

Iowa’s Fair Information Practices Act: Iowa Code Section 22.11

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“It is the intent of this section to require that the information policies of state agencies are clearly defined and subject to public review and comment.” Iowa Code § 22.11 (2013).

A. All state agencies are required to adopt rules providing the following information:

1. Personally Identifiable Information.

- a. The personally identifiable information collected by the agency.
- b. The agency’s legal authority to collect the information.
- c. How the agency stores the information.
- d. What public records maintained by the agency contain personally identifiable information.
- e. Whether the agency uses a data processing system that matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

2. Public Records

- a. What agency records are open for public examination, confidential, or partially open and partially confidential.
- b. The agency’s legal authority for the confidentiality of records.
- c. The procedure for providing the public with access to public records.

- d. The procedures for allowing a person to review a government record about that person and have additions, dissents, or objections entered in that record unless the review is prohibited by statute.
- e. The procedures by which the subject of a confidential record may have a copy of that record released to a named third party.

3. Disclosures When Soliciting Information

- a. How the agency will notify persons supplying information the use that will be made of the information.
- b. Which persons outside the agency might routinely be provided solicited information.
- c. Whether the solicited information is optional or mandatory and the consequences for failing to provide the information.

B. Uniform Rules

- 1. To facilitate state agency compliance with section 22.11, Governor Terry E. Branstad appointed a nine-member task force in the summer of 1985 to draft uniform rules on agency procedure suitable for adoption by all or most state agencies.
- 2. The members of the task force were Arthur E. Bonfield, Chair, Barbara B. Burnett, Robert F. Holz, Jr., Kathryn L. Hove, Dennis J. Nagel, Elizabeth M. Osenbaugh, Julie F. Pottorff, Joseph A. Royce, and Ted Yanecek.
- 3. The rules are attached and may be found at:
<https://www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf>

C. Political Subdivisions

- 1. The Fair Information Practices Act does not apply to political subdivisions or other public bodies that are not defined as state agencies under Iowa Code chapter 17A. Iowa Code § 22.12.
- 2. If a public body voluntarily elects to implement the policies of section 22.11, the following provisions apply:

- a. The policies must be adopted by the elected governing body of the political subdivision of which the public body is a part.
- b. The elected governing body must give reasonable notice, make the proposed policy available for public inspection and allow full opportunity for the public to comment before adopting the policy.
- c. If the public body is established pursuant to an agreement under chapter 28E, the policy must be adopted by a majority of the public agencies party to the agreement.
- d. The policies shall be kept in the office of the county auditor if adopted by the board of supervisors, the city clerk if adopted by a city, and the chief administrative officer of the public body if adopted by some other elected governing body.