

**Iowa Tribe of Kansas and Nebraska  
Executive Committee  
June 25, 2025**

- WHEREAS,** The Iowa Tribe Executive Committee being duly organized met in Regular Session this 25<sup>th</sup> day of June, 2025 and;
- WHEREAS,** The Iowa Tribe of Kansas and Nebraska (the "Iowa Tribe") being organized and empowered by its Constitution and Bylaws of Iowa of Kansas and Nebraska (the "Constitution"), approved November 6, 1978, and amended from time to time, and;
- WHEREAS,** The Iowa Tribe Executive Committee has authority to act for the Iowa Tribe under the present Constitutional authority as provided in Article V, Section 1-Enumerated Powers of the Constitution, and;
- WHEREAS,** The Executive Committee desires to adopt a new Chapter 36 of the Tribal Code by creating those portions of the Tribal Code that are modified by this resolution; and
- WHEREAS,** The Iowa Tribe of Kansas and Nebraska is creating stronger community engagement and governance processes by updating and formalizing policies and procedures;

**NOW THEREFORE BE IT RESOLVED,** That the Iowa Tribe of Kansas and Nebraska hereby amends its Tribal Code by the adoption of this Resolution to create a new Chapter 36 with the form and substance of such modifications to be identical to Attachment "1" to this resolution incorporated herein by this specific reference; and,

**BE IT FURTHER RESOLVED,** that The Iowa Tribe Executive Committee hereby rescinds the Freedom of Information policy to prevent conflict and duplication with this Freedom of Information Act; and

**BE IT FURTHER RESOLVED,** That the foregoing Resolution was duly adopted this date, and shall take effect and be in force from and after its adoption.

**CERTIFICATION**

The foregoing Resolution was duly adopted this date, June 25, 2025, in Regular Session of the Executive Committee, at which \_\_\_ members of the Executive Committee were present, constituting a quorum, by a vote \_\_\_ for, \_\_\_ against.

---

Timothy Rhodd, Chairman  
Iowa Tribe Executive Committee

ATTEST:

---

Anthony Fee, Secretary  
Iowa Tribe Executive Committee

## **Attachment 1**

# **Chapter 36 The Iowa Tribe of Kansas and Nebraska Freedom of Information Act**

### **Section 1 – Title, Purpose & Declaration of Public Policy**

- a. This Act shall be referred to as the Iowa Tribe of Kansas and Nebraska (“Tribe”) Freedom of Information Act (FOIA).
- b. The Tribe finds and declares that it is the policy of the Tribe to make information related to government functions and operations accessible to Tribal Citizens to the fullest extent permissible under the law. In recognizing the individual right to privacy and the policy of government transparency, it is the intent of this law to provide Citizens with a means of accessing information and records while protecting the privacy rights and interests of individuals and entities.

### **Section 2 – Definitions**

As used in this Act:

- a. “Attorney-Client Privileged” means oral and written communications—in person meetings, phone calls, emails, texts, letters, memoranda, or any other messages—between a lawyer and client that relate to matters in which the client seeks legal advice and that are intended to be confidential.
- b. “Citizen(s)” means a person enrolled in the Iowa Tribe of Kansas and Nebraska.
- c. “Community Portal” means the online informational portal owned and operated by the Iowa Tribe of Kansas and Nebraska, governed by Terms and Conditions, and accessible by enrolled Citizens with a username and password.
- d. “Day(s)” means calendar days.
- e. “Executive Committee” means the governing body as defined in Article IV, Section 2 of the Constitution and Bylaws of the Iowa Tribe of Kansas and Nebraska.
- f. “General Council” means the governing body as defined in Article IV, Section 1 of the Constitution and Bylaws of the Iowa Tribe of Kansas and Nebraska.
- g. “Non-Citizen” means an individual that is not enrolled in the Iowa Tribe of Kansas and Nebraska or an entity that is not an enterprise of the Iowa Tribe of Kansas and Nebraska.
- h. “Personally Identifiable Information” means an individual’s home address, phone number, social security number, date of birth, biometrics, maiden name, mother’s maiden name, marital status, race, and disability.
- i. “Secretary” means the Secretary of the Executive Committee.
- j. “Trade Secret(s)” means information that is not generally known or readily ascertainable and has been subject to reasonable efforts to keep it confidential.
- k. “Tribe” means the Iowa Tribe of Kansas and Nebraska including its agencies, departments, divisions, employees, and enterprises.

### **Section 3 – Public Records Available Upon Request**

- a. The following records are considered public and available upon either submitting a request in accordance with Section 5 or on the Community Portal:
  - i. Laws, Rules, Ordinances, and Resolutions of the Tribe including official

- ii. government interpretations thereof;
  - iii. Motions of the Executive Committee and General Council;
  - iv. Minutes of the Executive Committee and General Council;
  - v. Agendas of the Executive Committee and General Council;
  - vi. Memoranda of the Executive Committee and General Council;
  - vii. Opinions and orders of the Tribe's administrative and judicial tribunals for cases open to the public;
  - viii. Files, documents, and pleadings for court cases considered open to the public and that are not sealed according to court rules;
  - ix. Documents filed with and maintained by the Tribe in which public notice must be given; and
  - x. Names, job titles, job descriptions, business addresses, business phone numbers, and dates of employment of the Tribe's current and former employees.
- b. The following records, which would normally be considered public and available upon request, may be considered protected if the record contains express language to that effect:
  - i. Security matters of the Tribe that pertain to the safety, health, and welfare of Citizens;
  - ii. Matters that might jeopardize the operations and functions of the Tribe;
  - iii. Settlement agreements in which the Tribe is a liable party;
  - iv. Communications with another government; and
  - v. Law enforcement information related to current or on-going investigations.
- c. The list of records under this Section 3 is not exhaustive and should not be used to limit access to records.

#### **Section 4 – Records Protected and Available Under Specific Circumstances**

- a. The following records are considered protected and shall only be disclosed under specific circumstances as set forth in Section 6:
  - i. Records containing information about an individual's medical history, diagnosis, condition, treatment, evaluation, or other similar information;
  - ii. Records containing Personally Identifiable Information or job applications of current and former employees of the Tribe;
  - iii. Records containing Personally Identifiable Information of an individual;
  - iv. Records concerning an individual's personal finances;
  - v. Records related to contract negotiations of the Tribe and contracts in which the Tribe is a party;
  - vi. Records containing financial information of the Tribe;
  - vii. Records prepared for the Tribe which are considered Attorney-Client Privileged;
  - viii. Records sealed or protected by court order or rules;
  - ix. Records in which the privacy of the individual or entity outweighs the public interest in information;
  - x. Records concerning Trade Secrets of the Tribe;
  - xi. Records that are deemed protected under applicable law;
  - xii. Records that are subject to non-disclosure obligations pursuant to a duly executed Non-Disclosure Agreement;
  - xiii. Records concerning sacred songs, prayers, ceremonies, customs, words, and medicine which may be regulated by the traditional laws of the Tribe; and
  - xiv. Records concerning sacred sites or endangered species where disclosure will increase the risk of harm.

## **Section 5 – Requesting Public and Available Records**

- a. A Citizen requesting a record under Subsection (a) of Section 4 shall submit a written request to the Secretary in person and during normal business hours, using available forms from the Tribe.
  - i. The written request shall not be on behalf of anyone else except the requesting Citizen and include the Citizen's name, mailing address, phone number, email address, and a short description of the record(s) being requested with enough specificity to allow the Tribe to locate the record.
- b. The Secretary, or a duly appointed Tribal official, shall be responsible for the following:
  - i. Receive written requests for disclosure of records;
  - ii. Ensure written requests comply with the requirements of this Act;
  - iii. Submit written requests to the Executive Committee for consideration and voting;
  - iv. Issue letters to the requesting Citizen, within the specified time frame, stating whether a written request is approved or denied, in whole or in part; and
  - v. For approved written requests, make the records available for inspection and copying, if feasible and allowed, within the specified time frame.
- c. Letters approving or denying the written request for records, in whole or in part, shall be issued within forty-five (45) days of receiving the written request.
- d. If a written request is approved, the approved record shall be made available for inspection and copying, if feasible and allowed, within ninety (90) days of receiving the written request.
- e. If a record within a written request contains both public and protected information, the Executive Committee shall allow access to the public information and redact or segregate the protected information.

## **Section 6 – Requesting Protected Records**

- a. The process for requesting disclosure of protected records under Subsection (c) of Section 3 or Subsection (a) of Section 4 shall be the same as Subsections (a) through (e) of Section 5. Additionally, the written request shall allege one or more of the following specific circumstances justifying disclosure of the protected record(s):
  - i. Law enforcement, acting in the scope of their duties, is requesting the protected record(s);
  - ii. A court of competent jurisdiction issued a subpoena for the disclosure of the protected record(s);
  - iii. The Citizen requesting the protected record(s) is the subject of the protected record(s);
  - iv. The Citizen requesting the protected record(s) is the parent or legal guardian of the minor who is the subject of the protected record(s);
  - v. The Tribe is requesting the protected record(s) for internal auditing or background screening purposes; and/or
  - vi. The person who is the subject of the protected record(s) has given permission to release the record(s) to the requesting Citizen.

## **Section 7 – Records Available on the Community Portal**

- a. Any and all information and documents made available to Citizens on the Community Portal are considered public records and governed by this Act.

## **Section 8 – Inspection and Copying**

- a. Citizens have the right to inspect approved records at no cost.
- b. If a written request for disclosure of records is approved, the approved records shall be made available for inspection during normal business hours, Monday through Friday.
- c. If feasible and allowable, the requesting Citizen may obtain a copy of the approved record at their own expense. Reproduction of the record using electronic devices such as cameras or cell phones is prohibited. The Executive Committee shall use its discretion to determine whether a record may be copied and the manner thereof.
- d. Copies of any record(s) shall not be given or made available to third-parties.

## **Section 9 – Denials & Non-Response of the Tribe**

- a. If a written request for disclosure of records is denied, in whole or in part, the Secretary shall issue a letter of denial to the requester in person or through the USPS certified mail with return receipt requested.
- b. The letter of denial shall contain at a minimum the following information:
  - i. A general description of the record(s), or portions of the record, denied, provided that the description does not disclose protected information;
  - ii. Reasons for denying the request, without disclosing the protected content of the record(s);
  - iii. A statement informing the requester of the options to appeal, along with any applicable deadlines for making such an appeal.
- c. Every letter of denial shall inform the requesting Citizen of the right to appeal the denial. Citizens shall be granted no more than one appeal for each denial, and Citizens cannot submit a second written request for records that have already been denied.
  - i. A Citizen wishing to appeal a denial shall deliver a written letter to the Secretary, which contains stated reasons why the protected record is subject to disclosure and has the denial letter attached.
  - ii. The Secretary shall submit the appeal to the Executive Committee for a vote and issue a decision on the appeal within thirty (30) days of receiving the appeal.
  - iii. Unless otherwise ordered by a court of competent jurisdiction, the Tribe shall not destroy or relinquish custody of any record denied for disclosure until the appeal is resolved.

## **Section 10 – Civil Penalties**

- a. A Non-Citizen who accesses or copies any record(s) under this Act or from the Community Portal shall be subject to a civil penalty of not less than three hundred dollars (\$300) and no more than five-thousand dollars (\$5,000).
  - i. It is a defense under this Subsection (a) that the Non-Citizen did not know that a record was protected due to the record being accessible to the public.
- b. A Non-Citizen who, through false pretenses, bribery, theft, or other unlawful means, accesses or obtains a copy of a record under this Act or from the Community Portal shall be subject to a civil penalty of not less than three hundred dollars (\$300) and no more than five-thousand dollars (\$5,000).
- c. A Non-Citizen employee of the Tribe who refuses to release a record that the Non-Citizen knows is subject to required disclosure shall be subject to a civil penalty of not less than three hundred dollars (\$300) not more than five thousand dollars (\$5,000).

## **Section 11 – Criminal Penalties**

- a. A Citizen who accesses any record(s) under this Act or from the Community Portal and intentionally discloses or provides copies of the record(s) to a Non-Citizen shall be fined not less than three hundred dollars (\$300) and no more than five-thousand dollars (\$5,000). If found guilty, the Court may also impose community service and/or jail time not to exceed thirty (30) days.
  - i. It is a defense under this Subsection (a) that the Citizen disclosed the record(s) under the reasonable belief that disclosure was being made to a Citizen or that disclosure was necessary to avoid loss of life, prevent injury of any kind, or reveal a violation of the law.
- b. A Citizen who, through false pretenses, bribery, theft, or other unlawful means, accesses or copies a protected record shall be subject to a fine not less than three hundred dollars (\$300) and not more than five-thousand dollars (\$5,000). If found guilty, the Court may also impose community service and/or jail time not to exceed thirty (30) days.
- c. A Citizen employed with the Tribe who refuses to release a record that the Citizen knows is subject to required disclosure shall be subject to a fine of not less than three hundred dollars (\$300) and not more than five-thousand dollars (\$5,000). If found guilty, the Court may also impose community service and/or jail time not to exceed thirty (30) days

### **Section 12 – Injunctive Relief**

- a. A Citizen may petition the Tribe’s court for declaratory or injunctive relief to enforce this Act.
- b. The statute of limitations to bring actions under this Section shall be no more than one (1) year from the date the injury or non-enforcement occurred.
- c. If the Secretary fails to adhere to the time frames set forth in Subsections (c) and (d) under Section 5, the requesting Citizen may petition the Tribe’s court for relief with due notice given to the individual who is the subject of the record(s), if applicable.
- d. If the Citizen prevails, the court may award reasonable attorney’s fees and costs.