

**205—5.12(17A,22) Availability of records.**

**5.12(1) *Open records.*** Board records are open for public inspection and copying unless otherwise prohibited by current rule or law.

**5.12(2) *Confidential records.*** The following records may be kept confidential. Records are listed by category, according to the legal basis for withholding them from public inspection.

- a.* Sealed bids received prior to the time set for public opening of bids; (Iowa Code section 72.3)
- b.* Tax records made available to the agency; (Iowa Code sections 422.17, 422.20)
- c.* Minutes of closed meetings of a governmental body; (Iowa Code section 21.5(4))
- d.* Identifying details in final orders, decisions and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets; (Iowa Code section 173A.3(1) “d”)
- e.* Those portions of agency staff manuals, instructions, or other statements issued which set forth criteria or guidelines to be used by agency 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 tolerance 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 agency; (Iowa Code section 22.7)
- f.* Records which constitute attorney work product, or attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa Rule of Civil Procedure 1.503(3), Federal Rule of Civil Procedure 26(b)(3), and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility and case law;
- g.* Other records made confidential by law.

[ARC 6968C, IAB 4/5/23, effective 5/10/23]