

## **FOSTER CARE REVIEW BOARD[489]**

[Prior to 3/23/88, see Foster Care Review Board, State[445];  
transferred to Inspections and Appeals Department “umbrella” pursuant to 1986 Iowa Acts, chapter 1245, section 549]

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CHAPTER 1  
PURPOSE AND FUNCTION  
[Prior to 3/23/88, see Foster Care Review Board[445] Ch 1]

**489—1.1(237) Purpose.** The purpose of the foster care review board established by Iowa Code section 237.16 is to ensure that foster care in the state is utilized appropriately and as effectively as possible. The specific goal is to achieve permanency for children in foster care. The board has been charged with the responsibility of establishing a foster care registry, establishing local review boards to review cases of children in foster care, establishing a training program for board members and annually reporting findings and making recommendations to the governor, general assembly, the supreme court, the chief judge of each judicial district, the department, and child-placing agencies.

Local review boards are currently developed in the fifth and sixth judicial districts. Local boards will expand their responsibility for review of children who are placed in foster care under Iowa Code section 234.35(3) and who are involuntarily hospitalized for mental illness pursuant to Iowa Code chapter 229 when money is available for that purpose. Local boards will also be developed in other judicial districts as money is available for that purpose.

**1.1(1) Location.** The foster care review board is located in the Lucas State Office Building, Capitol Complex, Des Moines, Iowa 50319; telephone (515)281-7621. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, except on state holidays. The foster care review board is created within the department of inspections and appeals.

**1.1(2) Definitions.**

*“Case permanency plan”* means the plan, mandated by Public Law 96-272, as codified in 42 U.S.C. Sections 671(1)(16), 627(1)(2)(B), and 675(1), (5), designed to achieve placement in the least restrictive, most familylike setting available and in close proximity to the parent’s home, consistent with the best interests and special needs of the child. The plan shall specifically include all of the following:

1. Plans for carrying out the voluntary placement agreement or judicial determination pursuant to which the child entered care.
2. The type and appropriateness of the placement and services to be provided to the child.
3. The care and services that will be provided to the child, natural parents, and foster parents.
4. How the care and services will meet the needs of the child while in care and will facilitate the child’s return home or to other permanent placement.
5. The efforts to place the child with a relative.
6. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out of state.
7. Time frames to meet the stated permanency goal and short-term objectives.

*“Child receiving foster care”* means a child defined in Iowa Code section 234.1 whose foster care placement is the financial responsibility of the state pursuant to Iowa Code section 234.35 or 234.36, or who is under the guardianship of the department, or who has been involuntarily hospitalized for mental illness pursuant to Iowa Code chapter 229.

*“Department”* means the department of human services.

*“Family”* means the social unit consisting of the child and the biological or adoptive parent, stepparent, brother, sister, stepbrother, stepsister, and grandparent of the child.

*“Local board”* means a local foster care review board.

*“Person or court responsible for the child”* includes, but is not limited to, the department of human services, agency, or individual who is the legal custodian or guardian, or a child with parental rights terminated, a neglected, dependent or delinquent child by court order and has the responsibility of the care of the child, or the court having jurisdiction over the child.

*“State board”* means the state foster care review board.

This rule is intended to implement Iowa Code sections 17A.3 and 237.15.

[Filed emergency 5/30/85—published 6/19/85, effective 5/30/85]  
[Filed emergency 7/1/86—published 7/16/86, effective 7/1/86]  
[Filed 3/3/88, Notice 1/27/88—published 3/23/88, effective 4/27/88]  
[Filed 9/2/88, Notice 6/15/88—published 9/21/88, effective 10/26/88]

CHAPTER 2  
RULES AND OPERATION FOR THE BOARD  
[Prior to 3/23/88, see Foster Care Review Board[445] Ch 2]

**489—2.1(237) Membership and term.**

**2.1(1) *Membership.*** The state foster care review board consists of seven members and functions under the leadership of a chairperson, vice-chairperson, and other officers as needed, who are elected annually by the membership. All members are appointed by the governor and subject to confirmation by the senate. The state board is directly responsible to the governor. Vacancies on the state board shall be filled in the same manner as original appointments are made. Each member of the state board may be eligible to receive compensation as provided in Iowa Code section 7E.6.

**2.1(2) *Terms.*** The term of a state board member's appointment shall not exceed three years. The governor shall fix the tenure of the individual appointments such that no more than one-third of the general membership's term expires in a given year.

**2.1(3) *Meetings.*** The state board shall meet at least twice a year. Notice of a meeting is published at least seven days in advance of the meeting and will be mailed to interested persons upon request. The notice shall contain the specific date, time and place of the meeting. The agenda will be made available to any interested person not less than seven days in advance of the meeting. All meetings will be open to the public, pursuant to Iowa Code chapter 21, unless a closed session is voted by a quorum. The operation of the board meetings will be governed by the following rules of procedure.

*a.* A quorum shall consist of four members. When a quorum is present, a position is carried by an affirmative vote of a majority of the entire membership of the board.

*b.* Minutes of board meetings are prepared and are available at the board office for inspection during office hours. Copies may be obtained without charge by contacting the office.

*c.* At each meeting the board shall set the time, date and place of the next meeting.

(1) Notice of the meetings shall be given pursuant to Iowa Code chapter 21.

(2) When it is determined by the chairperson of the board that a special or electronic meeting is required, it shall be held in accordance with Iowa Code section 21.4 or 21.8.

(3) Persons wishing to appear before the board shall submit the request to the board office not less than ten days prior to the meeting. Presentations may be made at the discretion of the chair and only upon matters appearing on the agenda. Persons wishing to submit written material should do so at least ten days in advance of the scheduled meeting to ensure board members have adequate time to receive and evaluate the material.

(4) Cameras and recording devices may be used at open meetings provided they do not obstruct the meeting. The presiding officer may request a person using such a device to discontinue its use when it is obstructing the meeting. If a person fails to comply with this request, the presiding officer shall order that person excluded from the meeting.

(5) The presiding officer may exclude any person from the meeting for repeated behavior that disrupts or obstructs the meeting.

(6) Cases not covered by these rules shall be governed by Robert's Rules of Order, revised 1970 edition.

**2.1(4) *Powers and duties.*** The state board shall:

1. Review the activities and actions of local boards.

2. Establish a central record-keeping facility for files of local review boards, including individual case reviews.

3. Accumulate data and develop an annual report regarding children in foster care and make recommendations. The recommendations shall include, but are not limited to, identification of systemic problems in the foster care and the juvenile justice systems, specific proposals for improvements that assist the systems in being more cost-effective and better able to protect the best interests of children.

4. Evaluate the judicial and administrative data collected on foster care and disseminate the data to the governor, the supreme court, the chief judge of each judicial district, the department, and child-placing agencies.

5. Establish mandatory training programs for members of the state and local review boards.
  6. Establish procedures for the local review board consistent with the provisions of Iowa Code section 237.20.
  7. Establish grounds and procedures for removal of a local board member.
  8. Assign the case of each child receiving foster care within the judicial district to the appropriate local board.
  9. Provide supportive services to local boards to assist them in their duties.
  10. Employ a state director and appropriate staff.
- This rule is intended to implement Iowa Code sections 17A.3, 237.16 and 237.18.

**489—2.2(237) Director.** The state board appoints a director for the foster care review board. The director is responsible for the ongoing administration of the state and local boards' activities. The director:

1. Applies for and administers funds necessary for operations of the foster care review board system.
2. Employs, discharges, trains, and supervises foster care review board employees.
3. Recommends and encourages implementation of needed policies and procedures on an interim basis between meetings of the state board.
4. Ensures training is provided for state and local board members.
5. Ensures that relationships are developed and maintained between the local board and judges, juvenile court referees, local departments, juvenile court services, and advocacy groups.
6. Coordinates efforts to ensure community awareness of state and local boards.
7. Works closely with allied agencies and associations to ensure that efforts relating to state and local boards are coordinated and consistent.
8. Develops a management information system with feedback to local agencies of children to be reviewed, schedules for review, and recommendations following reviews.
9. Designs forms and specifies the means by which foster care agencies may transmit case information to local boards.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18(5).

**489—2.3(237) Foster care registry.** The state board shall establish a registry of the placements of all children receiving foster care. The department shall notify the state board of each placement within five working days of the department's notification of the placement. The notification to the state board shall include information identifying the child receiving foster care and placement information for that child.

Within 30 days of the placement or 2 days after the dispositional hearing, the agency responsible for the placement shall submit the case permanency plan to the state board. All subsequent revisions of the case permanency plan shall be submitted when the revisions are developed.

This rule is intended to implement Iowa Code sections 17A.3 and 237.17.

**489—2.4(237) Training.** Pursuant to Iowa Code section 237.18(2) "d," training is mandatory for members of the state and local boards. Training will include:

1. The history, philosophy, and role of the juvenile court in the child welfare system.
2. Juvenile court procedures under the Juvenile Justice Act, pursuant to Iowa Code chapter 232.
3. The foster care administrative review process of the department.
4. The role and procedures of the foster care review system and state and local board members' responsibilities.
5. The Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.
6. The purpose of case permanency plans, and the types of information that will be available in those plans.
7. The situations where the goals of either reuniting the child with the child's family or adoption would be appropriate.
8. The legal processes that may lead to foster care placement.

9. The types and number of children involved in those legal processes.
10. The types of foster care placement available, with emphasis on the types and number of facilities available on a regional basis.
11. The impact of specific physical or mental conditions of a child on the type of placement most appropriate and the kind of progress that should be expected in those situations.
12. The definition and importance of confidentiality, explanation of Iowa Code sections 600.16, 217.30 and 235A.15 and penalties for disclosure.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18(2) “d.”

**489—2.5(237) Confidentiality of records—penalty.**

**2.5(1)** The information and records of or provided to a local board or the state board regarding a child receiving foster care and the child’s family when relating to the foster care placement are not public records pursuant to Iowa Code chapter 22 and section 237.21. The state board and local boards, with respect to hearings involving specific children receiving foster care and the child’s family, are not subject to Iowa Code chapter 21.

**2.5(2)** Information and records relating to a child receiving foster care shall be provided to a local board or the state board by the department or child-care agency upon request by either board. A court having jurisdiction of a child receiving foster care shall release the information and records the court deems necessary to determine the needs of the child, if the information and records are not obtainable elsewhere, to a local board or the state board upon request by either board. Confidential records and information that are distributed to members of the board in advance of a meeting of the state or local board shall be clearly identified as confidential and the members shall take appropriate steps to prevent unauthorized disclosure.

**2.5(3)** Members of the state board and local boards and the employees of the department are subject to the standards of confidentiality pursuant to Iowa Code sections 600.16, 217.30 and 235A.15. Members of the state and local boards and employees of the department shall not disclose information or records of the board or department, other than as provided in subrule 2.5(2).

This rule is intended to implement Iowa Code sections 17A.3 and 237.21.

[Filed emergency 5/30/85—published 6/19/85, effective 5/30/85]

[Filed emergency 7/22/85—published 8/14/85, effective 8/14/85]

[Filed emergency 7/1/86—published 7/16/86, effective 7/1/86]

[Filed 3/3/88, Notice 1/27/88—published 3/23/88, effective 4/27/88]

[Filed 9/2/88, Notice 6/15/88—published 9/21/88, effective 10/26/88]



CHAPTER 3  
LOCAL FOSTER CARE REVIEW BOARDS  
[Prior to 3/23/88, see Foster Care Review Board[445] Ch 3]

**489—3.1(237) Local boards.** The state board shall establish local foster care boards in judicial districts as funding is made available for that purpose. The number of local boards needed and established shall be determined by the state board. A sufficient number of boards will be established to ensure no board shall carry a caseload larger than 100 cases.

**3.1(1)** The state board is responsible under the statute for establishment of policy and procedures which must be consistent with the provisions of the statute. Local boards are required to comply with policies and procedures. If a local board does not agree with a policy and procedure, the local board may bring that issue to the state board for discussion and request a change of policy. If the state board upholds the policy, local boards must comply.

**3.1(2)** Day-to-day implementation of policy is delegated by the state board to administrative staff. Staff is responsible for bringing questions about policy issues to the state board for clarification or changes of policy.

**3.1(3)** Any written communication from a local review board or local board member, in their capacity as a board member to state officials or media shall be sent to the foster care review board office and reviewed by the director prior to its release.

This rule is intended to implement Iowa Code sections 17A.3 and 237.19.

**489—3.2(237) Membership.**

**3.2(1)** The state board shall select, in consultation with the chief judge, five members and two alternate members to serve on each local board. The members of each local board shall consist of persons of the various social, economic, racial, and ethnic groups and various occupations of their district and who have demonstrated an interest in children and their welfare through community service or professional experience.

**3.2(2)** A person employed by the department of inspections and appeals, the department of human services, the judicial department, an employee of an agency with which the department of human services contracts for services for children under foster care, or a child-placing agency shall not serve on a local board. The state board shall provide the names of the members of the local boards to the department of human services.

**3.2(3)** Vacancies on a local board shall be filled in the same manner as original appointments are made. Each member of the local board may be eligible to receive compensation as provided in Iowa Code section 7E.6.

**3.2(4)** The term of a local board member's appointment shall not exceed two years. The state board shall fix the tenure of individual appointments so that no more than one-half of the membership's terms expire in a given year.

**3.2(5)** A quorum consists of at least three local review board members or alternates. A quorum shall be present before cases can be reviewed and recommendations can be voted on. At least two members must be present during questioning of interested parties.

This rule is intended to implement Iowa Code sections 17A.3 and 237.19.

**489—3.3(237) Removal of a local board member.**

**3.3(1)** Grounds for removal are:

- a. Not attending mandatory training sessions.
- b. Missing two consecutive board meetings or four board meetings in a year's period, without justifiable cause as determined by the director.
- c. Releasing confidential information pursuant to Iowa Code sections 600.16, 217.30, 235A.15, 237.21, chapters 21 and 22 and other statutory provisions requiring confidentiality.
- d. Any action or behavior that is inconsistent with the purpose and objectives of Iowa Code sections 237.15 to 237.22, the board, and these rules.

**3.3(2)** The director shall write a letter requesting the state board to take action with specific cause and nature of the cause for removal of local board members. Copies of this request will be given to all state board members and the person in question at least 15 days in advance of the state board meeting where a decision will be made.

**3.3(3)** The person in question may enter written or oral testimony to the state board ten days in advance for the state board's consideration.

**3.3(4)** The state board shall make the final decision, with no further appeal available, when a quorum is present by an affirmative majority vote. Written notice of the decision will be given to the local board member and will be reflected in the board minutes.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18(2) "f."

#### **489—3.4(237) Duties of local board.**

**3.4(1)** Local board reviews. Every six months the local board shall review the case of each child receiving foster care assigned to the local board by the state board to determine whether satisfactory progress is being made towards the goals of the case permanency plan pursuant to Iowa Code section 237.2. As much as possible, reviews shall be conducted prior to court review of the cases.

*a.* Each review will consider the following:

(1) The past, current, and future status of the child and placement as shown through the case permanency plan and case progress reports submitted by the agency responsible for the placement of the child and other information the board may require.

(2) The efforts of the agency responsible for the placement of the child to locate and provide services to the biological or adoptive parents of the child.

(3) The efforts of the agency responsible for the placement of the child to facilitate the return of the child to the home or to find an alternative permanent placement other than foster care if reunion with the parent or previous custodian is not feasible. The agency shall report to the board all factors which either favor or mitigate against a decision or alternative with regard to these matters.

*b.* The agency responsible for placement of the child or the local board may request an investigation of any problems, solutions, or alternatives with regard to the best interest of the child or of the state.

*c.* The review shall include issues pertaining to the permanency plan and shall not include issues that do not pertain to the permanency plan. Each review shall include written testimony of any person notified pursuant to Iowa Code section 237.20(4), and may include oral testimony from those persons when determined to be relevant and material to the child's placement. Case relevant written testimony from other interested parties may also be considered by the board in its review.

*d.* A person who gives oral testimony has the right to representation by counsel at the review. Oral testimony may, upon the request of the testifier or upon motion of the local board, be given in a private setting when to do so would facilitate the presentation of evidence. Local board questions shall pertain to the permanency plan and shall not include issues that do not pertain to the permanency plan.

*e.* A list of documents and information considered by the local board shall be provided to the child, the parents, their attorneys, judge, department, and the county attorney at their request.

**3.4(2)** Findings and recommendations. The local board shall submit the findings and recommendations to the appropriate court within 15 days after the review. The findings and recommendations shall include the proposed date of the next review by the local board. The report to the court shall include information regarding the permanency plan and the progress in attaining the permanency goals. The local board shall send a copy of the findings and recommendations to the persons specified in 3.4(3) within 15 days following the review.

**3.4(3)** The local board shall notify the following persons at least ten days prior to the review of the case of a child receiving foster care:

*a.* The person, court, or agency responsible for the child.

*b.* The parent or parents of the child unless termination of parental rights has occurred pursuant to Iowa Code section 232.117 or chapter 600A.

*c.* The foster care provider of the child.

*d.* The child receiving foster care, if the child is 14 years of age or older. The child shall be informed of the review's purpose and procedure, and of the right to have a guardian ad litem present.

*e.* The guardian ad litem of the foster child. The guardian ad litem shall be eligible for compensation through Iowa Code section 232.141, subsection 1, paragraph "b."

*f.* The department.

*g.* The county attorney.

The notice shall include a statement that the person notified has the right to representation by counsel at the review.

**3.4(4)** The local board shall encourage placement of the child in the most appropriate setting reflecting the provisions of Iowa Code chapter 232.

This rule is intended to implement Iowa Code sections 17A.3 and 237.20.

**489—3.5(237) Local board coordinator.** The local board coordinators are employees of the foster care review board. They provide a full range of administrative support services to the local boards.

**3.5(1)** Duties of the local board coordinators include:

*a.* Coordinating logistics of foster care reviews by:

(1) Scheduling foster care reviews each six months and notifying appropriate interested parties ten days prior to a review pursuant to Iowa Code section 237.20(4).

(2) Recording case information and local board recommendations.

(3) Ensuring reports are written and disseminated to courts and other parties pursuant to Iowa Code section 237.20(4) within 15 days after each review.

(4) Maintaining central files of confidential materials.

(5) Ensuring data is collected for the foster care registry and is updated in a timely manner.

*b.* Ensuring conformance with standards, official policies and procedures promulgated by the state board to ensure uniform implementation across the state, and reporting to the director and state board on policy questions and procedural matters that local board members may have.

*c.* Traveling to all review meetings to coordinate agency objectives and activities with local review boards, juvenile courts, department of human services, and child-placing agencies.

*d.* Recommending policies and procedures for carrying out the agency's objectives, recognizing board training needs and providing training.

*e.* Assisting in preparing annual reports and public informational materials which will be disseminated to the governor, general assembly, supreme court, judges, department of human services, and child-placing agencies to assist them in their planning for children in foster care.

**3.5(2)** Reserved.

This rule is intended to implement Iowa Code sections 17A.3 and 237.15.

**489—3.6(237) Children eligible for review.**

**3.6(1)** To be eligible for review, the child shall meet the requirements set forth in Iowa Code sections 234.1(2), 234.35 and 234.36; or be under the guardianship of the department; and the child receiving foster care has lived out of the home for more than six months during the last two years.

**3.6(2)** If the child is not receiving foster care when the six-month review is scheduled, the review may be held if the child has received foster care for a minimum of two months during that six-month period.

**3.6(3)** If parental rights are terminated, the child's case will continue to be reviewed every six months until the child is placed in an adoptive home and the adoption is finalized.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

[Filed emergency 5/30/85—published 6/19/85, effective 5/30/85]

[Filed emergency 7/1/86—published 7/16/86, effective 7/1/86]

[Filed 3/3/88, Notice 1/27/88—published 3/23/88, effective 4/27/88]

[Filed 9/2/88, Notice 6/15/88—published 9/21/88, effective 10/26/88]



CHAPTER 4  
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The foster care review board adopts, with the following amendments and exceptions, rules of the Governor's Task Force on Uniform Rules of Agency Procedure relating to public records and fair information practices which are printed in the first volume of the Iowa Administrative Code.

**489—4.1(22) Definitions.** As used in this chapter:

*“Agency.”* In lieu of the words “(official or body issuing these rules)”, insert “foster care review board”.

*“Custodian.”* In lieu of “the agency”, insert “an agency”. Insert, “The originating agency, if any, is the custodian of records which are used to carry out functions of the originating agency.”

*“Originating agency”* means the government agency which has authority over and custody of records and for whom the department is performing a service.

**489—4.3(22) Requests for access to records.**

**4.3(1) Location of record.** In lieu of “(insert agency head)”, insert “director”. In lieu of “(insert agency name and address)”, insert “Director, Foster Care Review Board, Lucas State Office Building, Des Moines, Iowa 50319”.

**4.3(2) Office hours.** In lieu of “(insert customary office hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)”, insert “8 a.m. to 4:30 p.m. Monday through Friday, except legal holidays”.

**4.3(7) Fees.**

*c. Supervisory fee.* In lieu of “(specify time period)”, insert “one hour”.

**489—4.6(22) Procedure by which a subject may have additions, dissents, or objections entered into the record.** In lieu of the words “(designate office)”, insert “the originating agency, or to the director’s office”.

**489—4.9(22) Disclosures without the consent of the subject.**

**4.9(1)** Open records are routinely disclosed without the consent of the subject.

**4.9(2)** To the extent allowed by law, disclosure of confidential records may occur without the consent of the subject. Following are instances where disclosure, if lawful, will generally occur without notice to the subject:

- a.* For a routine use as defined in rule 4.10(22) or in the notice for a particular system.
- b.* To a recipient who has provided the agency with advance written assurance that the record will be used solely as a statistical research or reporting record, provided that the record is transferred in a form that does not identify the subject.
- c.* To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if an authorized representative of such government agency or instrumentality has submitted a written request to the agency specifying the record desired and the law enforcement activity for which the record is sought.
- d.* To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last-known address of the subject.
- e.* To the legislative services agency under Iowa Code section 2A.3.
- f.* Disclosures in the course of employee disciplinary proceedings.
- g.* In response to a court order or subpoena.

**489—4.10(22) Routine use.** “Routine use” means the disclosure of a record without the consent of the subject or subjects, for a purpose which is compatible with the purpose for which the record was

collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

To the extent allowed by law, the following uses are considered routine uses of all agency records:

1. Disclosure to those officers, employees, agents, and foster care review board members defined in Iowa Code section 237.18 of the agency or the originating agency who have a need for the record in the performance of their duties. The custodian of the record may, upon request of any officer or employee, or on the custodian's own initiative, determine what constitutes legitimate need to use confidential records.
2. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.
3. Transfers of information within the agency, to other state agencies, or to local units of government as appropriate to administer the program for which the information is collected.
4. Information released to staff of federal and state entities for audit purposes or for purposes of determining whether the agency is operating a program lawfully.
5. Any disclosure specifically authorized by the statute under which the record was collected or maintained.

**489—4.11(22) Consensual disclosure of confidential records.**

**4.11(1)** *Consent to disclosure by a subject individual.* The subject may consent in writing to agency disclosure of confidential records as provided in rule 4.7(22).

**4.11(2)** *Complaints to public officials.* A letter from a subject of a confidential record to a public official which seeks the official's intervention on behalf of the subject in a matter that involves the agency may be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

**4.11(3)** *Obtaining information from a third party.* The foster care review board requests personally identifiable information from third parties during the course of its authorized reviews. Requests to third parties for this information involve the release of confidential identifying information.

**489—4.12(22) Release to subject.**

**4.12(1)** A written request to review confidential records may be filed by the subject of the record. The agency need not release the following records to the subject:

- a. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18).
- b. Records need not be disclosed to the subject when they are the work product of an attorney or are otherwise privileged.
- c. Peace officer investigative reports may be withheld from the subject, except as required by the Iowa Code. (Iowa Code section 22.7(5))
- d. Others authorized by law.

**4.12(2)** Where a record has multiple subjects with interest in the confidentiality of the record, the agency may take reasonable steps to protect confidential information relating to another subject.

**489—4.13(22) Availability of records.**

**4.13(1)** *General.* Agency records are open for public inspection and copying unless otherwise provided by rule or law.

**4.13(2)** *Confidential records.* The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

- a. Sealed bids received prior to the time set for public opening of bids. (Iowa Code section 72.3)
- b. Tax records made available to the agency.
- c. Exempt records under Iowa Code section 22.7.
- d. Minutes of closed meetings of a government body. (Iowa Code section 21.5(4))

*e.* Identifying details in final orders, decisions and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1) “*d.*”

*f.* Those portions of department staff manuals, instructions or other statements issued which set forth criteria or guidelines to be used by department staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:

- (1) Enable law violators to avoid detection;
- (2) Facilitate disregard of requirements imposed by law; or
- (3) Give a clearly improper advantage to persons who are in an adverse position to the agency.

(Iowa Code sections 17A.2 and 17A.3)

*g.* Case records and files of the children in care.

*h.* The Foster Care Registry which is a computerized tracking system of the children in care.

*i.* Any other records made confidential by law.

Iowa Code section 237.21 contains specific authority.

**489—4.14(22) Personally identifiable information.** This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems. For each record system, this rule describes the legal authority for the collection of that information, 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:

1. Files are maintained by the child’s name in the foster care review board offices. Those files are kept in locked filing cabinets. (Iowa Code section 237.18(2) “*a*”)

2. The Foster Care Registry (Iowa Code section 237.17) is a computerized tracking system of the children reported to the foster care review board. The information of each case is personally identifiable by name.

3. Personnel files for each employee of the foster care review board. These may be confidential pursuant to Iowa Code section 22.7(11).

These rules are intended to implement Iowa Code sections 237.15 to 237.22, 22.11, and 22.7.

[Filed emergency 8/19/88 after Notice 3/23/88—published 9/7/88, effective 8/19/88]