

657—14.13(22,124,155A) Availability of records.

14.13(1) *Open records.* Board records are open for public inspection and copying unless otherwise provided by rule or law.

14.13(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. Tax records made available to the board (Iowa Code sections 422.20 and 422.72);
- b. All information in complaint and investigation files maintained by the board for purposes of licensee discipline, except that the information may be released to the licensee once a licensee disciplinary proceeding has been initiated by the filing of formal charges and a notice of hearing (Iowa Code section 272C.6(4));
- c. Records of controlled substances disposed of or destroyed (Iowa Code section 124.506);
- d. Criminal history or prior misconduct of an applicant for licensure (Iowa Code section 155A.40(3));
- e. Information relating to the contents of an examination for licensure (Iowa Code section 147.21(2));
- f. Information relating to the results of an examination for licensure, other than final score, except that information about the results of an examination may be provided to the person who took the examination (Iowa Code section 147.21(2));
- g. Information contained in investigative reports relating to the abuse of controlled substances (Iowa Code section 124.504);
- h. Minutes of closed meetings of the board (Iowa Code section 21.5(5) “b”);
- i. Records of closed-session board disciplinary hearings (Iowa Code sections 272C.6(1) and 21.5(5) “b”);
- j. Information or records received from a restricted source and any other information or records made confidential by law;
- k. 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) “e”;
- l. Those portions of board staff manuals, instructions, or other statements issued by the board that set forth criteria or guidelines to be used by board staff in conducting audits, making inspections, negotiating settlements, or selecting or handling cases. This includes 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 board (Iowa Code sections 17A.2 and 17A.3);
- m. Personal information in personnel files including, but not limited to, evaluations, discipline, social security number, home address, gender, birth date, and medical and psychological evaluations;
- n. Any other records made confidential by law.

14.13(3) *Authority to release confidential records.* The board may in its discretion disclose some confidential records that the board is authorized to refuse to disclose under Iowa Code section 22.7 or other discretionary provision of law. Any person may request permission to inspect such records. If the board determines that it will release such records, the board may, where appropriate, notify interested parties before releasing the records and withhold the records from inspection as provided in subrule 14.4(3).

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