

# SUNSHINE ADVISORY

A Bulletin on Iowa Open Meetings and Public Records Laws  
By Attorney General Tom Miller – June 2004

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## No Secret Settlements

**The public is entitled to know when a government body settles litigation.  
In government, settlements are not secret.**

Private parties occasionally agree to keep the terms confidential when they settle a lawsuit. If the settlement is confidential, citizens cannot find out from public records what, if anything, was paid to settle the case. But is confidentiality permitted when a governmental body settles litigation?

A governmental settlement document is a public record open for examination and copying, unless the settlement document is made confidential under a specific provision of law.

Several provisions of law address public disclosure of these documents in different contexts:

- Insurance Claims: When an insurer settles a claim against a government body or one of its officers, agents or employees, the government body must maintain a written, public summary of the settlement stating the amount of all payments and to whom they were paid. Iowa Code sec. 22.13.
- State Agency Actions: All final orders, decisions and opinions must be available for public inspection with identifying details deleted only as authorized by law to prevent an unwarranted invasion of personal privacy or disclosure of trade secrets. Iowa Code sec. 17A.3(1)(e).
- Professional Disciplinary Actions: A final written decision by a professional licensing board in a disciplinary proceeding against a licensed professional is a public record. Iowa Code sec. 272C.6(4).

**Remember: Governmental bodies are accountable for litigation settlements whether in court or in matters pending before the governmental bodies themselves. Public disclosure is the rule, and confidentiality is the exception.**

Citizens who have inquiries or complaints about public records or open meetings may call the Iowa Citizens' Aide/Ombudsman Office – toll-free at 888-IA-OMBUD (888-426-6283.)

“Sunshine Advisory” bulletins provide information on Iowa’s public records and open meetings laws – our “Sunshine Laws.” The bulletins are a resource for public officials and citizens. Local officials should obtain legal advice from their counsel, such as the city or county attorney.

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**Iowa Attorney General’s Office: Hoover Building, Des Moines, Iowa 50319.**  
On the Web: [www.iowaAttorneyGeneral.org](http://www.iowaAttorneyGeneral.org) . (Click on “open government.”)