

PUBLIC DEFENSE DEPARTMENT[601]

Notice of Intended Action

**Proposing rulemaking related to fair information practices
and providing an opportunity for public comment**

The Department of Public Defense hereby proposes to rescind Chapter 2, “Public Records and Fair Information Practices,” and to adopt a new Chapter 2505, “Fair Information Practices,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 17A.24 and 2026 Iowa Acts, Senate File 2463.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and 2026 Iowa Acts, Senate File 2463.

Purpose and Summary

This proposed rulemaking rescinds the Department’s outdated Chapter 2 and adopts the new Uniform Rules on Agency Procedure chapter related to fair information practices (7—Chapter 2505), while exercising the Department’s approved exception for provisions concerning federal records. Additionally, this rulemaking relocates the Department’s existing rules regarding definitions, personally identifiable information, and federal records that were not rescinded by 2026 Iowa Acts, Senate File 2463, into the new Uniform Rules on Agency Procedure chapter format, ensuring all fair information practices for the agency remain consolidated in a single chapter.

Pursuant to 2026 Iowa Acts, Senate File 2463, section 5, subsection 2, the Department justifies this exception because its agency-specific rules relate to federal records. As an agency that operates under both State and federal authorities, the Department routinely maintains and processes federal records that are strictly governed by federal statutes—including the federal Privacy Act of 1974 and the federal Freedom of Information Act (FOIA)—as well as Department of Defense (DoD), Army, Air Force, and National Guard Bureau (NGB) regulations. Subjecting these specific federal records to the State’s Uniform Rules on Agency Procedure would create a direct conflict of law and impede the Department’s mandatory federal compliance. This exception is therefore necessary and appropriate to ensure that all federal records maintained by the Department remain solely subject to the applicable federal legal and regulatory frameworks.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on August 25, 2026. Comments should be directed to:

Michael Wunn
Public Defense Department
Joint Forces HQ
Office of General Counsel
6100 78th Street
Johnston, Iowa 50131
Phone: 515.401.6960
Email: michael.a.wunn.civ@army.mil

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Emergency Rulemaking Adopted by Reference

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 0476D**, IAB 8/5/26). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rulemaking, whose subject matter is hereby adopted by reference.