

**House Study Bill 188 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY CHAIRPERSON  
HOLT)

**A BILL FOR**

- 1 An Act relating to the examination of confidential records by the
- 2 general assembly.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 22.7, unnumbered paragraph 1, Code 2025,  
2 is amended to read as follows:

3 The following public records shall be kept confidential,  
4 unless otherwise ordered by a court, by the lawful custodian of  
5 the records, or by another person duly authorized to release such  
6 information, and except as provided in section 22.7A:

7 Sec. 2. NEW SECTION. **22.7A Confidential records —**  
8 **legislative examination.**

9 1. Upon request, a government body shall provide a public  
10 record, including a confidential record, to a member, agency, or  
11 committee of the general assembly for inspection or duplication  
12 as provided in this chapter if the member, agency, or committee  
13 of the general assembly states that the public record is  
14 requested under this section for legislative purposes.

15 2. A government body may require that a member, agency,  
16 or committee of the general assembly requesting a confidential  
17 record pursuant to this section, or the members or employees of  
18 the requesting entity who will view or handle the confidential  
19 record, sign a confidentiality agreement requiring any of the  
20 following:

21 a. That the confidential record not be disclosed outside the  
22 requesting entity, or within the requesting entity for purposes  
23 other than the purpose for which it was received.

24 b. That the confidential record be labeled as confidential.

25 c. That the confidential record be kept securely.

26 d. That the number of copies made of the confidential record  
27 or the notes taken from the confidential record be controlled,  
28 with all copies or notes that are not destroyed or returned to  
29 the government body remaining confidential and subject to the  
30 confidentiality agreement.

31 3. a. A member, agency, or committee of the general  
32 assembly required to sign a confidentiality agreement pursuant  
33 to subsection 2 may request a determination from the attorney  
34 general on whether the record covered by the confidentiality  
35 agreement is a confidential record as provided in section 22.7

1 or other law.

2     b. The attorney general shall adopt rules pursuant to  
3 chapter 17A to establish procedures and deadlines for receiving  
4 information necessary to make the determination as provided in  
5 paragraph "a" and briefs from the requestor, the government  
6 body, and any other interested person. The attorney general  
7 shall render a decision requested pursuant to paragraph "a" not  
8 later than forty-five business days after the receipt of the  
9 request and provide the decision in writing to the requestor,  
10 the government body, and any interested person who submitted  
11 necessary information or a brief to the attorney general. The  
12 requestor or the government body may appeal a decision of the  
13 attorney general under this subsection to the district court of  
14 Polk county. A person may appeal a decision of the attorney  
15 general under this subsection if the person claims a proprietary  
16 interest in the information affected by the decision or a  
17 privacy interest in the information that a confidentiality law or  
18 judicial decision is designed to protect.

19     c. A confidentiality agreement signed pursuant to subsection  
20 2 is void to the extent that the confidentiality agreement covers  
21 information that is ultimately not found to be a confidential  
22 record pursuant to paragraph "b".

23     4. The disclosure of a confidential record to a member,  
24 agency, or committee of the general assembly for legislative  
25 purposes as provided in this section does not waive or affect  
26 the confidentiality of the information for purposes of state or  
27 federal law or waive the right to assert exceptions to required  
28 disclosure of the information in the future.

29     5. This section does not affect any of the following:

30     a. The right of an individual member, agency, or committee of  
31 the general assembly to obtain public records from a government  
32 body under other law, including under the rules of either chamber  
33 of the general assembly.

34     b. The procedures under which public records are obtained  
35 under other law.

1 c. The use that may be made of public records under other  
2 law.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with  
5 the explanation's substance by the members of the general assembly.

6 This bill relates to the examination of confidential records  
7 by members, agencies, and committees of the general assembly.  
8 The bill requires a government body to provide a public  
9 record, including a confidential record, to a member, agency, or  
10 committee of the general assembly for inspection or duplication  
11 if the requestor states that the record is being requested for  
12 legislative purposes. The bill allows a government body to  
13 require a requestor to sign a confidentiality agreement that  
14 the confidential record not be disclosed outside the requesting  
15 entity, or within the requesting entity for purposes other than  
16 the purpose for which it was received, that the confidential  
17 record be labeled as confidential, that the confidential record  
18 be kept securely, or that copies of and notes relating to the  
19 confidential record be controlled.

20 The bill allows a requestor who is required to sign a  
21 confidentiality agreement to request that the attorney general  
22 make a determination as to whether the subject of the  
23 confidentiality agreement is a confidential record. The bill  
24 requires the attorney general to adopt rules to establish  
25 deadlines and procedures for receiving information relating to  
26 the determination and to issue a written decision regarding  
27 whether the public record is a confidential record within 45  
28 business days of receipt of the request. The bill allows a  
29 person to appeal the decision of the attorney general to the  
30 district court of Polk county. The bill voids a confidentiality  
31 agreement signed pursuant to the bill to the extent that it  
32 covers a record that is ultimately found to not be a confidential  
33 record.

34 The disclosure of a confidential record to a member, agency,  
35 or committee of the general assembly pursuant to the bill does

1 not waive or affect the confidentiality of the information for  
2 purposes of state or federal law or waive the right to assert  
3 exceptions to required disclosure of the information in the  
4 future.

5 By operation of law, civil enforcement provisions (Code  
6 section 22.10) apply to government bodies acting in violation of  
7 the bill.

unofficial