

CHAPTER 5
FAIR INFORMATION PRACTICES

605—5.1(17A) Adoption by reference. The homeland security and emergency management department hereby adopts the fair information practices segment of the Uniform Rules on Agency Procedure, which are found on the general assembly's Web site at <https://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf> and which are printed in the first volume of the Iowa Administrative Code, with the following amendments:

1. In lieu of the words “(official or body issuing these rules)” insert “Homeland Security and Emergency Management Department”.
2. In lieu of the words “(insert agency head)” insert “director”.
3. In lieu of the words “(insert agency name and address)” insert “Homeland Security and Emergency Management Department, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324”.
4. In lieu of the words “(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 the words “at any time from 9 a.m. to 12 noon and from 1 to 4 p.m., Monday through Friday, excluding legal holidays, unless the person exercising such right and the lawful custodian agree on a different time”.
5. In lieu of the words “(specify time period)” insert the words “30 minutes”.
6. In lieu of the words “(designate office)” insert the words “Homeland Security and Emergency Management Department, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324”.
7. Delete the words “(and, where applicable, the time period during which the record may be disclosed)”.
8. Delete the words “(Additional requirements may be necessary for special classes of records.)”.
9. Insert at the end of rule 605—5.7(17A,22) the following new sentence: “For federal records maintained by the homeland security and emergency management department, a subject will provide a Privacy Act release in accordance with the requirements of Title 5 United States Code, Section 552, in writing, and signed by the subject of the record.”
10. Delete the words “(Each agency should revise its forms to provide this information.)”.
11. Insert at the end of rule 605—5.8(17A,22) the following new sentence: “For federal records and forms, the United States government's determination of routine use and the consequences of failure to provide required or optional information as requested shall be provided to the supplier of the information.”
12. Insert the following new rule:
[ARC 2324C, IAB 12/23/15, effective 1/27/16]

605—5.9(17A,22) Federal records. Pursuant to Iowa Code section 22.9, the department finds that maintenance, use, or disclosure of federal records described in this rule, except as allowed by federal law and regulation, would result in denial of United States government funds, services and essential information that would otherwise definitely be available and that have been available to the department in the past. The department has authority to enter into agreements and contracts to obtain funds pursuant to Iowa Code chapter 29C. The department makes such agreements and contracts with the Federal Emergency Management Agency (FEMA) under the authority of Public Law 93-288 (the Robert T. Stafford Disaster Relief and Emergency Assistance Act) and an Emergency Management Performance Grant Agreement which specify categories of records and information that must be kept confidential. In addition, 44 CFR 5.71 specifies categories of records that are exempt from disclosure under 5 U.S.C. 552. These records include those containing personally identifiable information concerning applicants to individual assistance and mitigation assistance programs that are administered by the state under a presidentially declared disaster. Nuclear Regulatory Commission Title 10 CFR 73.21 relates to the physical protection of nuclear power plants and materials. This regulation requires that certain information contained in plans and documents on file with the department be kept confidential and include information concerning the physical protection at fixed sites; physical protection in transit; inspections, audits and evaluations; and correspondence insofar as it contains safeguards information.

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