

875—1.18(22,91,77GA,ch1105) Availability of records.

1.18(1) General. Any division record or portion of a record is an open record unless it is a confidential record as listed at 1.18(2). Any division record may be confidential, either in whole or in part, depending on its contents, except the following:

- a. State performance activity measures; directives adopted by IOSH; and citations issued and received pursuant to Iowa Code chapter 88.
- b. Operating permits and certificates of insurance relating to amusement devices or rides, concession booths, or related electrical equipment covered by Iowa Code chapter 88A.
- c. List of permitted asbestos removal and encapsulation companies and asbestos ten-day notifications pursuant to Iowa Code chapter 88B.
- d. Certificates of inspection concerning objects covered by Iowa Code chapter 89.
- e. List of owners of facilities regulated under Iowa Code chapter 89A and related permits and certificates of insurance.
- f. List of registered professional boxers and bonds filed by fight promoters pursuant to Iowa Code chapter 90A.
- g. Lists of formerly registered construction contractors; bonds and certificates of insurance filed by construction contractors pursuant to Iowa Code chapter 91C; and citations issued pursuant to Iowa Code chapter 91C.
- h. Iowa child labor Form III collected pursuant to Iowa Code chapter 92.
- i. List of private employment agencies licensed pursuant to Iowa Code chapter 95.
- j. Lists of publications and educational materials available to the public; unaltered copies of documents published by the division; administrative rules; interstate agreements and interagency agreements to which the division is a party; purchase requests; records concerning the transfer of files to archives; and speech records.

1.18(2) Confidential records. With the exception of “f,” each of the following may contain personally identifiable information. Each of the following is confidential or partially confidential.

- a. Records or portions of records which are exempt from disclosure pursuant to Iowa Code section 22.7.
- b. Records or portions of records which are protected by Iowa Code section 88.1, 88.6, 88.12, 88.14, or 88.16.
- c. Records or portions of records containing social security numbers which are protected by 42 U.S.C. Section 405(c)(2)(C)(viii).
- d. Records or portions of records containing tax information which are protected by 26 U.S.C. Section 7213(a)(2) or Iowa Code section 422.20 or 422.72.
- e. Records or portions of records which are protected pursuant to Iowa Code section 515A.13.
- f. Pursuant to Iowa Code sections 17A.2 and 17A.3, those portions of division staff manuals, instructions, or other statements issued which set forth criteria or guidelines to be used by division 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:
 - (1) Enable law violators to avoid detection;
 - (2) Facilitate disregard of requirements imposed by law; or
 - (3) Give a clearly improper advantage to persons who are in an adverse position to the division.
- g. Identifying details and trade secrets in final orders, decisions and opinions to the extent permitted by Iowa Code subsection 17A.3(1).
- h. Records or portions of records containing attorney work product or attorney-client communications, or which are otherwise privileged pursuant to Iowa Code sections 22.7(4), 622.10, and 622.11, Iowa R.C.P. 122(c), Fed. R. Civ. P. 26(b)(3), rules of evidence, case law, and the Code of Professional Responsibility.
- i. Minutes of closed meetings of a government body pursuant to Iowa Code section 21.5(4).
- j. Information protected by 42 U.S.C. 11044(a) or by Iowa Code sections 89B.12 and 89B.13.

- k.* Records of the bureau of labor statistics which were created or obtained pursuant to federal grants if release of the records would cause the denial of federal funds.
- l.* Information protected by 1998 Iowa Acts, chapter 1105.
- m.* Any other information made confidential by law.