

Question: Are the names of individuals volunteering for a government body confidential pursuant to Iowa Code section 22.7(18)?

Editor's Note: This is a monthly column prepared by the Iowa Public Information Board to update Iowans on the IPIB's activities and provide information on some of the issues routinely addressed by the board.



ANSWER: No. The Iowa Public Information Board (IPIB) ruled on June 16, 2016, that a government body cannot claim under Iowa Code section 22.7(18) that records listing the names of volunteers are confidential records.

The IPIB reviewed two complaints filed against a public hospital. The hospital had declined to release the names of its volunteers, citing Iowa Code section 22.7(18) as grounds for determining the records were confidential. This section protects “communications not required by law, rule, procedure, or contract that are made to a government body ... by identified persons outside of government” if the government body could “reasonably believe that those persons would be discouraged” from making

such communications if made public.

In discussing the issue, members of the IPIB noted that this section continues to state that “persons outside of government” did not include persons who communicate with respect to a contractual relationship. In this instance, the hospital required certain written agreements from the volunteers and maintained records of such to ensure that each volunteer met health, safety and training requirements prior to allowing a person to volunteer.

Discussion also touched upon the provisions of Iowa Code section 22.7(11) which allows employee personnel records to remain confidential. That code section specifically directs that certain information must be released, including the names and dates of employment. The

IPIB determined that volunteer records should be disclosed in a similar manner.

Lawful custodians of a record or any person who would be aggrieved or adversely affected by the release of a volunteer record may still seek an injunction restraining the examination or copying of the record through an action pursuant to Iowa Code section 22.8.

Opinions, rulings, FAQs, monthly columns, and training documents are available on the IPIB website – www.ipib.iowa.gov. Questions for the IPIB can be posted on the website or by calling 515-725-1781.

IPIB Facts and Figures

During the month of June 2016, 72 contacts were made with the Iowa Public Information Board office.

| <u>TYPE</u> | <u>JUNE 2016</u> | <u>2016 YEAR-TO-DATE</u> |
|---------------------|------------------|--------------------------|
| Formal complaints | 10 | 63 |
| Advisory opinions | 2 | 10 |
| Declaratory orders | 0 | 1 |
| Informal complaints | 8 | 47 |
| Informal requests | 52 | 320 |
| Miscellaneous | 0 | 4 |
| TOTAL: | 72 | 445 |

Who can contact the IPIB and how long does it take?

Any person can contact the IPIB for assistance by telephone (515-725-1781), by email, or on the website. So far, in 2016, 445 identifiable people have contacted the IPIB. Of these, 45% were private citizens, 42% were government officials or employees, and 13% were members of the media.

In the month of June 2016, 67% of the incoming contacts were resolved the same day, 14% were resolved in one to five days, and 19% were resolved in six or more days.