



## Pollution Prevention Services

### What does “*Confidential*” mean?

The assistance provided by Iowa Pollution Prevention Services is protected by Iowa Code as confidential. This means that any information a company provides to P2 Services cannot, under state law, be shared with anyone (including the EPA, other Iowa DNR departments or sections, or any other regulatory body), nor can it be subpoenaed or taken as part of an Open Records request. Additionally, assistance information provided to P2 Services is stored in a secured folder on our confidential network, with restricted access limited only to the P2 Services team.

The section of Code that protects the information garnered by P2 Services is 455B.484A, shown below. It can also be accessed via the Iowa Code online [here](#).

#### **455B.484A CONFIDENTIALITY FOR ASSISTANCE PROGRAMS.**

1. As used in this section:

a. “*Applicant*” means a person, acting in good faith, who seeks the services of an assistance program.

b. “*Assistance information*” means all information voluntarily supplied to or obtained by an assistance program for the sole purpose of providing assistance to an applicant and which constitutes information not otherwise available to an assistance program.

c. “*Assistance program*” means the waste reduction assistance program of the department or of the Iowa waste reduction center for safe and economic management of solid waste and hazardous substances conducted pursuant to section 268.4.

2. Assistance information in the possession of an assistance program or an employee or agent of an assistance program is privileged and confidential, is not subject to discovery, subpoena, or other means of legal compulsion, and is not admissible evidence in an administrative or judicial proceeding. However, assistance information discoverable from sources other than an assistance program or prohibited from being made confidential pursuant to federal or state law does not become privileged or confidential merely because it has been made available to or is in the custody of an assistance program or an employee or agent of an assistance program.

3. Assistance information shall not be used by an employee or agent of the state in determining whether to initiate an enforcement action or investigation by the state.