

## Red Tape Review Rule Report (Due: September 1, 20 24)

|                         |                                   |                                      |  |  |   |
|-------------------------|-----------------------------------|--------------------------------------|--|--|---|
| <b>Department Name:</b> | Iowa Department of Transportation | <b>Date:</b>                         | April 2, 2024  | <b>Total Rule Count:</b>                   | 9   |
| <b>IAC #:</b>           | 761                               | <b>Chapter/ SubChapter/ Rule(s):</b> | 4  | <b>Iowa Code Section Authorizing Rule:</b> | Iowa Code sections 8A.615, 22.3, 22.11 and 321.11 |
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**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

**What is the intended benefit of the rule?**

The purpose of these rules is to facilitate broad public access to open records and sound determinations with respect to the handling of confidential records. Access to public records provides transparency in the operations and decision of government activities.

**Is the benefit being achieved? Please provide evidence.**

Yes, this chapter is used when providing information requested by citizens, contractors, and individual parties and to comply with the Iowa Open Record Law, Freedom of Information Act, litigation, or proceedings.

**What are the costs incurred by the public to comply with the rule?**

Costs to the public are mitigated and information is provided free of charge whenever practical. For specific requests that require additional levels of research or discovery the requestor is provided 3 hours of time at no charge. Any remaining cost for a given record request is billed actual cost.

**What are the costs to the agency or any other agency to implement/enforce the rule?**

Costs to the Department directly associated with the chapter includes staff time and computer infrastructure related to implementing and administering a records management program. Resources and staff time are applied through the records program for classifying, storing, managing, granting access, and applying appropriate disposition to records in compliance with Iowa Code chapter 22. The program oversees the coordination and fulfillment of the Iowa Open Record law requests.

**Do the costs justify the benefits achieved? Please explain.**

Yes, it represents good stewardship for the information in which state employees are entrusted. Benefits of records management include but are not limited to providing transparency in government and access to categories of content in a consistent, equitable, and secure manner.

Are there less restrictive alternatives to accomplish the benefit?  YES  NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

As stewards of public records there is a level of expectation and obligation that the content be managed in a consistent and uniform manner and the information be safeguarded to prevent fraud, misuse, and unintentional disclosure.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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4.1(6) duplicative of statute  
4.3(1) some language outdated  
4.3(2) duplicative of statute  
4.3(3) most of this language duplicative of statute  
4.3(6) duplicative of statute

**RULES PROPOSED FOR REPEAL (list rule number[s]):**

4.2 (needed language will be moved to 4.1)

**RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):**

4.1 to 4.9 (However, 4.8 is reserved.)

**\*For rules being re-promulgated with changes, you may attach a document with suggested changes.**

#### METRICS

|   |     |
|---|-----|
| Total number of rules repealed:   | 1   |
| Proposed word count reduction after repeal and/or re-promulgation                   | 194 |
| Proposed number of restrictive terms eliminated after repeal and/or re-promulgation | 32  |

**ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?**

No, not at this time.