

CHAPTER 13
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The Iowa finance authority hereby adopts, with the following exceptions and amendments, 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.

265—13.1(17A,22) Definitions.

"Agency" means the Iowa finance authority.

265—13.3(17A,22) Requests for access to records. As used in this chapter:

13.3(1) Location of record. A request for access to a record should be directed to the office where the record is kept. If the location of the record is not known by the requester, the request shall be directed to Iowa Finance Authority, 2015 Grand Avenue, Des Moines, Iowa 50312. The Iowa finance authority will forward the request to the appropriate person.

13.3(2) Office hours. Open records shall be made available during all customary office hours, which are 8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays and legal holidays.

265—13.4(17A,22) Access to confidential records. The following procedures for access to confidential records are in addition to those specified for all records in rule 13.3(17A,22).

265—13.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Except as otherwise provided by law, the subject of a record shall have the right to have a written statement of additions, dissents, or objections entered into the record. The subject shall send the statement to the custodian of the record or to the Iowa finance authority. The statement must be dated and signed by the subject, and shall include the current address and telephone number of the subject or the subject's representative.

265—13.9(17A,22) Availability of records. Authority records not routinely available for public inspection. The following records are confidential and not routinely available for public inspection.

13.9(1) Materials that are specifically exempted from disclosure by statute and which the authority may in its discretion withhold from public inspection. Records the authority is authorized to withhold from public inspection under Iowa law in its discretion include, but are not limited to, the following:

a. Records that represent the work product of an attorney, which are related to litigation or claim made by or against a public body.

b. Reports made to the authority which, if released, would give advantage to competitors and serve no public purpose.

c. Personal information in confidential personnel records.

d. Records of identity of owners of public bonds or obligations maintained as provided in Iowa Code section 76.10 or by the issuer of the public bonds or obligations. However, the issuer of the public bonds or obligations and a state or federal agency shall have the right of access to the records.

e. Communications that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination, included but not limited to, financial statements, security agreements, notes, mortgages, partnership agreements, articles of incorporation, tax returns, credit reports and underwriting decisions to the extent they contain personally identifiable information.

f. Materials that are specifically exempted from disclosure by statute and which the authority is prohibited from making available for public inspection.

13.9(2) The authority, in the implementation of this program, must collect personally identifiable information under Iowa Code chapter 16 and federal statutes and regulations governing the issuance

of debt instruments by the authority. Such personally identifiable information is confidential and includes, but is not limited to, financial statements, security agreements, notes, mortgages, partnership agreements, articles of incorporation, tax returns, credit reports, underwriting decisions as they relate to bond financings, tax credit programs, loans administered by the authority and other authority programs as authorized by law.

These rules are intended to implement Iowa Code section 22.11.

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

[Filed 3/19/91, Notice 10/17/90—published 4/3/91, effective 5/8/91]