

CORRECTIONS DEPARTMENT[201]

Adopted and Filed Emergency

Rulemaking related to modifications of the uniform rules on Agency Procedure

The Corrections Department hereby proposes to rescind Chapter 5, “Public Records and Fair Information Practices,” and to adopt new Chapter 2501, “Agency Procedure for Rulemaking,” Chapter 2504, “Rule Waivers,” Chapter 2505, “Fair Information Practices,” and Chapter 2506, “Contested Cases,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 22, Iowa Code sections 22.11, 356.36, and 904.108, and 2026 Iowa Acts, Senate File 2463, section 5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 17A.3, 17A.4, 17A.7, 17A.9A, and 22.11, 356.36, and 356.43; Iowa Code chapter 904; and 2026 Iowa Acts, Senate File 2463.

Purpose and Summary

This rulemaking implements the transition to the statewide uniform rules on agency procedure as mandated by 2026 Iowa Acts, Senate File 2463. While the Department of Corrections (Department) adopts the majority of the uniform rules to ensure consistency across state government, this rulemaking includes critical additions and exceptions necessary to maintain institutional security and comply with correctional-specific statutes.

Pursuant to SF 2463, section 5, the Department has determined that the following modifications are necessary to fulfill its statutory duties under Iowa Code 904. These changes include the following:

Item 1: Chapter 5– Public Records and Fair Information Practices

Modification: Rescind 201–Chapter 5

Justification: Senate File 2463 rescinded the majority of 201–Chapter 5 effective July 1, 2026. The Department is required to maintain specific information policies regarding personally identifiable information (PII) pursuant to Iowa Code section 22.11. To avoid administrative “orphan” rules and potential confusion for the public, the Department is rescinding the entirety of 201–Chapter 5 and simultaneously adopting the mandatory PII provisions within the new 201-Chapter 2505. This ensures all Fair Information Practices are centralized and compliant with statutory requirements.

Item 2: Chapter 2501–Agency Procedure for Rulemaking

Modification: Rule 201–2501.2 regarding exemptions relating to incarcerated individuals/clients.

Justification: This addition reflects the Department’s existing authority under Iowa Code section 17A.2(11) “k,” which exempts policies, procedures, and statements relating only to inmates of a penal institution from the rulemaking process. These operational mandates are vital to the safe and orderly management of the incarcerated population. Maintaining these policies in departmental manuals, institutional manuals/handbooks, as well as on the Department’s website ensures they remain easily accessible to staff, the public, and the incarcerated individual/client population. This approach provides the Department the necessary flexibility to update security protocols and behavioral expectations promptly in response to evolving institutional needs.

Item 3: Chapter 2504–Rule Waivers

Modification: Rule 201–2504.6 regarding public availability and redaction of records.

Justification: Under Iowa Code section 904.602, the Department is the custodian of highly sensitive security and incarcerated individual/client data. While waiver petitions are public records, the Department must have the explicit authority to redact information mandated as confidential by correctional statutes prior to public inspection to ensure that transparency does not compromise institutional safety or violate the privacy and confidentiality rights of incarcerated individuals/clients as protected under Iowa law.

Item 4: Chapter 2505–Fair Information Practices

Modification 1: Subrule 201–2505.3(1) Location of record.

Justification: This clarification directs requesters to the specific place of confinement or the Iowa Medical and Classification Center, ensuring requests are handled by the correct custodial unit, promoting timely response and reducing administrative delays.

Modification 2: Paragraph 201–2505.3(7) “b” Fees and costs; and 201–2505.3(7) “c” Advanced payment.

Justification: The Department is opting out of the uniform "three-hour" free labor threshold and the "\$250.00" advance payment. These modifications are necessary because the Department manages a high volume of complex record requests that often require extensive manual searches and highly technical confidentiality reviews by staff and legal counsel. Requiring three hours of staff or attorney labor at no charge would create a significant unfunded mandate, materially increasing the administrative workload and diverting limited Departmental resources away from core public safety and institutional security missions. The modified approach of providing 30 minutes of labor at no cost and requiring advance payment for estimated fees exceeding \$25.00

reflects the Department's current successful practice. This structure appropriately balances the public's right to access records with the Department's need to manage resources responsibly. The \$25.00 advance payment threshold is vital to ensure the Department can recover the actual costs of labor and to prevent the expenditure of significant staff time on requests that are later abandoned or left unpaid.

Modification 3: Rule 201–2505.9 Confidentiality under Iowa Code chapter 904.

Justification: Records maintained by the Department are not only subject to Iowa Code Chapter 22, but also the provisions of 904.601, 904.602, and 904.603. Including these provisions ensures requests are handled consistently with statutory confidentiality mandates and protects sensitive correctional, security, and incarcerated individual/client information.

Modification 4: Rule 201–2505.10 Personally Identifiable Information (PII).

Justification: The Department is reintegrating the descriptions of PII systems, formerly located in 201–Chapter 5. This reintegration is necessary to fulfill the requirements of Iowa Code section 22.11, which mandates that state agencies describe the nature and extent of the PII they collect. By housing this information within 201–Chapter 2505, the Department ensures all Fair Information Practices are centralized in a single chapter, preventing administrative “straggler” provisions and providing the public with a cohesive guide to Departmental records.

Item 5: Chapter 2506–Contested Cases

Modification: Rules 201–2506.32 through 201–2506.35

Justification: While the Department adopts the Uniform Rules on Contested Cases, specific additions are required to implement Iowa Code sections 356.36(2) and 356.43. These provisions, previously located in 201–Chapter 12, establish the mandatory criteria for a Notice of Noncompliance, the Informal Settlement process, and the specific triggers for requesting a hearing

regarding facility inspections. Centralizing these “pre-hearing” procedures within the new 201–Chapter 2506 ensures local agencies have clear notice of the Department’s enforcement process before a formal contested case begins under the uniform rule framework.

*Reason for Adoption of Rulemaking Without
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary or impractical because 2026 Iowa Acts, Senate File 2463, section 4, rescinds the Department’s existing procedural rules effective July 1, 2026. Section 5 of the Act specifically authorizes the Department to adopt emergency rules to provide for additions, exceptions, or amendments to the new uniform rules on agency procedure. Adopting these rules via the standard notice process would prevent the Department from having essential procedural and confidentiality rules in place by the statutory rescission date, thereby creating a gap in the Department’s regulatory authority and operational security.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a) and (b), the Department also finds that the normal effective date of rulemaking, 35 days after publication, should be waived and the rulemaking made effective June 30, 2026, because 2026 Iowa Acts, Senate File 2463, section 5, specifically provides for such an effective date. Additionally, this rulemaking confers a benefit on the public by ensuring that essential procedural rules, including those governing public records access, rule waivers, fair information practices, and contested cases remain in continuous effect following the statutory rescission of the Department’s prior procedural rules on July 1, 2026. Immediate implementation is necessary to prevent a gap in the Department’s regulatory framework.

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 15, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa. The amendments to the fee structure in 201–Chapter 2505 are designed to be self-sustaining, allowing the Department to recoup the necessary expenses associated with public records production as authorized by Iowa Code section 22.3. Because the fees only offset the direct administrative costs of providing the service, there is no net impact on the state’s general fund.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC {XXXXC}** to allow for public comment.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7–Chapter 2504 and 201–Chapter 2504.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind **201—Chapter 5**.

ITEM 2. Adopt the following **new** 201—Chapter 2501:

CHAPTER 2501

AGENCY PROCEDURE FOR RULEMAKING

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

201–2501.2(17A) Exemption from rulemaking. The department finds that policies, procedures and statements which relate only to inmates of a penal institution shall be exempted from the rule-making process as provided in Iowa Code section 17A.2(11)“k.”

Policies governing activities of incarcerated individuals and clients may be located in the departmental manual, in institutional manuals/handbooks, and on the department’s website.

These rules are intended to implement Iowa Code chapter 17A.

ITEM 3. Adopt the following **new** 201—Chapter 2504:

CHAPTER 2504

RULE WAIVERS

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

201—2504.6(904) Public availability. All orders granting or denying a waiver petition shall be indexed, filed, and available for public inspection as provided in Iowa Code section 17A.3. Petitions for a waiver and orders granting or denying a waiver petition are public records under Iowa Code chapter 22. Some petitions or orders may contain information the department is authorized or required to keep confidential. The department may accordingly redact confidential information from petitions or orders prior to public inspection.

These rules are intended to implement Iowa Code sections 17A.9A and 904.108

ITEM 4. Adopt the following **new** 201—Chapter 2505:

CHAPTER 2505

FAIR INFORMATION PRACTICES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

201—2505.3(1)(17A,22) Location of record. A request for access to public records should be directed to the agency's address, the agency's email, or the agency's office where the record is kept. Agency staff will promptly forward public records requests to the lawful custodian when such a request is misdirected.

a. Records of current incarcerated individuals and clients are maintained at the incarcerated individuals' or clients' place of confinement. If the requester does not know the current place of confinement, the request for a record should be directed to the records office at the Iowa medical and classification center.

b. Records of former incarcerated individuals and clients served by the department should be directed to the records office at the Iowa medical and classification center.

201—2505.3(7) “b”(17A,22)

b. Fees and costs. The agency may charge for the actual cost of producing public records. These charges may include the actual cost of making photocopies, the actual cost of media necessary to convey electronic copies of public records, and the actual costs of mailing public records. Pricing schedules for these actual costs will be prominently posted on the agency’s website. The agency may also charge for the expense associated with supervising and searching for public records. These hourly charges will be based on the actual hourly rate of the person performing the task. The agency will ensure that the employee rate charged is as low as possible based on the circumstances. The agency may impose hourly charges only after the first 30 minutes of labor, which will be provided at no cost to the requester. For any additional review by the agency to address questions of confidentiality, the agency may charge the requester the actual hourly rate of the attorney performing the review, although the first 30 minutes of the attorney’s time will be provided at no cost to the requester.

201—2505.3(7) “c”(17A,22)

c. Advance payment. When the estimated total fee exceeds \$25, the agency may require an advance payment from the requester to cover all or a part of the estimated fee before proceeding with the work of gathering and reviewing potentially relevant records. If a requester has an unpaid balance from a previous records request, the agency may require the requester to pay both the unpaid balance and the current estimate, regardless of value, before proceeding with the review of public records.

201—2505.9(904) Confidentiality under Iowa Code chapter 904. Pursuant to Iowa Code sections 904.601, 904.602, and 904.603, certain records maintained by the department are confidential and shall not be disclosed to members of the public except as otherwise provided by

law or court order. The department shall apply the protections of Iowa Code chapter 904 in addition to the protections provided under Iowa Code chapter 22.

201—2505.10(17A,22) Personally identifiable information.

2505.10(1) This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems. As used in this rule, “record system” means any group of records, under the control of the agency, 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. For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information, and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

2505.10(2) The type of record. Disclosures are in accordance with the following code:

CODE	MEANING
O	The records are open for public inspection.
C	The records are confidential and are not open to public inspection.
D	The department has discretion whether to allow public inspection of the record when the record contains information that is partially open or partially confidential.

2505.10(3) The records systems maintained by the department are:

a. Director’s Office

Description of Record	Type of Record	Legal Authority	Storage	Comparison
1. Business Correspondence	O, C	22, 904	Paper/Electronic	Partial
2. General Correspondence	O, C	22, 904	Paper/Electronic	Partial
3. Incarcerated Individual/Client Correspondence	C, D	904	Paper/Electronic	Full

4. Investigations and Incident Reports	C	22, 904	Paper/Electronic	Full
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b. Institutions and Community-Based Corrections

Description of Record	Type of Record	Legal Authority	Storage	Comparison
1. Incarcerated Individual/Client Records				
a. Demographic Data/Action Section	O, C, D	904	Paper/Electronic	Full
b. Admission Documents	C, D	904	Paper/Electronic	Full
c. Classification and Release Documents	O, C, D	904	Paper/Electronic	Full
d. Time Computation	O, C, D	904	Paper/Electronic	Full
e. Clinical and Medical	C, D	904	Paper/Electronic	Full
f. Correspondence and Visiting	C, D	904	Paper/Electronic	Full
g. Legal Documents	O, C	904	Paper/Electronic	Full
h. Charge/Disposition	O, C, D	904	Paper/Electronic	Full
i. Status Reports	O, C, D	904	Paper/Electronic	Full
j. Generic Notes	C, D	904	Paper/Electronic	Full
2. Incarcerated Individual/Client Accounts	O, C, D	904	Paper/Electronic	Full
3. Security and Supervision Records			Paper/Electronic	Full
a. Disciplinary Records	O, C	904	Paper/Electronic	Full
b. Segregation and Housing Unit Logs	C	904	Paper/Electronic	Full
c. Incident Reports	C	904	Paper/Electronic	Full
d. Violation Reports	C, D	904	Paper/Electronic	Full
e. Community Supervision Records	C, D	904	Paper/Electronic	Full
f. Interstate Compact Records	C, D	904	Paper/Electronic	Full
g. Absconder Tracking and Supervision Violators	O, C, D	904	Paper/Electronic	Full
h. Grievances and Complaints	C	904	Paper/Electronic	Full
4. Incarcerated Individual/Client Movement	O	904	Paper/Electronic	Full
5. Investigations				

a. Presentence Investigations (PSI)	C	901.4,904	Paper/Electronic	Full
b. Investigations	C	22, 904	Paper/Electronic	Full
c. Investigation Requests	O, C, D	904	Paper/Electronic	Partial
6. Administrative and Programs				
a. Contracts and Agreements	O D	22, 904	Paper/Electronic	Partial
b. Staff Training	O, C	904	Paper/Electronic	Full
c. Jail Inspections	O, C, D	904	Paper/Electronic	Full
d. Library Records and Publications	O, C, D	22, 904	Paper/Electronic	Partial
e. Education and Vocation Records	C	904	Paper/Electronic	Full
f. Lawsuits and Attorney Correspondence	C	22, 904	Paper/Electronic	Partial
g. Volunteers	D	904	Paper/Electronic	Partial
h. Miscellaneous	O, C, D	22, 904	Paper/Electronic	Full

c. Iowa State Industries

Description of Record	Type of Record	Legal Authority	Storage	Comparison
1. Customer Lists	C	22, 904	Paper/Electronic	Full
2. Formulas, Mixture and Special Designs	C	22, 904	Paper/Electronic	N/A
3. Unaudited Monthly Balance Sheets and Income Statements	C	22, 904	Paper/Electronic	Partial
4. Cost Calculations for Sealed Bids	C	22, 904	Paper/Electronic	Partial
5. Yearly Audits	O	22, 904	Paper/Electronic	Partial

2505.10(4) *Litigation files.* These files or records contain information regarding litigation or anticipated litigation, which includes judicial and administrative proceedings. The records include briefs, depositions, docket sheets, documents, correspondence, attorneys' notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. The files contain materials which are confidential as attorney work product and attorney-client communications. Some materials are

confidential under other applicable provisions of law or because of a court order. Persons wishing copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court which maintains the official copy.

2505.10(5) *Personnel files.* The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

201—2505.11(17A,22) *Other groups of records.* This rule describes agency records not maintained in a record system. These records are routinely available to the public but may contain confidential information as provided in this chapter. Unless otherwise noted, these records are available on the department's website or at the department's central office and are not retrieved by personal identifier.

1. *Rulemaking.* Records may contain information about individuals making written or oral comments on proposed rules, pursuant to Iowa Code section 17A.4.

2. *Board meeting records.* Agendas, minutes, and materials are available. Records of closed sessions are exempt from disclosure under Iowa Code section 21.5(4), or which are otherwise confidential by law. Board meeting records contain information about people who participate in meetings, pursuant to Iowa Code section 21.3.

3. *Publications.* Press releases, annual reports, project reports, newsletters, etc., which describe various agency programs may contain information about individuals, including department staff or members of department councils or committees.
4. *Statistical reports.* Periodic reports of various agency programs are available, and do not contain personally identifiable information.
5. *Grants.* Records on persons receiving grants for various projects or programs are available. These records may contain information about employees of a grantee. Information is collected under the authority of Iowa Code chapter 904.
6. *Published materials.* The agency uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.
7. *Policies and Procedures.* Manuals containing non-confidential policies and procedures describing the department's regulations and internal practices are available for inspection. Copies may be obtained at the actual cost of production and handling. Policy manuals do not contain information about individuals.
8. *Other records.* All other records that are not exempted from disclosure by law.

These rules are intended to implement Iowa Code chapters 17A and 22 and sections 904.601, 904.602, and 904.603.

ITEM 5. Adopt the following **new** 201—Chapter 2506:

CHAPTER 2506

CONTESTED CASES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

The following rules are intended to align the department's statutory inspection duties under Iowa Code sections 356.36 and 356.43 with the statewide uniform contested case procedures by establishing the pre-hearing process for notices of noncompliance and informal settlements:

201–2506.32(17A,356) Notice of noncompliance. When the director or director's designee of the department of corrections determines that an agency or facility accredited by the department is not in compliance with state standards, or when an order of closure is issued, the appropriate administrator shall be notified of the noncompliance status. The notice shall specify:

1. The statute(s) and any rules(s) alleged to have been violated.
2. The deficiencies cited.
3. The time period allowed for submission of an acceptable plan of compliance if submission of a plan is permitted.

The administrator of the facility or agency may submit the plan of compliance within the appropriate time limitation or may request a hearing pursuant to rule 201–2506.34.

201–2506.33(17A,356) Informal settlement. The director or the respondent may request that an informal conference be held to determine whether the noncompliance matter can be resolved in a just manner in furtherance of the public interest. Neither the director nor respondent is required to use this informal procedure. If the director and respondent agree to negotiate a settlement, the various points of the settlement, including a stipulated statement of facts, shall be set forth in writing and shall be binding on both parties.

201–2506.34(17A,356) The right to request hearing. A hearing will be granted to any agency or facility aggrieved by action of the department of corrections when the right to a hearing is granted by the state or federal law or constitution except as limited herein. A hearing will not be granted when a state or federal law or regulation provides for a different forum for appeals. A prematurely filed appeal may be dismissed.

201–2506.35(17A,356) Order for hearing. Upon determination that a plan of compliance is not sufficient to effectuate compliance, or upon request by the agency or facility pursuant to rule 201–2506.34, the department shall issue an order fixing the time and place for hearing pursuant to rule 7–2506.5(17A).

These rules are intended to implement Iowa Code chapter 17A and sections 356.36 and 356.43.