

SUNSHINE ADVISORY

A Bulletin on Iowa Open Meetings and Public Records Laws
By Attorney General Tom Miller – August 2006

Should a record be withheld from the public if it contains some confidential information?

No, officials usually can black out confidential information and release the rest.

Public records often include both open and confidential information. For example, a Social Security number may be confidential, but appear on a record that is otherwise open for examination and copying. Can public officials deny access to the record simply because it includes some confidential information? How should public officials handle requests for access to such records?

Generally, if only some information is confidential under law, public officials should black out confidential information and provide access to the rest of the record. Public officials may deny access to the entire record only if the entire record is confidential under law. Officials should check the applicable laws to see whether an entire record is confidential.

Officials should consider these points if records contain some confidential information:

- When confidential information appears in a public record, officials should black out confidential information before producing a copy for the requester. (Best practice: make a copy of the original record, black out confidential information on the copy, and provide the requester a copy of the blacked-out version in order to maintain the integrity of the original record.)
- If both open and confidential information is being collected in a record, public officials should consider whether the confidential information can be collected on a separate page that can be separated and withheld when the record is produced for examination and copying.
- Whenever confidential information is blacked out or withheld, the requester should be told that confidential information has not been produced and should be told the reason why.

Bottom line: Public officials have a duty to provide access to public records and should handle confidential information responsibly. Officials should black out or remove confidential information, if possible, and inform the requester.

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.