. As provided by section 19.36 of the statutes, certain records are exempt from disclosure including, but not limited to:
 - (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law. Student records are exempted as provided by section 118.125 of the statutes;
 - (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure, or if exemption from disclosure is a condition of receipt of aids by the state;
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- (3) Computer programs, although the materials used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
 - (4) A record or any portion of a record containing information qualifying as a common law trade secret.
 - b. If a record contains information that may be made public and information that may not be made public, the authority having custody of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release.
 - c. A legal custodian may deny access to a record, in whole or part, only if he/she determines that the harm to the public through disclosure of the record outweighs the public benefit of access to the record. The legal custodian is authorized and encouraged to consult with the District's legal counsel in making such determinations. The legal custodian shall follow the procedures in (6)(c) above and section 19.35(4) of the statutes when the access to a record in whole or part, is denied.
- 8. Destruction of Records
 - a. All District records shall be kept for the period of time specified by the State Public Records and Forms Board.
 - b. Any taped recording of a meeting of a governmental body, in section 19.82(1) and (2) of the statutes may be destroyed no sooner than 90 days after the minutes have been approved and published if the purpose of the recording was to make minutes of the meeting.
 - c. Prior to destruction of any records, the historical society shall be notified at least 60 days in advance to determine if historical interest justifies preservation of such records. The historical society may, upon application, waive this notice.
- 9. Preservation of Records by Microfilm

The legal custodian may, subject to Board resolution, keep and preserve public records in his/her possession by means of microfilm or other photographic reproduction methods.

Such records shall meet the standards for photographic reproduction in section 16.61(7) of the statutes, and shall be considered original records for all purposes. Such records shall be preserved along with other files of the District and shall be open to public inspection and copying according to the provisions of state law and these procedures.
- 10. Additional Information

This Official Public Records Notice/Procedure is intended to provide all necessary information which might be required by a member of the public in order to obtain access to the records and property of the District. Any questions in regard to this Public Records Notice/Procedure shall be directed to the official legal custodian of the records of the District.

Approved: April 26, 1993
