

351—2.9 (22,68A,68B) Disclosure without the consent of the subject.

2.9(1) *Open record.* An open record is routinely disclosed without the consent of the subject.

2.9(2) *Partial open record.* If the board is prohibited from disclosing part of a document from inspection, that part will not be disclosed and the remainder will be made available for inspection.

2.9(3) *Disclosure of confidential record.* To the extent allowed by law, disclosure of a confidential record may occur without the consent of the subject. Following are instances when disclosure, if lawful, will generally occur without notice to the subject:

a. For a routine use as defined in rule 351—2.10(22,68A,68B) or in the notice for a particular record system.

b. To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the government agency or instrumentality has submitted a written request to the board specifying the record desired and the law enforcement activity for which the record is sought.

c. To the legislative services agency.

d. In response to a court order or subpoena.

e. To a recipient who has provided the board with advance written assurance that the record will be used solely as a statistical research or reporting record, provided that the record is transferred in a form that does not identify the subject.

f. To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last-known address of the subject.

g. Disclosures in the course of employee disciplinary proceedings.