

641—175.13(17A,22) Availability of records.

175.13(1) General. Agency records are open for public inspection and copying subject to supervision unless otherwise provided by rule or law.

175.13(2) Confidential records. The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

a. Records which identify a person infected with a contagious or infectious disease required to be reported under Iowa Code chapter 139, and maintained as confidential pursuant to Iowa Code section 139.2.

b. Records which identify a person infected with a sexually transmitted disease required to be reported under Iowa Code chapter 140, and maintained as confidential pursuant to Iowa Code sections 140.3 and 140.4.

c. HIV screening records collected pursuant to Iowa Code chapter 141.

d. Vital records maintained by the agency pursuant to Iowa Code chapter 144, and held confidential pursuant to 144.43. These records include records of births, deaths, fetal deaths, adoptions, marriages, divorces, annulments and related data and correspondence. Certified copies of such records may be made available only as outlined in 641—96.7(144).

e. Radioactive materials licensee files of the radiological health program, which are kept confidential by terms of an agreement with the federal Nuclear Regulatory Commission pursuant to Iowa Code section 136C.11.

f. Records of the WIC program (special supplemental food program for women, infants and children) required by 7 CFR 246.26(d) (February 13, 1985) to be maintained as confidential records. These include certain files of the program participant data base, WIC food checks, WIC vendors, combined agency files, U.S.D.A. correspondence referring to program participants, and appeals.

g. Reports maintained as confidential by the emergency medical services (EMS) program pursuant to 641—subrule 132.8(3). These include the Iowa prehospital care report and Iowa ambulance advanced emergency care report.

175.13(3) Portions of the following records shall be kept confidential under Iowa Code section 22.7:

a. Records which contain medical record information protected by Iowa Code section 22.7(2). Such information may be found in records including the following:

- (1) Chlamydia screening records.
 - (2) Cancer screening records.
 - (3) Rheumatic fever prophylaxis program records.
 - (4) Sexual assault examination and reimbursement program records.
 - (5) Client records in the SIDS (Sudden Infant Death Syndrome) program records and the Birth Defects/Genetic Counseling program.
 - (6) Sterilization reimbursement records.
 - (7) Patient records in the AZT drug reimbursement program.
 - (8) Work-related disease program file.
 - (9) Conditional paramedic pilot project records and medical audits maintained by the emergency medical services (EMS) program.
 - (10) Records and correspondence of the refugee health program.
 - (11) Case records and immunization records maintained in the first-aid room at the State Capitol.
 - (12) Chronic renal disease program patient files.
 - (13) Bureau of health promotion records which contain medical information protected by Iowa Code section 22.7(2). This includes medical information from screening programs for blood pressure, diabetes, cholesterol and colorectal cancer; from diabetes outpatient education assessment, fitness assessment and health risk appraisals; and correspondence containing medical information.
 - (14) Correspondence relating to these or other programs which contains medical records.
- b.* Homemaker/home health aide program records dealing with training exceptions which include educational records protected by Iowa Code section 22.7(1).

c. Records of the radiological health program dealing with radiography technicians and radiography technician testing results which include educational records protected by Iowa Code section 22.7(1).

d. Manufacturer “notice of sale” records filed by the radiological health program, which are kept confidential pursuant to Iowa Code section 22.7(6).

e. Certain consumer product and safety information maintained by the Health Engineering section for which Section 6 of the federal Consumer Products Act requires confidentiality.

175.13(4) Minutes of closed meetings of a government body (Iowa Code section 21.5(4)) shall be kept confidential.

175.13(5) 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) “d.”

175.13(6) Portions of agency staff manuals, instructions or other statements issued shall be kept confidential 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:

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 agency. (See Iowa Code sections 17A.2 and 17A.3.)

175.13(7) Records which constitute attorney work product, 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. 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.

175.13(8) Records exempted from public inspection under any other provision of law shall be kept confidential.

175.13(9) Authority to release confidential records. The agency may have discretion to disclose some confidential records which are exempt from disclosure under Iowa Code section 22.7 or other law. Any person may request permission to inspect records withheld from inspection under a statute which authorizes limited or discretionary disclosure as provided in rule 175.4(17A,22). If the agency initially determines that it will release such records, the agency may, where appropriate, notify interested parties and withhold the records from inspection as provided in subrule 175.4(3).