

MAR 1 2006  
Place On Calendar

HOUSE FILE 2590

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 144)

Passed House, Date 3-16-06 Passed Senate, Date 4-5-06  
Vote: Ayes 94 Nays 0 Vote: Ayes 50 Nays 0  
Approved April 12, 2006

**A BILL FOR**

1 An Act providing for the confidentiality of information  
2 concerning security procedures or emergency preparedness  
3 information developed and maintained by a government body.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2590

1 Section 1. Section 22.7, subsections 44 and 46, Code  
2 Supplement 2005, are amended by striking the subsections.

3 Sec. 2. Section 22.7, Code Supplement 2005, is amended by  
4 adding the following new subsection:

5 NEW SUBSECTION. 52. Information concerning security  
6 procedures or emergency preparedness information developed and  
7 maintained by a government body for the protection of  
8 governmental employees, visitors to the government body,  
9 persons in the care, custody, or under the control of the  
10 government body, or property under the jurisdiction of the  
11 government body, if disclosure could reasonably be expected to  
12 jeopardize such employees, visitors, persons, or property.

13 Such information includes but is not limited to information  
14 directly related to vulnerability assessments; information  
15 contained in records relating to security measures such as  
16 security and response plans, security codes and combinations,  
17 passwords, restricted area passes, keys, and security or  
18 response procedures; emergency response protocols; and  
19 information contained in records that if disclosed would  
20 significantly increase the vulnerability of critical physical  
21 systems or infrastructures of a government body to attack.  
22 This subsection shall only apply to information held by a  
23 government body that has adopted a rule or policy identifying  
24 the specific records or class of records to which this  
25 subsection applies and which is contained in such a record.

26 EXPLANATION

27 This bill amends Code section 22.7 by establishing a  
28 confidentiality exception to the open records law for  
29 information concerning security procedures or emergency  
30 preparedness information developed and maintained by a  
31 government body for the protection of employees, visitors,  
32 persons, or property in the care, custody, or under the  
33 control of the government body, if such disclosure could  
34 reasonably be expected to jeopardize such employees, visitors,  
35 persons, or property. The bill specifies that such

1 information includes but is not limited to information  
2 directly related to vulnerability assessments, security  
3 measures, and information contained in records that if  
4 disclosed would significantly increase the vulnerability of  
5 critical physical systems or infrastructures of a government  
6 body to attack. The bill provides that the bill only applies  
7 to information held by a government body that has adopted a  
8 rule or policy identifying the specific records or class of  
9 records to which the bill applies and which is contained in  
10 such a record.

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HSB 144

STATE GOVERNMENT

Chair: Roberts

Bukta Raecker

Leusing T. Taylor

Paulsen Tomenga

SENATE/HOUSE FILE

02590

BY (PROPOSED DEPARTMENT OF ADMINISTRATIVE SERVICES BILL)

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act providing for the confidentiality of information  
2 concerning security procedures or emergency preparedness  
3 information developed and maintained by a government body.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 22.7, Code 2005, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 51. Information concerning security  
4 procedures or emergency preparedness information developed and  
5 maintained by a government body for the protection of  
6 governmental employees, visitors to the government body,  
7 persons in the care, custody, or under the control of the  
8 government body, or property under the jurisdiction of the  
9 government body, if disclosure could reasonably be expected to  
10 jeopardize such employees, visitors, persons, or property.

11 EXPLANATION

12 This bill amends Code section 22.7 by establishing a  
13 confidentiality exception to the open records law for  
14 information concerning security procedures or emergency  
15 preparedness information developed and maintained by a  
16 government body for the protection of employees, visitors,  
17 persons, or property in the care, custody, or under the  
18 control of the government body, if such disclosure could  
19 reasonably be expected to jeopardize such employees, visitors,  
20 persons, or property.

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Iowa Department of  
Administrative Services

Director's Office

Thomas J. Vilsack, Governor  
Sally J. Pederson, Lt. Governor

Mollie K. Anderson, Director

**TO: MEMBERS OF THE GENERAL ASSEMBLY**  
**FROM: Mark Johnson, Legislative Liaison**  
**RE: LSB 1287DP Background Statement**

This proposal amends Iowa Code section 22.7 (open records) to designate records that contain information concerning security procedures or emergency preparedness developed for the protection of governmental employees; visitors; persons in the care, custody, or under the control of governmental entities; or property under the jurisdiction of governmental entities as confidential. Under the proposal, this information would only be kept confidential if the disclosure of this information could reasonably be expected to jeopardize such employees, persons, or property. Currently there is no legal authority for the DAS to keep information that provides for the safety and security of people or property under the jurisdiction of the state confidential. Similar authority does exist with respect to records of a public airport (Iowa Code section 22.7, subsection 45) and certain information held by the Homeland Security and Emergency Management Division (Iowa Code section 22.7, subsection 46).

HOUSE FILE 2590

AN ACT

PROVIDING FOR THE CONFIDENTIALITY OF INFORMATION CONCERNING SECURITY PROCEDURES OR EMERGENCY PREPAREDNESS INFORMATION DEVELOPED AND MAINTAINED BY A GOVERNMENT BODY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 22.7, subsections 44 and 46, Code Supplement 2005, are amended by striking the subsections.

Sec. 2. Section 22.7, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 52. Information concerning security procedures or emergency preparedness information developed and maintained by a government body for the protection of governmental employees, visitors to the government body, persons in the care, custody, or under the control of the government body, or property under the jurisdiction of the government body, if disclosure could reasonably be expected to jeopardize such employees, visitors, persons, or property.

Such information includes but is not limited to information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures of a government body to attack. This subsection shall only apply to information held by a

government body that has adopted a rule or policy identifying the specific records or class of records to which this subsection applies and which is contained in such a record.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JEFFREY M. LAMBERTI  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2590, Eighty-first General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2006

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THOMAS J. VILSACK  
Governor