RA 26-412

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Regulatory Analysis

Notice of Intended Action to be published: 495—Chapters 17 and 2505
"Public Records and Fair Information Practices"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 97B

State or federal law(s) implemented by the rulemaking: Executive Order 10 (EO10) and Iowa Code sections 17A.24, 97B.4, and 97B.15

Public Hearing

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

December 15, 2026 9 to 9:30 a.m.	IPERS Boardroom 7401 Register Drive Des Moines, Iowa Also via videoconference call: Microsoft Teams

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Public Employees' Retirement System (IPERS) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Elizabeth Hennessey
Iowa Public Employees' Retirement System
7401 Register Drive
Des Moines, Iowa 50321
Phone: 515.281.0054
Email: elizabeth.hennessey@ipers.org

Purpose and Summary

Chapter 17 was reviewed as part of the Red Tape Review process mandated by EO10. As a result of this review, IPERS proposes to rescind Chapter 17 and move the content to a new Chapter 2505. IPERS is a State retirement system providing for the payment of annuities, enabling employees to care for themselves in retirement, improving public employment within the State, reducing excessive personnel turnover, and increasing suitable attraction to public service. Pursuant to the Iowa Code, IPERS is required to administer the retirement system.

Analysis of Impact

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

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

This proposed rulemaking does not incur costs to the public.

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

This proposed rulemaking will benefit all IPERS members, IPERS beneficiaries, and IPERS-covered public employers.

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 benefit over 2,000 IPERS-covered employers, over 400,000 employees, and the employees' beneficiaries by removing language from the rules that is duplicative of the Iowa Code. Increasing the clarity of the agency's administrative rules benefits IPERS-covered employers, employees, and the public generally.

- **Qualitative description of impact:**

This proposed rulemaking will benefit all IPERS members, IPERS beneficiaries, and IPERS-covered public employers.

3. **Costs to the State:**

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

IPERS incurs personnel and other administrative costs associated with implementing this proposed chapter.

- **Anticipated effect on State revenues:**

This proposed rulemaking will not impact State revenues. IPERS is a trust fund separate and distinct from the General Fund of the State.

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

IPERS is organized and established by Iowa Code section 97B.1.

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:**

Not applicable.

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?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **495—Chapter 17**.

ITEM 2. Adopt the following **new** 495—Chapter 2505:

CHAPTER 2505
PUBLIC RECORDS AND 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.

495—2505.9(17A,22) Additional definitions. The definitions in Iowa Code section 22.1 are incorporated into this chapter by this reference. In addition, in this chapter:

"Confidential record" means a record that 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 as described in Iowa Code section 97B.17, and records, or information contained in records, that are specified in Iowa Code section 22.7 or by other provision of law.

"Custodian" means the CEO or designee.

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

"Personally identifiable information" means information about or pertaining to an individual in a record that identifies the individual and that is contained in a record system under IPERS' jurisdiction.

"Record" means all or part of a "public record" as defined in Iowa Code section 22.1 or 97B.17 that is owned by or in the physical possession of the agency.

"Record system" means any group of records under IPERS' jurisdiction from which a confidential record or information may be retrieved.

495—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 personal identifier in a record system defined in rule 495—2505.1(97B). 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 IPERS' jurisdiction that are retrievable through the use of personal identifiers are described as follows.

2505.10(1) *IPERS personnel files and records.* Personnel files of IPERS employees are maintained and kept under IPERS' jurisdiction and contain personal, private, and otherwise confidential records under Iowa Code section 22.7(11).

2505.10(2) *Iowa public employees' retirement system.* The retirement system possesses records that concern individual public employees who are covered by IPERS and their families. Records are collected in accordance with Iowa Code chapter 97B and are confidential records in part under Iowa Code sections 22.7 and 97B.17. These records contain names, addresses, social security numbers, and other identifying numbers. Data processing systems permit the comparison of personally identifiable information in one record system with that in another system.

2505.10(3) *Vendor contracts.* These are records pertaining to facilities management, training, investment management, and other services. These records are collected in accordance with Iowa Code chapter 97B and are confidential records in part under Iowa Code section 22.7. These records contain names, addresses, social security numbers, and other identifying numbers. Data processing systems permit the comparison of personally identifiable information in one record system with that in another system. Vendors that have access to personally identifiable information shall sign a data-sharing agreement as requested by IPERS.

495—2505.11(17A,22) Comparison of data processing systems. To the extent required by law, all data processing systems used by IPERS 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 chapter 97B and section 17A.24.