

**223—3.9(17A,22) Availability of records.**

**3.9(1) *General records.*** Records in the state archives are open for public inspection unless otherwise provided by rule or law as designated by the transferring agency. Records in the state archives are open for copying unless, in the opinion of the custodian, reproduction by photocopying would adversely affect the physical condition of the records or there are legal considerations that prohibit copying.

**3.9(2) *Confidential records.*** The state archives has custody of records which other state agencies have created. An agency which creates records shall identify which records are confidential when transferring those records to the state archives. Any confidential record in an agency shall retain its confidential record status after its transfer to the state archives.