

681—17.13(22) Availability of records.

17.13(1) *Open records.* Agency records are open for public inspection and copying unless otherwise provided by rule or law.

17.13(2) *Confidential records.* The following records shall be kept confidential. Records are listed by category, according to the legal basis for withholding them from public inspection.

- a. Minutes of closed meetings of a government body. (Iowa Code section 21.5(4))
- b. Sealed bids received prior to the opening of bids. (Iowa Code section 72.3)
- c. Tax records made available to the agency. (Iowa Code sections 422.17 and 422.20)
- d. Student records (Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g and Iowa Code section 22.7)
- e. Hospital records, medical records, and professional counselor records (42 CFR Part II, IAC 653—13.10(10), Iowa Code sections 228.2 and 135.40 to 135.42)
- f. Work product of an attorney (Iowa Code section 602.10112). Records which constitute attorney work product, attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa R. Civ. P. 122(c), Fed. R. Civ. P. 26(b)(3), and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.
- g. Public peace officers' investigative reports. (Iowa Code chapter 692)
- h. Criminal identification files of law enforcement agencies. (Iowa Code chapter 692)
- i. Records of identity of owners of public bonds or obligations. (Iowa Code section 76.11)
- j. Information concerning the nature and location of any archaeological resources or site. (Iowa Code section 263B.10)
- k. Documents related to civil rights actions. (Iowa Code section 216.15(4))
- l. Any other records made confidential by law.
- m. Records which are exempt from disclosure under Iowa Code section 22.7.
- n. 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)“d.”
- o. Those portions of agency staff manuals, instructions, or other statements issued which set forth criteria or guidelines to be used by agency staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as 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 agency. (See Iowa Code sections 17A.2 and 17A.3)
- p. Records exempted from public inspection under any other provision of law.