

123.38A Confidential investigative records.

In order to assure a free flow of information for accomplishing the purposes of [section 123.4](#) and [section 123.9, subsection 6](#), all complaint information, investigation files, audit files, and inspection files, other investigation reports, and other investigative information in the possession of the department or employees acting under the authority of the director under [this chapter](#) are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release before administrative or criminal charges are filed. However, investigative information in the possession of department employees under [this chapter](#) may be disclosed to the licensing authorities of a city or county within this state, in another state, the District of Columbia, or territory or county in which the licensee or permittee is licensed or permitted or has applied for a license or permit. In addition, the investigative information can be shared with any law enforcement agency or other state agency that also has investigative, regulatory, or enforcement jurisdiction authorized by law. Records received by the department for purposes of [this chapter](#) from other agencies which would be confidential if created by the department are considered confidential.

[2019 Acts, ch 113, §20; 2023 Acts, ch 19, §2407](#)