Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 17
"Public Records and Fair Information Practices"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 22
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 22

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Board of Regents no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

In accordance with Executive Order 10, the Board proposes to rescind Chapter 17 and adopt a new chapter in lieu thereof. The new chapter will incorporate by reference the Uniform Rules on Agency Procedure relating to public records and fair information practices.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

The requestor will bear the costs for the collection, processing, review and redaction of records in response to a public records request as provided in Iowa Code chapter 22.

- **Classes of persons that will benefit from the proposed rulemaking:**

There is no particular benefit or detriment with this proposed rulemaking.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Economic costs related to the collection, review, and redaction of open records requests as required by Iowa Code chapter 22 are difficult to quantify in the aggregate and will vary based on the scope of the request.

- **Qualitative description of impact:**

See previous response.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no additional or unique costs to the agency beyond those typically required to maintain and process requests for public records as provided in Iowa Code chapter 22.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Not applicable. This chapter is required by statute.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The Board has not identified any less costly methods or less intrusive methods.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered. This chapter is required by statute.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 681—Chapter 17 and adopt the following **new** chapter in lieu thereof:

CHAPTER 17
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The state board of regents hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to public records and fair information practices, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website.

681—17.1(22) Definitions. As used in this chapter:

"Agency" means the state board of regents and the institutions it governs as provided in Iowa Code section 262.7.

"Custodian" means the official delegated authority by the agency to release records or that official's designee.

681—17.3(22) Requests for access to records.

17.3(1) *Location of record.* A request for access to a record should be directed to the designated transparency officer for the state board of regents' office or the applicable institution.

17.3(2) *Office hours.* Open records shall be made available during all customary office hours, which are from 8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays.

17.3(7) *Fees.*

c. *Supervisory fee.* An hourly fee may be charged for actual agency expenses incurred in processing a request for records. The custodian shall make the schedule of fees publicly available.

681—17.6(22) Procedure by which a subject may have additions, dissents, or objections entered into the record. Except as otherwise provided by law, the subject of a record shall be allowed to have a written statement of additions, dissents, or objections entered into the record. The subject shall send the statement to the custodian of the record or to the state board of regents' office. The statement must be dated and signed by the subject and shall include the current address and telephone number of the subject or the subject's representative.

681—17.7(22) Consent to disclosure by the subject of a confidential record. The subject of a confidential record may consent to agency disclosure to a third party of that portion of the record concerning the subject. The consent must be in writing and must identify the particular record or records that may be disclosed, the particular person, or class of persons, to whom the record may be disclosed. The person to whom the record is to be disclosed must provide proof of identity. Appearance of counsel on behalf of the subject will be deemed consent to disclose records about the subject to that attorney.

681—17.9(22) Disclosures without consent of the subject.

17.9(1) The following disclosures may occur without notice to the subject of the record:

a. For a routine use as defined in rule 681—17.10(22) or in the notice for a particular record system.

b. To a recipient who has provided the agency with advance written assurance that the record will be used solely as a statistical research or reporting record; provided, that the record is transferred in a form that does not identify the subject.

c. To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if an authorized representative of such government agency or instrumentality has submitted a written request to the agency specifying the record desired and the law enforcement activity for which the record is sought.

d. To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last known address of the subject.

e. To the legislative services agency under Iowa Code section 2A.3.

f. Disclosures in the course of employee disciplinary proceedings.

g. In response to a court order or subpoena.

681—17.10(22) Routine use. "Routine use" means the disclosure of a record without the consent of the subject or subjects, for a purpose that is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

The following uses are considered routine uses of all agency records:

1. Disclosure to officers, employees, and agents of the agency who have a need for the record in the performance of their duties. The custodian of the record may upon request of any officer or employee, or on the custodian's own initiative, determine what constitutes legitimate, essential, confidential, or exempt records.

2. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities.

3. Disclosure to the department of inspections, appeals, and licensing for matters in which it is performing services or functions on behalf of the agency.

4. Transfers of information within the agency, to other state agencies, or to local units of government as appropriate to administer the program for which the information is collected.

5. Information released to staff of federal and state entities for audit purposes or for purposes of determining whether the agency is operating a program lawfully.

6. Any disclosure specifically authorized by the statute under which the record was collected or maintained.

681—17.11(22) Consensual disclosure of confidential records.

17.11(1) *Consent to disclosure by a subject individual.* The subject may consent in writing to agency disclosure of confidential records as provided in rule 681—17.7(22).

17.11(2) *Complaints to public officials.* A letter from a subject of a confidential record to a public official that seeks the official's intervention on behalf of the subject in a matter that involves the agency may be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

681—17.12(22) Release to subject.

17.12(1) The subject of a confidential record may file a written request to review confidential records about that person. However, the agency need not release the following records to the subject:

a. The identity of a person providing information to the agency when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18).

b. The work product of an attorney or records that are otherwise privileged.

c. Peace officers' investigative reports, except as required by the Iowa Code.

d. Records as otherwise authorized by law.

17.12(2) When a record has multiple subjects with interest in the confidentiality of the record, the agency may take reasonable steps to protect confidential information relating to another subject.

681—17.13(22) Applicability. This chapter does not:

1. Require the agency to index or retrieve records that contain information about individuals by that person's name or other personal identifier.

2. Make available to the general public records that would otherwise not be available under the public records law, Iowa Code chapter 22.

3. Govern the maintenance or disclosure of, notification of or access to, records in the possession of the agency that are governed by the regulations of another agency.

4. Apply to grantees, including local governments or subdivisions thereof, administering state-funded programs, unless otherwise provided by law or agreement.

5. Make available records compiled by the agency in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such records to the general public or to any subject individual or party to such litigation or proceedings shall be governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable regulations of the agency.

These rules are intended to implement Iowa Code section 22.11.