

**284—5.13(261A) Availability of records.**

**5.13(1) *General.*** Agency records are open for public inspection and copying unless otherwise provided by rule or law.

**5.13(2) *Confidential records.*** The following records may be withheld from public inspections. Records are listed by category, according to the legal basis for withholding them from public inspection.

- a.* Records which are exempt from disclosure under Iowa Code section 22.7.
- b.* Minutes of closed meetings of a government body under Iowa Code section 21.5(4).
- c.* Records which constitute attorney work product, 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 R.C.P. 122(c), Fed. R. Civ. P. 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.
- d.* Tax records made available to the agency.
- e.* Any other records made confidential by law.

**5.13(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 5.4(17A,22). If the agency initially determines that it will release such records, the agency may, where appropriate, notify interested parties and withhold the records from inspection as provided in subrule 5.4(3).