

191—54.13(523C) Public access to records.

54.13(1) The commissioner shall keep a register of all applications for licenses which are or have been effective under the Act and all censure, denial, suspension or revocation orders which have been entered under the Act. The register shall be open for public inspection.

54.13(2) Upon request and at reasonable charges the commissioner shall furnish to any person photostatic or other copies, certified if requested, of any entry in the register or any document which is a matter of public record. In any administrative proceeding or prosecution under the Act, any copy so certified is prima facie evidence of the contents of the entry or document certified.

54.13(3) Except as provided in the following subrule, all records maintained by the commissioner pursuant to the Act shall be a matter of public record and shall be made available for inspection or copying.

54.13(4) The commissioner may keep confidential certain information obtained in the course of an investigation or audit pursuant to Iowa Code chapter 22 as follows:

a. Information consisting of records which represent and constitute the work product of an attorney, which is related to litigation or claim made by or against a public body;

b. Information consisting of a peace officer's investigation report; provided, however, that the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual; or

c. Information consisting of a report to a governmental agency which, if released, would give advantage to competitors and serve no public purpose.

d. Information consisting of communications not required by law, rule, or procedure made to the insurance division or to any of its employees by identified persons outside of government, to the extent that the division could reasonably believe that those persons would be discouraged from making them if they were available for general public examination. Notwithstanding this provision:

(1) The communication is a public record to the extent that the person outside of the government making that communication consents to its treatment as a public record.

(2) Information contained in the communication is a public record to the extent that it can be disclosed without directly or indirectly indicating the identity of the person outside of government making it or enabling others to ascertain the identity of that person.

(3) Information contained in the communication is a public record to the extent that it indicates the date, time, specific location, and immediate facts and circumstances surrounding the occurrence of a crime or other illegal act, except to the extent that its disclosure would plainly and seriously jeopardize a continuing investigation or pose a clear and present danger to the safety of any person. In any action challenging the failure of the insurance division to disclose any particular information of the kind enumerated in this paragraph, the burden of proof is on the insurance division to demonstrate that the disclosure of that information would jeopardize an investigation or would pose a clear and present danger.

54.13(5) If the commissioner determines that it is necessary or appropriate, in the public interest, the commissioner may share information with other administrators, regulatory authorities, or governmental agencies or may publish information concerning a violation of the Act, this chapter, or an order issued pursuant to the Act or this chapter.