

## CHAPTER 116

### PURCHASE OR SALE OF AN INDIVIDUAL PROHIBITED

*H.F. 628*

**AN ACT** relating to the purchase or sale of an individual and providing a penalty.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. 710.11 PURCHASE OR SALE OF INDIVIDUAL.

A person commits a class "C" felony when the person purchases or sells or attempts to purchase or sell an individual to another person. This section does not apply to a surrogate mother arrangement. For purposes of this section, a "surrogate mother arrangement" means an arrangement whereby a female agrees to be artificially inseminated with the semen of a donor, to bear a child, and to relinquish all rights regarding that child to the donor or donor couple.

Approved May 4, 1989

---

## CHAPTER 117

### CONFIDENTIALITY OF EMPLOYMENT INFORMATION

*H.F. 637*

**AN ACT** relating to the access of confidential information collected by the department of employment services.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 96.11, subsection 7, Code 1989, is amended to read as follows:

7. RECORDS, AND REPORTS, AND CONFIDENTIALITY.

a. ~~Each~~ An employing unit shall keep true and accurate work records, containing ~~such~~ information as required by the division of job service ~~may prescribe.~~ ~~Such~~ The records shall be open to inspection and be subject to ~~being copied~~ copying by the division or its ~~an~~ authorized representatives representative of the division at any reasonable time and as often as necessary. ~~The commissioner or a duly~~ An authorized representative of the division may require from ~~any~~ an employing unit ~~any~~ a sworn or unsworn ~~reports~~ report, with respect to ~~persons~~ individuals employed by the employing unit, which the ~~commissioner~~ division deems necessary for the effective administration of this chapter.

b. (1) The division shall hold confidential the information obtained from an employing unit or individual in the course of administering this chapter and the initial ~~determinations~~ determination made by ~~the division's~~ a representative of the division under section 96.6, subsection 2, as to the benefit rights of an individual. The division shall not disclose or open this information for public inspection in a manner that reveals the identity of the ~~individual or~~ employing unit or the individual, except as provided in subparagraph (3) ~~of this paragraph and or~~ paragraph "c" of this subsection.

(2) A report or statement, whether written or verbal, made by a person to a representative of the division or to a another person administering this law is a privileged communication. A person is not liable for slander or libel on account of the report or statement unless the report or statement is made with malice.

(3) Information obtained from an employing unit or individual in the course of administering this chapter and an initial determinations determination made by ~~the division's~~ a representative of the division under section 96.6, subsection 2, as to benefit rights of an individual shall not be used in any action or proceeding, except in a contested case proceeding or judicial review under chapter 17A. However, the division shall make information, which is obtained from an

employing unit or individual in the course of administering this chapter and which relates to the employment and wage history of the individual, available to a county attorney for the county attorney's use in the performance of duties under section 331.756, subsection 5. Information in the division's possession ~~that~~ which may affect a claim for benefits or a change in an employer's rating account shall be made available to the affected interested parties or their legal representatives. The information may be used by the affected interested parties in a proceeding under this chapter to the extent necessary for the proper presentation or defense of a claim.

c. Subject to conditions as the division by rule prescribes, information obtained from an employing unit or individual in the course of administering this chapter and ~~an initial determination~~ determination made by the division's a representative of the division under section 96.6, subsection 2, as to benefit rights of an individual may be made available for purposes consistent with the purposes of this chapter to any of the following:

(1) An agency of this or any other state, or a federal agency responsible for the administration of an unemployment compensation law or the maintenance of a system of public employment offices.

(2) The ~~bureau~~ of internal revenue service of the United States department of the treasury.

(3) The Iowa department of revenue and finance.

(4) The social security administration of the United States department of health and human services.

(5) An agency of this or any other state or a federal agency responsible for the administration of public works or the administration of public assistance to unemployed workers individuals.

(6) Colleges, universities, and public agencies of this state for use in connection with research of a public nature, provided the division does not reveal the identity of any individual or an employing unit or individual.

(7) An employee of the department of employment services, a member of the general assembly, or a member of the United States congress in connection with the employee's or member's official duties.

(8) A political subdivision, government governmental entity, or nonprofit organization having an interest in the administration of job training programs established pursuant to the federal Job Training Partnership Act.

(9) The United States department of housing and urban development and representatives of a public housing agency.

~~Information released by the division shall only be used for purposes consistent with the purposes of this chapter.~~

d. Upon request of an agency of this or another state or of the federal government which administers or operates a program of public assistance or child support enforcement under either ~~federal law or~~ the law of this or another state or ~~federal law~~, or which is charged with a duty or responsibility under ~~any such~~ the program, and if ~~that~~ the agency is required by law to impose safeguards for the confidentiality of information at least as effective as required under this ~~section~~ subsection, then the division shall provide to the requesting agency, with respect to any named individual ~~specified~~ without regard to paragraph "g", any of the following information:

(1) Whether the individual is receiving, or has received benefits, or has made an application for unemployment compensation benefits under this chapter.

(2) The period, if any, for which unemployment compensation was benefits were payable and the weekly rate of compensation paid benefit amount.

(3) The individual's most recent address.

(4) Whether the individual has refused an offer of employment, and, if so, the date of the refusal and a description of the employment refused, including duties, conditions of employment, and the rate of pay.

(5) Wage The individual's wage information. ~~Paragraph "g" does not apply to information released under this paragraph.~~

e. The division may require an agency ~~that~~ which is provided information under this ~~section~~ subsection to reimburse the division for the costs of furnishing the information.

f. An employee of the division, an administrative law judge, or a member of the appeal board who violates this ~~section~~ subsection is guilty, upon conviction, of a serious misdemeanor.

g. Information subject to the confidentiality of this ~~section~~ subsection shall not be ~~made available directly released~~ released to any authorized agency ~~prior to notification in writing unless an attempt is made to provide written notification to the individual involved, except in.~~ Information released in accordance with criminal investigations by a law enforcement agency of this state, another state, or the federal government is exempt from this requirement.

Sec. 2. Section 96.19, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 45. "Public housing agency" means any agency described in section 3(b)(6) of the United States Housing Act of 1937, as amended through January 1, 1989.

Approved May 4, 1989

---

## CHAPTER 118

### HUMAN SERVICES EMPLOYEE NOT A CHAUFFEUR WHEN TRANSPORTING PATIENTS OR CLIENTS

*H.F. 679*

**AN ACT** to permit employees of the department of human services to transport clients and patients of the department without a chauffeur's license.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 321.1, subsection 43, Code 1989, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 4:

NEW UNNUMBERED PARAGRAPH. If authorized to transport patients or clients by the director of the department of human services or the director's designee, an employee of the department of human services is not a chauffeur when transporting the patients or clients in an automobile.

Approved May 4, 1989

---

## CHAPTER 119

### NONRESIDENT COMMERCIAL MUSSEL LICENSE ELIMINATED

*H.F. 687*

**AN ACT** to eliminate the nonresident commercial mussel license.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 109B.4, subsection 6, paragraph h, Code 1989, is amended by striking the paragraph.

Approved May 4, 1989