

875—1.11(22,91) General provisions.

1.11(1) *Statement of policy.* These rules are intended to implement Iowa Code chapter 22. Division staff shall cooperate with members of the public and other agencies in implementing the provisions of these rules.

1.11(2) *Scope of rules.* Rules 875—1.11(22,91) to 875—1.23(22,91) do not:

a. Require the division to index or retrieve records which contain information about an individual by that person's name or other personal identifier.

b. Make available to the general public a record which would otherwise not be available to the general public under Iowa Code chapter 22.

c. Govern a record in the possession of the division which is governed by the rules of another agency.

d. Apply to grantees, including local governments or subdivisions thereof, administering state-funded programs, unless otherwise provided by law or agreement.

e. Make available records compiled by the division in reasonable anticipation of court litigation or formal administrative proceedings. The availability of these records to the general public or to any subject individual or party to the litigation or proceeding shall be governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable rules of the division.

f. Apply to records which are not yet in existence.

g. Require the division to create, compile, or procure a record solely for the purpose of making it available.

h. Limit distribution of materials created or obtained by the division for the purpose of public distribution such as publications and lending materials.

1.11(3) *Warranty.* No warranty of the accuracy or completeness of any record is made.

1.11(4) *Definitions.*

"Agency" means any executive branch federal, state, or local governmental unit including, but not limited to, boards, commissions, departments and offices. Private employment agencies are not included.

"Confidential record" means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the division is prohibited by law from making available for examination by members of the public. Also included are records or information contained in records that are specified as confidential by Iowa Code section 22.7 or other provision of law, but that may be disclosed upon order of a court, by the lawful custodian, or by another person duly authorized to release the record. Inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

"Custodian" means the division or a person lawfully delegated authority to act for the division in implementing Iowa Code chapter 22.

"Division" means the division of labor services.

"Open record" means a record other than a confidential record.

"Personally identifiable information" means information about or pertaining to an individual in a record which identifies the individual and which is contained in a record system.

"Record" means the whole or a part of a division "public record" as defined in Iowa Code section 22.1.

"Record system" means any group of records under the control of the division from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.