

PUBLIC DEFENSE DEPARTMENT[601]

Adopted and Filed Emergency

Rulemaking related to fair information practices

The Department of Public Defense hereby rescinds Chapter 2, “Public Records and Fair Information Practices,” and adopts a new Chapter 2505, “Fair Information Practices,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 17A.24(5).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, Senate File 2463.

Purpose and Summary

This rulemaking rescinds the Department’s outdated Chapter 2 and adopts the new Uniform Rules on Agency Procedure chapter related to fair information practices (7—Chapter 2505), while exercising the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existing rules regarding definitions, personally identifiable information, and federal records that were not rescinded by 2026 Iowa Acts, Senate File 2463, into the new Uniform Rules on Agency Procedure chapter format, ensuring all fair information practices for the agency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

*Reason for Adoption of Rulemaking Without
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by the Administrative Rules Review Committee.

In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its July 13, 2026, meeting reviewed the Department’s determination and this rulemaking and approved the emergency adoption.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Department also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on July 13, 2026, because earlier adoption of this rulemaking is necessary to prevent a gap in rules coverage since the Department’s existing rules on this subject were rescinded on July 1, 2026. This rulemaking confers a benefit on the public by providing clear, certain, and immediate guidance on the procedures for accessing public records, increasing understanding how the Department handles personally identifiable information, and clarifying the applicability of these rules to federal records.

Without an early effective date, the public would be without effective rules, creating confusion and hindering access to government records.

Adoption of Rulemaking

This rulemaking was adopted by the Department on July 13, 2026.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 0475D** to allow for public comment.

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.

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).

Effective Date

This rulemaking became effective on July 13, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **601—Chapter 2**.

ITEM 2. Adopt the following new 601—Chapter 2505:

CHAPTER 2505

FAIR INFORMATION PRACTICES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

601—2505.1(17A,22) Definitions. As used in this chapter:

“Agency” means the department of public defense.

“Custodian” means the adjutant general.

“Federal records” means all records, documents, tape, or other information, stored or preserved in any medium, the maintenance, use, or disclosure of which is governed by federal government law or regulation.

“Records” or “state records” means all or part of “public records” as defined in Iowa Code section 22.1 but does not include federal records as defined herein.

601—2505.3(17A,22) Requests for access to records.

2505.3(1) Location of record. A request for access to a record should be directed to the Adjutant General, Department of Public Defense, Camp Dodge, 7105 NW 70th Avenue, Johnston, Iowa 50131-1902.

2505.3(2) Office hours. Public records shall be made available during office hours of 8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays.

601—2505.9(17A,22) Applicability. This chapter does not:

1. Make available to the general public records or federal records that would otherwise not be available under the public records law, Iowa Code chapter 22.
2. Govern the maintenance or disclosure of, notification of or access to records or federal records in possession of the agency that are governed by regulations of another agency.

601—2505.10(17A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 601—2505.1(17A,22). For each record system, this rule describes the legal authority for the collection of that information, describes 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. The record systems maintained by the agency are:

2505.10(1) Quartermaster supply records prepared under the authority of Iowa Code sections 29A.19 and 7A.30. Request for examination of these records that are retrievable by personal identifier will be directed to the Office of the State Quartermaster, Camp Dodge. Records are maintained on AGO Form 1-5 for hard-copy and computer-generated files.

2505.10(2) Purchase and disposition of real property records, prepared under the authority of Iowa Code section 29A.57. Records are available from the State Quartermaster, Warehouse #3, Camp Dodge. Real estate records are available in hard-copy format.

2505.10(3) Armory board minutes, including supporting documentation, prepared under the authority of Iowa Code section 29A.57. Records are available from the State Quartermaster, Warehouse #3, Camp Dodge. Records are maintained in hard-copy format.

2505.10(4) Armory lease records, including supporting documentation, prepared under the authority of Iowa Code section 29A.57. Records are available from the State Quartermaster, Warehouse #3, Camp Dodge. Records are maintained in hard-copy format.

2505.10(5) Headquarters allowance and per capita allowance records and documentation for expenditures made from these accounts prepared under the authority of Iowa Code sections 29A.33 and 29A.57(8). Records are available from the State Quartermaster, Warehouse #3, Camp Dodge. Records are maintained in hard-copy format.

2505.10(6) State contracting files prepared under the authority of Iowa Code section 72.1, which include personally identifiable information in the form of bidders lists, requests for quotation, professional contracts, vendors lists, wage rates, purchase orders, claim orders, and project books. Sealed bids become public information once the bid opening has been completed. The information is maintained in hard-copy format and may be obtained from the Facilities Office, Camp Dodge.

2505.10(7) Personnel files. The agency maintains files containing information about state employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

601—2505.11(17A,22) Federal records. Pursuant to Iowa Code section 22.9, the department finds that maintenance, use, or disclosure of federal records described in this rule, except as allowed by federal law and regulation, would result in denial to the agency of United States government funds,

services, and essential information that would otherwise definitely be available and have in the past been available to the agency. Iowa Code section 29A.5 provides that the Iowa National Guard shall be subject to the provisions of federal laws and regulations. Applicable federal laws and regulations include the following: 32 U.S.C. 105 (providing that Army National Guard records shall be kept in accordance with Title 32 of the United States Code); 32 U.S.C. 108 (providing that federal funds may be barred from a state national guard where compliance with Title 32 is not maintained); 5 U.S.C. 552 (the federal Freedom of Information Act) and 5 U.S.C. 552a (the federal Privacy Act), stating the manner in which federal records shall be maintained and made available to the public. Applicable agency regulations include Department of Defense, Army, Air Force, and National Guard Bureau directives governing records management and privacy, including but not limited to Army Regulation 25-22 (The Army Privacy Program), Army Regulation 25-55 (The Department of the Army Freedom of Information Act Program), Department of the Air Force Instruction 33-332 (Air Force Privacy and Civil Liberties Program), and Chief National Guard Bureau Instruction 5000.01 (Records Management Program) or their current equivalent instructions (all of which relate to maintenance and public availability of federal records). Copies of the regulations may be obtained at the cost of reproduction from the office of the Adjutant General, Camp Dodge, 7105 NW 70th Avenue, Johnston, Iowa 50131-1902.

2505.11(1) The department maintains the following categories of federal records, the maintenance of which is governed by federal law and regulation:

- a.* Personnel records. This category contains biographical, medical, and career development data on civilian and military personnel who are employed by the federal government.
- b.* Fiscal records. This category contains the record of service for pay, allowances, and retirement on civilian and military personnel who are employed by the federal government. It further includes budget and financial data required for audit purposes.
- c.* Training records. This category contains the training activities, accomplishments, and objectives of units and personnel civilian and military who are employed by the federal government.
- d.* Legal files. This category contains legal assistance records, claims and litigation against the United States, contracts review, and attorney work product.
- e.* Inspector general files. This category contains records of evaluation of units, personnel assistance, and recommendations of the office of the inspector general.
- f.* Operations records. This category contains information on the movement of personnel and equipment to meet the mission requirements of the Army and Air Force.
- g.* Equipment maintenance records. This category contains the functional or repair status of military equipment maintained by the Army and Air National Guard.
- h.* Procurement record. This category contains a history of acquisition goods and services by the United States Property and Fiscal Office at Camp Dodge.
- i.* Equipment inventories. This category contains a record of property accounts for all federal equipment issued to the Iowa Air or Army National Guard.
- j.* Publications library. This category contains federal publications, regulations, directives and pamphlets, which provide procedural guidance for the operations and activities of the Iowa National Guard.

2505.11(2) The federal records described in paragraphs 2505.11(1)“a” through “e” contain personally identifiable information compiled under the authority of Iowa Code chapter 29A and 32 U.S.C. 105 and implementing regulations. A more comprehensive description of the above noted federal records is contained in Department of the Air Force Instruction 33-322, “Records Management and Information Governance Program,” and Army Regulation 25-400-2, “Army Records Information Management System (ARIMS).”

601—2505.12(17A,22) Other groups of records. This rule describes groups of records maintained by the agency other than record systems defined in rule 601—2505.1(17A,22). These records are routinely available to the public. However, the agency’s files of these records may contain confidential information. In addition, the records may contain information about individuals.

2505.12(1) Rulemaking. Rulemaking records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored in an automated data processing system.

2505.12(2) Publications. News releases, literature, reports, and newsletters from various military associations or from the federal government are available from the public affairs officer, department of public defense. Agency news releases, project reports and newsletters may contain information about individuals, including agency staff or members of agency committees. This information is not retrieved by individual identifier and is not currently stored on an automated data processing system.

2505.12(3) All other records that are not exempted from disclosure by law.

601—2505.13(17A,22) Data processing systems. Data processing systems used by this agency do not permit the comparison of personally identifiable information in one record system with personally identifiable information in another system.

[Filed Emergency 7/16/26, effective 7/13/26]

[Published 8/5/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/5/26.