

—**13(17A,22) Availability of records.**

.13(1) General. Department records are open for public inspection and copying subject to supervision unless otherwise provided by statute or rule.

.13(2) Confidential records. The following records shall be withheld from public inspection. Records are listed by department division and include the legal authority for withholding the record from public inspection.

a. Division of acute disease prevention and emergency response.

(1) Records which identify a person infected with or exposed to a reportable disease or other disease or health condition collected pursuant to Iowa Code chapter 139A, and maintained as confidential pursuant to Iowa Code section 139A.3(2)“b” and Iowa Code section 22.7(16).

(2) Records which identify a business involved in a reportable disease or other disease or health condition investigation collected pursuant to Iowa Code chapter 139A, and maintained as confidential pursuant to Iowa Code section 139A.3(2)“c.”The identity of a business may be disclosed pursuant to this authority only if the state epidemiologist or the director of the department determines such a release of information necessary for the protection of the health of the public.

(3) Records which identify a person infected with or exposed to a reportable sexually transmitted disease or infection collected pursuant to Iowa Code chapter 139A, and maintained as confidential pursuant to Iowa Code section 139A.30 and Iowa Code section 22.7(16).

(4) Records which identify a person infected with or exposed to HIV/AIDS collected pursuant to Iowa Code chapter 141A, and maintained as confidential pursuant to Iowa Code section 141A.9.

(5) Data and records received or developed by the trauma system evaluation and quality improvement committee, including patient and emergency medical care service program identifying information, collected pursuant to Iowa Code chapter 147A, and maintained as confidential pursuant to Iowa Code section 147A.25.

(6) Data collected by and furnished to the statewide trauma registry which identifies a patient or former patient collected pursuant to Iowa Code section 147A.26, and maintained as confidential pursuant to Iowa Code section 147A.26.

(7) All information in complaint and investigative files maintained by the bureau of emergency medical services collected pursuant to Iowa Code chapter 147A, and maintained as confidential pursuant to Iowa Code section 272C.6(4), except that the information may be released to the provider or the service once a disciplinary proceeding has been initiated by the filing of a notice of proposed action. A notice of proposed action and final agency action are public documents.

(8) Immunization information which identifies a patient maintained on the statewide immunization registry collected pursuant to Iowa Code section 22.7(2), and maintained as confidential pursuant to Iowa Code section 22.7(2) and 641—subrule 7.11(4). The department’s rules regarding sharing of immunization information are contained at 641—7.12(22).

b. Division of administration and professional licensure.

(1) Vital records maintained pursuant to Iowa Code chapter 144, including records of births, deaths, fetal deaths, adoptions, marriages, divorces, annulments and related data and correspondence, and maintained as confidential pursuant to Iowa Code section 144.43.

(2) Licensing and disciplinary records of the professional licensing boards may be confidential in accordance with Iowa Code section 272C.6(4) and 645—10.13(17A,22).

c. Division of behavioral health.

(1) Records which identify a person named in a report to the central registry for brain or spinal cord injuries collected pursuant to Iowa Code section 135.22, and maintained as confidential pursuant to Iowa Code section 135.22 and 641—21.6(135).

(2) Information contained in a complaint regarding a licensed substance abuse program collected pursuant to Iowa Code chapter 125, and maintained as confidential pursuant to Iowa Code sections 22.7(2), 22.7(18), and 125.37. Investigative reports, written plans of corrective action, and all notices and orders issued by the board of health shall refer to clients and patients by number and shall not include any other client or patient identifying information. Investigative reports, written plans of corrective action,

and all notices and orders issued by the board of health shall be available to the public as open records in accordance with 641—subrule 155.16(5).

(3) Records which identify the victim of a domestic abuse death collected or maintained by the Iowa domestic abuse death review team pursuant to Iowa Code section 135.110, and maintained as confidential pursuant to Iowa Code section 135.111.

d. Division of environmental health.

(1) Drafts of proposed regulations released to the department from the federal government which constitute essential information needed by the department to ensure compliance with federal regulations collected pursuant to Iowa Code chapter 136C, and maintained as confidential pursuant to Iowa Code section 22.9 and 641—subrule 38.7(2).

(2) Applications and documents submitted to the department pursuant to Iowa Code chapter 136C, which may be maintained as confidential pursuant to 641—subrule 39.4(24) if disclosure of their contents is not required in the public interest and would adversely affect the interest of a person concerned.

(3) Records which identify a person infected with or exposed to a reportable disease or other disease or health condition, including lead and other heavy metal poisonings, collected pursuant to Iowa Code chapter 139A, and maintained as confidential in accordance with Iowa Code section 139A.3(2) “b.”

(4) Records which identify a business involved in a reportable disease or other disease or health condition investigation, including a lead or other heavy metal poisoning investigation, collected pursuant to Iowa Code chapter 139A, and maintained as confidential pursuant to Iowa Code section 139A.3(2) “c.” The identity of a business may be disclosed pursuant to this authority only if the state epidemiologist or the director of the department determines such a release of information necessary for the protection of the health of the public or if the release is required by federal, state, or local law.

e. Division of health promotion and chronic disease prevention.

(1) All medical, health and nutrition information which identifies a WIC program participant collected pursuant to federal law and Iowa Code chapter 135, and maintained as confidential in accordance with 7 CFR 246, Iowa Code section 22.7(2), and 641—subrule 73.7(7).

(2) Records which identify the victim of a child death collected or maintained by the Iowa child death review team pursuant to Iowa Code section 135.43, and maintained as confidential pursuant to Iowa Code section 135.43.

(3) Records which identify a child subject to a newborn and infant hearing screening collected pursuant to Iowa Code section 135.131, and maintained as confidential pursuant to Iowa Code section 135.131 and 641—3.10(80GA,ch102).

(4) Records which identify a person named in a report to the central registry for congenital and inherited disorders collected pursuant to Iowa Code section 136A.7, and maintained as confidential in accordance with Iowa Code section 136A.7 and 641—subrule 4.3(7).

(5) Records which identify a person infected with or exposed to a reportable disease or other disease or health condition, including a congenital or inherited disorder, collected pursuant to Iowa Code chapter 139A, and maintained as confidential pursuant to Iowa Code section 139A.3(2) “b.”

f. Sections which govern all divisions.

(1) Records which contain medical information collected pursuant to Iowa Code chapters 135, 139A, and 147A, and maintained as confidential pursuant to Iowa Code section 22.7(2).

(2) Records collected from any person, hospital, or other organization related to the condition and treatment of any person to be used in the course of any study for the purpose of reducing morbidity or mortality collected pursuant to Iowa Code section 135.40, and maintained as confidential pursuant to Iowa Code sections 135.40, 135.41, and 135.42.

(3) Records concerning security procedures or emergency preparedness developed and maintained by the department or other federal or state agency for the protection of governmental employees, visitors to the department, persons in the care, custody, or under the control of the department, or property under the jurisdiction of the department, if disclosure could reasonably be expected to jeopardize such employees, visitors, or property. Pursuant to Iowa Code section 22.7(50), the department has adopted a policy which identifies all specific records or classes of records to which this protection applies.

.13(3) Minutes of closed meetings of a government body shall be kept confidential in accordance with Iowa Code section 21.5.

.13(4) Identifying details in final orders, decisions and opinions shall be kept confidential to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1) “e.”

.13(5) Portions of department staff manuals, instructions or other statements issued shall be kept confidential when such documents set forth criteria or guidelines to be used by department 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:

- a. Enable law violators to avoid detection;
- b. Facilitate disregard of requirements imposed by law; or
- c. Give a clearly improper advantage to persons who are in an adverse position to the department.

.13(6) Records which constitute attorney work product or attorney-client communications or which are otherwise privileged shall be kept confidential. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa R.C.P. 1.503, 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.

.13(7) Records exempted from public inspection under Iowa Code section 22.7 or any other provision of law shall be kept confidential.