CHAPTER 17
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

[Prior to 11/5/86, Merit Employment Department[570]]

581—17.1(19A) Definitions. As used in this chapter:

"Confidential record" means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the agency is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, authorization to the custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

"Custodian" means the director or designee. The custodian of the employee payroll record system described in subrule 17.14(2) is the director of the department of personnel or the director's designee for those parts under the jurisdiction of the department of personnel and the director of the department of revenue and finance or the director's designee for those parts under the jurisdiction of the department of revenue and finance.

"Department" means the Iowa department of personnel.

"Open record" means a record other than a confidential record.

"Personally identifiable information" means information about or pertaining to an individual in a record which identifies the individual and which is contained in a record system under the jurisdiction of the department.

"Record" means all or part of a "public record" as defined in Iowa Code section 22.1 that is owned by or in the physical possession of the department.

"Record system" means any group of records under the jurisdiction of the department from which a record may be retrieved by a personal identifier such as the name of the individual, number, symbol or other unique retriever assigned to the individual.

581—17.2(19A) Statement of policy, purpose and scope. The purpose of this chapter is to facilitate public access to open records. It also seeks to facilitate department determinations with respect to the handling of confidential records and the implementation of the fair information practices Act. This chapter implements Iowa Code section 22.11 by establishing rules, policies, and procedures for the maintenance of employee, applicant, and other records in the possession of and under the jurisdiction of the department. Employee payroll records are jointly under the jurisdiction of the department of personnel and the department of revenue and finance and are governed by the rules, policies and procedures of that jurisdiction. In both instances these include but are not limited to, access to records, requests for confidential treatment of records, procedures for having additions, dissents or objections entered into records, collection, disclosure, and retention of records, notices to suppliers of information and the release of records.

581—17.3(19A) Requests for access to records.

17.3(1) *Location of records*. A request for access to a record under the jurisdiction of the department shall be directed to the office where the record is kept. Requests for access to records pertaining to the Iowa public employees' retirement system (IPERS) shall be directed to the IPERS Division at 7401 Register Drive, P.O. Box 9117, Des Moines, Iowa 50306-9117. If the location of the record is not known by the requester, the request shall be directed to the Iowa Department of Personnel, East 14th Street at Grand Avenue, Des Moines, Iowa 50319-0150. The department will forward the request appropriately. If a request for access to a record is misdirected, department personnel will forward the request to the appropriate person within the department.

17.3(2) *Office hours.* Records shall be made available during all customary office hours which are from 8 a.m. to 4:30 p.m. on those days that state offices are open.

17.3(3) *Request for access.* Requests for access to open records may be in writing, by telephone or in person. Requests shall identify the particular records sought by name or other personal identifier and description in order to facilitate the location of the record. Requests shall include the name and address of the person requesting the information. A person shall not be required to give a reason for requesting an open record.

Requests for access to record systems described in rule 581—17.14(19A) are to be submitted to the department with the following exception. Requests for access to the employee payroll record system described in subrules 17.2(1) and 17.14(2) under the joint jurisdiction of the department of personnel and the department of revenue and finance shall be submitted to either department in accordance with their respective jurisdiction.

17.3(4) *Response to requests.* The custodian of records under the jurisdiction of the department is authorized to grant or deny access to a record according to the provisions of this chapter and directions from the department. The decision to grant or deny access may be delegated to one or more designated employees.

Access to an open record shall be granted upon request. Unless the size or nature of the request requires time for compliance, the request shall be responded to as soon as feasible. However, access to an open record may be delayed for one of the purposes authorized by Iowa Code subsection 22.8(4) or 22.10(4). The custodian shall inform the requester of the reason for the delay and an estimate of the length of that delay and, upon request, shall provide a written reply.

The custodian of a record may deny access to the record by members of the public only on the grounds that a denial is warranted under Iowa Code subsection 22.8(4) or subsection 22.10(4), or that it is a confidential record, or that its disclosure is prohibited by a court order. Access by members of the public to a confidential record is limited by law and, therefore, may generally be provided only in accordance with the provisions of rule 581—17.4(19A) and other applicable provisions of law.

17.3(5) *Security of records.* No person shall, without permission, search or remove any record from the office in which it is located. Examination and copying of records shall be done under supervision. Records shall be protected from damage and disorganization.

17.3(6) *Copying.* A reasonable number of copies may be made unless printed copies are available. If copying equipment is not available in the office where an open record is kept, the custodian shall permit its examination in that office and shall arrange to have copies made elsewhere subject to costs.

17.3(7) *Fees.*

a. *When charged.* The agency is authorized to charge fees in connection with the examination or copying of records in accordance with Iowa Code section 22.3. To the extent permitted by applicable provisions of law, the payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest.

b. *Copying and postage costs.* Price schedules for regularly published records and for copies of records supplied by the agency shall be posted in the agency. Copies of records may be made by or for members of the public at cost, as determined by and posted in the agency. A charge assessed to a current employee for copies of records in the employee's own official personnel file shall not exceed $5 per request. When the mailing of copies of records is requested, the actual costs of mailing may also be charged to the requester.

c. *Search and supervisory fee.* A fee may be charged for actual expenses in searching for, compiling, and supervising the examination and copying of requested records. The fee shall be based on the hourly rate of pay of a department employee who ordinarily would be appropriate and suitable to perform this function and shall be posted in the department. No fee shall be charged if the records are not made available for inspection. The requester shall be given advance notice if it will be necessary to charge a higher hourly rate than that set in order to find or supervise the particular records in question, and shall indicate the amount of that higher hourly rate to the requester.

d. *Advance payments.*

(1) When the estimated fee chargeable under this subrule exceeds $25, the requester may be required to make an advance payment of the estimated fee. Upon completion, the actual fee will be calculated and the difference refunded or collected.

(2) When a requester has previously failed to pay a fee charged under this subrule, full advance payment of future estimated fees of any amount may be required before processing a new or pending request for access to records from that requester.

581—17.4(19A) Access to confidential records. Under Iowa Code section 22.7 or other applicable provisions of law, the custodian may disclose certain confidential records to members of the public. Other provisions of law authorize or require the custodian to release specified confidential records under certain circumstances or to particular persons. In requesting the custodian to permit the examination or copying of a confidential record, the following procedures apply and are in addition to those specified for requests for access to records in subrule 17.3(3).

17.4(1) *Proof of identity.* A person requesting access to a confidential record shall be required to provide proof of identity satisfactory to the custodian.

17.4(2) *Requests*. A request to review a confidential record shall be on a form provided by the department. A person requesting access to a confidential record shall be required to sign a statement enumerating the specific grounds alleged to justify access and provide any proof necessary to establish relevant facts.

17.4(3) *Notice to subject of record and opportunity to obtain injunction.* After the custodian receives a request for access to a confidential record, and before the custodian releases that record, the custodian shall make reasonable efforts to notify any person who is a subject of that record, is identified in that record, and whose address or telephone number is contained in that record. The custodian shall give the subject of that confidential record to whom notification is transmitted a reasonable opportunity to seek an injunction under Iowa Code section 22.8, and indicate to the subject of that record the specified period of time during which disclosure will be delayed for that purpose.

17.4(4) *Request denied*. When the custodian denies a request for access to a confidential record, in whole or in part, the custodian shall notify the requester in writing. The denial shall be signed by the custodian of the record and shall include:

a. The name and title of the person responsible for the denial; and

b. A brief citation to the statute or other provision of law which prohibits disclosure of the record; or

c. A brief citation to the statute vesting discretion in the custodian to deny disclosure of the record and a brief statement of the reasons for the denial to the requester.

17.4(5) *Request granted*. When the custodian grants a request for access to a confidential record to a particular person, the custodian shall notify that person and indicate any lawful restrictions imposed by the custodian on that person's examination and copying of the record.

581—17.5(19A) Requests for treatment of a record as a confidential record and its withholding from examination. The custodian may treat a record as a confidential record and withhold it from examination only to the extent that the custodian is authorized by Iowa Code section 22.7, another applicable provision of law, or a court order, to refuse to disclose that record to members of the public.

17.5(1) *Persons who may request*. Any person who would be aggrieved or adversely affected by disclosure of all or a part of a record under the jurisdiction of the department to members of the public and who asserts that Iowa Code section 22.7, another applicable provision of law, or a court order, authorizes the custodian to treat the record as a confidential record, may file a request, as provided for in this rule, for its treatment as a confidential record and to withhold it from public inspection. Failure of a person to request confidential record treatment for all or part of a record does not preclude the department from designating it and treating it as a confidential record.

17.5(2) *Request*. A request for the treatment of a record as a confidential record shall be in writing and shall be filed with the director. The request shall include an enumeration of the specific reasons justifying confidential record treatment for all or part of that record, the specific provisions of law that authorize confidential record treatment in this instance, and the name and mailing address of the person authorized to respond to any action concerning the request. The person requesting treatment of a record as a confidential record may also be required to sign a certified statement or affidavit enumerating the specific reasons justifying the treatment of the record as a confidential record and to provide any proof necessary to establish relevant facts. The person filing a request shall, if possible, accompany the request with a copy of the record in question from which those portions have been deleted for which confidential record treatment has been requested. If the original record is submitted at the same time the request is filed, the person shall indicate conspicuously on the original record which portions of it are requested to be confidential. Requests for treatment of all or portions of a record as confidential for a limited time period shall also specify the precise period of time for which confidential record treatment is requested.

17.5(3) *Failure to request*. Failure of a person to request confidential record treatment for a record shall not preclude the custodian from treating it as a confidential record. If a person who has submitted information does not request confidential record treatment under the provisions of Iowa Code sections 22.7(3) and 22.7(6) for all or part of that information it may be assumed that the person has no objection to its public disclosure.

17.5(4) *Timing of decision*. A decision by the department with respect to the disclosure of all or part of a record under its jurisdiction to members of the public may be made when a request for its treatment as a confidential record is filed or when a request is received for access to the record by a member of the public.

17.5(5) *Request granted or deferred*. If a request for confidential record treatment is granted, or if action on a request is deferred, a copy of the record from which the material in question has been deleted and a copy of the decision to grant the request or to defer action on the request will be placed in the file in addition to the original record, and will be made available for publication. If a request is subsequently received for access to the original record, reasonable and timely efforts will be made to notify any person who has filed a request for its treatment as a confidential record.

17.5(6) *Request denied and opportunity to seek injunction*. If a request that a record be treated as a confidential record and be withheld from public inspection is denied, the custodian shall notify the requester in writing of the reasons for that determination. On application by the requester, the custodian may engage in a good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief under the provisions of Iowa Code section 22.8, or other applicable provision of law. However, a record shall not be withheld from public inspection for any period of time if the custodian determines that the requester had no reasonable grounds to justify the treatment of that record as a confidential record. The custodian shall notify requester in writing of the time period allowed to seek injunctive relief or the reasons for the determination that no reasonable grounds exist to justify the treatment of that record as a confidential record. The custodian may extend the period of good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief only if no request for examination of that record has been received, or if a court directs the custodian to treat it as a confidential record, or to the extent permitted by another applicable provision of law, or with the consent of the person requesting access.

581—17.6(19A) Procedure by which a person who is the subject of a record may have additions, dissents, or objections entered into a record. Except as otherwise provided by law, the subject of a record may file a request with the custodian to review and to have the right to have a written statement of additions, dissents, or objections entered into a record under the jurisdiction of the department. However, this does not authorize a person who is a subject of a record to alter the original copy of the record or to expand the official record of a department proceeding. The subject shall send the request to review a record or the written statement of additions, dissents or objections to the department. Statements pertaining to the Iowa public employees' retirement system shall be sent to that office. The statement must be dated and signed by the subject, and shall include the current mailing address of the subject or the subject's representative.

581—17.7(19A) Consent to disclosure by the subject of a confidential record. The subject of a confidential record under the jurisdiction of the department may consent to disclosure to a third party of that portion of the record concerning the subject except as provided in subrule 17.12(1). The consent must be in writing and must identify the particular record that may be disclosed, the particular person or class of persons to whom the record may be disclosed, and, where applicable, the time period during which the record may be disclosed. The subject and, where applicable, the person to whom the record is to be disclosed, must provide proof of identity.

581—17.8(19A) Notice to suppliers of information. When a person is requested to supply information about that person that will become part of a record under the jurisdiction of the department, that person shall be notified of the use that will be made of the information, which persons outside the department might routinely be provided the information, which parts of the requested information are required and which are optional, and the consequences of not providing the information requested. This notice may be given in rules, on the written form used to collect the information, on a separate fact sheet or letter, in brochures, in formal agreements, in contracts, in handbooks, in manuals, verbally, or by other appropriate means.

581—17.9(19A) Disclosures without the consent of the subject.

17.9(1) Open records shall be routinely disclosed without the consent of the subject.

17.9(2) To the extent allowed by law, disclosure of confidential records may occur without the consent of the subject. Following are instances where disclosure, if lawful, will generally occur without notice to the subject:

a. For a routine use as defined in rule 581—17.10(19A) or in the notice for a particular record system.

b. To a recipient who has provided advance written assurance that the record will be used solely as a statistical research or reporting record, provided that the record is transferred in a form that does not identify the subject.

c. To another government agency or to an instrumentality of any government jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the government agency or instrumentality has submitted a written request to the custodian specifying the record desired and the law enforcement activity for which the record is sought.

d. To an individual following a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last known mailing address of the subject.

e. To the legislative fiscal bureau under Iowa Code section 2.52.

f. Disclosures in the course of employee disciplinary proceedings.

g. In response to a court order or subpoena.

581—17.10(19A) Routine use.

17.10(1) Defined. "Routine use" means the disclosure of a record, without the consent of the subject or subjects, for a purpose which is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

17.10(2) To the extent allowed by law, the following uses are considered routine uses of all records under the jurisdiction of the department:

a. Disclosure to officers, employees and agents of the department who have a need for the record in the performance of duties. The director shall resolve disputes concerning what constitutes legitimate need to use confidential or exempt records.

b. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

c. Disclosure to the department of inspections and appeals for matters in which it is performing services or functions on behalf of an agency.

d. Transfers of information within an agency, to other state agencies, or to local units of government as appropriate to administer the program for which the information is collected.

e. Information released to staff of federal, state, or other governmental entities for audit purposes or for purposes of determining whether an agency is operating a program lawfully.

f. Any disclosure specifically authorized by the statute under which the record was collected or maintained.

g. Distribution of lists of state employees to other than governmental entities.

h. Distribution of seniority lists to unions.

i. Disclosure to officers, employees and agents of the department who need to use the record to determine the named beneficiary when a wage earner or retiree dies; to maintain a record of wages reported and quarters worked for computation of benefits; to track benefits received; to recompute and adjust benefits; to update information for electronic deposit of benefits; to audit payroll reports; and to verify quarterly update of wages paid.

581—17.11(19A) Consensual disclosure of confidential records.

17.11(1) *Consent to disclosure by a subject individual*. The subject may consent in writing to disclosure of confidential records as provided in rule 581—17.7(19A).

17.11(2) *Complaints to public officials*. A letter from a subject of a confidential record to a public official that seeks the official's intervention on behalf of the subject in a matter that involves a record under the jurisdiction of the department may be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

17.11(3) *Obtaining information from a third party.* The department may be required to obtain information to establish eligibility for insurance, coordinate benefits, verify applicant and employee information or to provide other services. Requests to third parties for this information may involve the release of confidential identifying information about individuals contained in records under the jurisdiction of the department. Such requests are within the meaning of routine use as defined in rule 581—17.10(19A) and shall not require authorization from the subject of the record.

581—17.12(19A) Release to subject.

17.12(1) Records shall be released to the subject of a confidential record upon a written request. The department need not release the following records or information to the subject:

a. The identity of a person providing information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18).

b. Records that are the work products of an attorney or are otherwise privileged.

c. Peace officers' criminal investigative reports except as required by the Iowa Code. See Iowa Code section 22.7(5).

d. As otherwise authorized by law.

17.12(2) Where a record has multiple subjects with interest in the confidentiality of the record, reasonable steps shall be taken to protect confidential information relating to other subjects in the record.

581—17.13(19A) Availability of records.

17.13(1) *Open records.* Records under the jurisdiction of the department are open for public inspection and copying unless otherwise provided by these rules.

17.13(2) *Confidential records.* The following records under the jurisdiction of the department may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

a. Sealed bids received prior to the time set for public opening of bids. See Iowa Code section 72.3.

b. Tax records made available to the department. See Iowa Code sections 422.17 and 422.20.

c. Records which are exempt from disclosure under Iowa Code section 22.7.

d. Minutes of closed meetings of a government body under Iowa Code section 21.5(4).

e. Identifying details in final orders, decisions and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1)*"d."*

f. Those portions of staff manuals, examination materials, instructions or other statements issued which set forth criteria or guidelines to be used in auditing, in making inspections, in settling commercial or labor disputes or negotiating commercial or labor contract arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:

(1) Enable law violators to avoid detection; or

(2) Facilitate disregard of requirements imposed by law; or

(3) Give a clearly improper advantage to persons who are in an adverse position to the department.

See Iowa Code sections 17A.2 and 17A.3.

g. Records which constitute attorney work product, attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa R.C.P. 122(c), Fed. R. Civ. P. 26(b)(3), and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.

h. Any other records made confidential by law.

17.13(3) *Authority to release confidential records.* The department may disclose some confidential records which are exempt from disclosure under Iowa Code section 22.7 or other law. Any person may request permission to inspect particular records withheld from inspection as confidential records. If it is initially determined that records will be released, reasonable efforts will be made, where appropriate, to notify interested persons and the records may be withheld from inspection for up to ten days to allow interested persons to seek injunctive relief.

581—17.14(19A) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by personal identifier in record systems defined in rule 581—17.1(19A). For each record system, this rule describes the legal authority for the collection of that information and the means of storage of that information, and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. Record systems under the jurisdiction of the department that are retrievable through the use of personal identifiers are described as follows:

17.14(1) *Personnel files and records*. Personnel files are maintained by the department, the employee's appointing authority, and by the employee's supervisors. An employee may have several files depending on the purpose of the file and the records maintained within the file. Personnel files consist of records that concern individual state employees and their families, as well as applicants for state employment. Personnel files contain personal, private, and otherwise confidential records on or related to preemployment information including information gathered during background screenings to determine an applicant's suitability for employment; preemployment test scores; employee assistance program participation; wellness program participation; pre-tax programs; health, dental, life, and long-term disability insurance; benefit elections and miscellaneous benefit documents; medical information on the employee or a member of the employee's immediate family; medical information to support the employee's sick leave usage and fitness for duty determinations; position description questionnaires; investigations incident to the employee's employment, information related to disciplinary actions; complaints, grievances, and appeals; performance planning and evaluation; training; deferred compensation; workers' compensation; and other information incident to the employment of individuals. These records are collected in accordance with Iowa Code chapters 19A, 19B, 20, 70A, 85, 85A, 85B, 91A, and 509A. These records are confidential records under Iowa Code section 22.7(11) and other law because the information in the record is private and personal, the disclosure of which would likely result in an unwarranted invasion of the privacy of the subject of the record or the subject's family. It is unlikely that the personal and private information in these records can be separated from otherwise releasable information without identifying the subject or the subject's family. These records contain names, social security numbers and other identifying numbers, and are collected in the form of paper, microfilm, tape, and computer records. Computer records permit the comparison of personally identifiable information in one record system with that in another system.

17.14(2) *Employee payroll records*. The payroll records system consists of records that concern individual state employees and their families. This system contains information on workers' compensation; health, dental, life, and long-term disability insurance; qualified domestic relations orders, charitable contributions, garnishments; pay and benefits; equal employment opportunity; training; deferred compensation; and other information incident to the employment of individuals. Records under the jurisdiction of the department are collected in accordance with Iowa Code chapters 19A, 19B, 20, 70A, 85, 85A, 85B, 91A, and 509A, and are confidential records in part under Iowa Code section 22.7 and other law. These records contain names, social security numbers, and other identifying numbers, and are collected in the form of paper, microfilm, tape, and computer records. Computer records permit the comparison of personally identifiable information in one record system with that in another system.

17.14(3) *Public safety peace officers' retirement, accident and disability system*. This system consists of records that concern individual state employees and their families who are covered by the public safety peace officers' retirement, accident and disability system. Records are collected in accordance with Iowa Code chapters 19A and 97A and are confidential records in part under Iowa Code section 22.7 and other law. These records contain names, social security numbers, and other identifying numbers, and are collected in the form of paper, microfilm, tape, and computer records. Computer records permit the comparison of personally identifiable information in one record system with that in another system.

17.14(4) *Iowa public employees' retirement system*. This system consists of records that concern individual state employees and their families who are covered by the Iowa public employees' retirement system. Records are collected in accordance with Iowa Code chapters 19A and 97B and are confidential records in part under Iowa Code section 22.7 and other law. These records contain names, social security numbers, and other identifying numbers, and are collected in the form of paper, microfilm, tape, and computer records. Computer records permit the comparison of personally identifiable information in one record system with that in another system.

17.14(5) *Contracts*. These are records pertaining to training, consultants, and other services. These records are collected in accordance with Iowa Code chapters 19A and 19B and are confidential records in part under Iowa Code section 22.7. These records contain names, social security numbers, and other identifying numbers, and are collected in the form of paper, microfilm, tape, and computer records. Computer records permit the comparison of personally identifiable information in one record system with that in another system.

17.14(6) *Releasable information on state employees.* The following information that is maintained in the state payroll system or personnel file shall be released to the public without the consent of the employee because the information is not considered to be confidential information:

a. The name and compensation paid to the state employee.

b. The date the state employee was employed by state government.

c. The positions the state employee holds or has held with state government.

d. The state employee's qualifications for the position that the state employee holds or has held, including, but not limited to, educational background and work experience.

581—17.15(19A) Other groups of records routinely available for public inspection. This rule describes groups of records maintained by the department other than those record systems retrieved by individual identifiers as defined in rule 581—17.1(19A). These records are routinely available to the public subject to costs. However, these records may contain confidential information. In addition, the records listed in subrules 17.15(1) to 17.15(4), 17.15(6), and 17.15(9) may contain information about individuals. All records may be stored on paper, microfilm, tape or in automated data processing systems unless otherwise noted.

17.15(1) Rule making. Rule-making records may identify individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4.

17.15(2) Board and commission records. Agendas, minutes, and materials presented to boards and commissions within the department are available from the department except those records concerning closed sessions which are exempt from disclosure under Iowa Code section 21.5(4) or which are otherwise confidential by law. These records may identify individuals who participate in meetings. This information is collected pursuant to Iowa Code section 21.3.

17.15(3) Publications. News releases, annual reports, final project reports, department newsletters, and brochures describing various programs are available from the department.

17.15(4) Department news releases, final project reports, and newsletters may contain information about individuals, including staff or members of boards or commissions.

17.15(5) Statistical reports. Periodic reports of activity for various department programs are available from the department.

17.15(6) Appeal decisions and advisory opinions. All final orders, decisions and opinions are open to the public except for information that is confidential according to rule 581—17.5(19A) or subrule 17.13(2). These records, collected under the authority of Iowa Code chapters 19A, 19B, 20, 70A, 85, 85A, 85B, 91A, 97A, 97B, 97C, and 509A may contain confidential information about individuals.

17.15(7) Published materials. The department uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright laws.

17.15(8) Policy manuals. The department's manuals containing the policies and procedures for programs administered by the department are available at the offices of the department.

17.15(9) Administrative records. These are records related to the budgets of the department, the requisition of equipment and supplies, the payment of claims, and other accounting functions as well as records kept by the investments section of the IPERS division, including information on investment policies and portfolios. The records are partially confidential under Iowa Code section 22.7.

17.15(10) All other records not exempted from disclosure by law.

581—17.16(19A) Comparison of data processing systems. All data processing systems used by the department permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

581—17.17(19A) Applicability. This chapter does not:

17.17(1) Require the indexing or retrieval of records which contain information about individuals by that person's name or other personal identifier.

17.17(2) Make records available to the general public which would otherwise not be available under the public records law, Iowa Code chapter 22.

17.17(3) Govern the maintenance or disclosure of, notification of, or access to, records in the possession of the department which are under the jurisdiction of another agency.

17.17(4) Apply to grantees, including local governments or their subdivisions, administering state-funded programs unless otherwise provided by law or agreement.

17.17(5) Make available records compiled in reasonable anticipation of court litigation or formal administrative proceedings. The availability of those records to the general public or to any individual or party to litigation or proceedings shall be governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable regulations of the department.

581—17.18(19A) Agency records.

17.18(1) Each agency shall maintain a file of personnel records on each employee and each applicant for employment as specified by the department in rule or policy. All employee and applicant records are under the jurisdiction of the department.

17.18(2) The appointing authority shall give each employee copies of all materials placed in the employee's file unless determined otherwise by the department. The appointing authority shall provide copies of records to the department as requested.

17.18(3) When an employee is transferred, promoted or demoted from one agency to another agency the employee's personnel records shall be sent to the receiving appointing authority by the former appointing authority.

17.18(4) The director shall prescribe the forms to be used for collecting and recording information on employees and applicants for employment, as well as the procedures for the completion, processing, retention, and release of those forms and records, as well as the information contained on them.

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