**RA 26-395**

# FAIR BOARD[371]

## Regulatory Analysis

Notice of Intended Action to be published: 371—Chapter 9
"Public Records and Fair Information Practices"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 173.14, 173.14A(7), and 173.17
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 173

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

| | |
|---|---|
| December 1, 2026<br>11 to 11:30 a.m. | Microsoft Teams meeting<br>teams.microsoft.com/meet/284948346636326?p=3dtap1LeQ4hdthk7kH<br>Meeting ID: 284 948 346 636 326<br>Passcode: so2iy3TJ |

*Public Comment*

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Fair Board no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Jeremy Parsons
Iowa State Fair
P.O. Box 57130
Des Moines, Iowa 50317
Email: jparsons@iowastatefair.org

*Purpose and Summary*

This proposed chapter describes the rules related to public records and fair information practices. This proposed chapter was reviewed as part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, editorial updates were made to ensure these proposed rules reflect current policies and procedures.

*Analysis of Impact*

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs associated with this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Iowans will benefit from having clear, concise, and accurate rules that comply with the Iowa Code.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

This proposed rulemaking will have little impact and no cost since the changes are minimal.

- **Qualitative description of impact:**

This proposed rulemaking will have little impact and no cost since the changes are minimal.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

No costs are expected.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The benefit will be an updated chapter revised in compliance with Executive Order 10 and the current Iowa Code.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

There are no alternatives because this revision is required by Executive Order 10.

*Small Business Impact*

**If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:**

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

**If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?**

There is no expected impact on small business.

*Text of Proposed Rulemaking*

ITEM 1. Rescind 371—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

**371—9.1(17A,22) Definitions.** As used in this chapter:

*"Agency"* means the fair board.

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

**371—9.2(17A,22) Personally identifiable information—personnel files.** The fair board maintains files containing information about employees and applicants for positions with the agency. The files include payroll records, 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).

**371—9.3(17A,22) Other groups of records.**

**9.3(1)** This rule describes groups of records maintained by the agency other than record systems as defined in rule 371—9.1(17A,22). These records are routinely available to the public. However, the agency's files of these records may contain confidential records as defined in rule 7—2505.1(17A,22). The records listed may contain information about individuals.

**9.3(2)** Council and commission records. Agendas, minutes, and materials presented to the fair board are available from the office of the fair board, except those records concerning closed sessions that are exempt from disclosure under Iowa Code section 21.5 or that are otherwise confidential by law. Fair board records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not stored on an automated data processing system.

*a. Administrative records.* This includes documents concerning budget, property inventory, purchasing, yearly reports, office policies for employees, time sheets, printing and supply requisitions.

*b. Publications.* The office receives a number of books, periodicals, newsletters, government documents, etc. These materials would generally be open to the public but may be protected by copyright law. Most publications of general interest are available in the state law library.

*c. Office publications.* This office issues a variety of materials, including premium books and newsletters, brochures and pamphlets, press releases, and statistical reports.

*d. Rulemaking records.* Public documents generated during the promulgation of agency rules, including notices and public comments, are available for public inspection.

*e. Office manuals.* Information in office manuals, such as the Superintendents Manual, may be confidential under Iowa Code section 17A.2(11)*"f"* or other applicable provision of law.

*f. Other records.* All other records that are not exempted from disclosure by law.

**371—9.4(17A,22) Data processing systems.** None of the data processing systems used by the agency permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

These rules are intended to implement Iowa Code section 22.11.