

CHAPTER 2505
FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

7—2505.1(17A,22) Definitions. As used in this chapter:

“*Confidential record*” means a record that is not available for examination under applicable law.

“*Lawful custodian*” means the same as defined in Iowa Code section 22.1.

“*Personally identifiable information*” means information contained in a record that is about or pertains to an individual that identifies or that could be used to identify an individual.

“*Public records*” means the same as defined in Iowa Code section 22.1.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2505.2(17A,22) Statement of policy. The purpose of this chapter is to facilitate broad public access to public records. The chapter also seeks to facilitate sound agency determinations with respect to the handling of confidential records and the implementation of the fair information practices Act. This agency is committed to the policies set forth in Iowa Code chapter 22; agency staff are obligated to cooperate with members of the public in implementing the provisions of that chapter. To the extent an exemption to the release of a requested public record exists in the Iowa Code, whether based on confidentiality or otherwise, the Iowa Code provision governs. To the extent the Iowa Code does not exempt the release of such a record, the administrative rules govern.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2505.3(17A,22) Requests for access to records.

2505.3(1) *Location of record.* A request for access to public records should be directed to the agency’s address, the agency’s email, or the agency’s office where the record is kept. Agency staff will promptly forward public records requests to the lawful custodian when such a request is misdirected.

2505.3(2) *Office hours.* The agency is obligated to provide access to the public records it maintains during its regular office hours. The agency will post the schedule of these office hours on the agency’s website to facilitate access to public records.

2505.3(3) *Request for access.* Requests for access to public records maintained by the agency shall be made, whenever possible, by email. Otherwise, requests can be made in writing, in person, by telephone using the agency’s telephone number, or through other electronic means made available by the agency. Requests should identify the particular public records sought by name or description in order to facilitate identification of relevant public records. Requests should include the name, address, email, and telephone number of the person requesting the information. A member of the public need not give a reason for requesting public records. For public records requests that involve searches of electronic stores of information, the agency may condition the search on the requester providing search terms for the search.

2505.3(4) *Response to requests.* Access to public records will be provided promptly upon request unless the size or nature of the request requires additional time to complete. If the size or nature of the request causes a delay in compliance, the lawful custodian will comply with the request as soon as feasible. Access to public records may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The lawful custodian will promptly give notice to the requester of the reason for any delay in access to public records and an estimate of the length of that delay and, upon request, will promptly provide that notice to the requester in writing.

The agency that maintains a record claimed to be a public record may deny access to the record only if a denial is appropriate under Iowa Code sections 22.8(4) and 22.10(4) or based on a reasonable belief that the record is a confidential record or that its disclosure is prohibited by a court order. In addition, access to confidential records is generally not allowed. However, access may be allowed pursuant to the provisions of rule 7—2505.4(17A,22), as well as other applicable provisions of law.

2505.3(5) *Security of record.* No person may, without permission from the lawful custodian, search or remove any public record from the agency’s files. Examination and copying or transmission of agency

public records will be supervised by the lawful custodian or that person's designee. Public records will be protected from damage and disorganization.

2505.3(6) Copying. Electronic copies of records will be provided in response to a public records request whenever possible. When physical paper copies are demanded by a requester, a reasonable number of such physical copies of a public record may be made in the agency's office. If photocopy equipment is not available in the office where a public record is kept, the lawful custodian will permit its examination in that office and arrange to have copies promptly made elsewhere.

2505.3(7) Fees.

a. When charged. The agency may charge fees in connection with the examination or copying of public records only if the fees are allowed under the law. To the extent permitted by applicable law, the payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest. The determination of whether to waive fees is in the sole discretion of the agency.

b. Fees and costs. The agency may charge for the actual cost of producing public records. These charges may include the actual cost of making photocopies, the actual cost of media necessary to convey electronic copies of public records, and the actual costs of mailing public records. Pricing schedules for these actual costs will be prominently posted on the agency's website. The agency may also charge for the expense associated with supervising and searching for public records. These hourly charges will be based on the actual hourly rate of the person performing the task. The agency will ensure that the employee rate charged is as low as possible based on the circumstances. The agency may impose hourly charges only after the first three hours of labor, which will be provided at no cost to the requester. For any additional review by the agency to address questions of confidentiality, the agency may charge the requester the actual hourly rate of the attorney performing the review, although the first three hours of the attorney's time will be provided at no cost to the requester.

c. Advance payment. When the estimated total fee exceeds \$250, the agency may require an advance payment from the requester to cover all or a part of the estimated fee before proceeding with the work of gathering and reviewing potentially relevant records. If a requester has an unpaid balance from a previous records request, the agency may require the requester to pay both the unpaid balance and the current estimate, regardless of value, before proceeding with the review of public records.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2505.4(17A,22) Access to confidential records. If the agency reasonably believes that a record is or may be confidential, the following procedures apply to requests for access to the record and are in addition to other rules specified for access to public records.

2505.4(1) Support for claimed access. The agency may require a person requesting access to a potentially confidential record to provide proof of identity as well as proof of the person's authority to secure access to the record. The lawful custodian may also compel the requester to submit the request in writing and sign a certified statement or affidavit that the requester is entitled to access the record.

2505.4(2) Notice to subject of record. Before releasing a potentially confidential record, an agency may make reasonable efforts to notify the confidentiality claimant or any person whose information is in the records that may be subject to a claim of confidentiality. A "confidentiality claimant" is a person who has claimed confidentiality of a record or whose personally identifiable information is in a record.

2505.4(3) Injunction—notice to the confidentiality claimant. If practical and in the public interest, the lawful custodian may delay release for a reasonable period of time and notify the confidentiality claimant of the person's right to seek an injunction under Iowa Code section 22.8. Any notice provided to the confidentiality claimant in this regard will identify the time allowed the confidentiality claimant to seek an injunction. Failure to file an injunction after notice constitutes waiver of the confidentiality claim.

2505.4(4) Request denied—notice to the requester. When the lawful custodian denies a request for access to a potentially confidential record, the lawful custodian will promptly notify the requester. Written notification of the denial will be provided upon request, and this notification will include the name and title or position of the lawful custodian, as well as the legal reason for the denial and a brief explanation.

2505.4(5) Request granted. When the lawful custodian grants a request for access to a potentially confidential record, the lawful custodian will notify the person granted access of any lawful limitations the custodian imposes on that person's examination and copying of the record.

2505.4(6) Redactions. The lawful custodian may but is not compelled to redact confidential information from a document so that nonconfidential portions of the record can be provided to a requester. If the requester receives a redacted record and later requests access to the unredacted version of the record, the custodian may deny the request or notify the confidentiality claimant so the claimant may seek an injunction under subrule 2505.4(3).

2505.4(7) Timing of decision. The lawful custodian may decide whether a record is confidential at any time.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2505.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination. Requests to the agency to treat a record as confidential will be addressed in accordance with the following rules. The lawful custodian may treat a record as a confidential record and withhold it from examination only in accordance with applicable law.

2505.5(1) Persons who may request. Persons who believe they may be harmed by a potential disclosure of a record may request that the lawful custodian declare the record as confidential.

2505.5(2) Request. Any person may submit a request to treat a record as confidential. To be valid, the request will:

- a. Be in writing,
- b. Be filed with the lawful custodian,
- c. Explain the legal and factual reasons the record should be confidential,
- d. Include the requester's contact information, and
- e. Be accompanied by a redacted copy of the record.

The lawful custodian may also require a signed statement or affidavit supporting the confidentiality claim. If the request for confidentiality is for a specific period of time, the requester is also obligated to identify the time frame.

2505.5(3) Failure to request. The lawful custodian may treat a record as confidential even if no person files a request to treat the record as confidential. However, the agency has discretion to determine whether voluntary submission of an unredacted record to the agency, such as in the context of a bidder submitting an unredacted bid in response to a procurement, constitutes waiver of any argument that the person may have had that the record is in fact confidential.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2505.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Unless prohibited by law, a person may file a request with the lawful custodian to review, and have a written statement of additions, dissents, or objections entered into, a record containing personally identifiable information pertaining to that person. The requester must send the request and written statement of additions, dissents, or objections to the lawful custodian or to the agency at the agency's address or agency's email. The request must be dated and signed by requester and the requester's representative, if any, and must include the current address, email, and telephone number of the requester and the requester's representative, if any. A person who is a subject of such a record shall not alter the original record and shall not expand the official record of any agency proceeding, except as set forth in this rule. An agency's need to preserve the original record as required by applicable law is a valid reason for denying a request to modify the agency's records.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2505.7(17A,22) Consent to disclosure by the subject of a confidential record. To the extent permitted by law, a person who is the subject of a confidential record may have the portion of the record concerning that person disclosed to a third party. A request for such a disclosure must be in writing, identify the particular record or records to disclose, identify the person or class of persons to whom the record may be disclosed, and state when and where the disclosure should be made. The lawful custodian may require the requester and, where applicable, the person to whom the record is to be disclosed to provide proof of identity and may, when necessary, impose additional obligations for special classes of records. Except where legally prohibited, a request by a person's attorney is presumed to be a request by

the person to disclose records about that person to the attorney. The attorney making such request may be required to show proof of representation.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2505.8(17A,22) Notice to suppliers of information. When the agency requests a person to supply information about that person, the agency will notify the person of the use that will be made of the information, which persons outside the agency might routinely be provided this information, which parts of the requested information are mandatory and which are optional, and the consequences of a failure to provide the information requested. This notice may be given in a manner that the agency in its discretion deems appropriate to adequately notify the person in accordance with this rule.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

These rules are intended to implement Iowa Code chapters 17A and 22.

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]

[Filed ARC 0190D (Notice ARC 0037D, IAB 2/4/26), IAB 4/1/26, effective 5/6/26]