

**481—5.12(17A,22) Release to subject.**

**5.12(1)** A written request to review confidential records may be filed by the subject of the record as provided in rule 5.6(17A,22). The department need not release the following records to the subject:

*a.* The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provision of law.

*b.* Records need not be disclosed to the subject when they are the work product of an attorney, or a hearing officer's personal notations to be used by the hearing officer and not intended for public dissemination; or they are otherwise privileged.

*c.* Investigative reports may be withheld from the subject, except as required by the Iowa Code. (Iowa Code section 22.7(5).)

*d.* Others authorized by law.

**5.12(2)** Where a record has multiple subjects with interest in the confidentiality of the record, the department may take reasonable steps to protect confidential information relating to another subject.

The list below indicates rules prohibiting release.

1. 481—21.5(10A). Real estate broker trust account information is governed by Iowa Code section 272C.6(4).

2. 481—22.2(10A). Health care facility audits are confidential under Iowa Code section 217.30.

3. 481—40.4(10A). DHS determines accessibility of foster care inspection records.

4. 481—50.8(22,135B,135C). Survey information is confidential pursuant to Iowa Code sections 135B.12 and 135C.19.

5. 481—71.9(10A). Recoupment records and appeals and hearing records are governed by Human Services rules and Iowa Code section 217.30.

6. 481—72.4(10A). Food stamp investigation records are released only to DHS when an investigation is complete.

7. 481—73.8(10A). Iowa Code sections 10A.105, 17A.2(7)“*f*,” and 22.7(18) describe some of the investigation records as confidential.

8. 481—74.3(1)“*e*.” Economic assistance fraud bureau investigative material is not released pursuant to Iowa Code sections 10A.105, 17A.2(7)“*f*,” and 22.7(18).

In all cases, the originating agency shall determine whether records may be released.