

**801—6.11(17A,21,22) Availability of records.**

**6.11(1) General.** Agency records are open for public inspection and copying unless otherwise provided by rule or law.

**6.11(2) Confidential records.** The following records may be withheld from public inspection. 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 section 422.20)
- c. Records which are exempt from disclosure.
- d. Minutes of closed meetings of a government body.
- e. Identifying details in final orders, decisions, and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets.
- f. 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 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 agency.
- g. Records which constitute attorney work product, attorney-client communications, or which are otherwise privileged. (Iowa Code section 622.10)
- h. Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of clients or former clients of the commission.
- i. Circulation records of the Iowa Veterans Home library.
- j. Any other records made confidential by law.

**6.11(3) Authority to release confidential records.** The agency may have discretion to disclose some confidential records which are exempt from disclosure under Iowa Code section 22.7 or other law. Any person may request permission to inspect records withheld from inspection under a statute which authorizes limited or discretionary disclosure as provided in rule 6.4(17A,22). If the agency initially determines that it will release such records, the agency may, where appropriate, notify interested parties and withhold the record from inspection as provided in subrule 6.4(3).

This rule is intended to implement Iowa Code chapters 17A, 21 and 22.