CHAPTER 16
RULES PERTAINING TO THE USE OF THE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

DIVISION I EFFECTIVE DATE, SCOPE, AUTHORITY 5
Rule 16.101 Effective date; geographic applicability 5
Rule 16.102 Cases pending prior to effective date 5
Rule 16.103 Relationship to other court rules 6
Rule 16.104 Authority 6
DIVISION II DEFINITIONS 6
Rule 16.201 Definitions 6
DIVISION III GENERAL PROVISIONS 13
Rule 16.301 Electronic document management system 13
Rule 16.302 Electronic filing mandatory 13
16.302(1) *Electronic filing mandatory* 13
16.302(2) *Exceptions* 14
16.302(3) *Dual filing required* 14
Rule 16.303 Submission of paper documents 14
16.303(1) *Submission of paper documents for scanning* 14
16.303(2) *Return of copies by mail* 15
Rule 16.304 Official court record 15
16.304(1) *Court record* 15
a. Electronic files 15
b. Paper documents 15
c. Exhibits and other materials 15
16.304(2) *Paper case files* 15
Rule 16.305 Registration, logins, and passwords 16
16.305(1) *Registration* 16
a. Registration required 16
b. How to register 16
1. Special requirements for pro hac vice registration 16
c. Registration of specialized nonparty filers and users 17
1. Nonparty filers 17
2. Nonparty user 17
d. Registration complete 18
e. Changing passwords 18
f. Changes in filer's contact information 18
g. Duties of registered filer 18
h. Withdrawal from participation 18
16.305(2) *Logins and passwords* 19
Rule 16.306 Signatures 20
16.306(1) *Registered filer* 20
16.306(2) *Nonelectronic signature* 21
16.306(3) *Documents requiring oaths, affirmations or verifications* 21
16.306(4) *Format* 21
16.306(5) *Multiple signatures* 22
16.306(6) *Disputing authenticity* 22
Rule 16.307 Electronic filing 23
16.307(1) *Cover sheet* 23
a. Registered filers 23

b. Exceptions for authorized governmental agencies 23
16.307(2) *Filing* 23
16.307(3) *E-mailing or faxing documents does not constitute filing* 23
Rule 16.308 Electronic file stamp 24
Rule 16.309 Docket entries 24
16.309(1) *Docket text* 24
16.309(2) *Court responsibility* 24
16.309(3) *Correcting docket entries* 24
a. Clerk to correct docket entries 24
b. Errors discovered by filer 24
c. Errors discovered by clerk 25
Rule 16.310 Payment of fees 25
Rule 16.311 Date and time of filing, deadlines, and system unavailability 25
16.311(1) *Date and time of filing, deadlines* 25
16.311(2) *System unavailable* 26
16.311(3) *Notice of system downtime* 27
a. Anticipated downtime 27
b. Unexpected downtime 27
Rule 16.312 Format of electronic documents 27
16.312(1) *Generally* 27
16.312(2) *Exceptions for authorized governmental agencies* 28
Rule 16.313 Electronic attachment of other electronic documents 28
Rule 16.314 Hyperlinks and other electronic navigational aids 29
Rule 16.315 Documents and other items to be filed nonelectronically and not maintained in electronic case file 29
16.315(1) *Items not to be electronically filed* 29
16.315(2) *Service of notice of items filed nonelectronically* 30
Rule 16.316 Original notice 30
16.316(1) *Form of original notice* 30
16.316(2) *Clerk's sealing of original notice* 31
16.316(3) *Service of original notices* 31
16.316(4) *Return of service* 31
Rule 16.317 Service of documents subsequent to original notice 31
16.317(1) *Service of documents by registered filers* 31
a. Electronic distribution of electronically filed documents 31
b. Service on parties who are nonregistered filers 32
16.317(2) *Service of documents filed by nonregistered filers* 32
Rule 16.318 Certificate of service 32
Rule 16.319 Additional time after electronic service 33
Rule 16.320 Court-generated documents 33
16.320(1) *Electronic filing of court-generated documents* 33
16.320(2) *Service of court-generated documents* 33
a. Electronic notice and service 33
b. Nonelectronic notice and service 33
Rule 16.321 Filing in confidential cases by a potential intervenor or by a non-party 34
16.321(1) *Potential intervenor* 34
a. Manner in which to intervene 34
b. Access to file 34
c. Service 34
16.321(2) *Filing in confidential cases by a person or entity who is not a party and is not attempting to intervene in the case* 35
a. Filing 35

b. Access to file 35
c. Service 35
Rule 16.322 Limited appearance 36
16.322(1) *Entry of appearance* 36
16.322(2) *Termination of limited appearance* 36
16.322(3) *Service on litigant* 36
DIVISION IV SPECIFIC TYPES OF DOCUMENTS 37
Rule 16.401 Discovery 37
16.401(1) *Service of discovery materials* 37
a. Service 37
b. Time service occurs 37
16.401(2) *Filing notice of discovery requests and responses* 37
Rule 16.402 Transcripts 37
Rule 16.403 Expedited relief 38
Rule 16.404 Briefs 38
Rule 16.405 Documents to be filed under seal 38
16.405(1) *Motions to seal* 38
16.405(2) *Documents filed subsequent to order to seal* 38
16.405(3) *System-sealed documents* 39
16.405(4) *Access to sealed documents and docket entries* 39
16.405(5) *Paper documents* 40
Rule 16.406 In camera inspection 40
Rule 16.407 Subpoenas 40
Rule 16.408 Certification of documents by the clerk 40
Rule 16.409 Proposed orders 40
Rule 16.410 Court reporter notes 41
Rule 16.411 Original documents 41
Rule 16.412 Exhibits 41
DIVISION V PUBLIC ACCESS 42
Rule 16.501 General rule 42
Rule 16.502 Access to electronic court files 42
16.502(1) *Registered filers* 42
a. Lawyer licensed to practice law in Iowa 42
b. Lawyer admitted pro hac vice 42
c. Self-represented litigants and parties to an action 42
16.502(2) *Abstractors* 43
16.502(3) *Specialized nonparty filers* 43
16.502(4) *Members of the general public* 43
Rule 16.503 Public access terminals 44
Rule 16.504 Bulk distribution 44
DIVISION VI PROTECTION OF PERSONAL PRIVACY 44
Rule 16.601 Responsibility to redact or mask protected or confidential information 44
16.601(1) *Responsibility of filer, generally* 44
16.601(2) *Transcripts* 45
16.601(3) *Exhibits* 45
Rule 16.602 Protected information 45
Rule 16.603 Omission and redaction requirements 46
16.603(1) *Protected information not required and not material* 46
16.603(2) *Protected information that is required or material* 46
16.603(3) *Confidential or sealed documents* 46
16.603(4) *Full disclosure allowed* 46
Rule 16.604 Information that may be redacted 47

Rule 16.605 Manner in which to redact protected information 47
Rule 16.606 Protected information form 48
16.606(1) *Protected information form required* 48
16.606(2) *Supplementing protected information form* 48
Rule 16.607 Orders and other court-generated documents 48
Rule 16.608 Improperly included protected information 49
Rule 16.609 Sanctions 49
DIVISION VII CRIMINAL CASES 50
Rule 16.701 Criminal cases and the electronic document management system 50
16.701(1) *Use of electronic document management system* 50
16.701(2) *Applicability of other chapter 16 rules to criminal cases* 50
Rule 16.702 Documents requiring oaths, affirmations or verifications 50
Rule 16.703 Warrants and other similar applications 50
Rule 16.704 Documents initiating criminal cases 51
16.704(1) *Trial informations and indictments* 51
a. Trial informations 51
b. Indictments 51
16.704(2) *Complaints, traffic tickets, and similar citations* 51
Rule 16.705 Signature of defendant 52
16.705(1) *Nonelectronic signature* 52
16.705(2) *Computer tablet signature* 52
16.705(3) *Login and password* 52
Rule 16.706 Copies of documents for self-represented defendants 52
Rule 16.707 Written plea agreements 52
DIVISION VIII JUVENILE CASES 53
Rule 16.801 Juvenile cases and the electronic document management system 53
16.801(1) *Use of electronic document management system* 53
16.801(2) *Applicability of electronic document management rules to juvenile cases* 53
Rule 16.802 Emergency applications 53
Rule 16.803 Signatures 54
16.803(1) *Nonelectronic signature* 54
16.803(2) *Computer tablet signature* 54
16.803(3) *Login and password* 54
Rule 16.804 Documents requiring oaths, affirmations or verifications 55
Rule 16.805 Written plea agreements 55
DIVISIONS IX THROUGH XI (RESERVED) 55

CHAPTER 16
RULES PERTAINING TO THE USE OF THE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

DIVISION I
EFFECTIVE DATE, SCOPE, AUTHORITY

Rule 16.101 Effective date; geographic applicability. The rules of this chapter are effective beginning March 22, 2010, and govern the filing of all documents in cases commenced on or after the effective date of these rules in Plymouth County.

Rule 16.102 Cases pending prior to effective date. A case pending prior to March 22, 2010, shall not be subject to the requirements of this chapter. A party may, however, move to convert a case not subject to the requirements of this chapter to an electronic file. If the court approves the motion the case will be governed by the rules of this chapter. If approval is given, the court shall determine how the case will be converted to an electronic file and which party, if any, should bear the costs of such conversion. For efficiency of court operation purposes a chief judge of the district may order the conversion of any case not already subject to the requirements of this chapter. Any order to convert a case to an electronic file shall include provisions to ensure that the converted documents comply with the redaction requirements related to protected information contained in rules 16.602 through 16.607.

Rule 16.103 Relationship to other court rules. To the extent these rules are inconsistent with any other Iowa Court Rule, the rules in this chapter shall govern in cases subject to electronic filing.

Rule 16.104 Authority. These rules are adopted under the authority granted to the supreme court by article V section 4 of the Iowa Constitution and Iowa Code section 602.1614.

Rules 16.105 to **16.200** Reserved.

DIVISION II
DEFINITIONS

Rule 16.201 Definitions. The following terms, as used in these rules, shall be defined as follows:

"Confidential information" means information excluded from public access by federal or state law or administrative rule, court rule, court order, or case law.

"Cover sheet" means an electronic form which registered filers complete for documents electronically filed or presented to the court. The electronic document management system generates the cover sheet form to be completed by the filer. The cover sheet enables the electronic document management system to correctly route the filing.

"Document" means a related and paginated grouping of information items contained in a record that can be in electronic or paper form.

"Electronic" means technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities. For governmental agencies this may include alternate software to exchange electronic records with the court's electronic document management system.

"Electronic filing" means the electronic transmission of a document to the electronic document management system together with the production and transmission of a notice of electronic filing.

"Electronic presentation" means the process by which a party may electronically give a document to the court for review or other court action. A document electronically presented to the court through the electronic document management system is not filed. Examples of documents that will be electronically presented include trial informations presented to the court for approval, proposed orders, and documents to be viewed in camera.

"Electronic record" means a record, file, or document created, generated, sent, communicated, received, or stored by electronic means.

"Electronic service" means the electronic transmission of a link to the filer's interface where the registered filers entitled to receive notice may view and download filed documents. Electronic service cannot be used to serve an original notice. Documents that require personal service to confer jurisdiction as a matter of law may not be served electronically.

"Governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government, the state, or a county, municipality, or other political subdivision of the state.

"Hyperlink" means an electronic connection or reference to another place in the document or other cite authorized by the court which, when selected, shows the portion of the document or the cite to which the hyperlink refers.

"Information" means document, text, images, sounds, codes, computer programs, software, databases, or the like.

"Judicial branch" means all courts, all judicial officers, all clerks of court and offices of the courts of the state.

"Jurisdictional deadline" means a deadline set by rule or statute that may not be extended or changed by the court.

"Nonelectronic filing" means a process by which a paper document or other nonelectronic item is filed with the court and retained in nonelectronic form. *See* rule 16.315.

"Nonregistered filer" means a party who has received authorization to submit documents to the clerk for filing by nonelectronic means. *See* rule 16.302(2).

"Notice of electronic filing" means a document generated by the electronic document management system when a document is electronically filed. The notice of electronic filing is sent by e-mail to the registered filing party and to any other registered filer who has entered an appearance in the case.

"Notice of electronic presentation" means a document generated by the electronic document management system when a document is electronically presented to the court. The notice of electronic presentation is sent by e-mail to the party who electronically presented the document to the court to confirm its receipt.

When a proposed document, other than a document related to rules 16.703, 16.704, or 16.802, or a document that is proposed to be sealed is electronically presented to the court, the electronic document management system shall send a notice of electronic presentation to the e-mail address of all parties who are registered filers in the case and they may view and download the proposed order and any motion to which it was attached.

"Party" means a person or entity by or against whom a lawsuit is brought who has a right to control the lawsuit either personally or through someone appointed to protect the person's interests.

"PDF" means an electronic document filed in a portable document format which is readable by the free Adobe® Acrobat® Reader.

"Protected information" means personal information, the nature of which warrants protection from unlimited public access. Rule 16.602 lists the type of information included in this definition.

"Public access terminal" means a computer located in a courthouse through which the public may view, print, and electronically file documents.

"Public information" for purposes of these rules means documents or information that is not confidential or protected.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Registered filer" means an individual or entity whose login and password are used to electronically file documents. In cases in which the registered filer is a party or has entered an appearance, the registered filer will electronically serve and receive notice of most filed documents. A registered filer can also electronically view and download files. *See* rules 16.305 (registration, logins, and passwords); and 16.317 (service of documents subsequent to original notice). *But see* rule 16.316(3) (service of original notice).

"Registered user" means an individual or entity that is registered to be able to electronically view and download information from electronic files that are not confidential or protected. Registered users will be required to pay a registration fee. *See* rule 16.305 (1)(*c*)(2) (specialized nonparty user registration).

"Remote access" means the ability to electronically search, view, copy, or download electronic documents in a court record without the need to physically visit a courthouse. Remote access

to documents will be made available to registered filers and registered users. The level of remote access available to registered filers and registered users is determined by the status of the registered filer or user. *See* rule 16.502.

"Scanned document" means an electronic image created by scanning a paper document.

"Self-represented litigant" means a litigant who represents oneself without the assistance of a lawyer. An entity such as a partnership, association, corporation, or Tribe may be self-represented when it is otherwise authorized by law to be represented by an officer, employee, or non-lawyer representative. *See e.g.,* Iowa Code § 631.14(1); *In re N.N.E.,* 752 N.W. 1, 12-13 (Iowa 2008). Except where these rules specifically indicate otherwise, the term "lawyer" includes self-represented litigants.

"Signature"

1. "*Digital signature*" means a complex string of electronic data that is embedded in an electronic document for the purposes of verifying document integrity and signer identity. It can also be used to ensure that the original content of the message or document that has been delivered is unchanged. A digital signature is in no way related to a digitized signature and has nothing to do with a signer's name or handwritten signature.

2. *"Digitized signature"* means a computerized representation of a person's handwritten signature.

3. *"Electronic signature"* means an electronic symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

Rules 16.202 to **16.300** Reserved.

DIVISION III
GENERAL PROVISIONS

Rule 16.301 Electronic document management system.

16.301(1) Unless otherwise required or authorized by these rules, all documents in cases commenced in Plymouth County after March 22, 2010, must be filed using the court's electronic document management system.

16.301(2) The clerk of court is responsible for maintaining an electronic case file in the court's electronic document management system for all cases filed under these rules, receiving case filings into the electronic document management system by electronic transmission, and scanning documents into the electronic document management system for nonregistered parties.

Rule 16.302 Electronic filing mandatory.

16.302(1) *Electronic filing mandatory.* All lawyers authorized to practice law in Iowa, all lawyers admitted pro hac vice, *see* Iowa Ct. Rule 31.14, and all self-represented litigants

must register as provided in rule 16.305(1) to participate in the electronic document management system. As provided in this chapter registered filers must electronically submit all documents to be filed with the court unless otherwise required or authorized by these rules or the court.

16.302(2) *Exceptions.* For good cause, the court, or clerk if no judge is available, may authorize a filer to submit a document by nonelectronic means to the clerk for filing. Upon a showing of exceptional circumstances that it is not feasible for a party to file documents by electronic means, the chief judge of the district in which a case is pending or the chief judge's designee may excuse the party from registering to participate in the electronic filing system for purposes of that case.

16.302(3) *Dual filing required.* For a period of 30 days after March 22, 2010, those who are required to electronically file documents must also submit the documents in paper form to the clerk for filing. In the event of a discrepancy, the date and time of the electronic filing shall be the official date and time of filing unless the court, for good cause, determines otherwise. During this 30 day period, parties must also serve notice of any filed document by nonelectronic means.

Rule 16.303 Submission of paper documents.

16.303(1) *Submission of paper documents for scanning.* If a court authorizes a document be scanned by the clerk, the document must be printed on only one side and be delivered to the clerk with

no tabs, staples, or permanent clips, but may be organized with paperclips, clamps, or some other type of temporary fastener, or may be delivered to the clerk in an appropriate file folder.

16.303(2) *Return of copies by mail.* If a filer wants a document that was submitted in paper form to be returned by mail, the filer must deliver to the clerk a self-addressed envelope, with proper postage, large enough to accommodate the requested material. Except as otherwise provided in these rules, *see e.g.,* rules 16.302(3) (dual filing requirement) and 16.315(1) (items not to be electronically filed), paper documents submitted to the court will not be retained by the court.

Rule 16.304 Official court record.

16.304(1) *Court record.* The official court record for all cases includes the following :

a. Electronic files. The electronic files maintained in the court's electronic document management system.

b. Paper documents. Filings maintained by the clerk in paper form when permitted by these rules.

c. Exhibits and other materials. Exhibits and other materials filed with or delivered to the court and maintained by the clerk.

16.304(2) *Paper case files.* Except as otherwise provided in these rules, *see e.g.,* rules 16.302(3) (dual filing requirement) and 16.315(1) (items not to be electronically filed), or directed by the court, the clerk will not maintain paper case files in cases initiated on or after March 22, 2010.

Rule 16.305 Registration, logins, and passwords.

16.305(1) *Registration.*

a. Registration required. Registration is required to file documents in a case governed by these rules, *see* rule 16.301(1), to download documents filed in the electronic document management system, and to remotely access documents filed in the electronic document management system.

b. How to register. To register, filers, users, and self-represented litigants, *see* rule 16.201 (definitions of "registered filer," "registered user," and "self-represented litigant"), must complete the registration process located at https://www.iowacourts.state.ia.us/EFile and obtain a login and password for the electronic document management system. A filer or user may gain access to the registration process through the use of their own computer or through use of the public access terminals.

(1) *Special requirements for pro hac vice registration.* Before registering to use the electronic document management system, an out-of-state lawyer, *see* Iowa Ct. R. 31.14(1)(*a*), must first be admitted pro hac vice. *See* Iowa Ct. R. 31.14. The out-of-state lawyer shall complete the appropriate application for admission pro hac vice, *see* Iowa Ct. R. 31.25 form 1 and form 2. The in-state lawyer who is appearing with the out-of-state lawyer in the case, *see* Iowa Ct. R. 31.14(2)(*a*), shall electronically file the completed application for admission pro hac vice. If the court grants the

application to be admitted pro hac vice, the out-of-state lawyer shall complete the registration process located at https://www.iowacourts.state.ia.us/EFile.

c. Registration of specialized nonparty filers and users.

(1) *Nonparty filers.* Specialized nonparty filers must contact https://www.iowacourts.state.ia.us/ESAWebApp/Registration for special registration requirements. Specialized nonparty filers may include bail bond agents, process servers, and other people who generally are not considered a party but who need to file documents in multiple cases.

(2) *Nonparty user.* Specialized nonparty users must contact https://www.iowacourts.state.ia.us/ESAWebApp/Registration for special registration requirements. Specialized nonparty users are users who are generally not considered a party but who may need to view or download documents in multiple cases or view otherwise restricted information. Abstractors are specialized nonparty users. An abstractor includes any person, firm, partnership, association, or corporation, which makes, compiles, or completes and sells abstracts of title to real estate or executes real property title searches in the state of Iowa. For the purpose of remote access to court documents and otherwise restricted information, an abstractor must either qualify as a "participating abstractor" as recognized by the Title Guaranty Division of the Iowa Finance Authority, be a licensed abstractor at such time that abstractors are licensed in the state of Iowa, or be substantially equivalent to a

"participating abstractor" as determined by the State Court Administrator or the State Court Administrator's designee.

d. Registration complete. When the registration process is completed and a login and password is assigned the individual or entity may utilize the electronic document management system.

e. Changing passwords. Once registered, the individual or entity may change their password. If the registered individual or entity believes the security of an existing password has been compromised, the registered individual or entity must change the password immediately. The court may require password changes periodically.

f. Changes in filer's contact information. If a registered filer's e–mail address, mailing address, or telephone number changes, the filer must promptly make the necessary changes to the registered filer's information contained in the registration system. The filer may make the changes on the registration website at https://www.iowacourts.state.ia.us/EFile. The filer shall provide appropriate notice of changes in contact information to any nonregistered filer in every active case.

g. Duties of registered filer. Each registered filer shall ensure that the filer's electronic document management system e–mail account information is current, that the account is monitored regularly, and that e–mail notices sent to the account are timely opened.

h. Withdrawal from participation. A registered individual or entity may withdraw from participation in the electronic document

management system by contacting the registration website at https://www.iowacourts.state.ia.us/EFile. Upon withdrawal, the registered individual's or entity's login and password will be canceled and a registered filer's name will be deleted from any applicable electronic service list. A registered filer's withdrawal from participation in the electronic document management system is not authorization to file cases or documents nonelectronically. A withdrawal from participation in the electronic document management system by a registered filer is not a withdrawal from a case.

16.305(2) *Logins and passwords.* To file documents in a court utilizing the electronic document management system, a filer must use a login and password.

a. A registered filer is responsible for all documents filed with the filer's login and password.

b. A registered filer shall not knowingly cause or permit the registered filer's login or password to be used by any other person except:

(1) A registered lawyer may cause or permit the lawyer's login and password to be used by an authorized member or staff of the lawyer's law office.

(2) The registered filer for an entity may cause or permit its registered filer's login and password to be used by an authorized member or staff of the entity.

c. Any electronic filing, downloading, or viewing of an electronic file made by use of a login and password shall be

deemed to be made with the authorization of the person registered to use the login and password unless and until proven by clear and convincing evidence to the contrary.

d. If a login or password is lost, misappropriated, misused, or compromised in any way, the person registered to use that login or password must promptly notify the registration website at https://www.iowacourts.state.ia.us/EFile. For system security reasons, a registration may be immediately suspended. The registered individual or entity may apply for a new password and login by completing a new registration. If a login and password have been lost, misappropriated, misused or compromised in any way, the court may cancel the registration.

e. For good cause, the court may refuse to allow a user or a filer to electronically file or download information in the electronic document management system. The affected user or filer may file an application with the court to reregister.

Rule 16.306 Signatures.

16.306(1) *Registered filer.* A registered filer's login and password required for submission of documents to the electronic document management system serve as the registered filer's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Iowa Rule of Civil Procedure 1.413(1), any other applicable Iowa Court Rule, and any other purpose for which a signature is required in connection with proceedings before the court. All documents filed electronically

must include a signature block in the form set out in 16.306(4).

16.306(2) *Nonelectronic signature.* If a document contains a nonelectronic signature, the original document must be scanned before it is electronically filed in the electronic document management system.

16.306(3) *Documents requiring oaths, affirmations or verifications.* Any document requiring a signature be made under oath or affirmation or with verification may be either signed nonelectronically and scanned into the electronic document management system or may be signed by an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image of the required signature.

16.306(4) *Format.* Any filing requiring a signature must be signed, with either an actual signature, the symbol "/s/", or a digitized signature.

a. The following information about the person signing the filing, if applicable, must be typewritten or printed under the person's signature:

(1) Name;

(2) Law firm;

(3) Mailing address;

(4) Telephone number;

(5) E-mail address; and

(6) The e-mail addresses of any other persons at the law firm who are to be notified of additions or corrections to the electronic document management system file.

b. Filers are responsible for promptly updating the information in (1) through (6) on the electronic document management system. Non-registered filers are responsible for informing the court of any changes in this information with respect to all cases in which they have appeared.

16.306(5) *Multiple signatures.* The following procedure applies to a document containing two or more signatures:

a. By filing the document the registered filer confirms that the content of the document is acceptable to all persons signing the document and all such persons consent to having their signatures appear on the document.

b. After following the requirements of 16.306(5)(*a*), the registered filer must either:

(1) Scan the original document, with all of the signatures attached and file the document electronically; or

(2) Electronically file the document in .pdf format using the signature format as set out in 16.306(4).

16.306(6) *Disputing authenticity.* A lawyer or a party who disputes the authenticity of any signature on an electronically-filed document must file an objection to the signature within 30 days after the lawyer or party knew or should have known the signature is not authentic. A signature will be presumed authentic until established otherwise by clear and convincing evidence.

Rule 16.307 Electronic filing.

16.307(1) *Cover sheet.*

a. Registered filers. All registered filers shall complete an electronic cover sheet for each filing. The cover sheet provides the information to correctly docket and route the filing through the system.

b. Exceptions for authorized governmental agencies. Certain governmental agencies will be allowed to file documents and transfer data by a court-approved alternative method of transferring the document or data from the agency's electronic system to the court's electronic document management system. This alternative method for filing or presenting documents will enable correct routing and docket entry of the documents. The alternative method will also allow for requests for expedited relief and requests to seal documents where appropriate.

16.307(2) *Filing.* The electronic transmission of a document to the electronic document management system consistent with the procedures specified in these rules, together with the production and transmission of a notice of electronic filing constitutes filing of the document. A copy of the notice of electronic filing will be provided to nonregistered filers upon request to the clerk of court.

16.307(3) *E-mailing or faxing documents does not constitute filing.* E-mailing or faxing a document to the clerk or to the court will not generate a notice of electronic filing and does not constitute "filing" of the document.

Rule 16.308 Electronic file stamp. Each electronically filed document shall receive an electronic file stamp consistent with the notice of electronic filing. The file stamp shall merge with the electronic document and be visible when the document is printed and viewed on-line. Electronic documents are not officially filed without the electronic filing stamp. Filings so endorsed shall have the same force and effect as documents time stamped in a nonelectronic manner.

16.309 Docket entries.

16.309(1) *Docket text.* A registered filer electronically filing a document will be required to designate an accurate docket entry for the document by using one of the docket event categories listed on the cover sheet.

16.309(2) *Court responsibility.* The court is responsible for the accuracy of all docket entries.

16.309(3) *Correcting docket entries.*

a. Clerk to correct docket entries. Once a document is submitted into the electronic document management system, only the clerk may make corrections to the docket. Any changes to the docket will be noted in the docket.

b. Errors discovered by filer. If a filer discovers an error in the electronic filing or docketing of a document, the filer shall contact the clerk as soon as possible. When contacting the clerk, the filer shall have available the case number of the document that

was filed or docketed erroneously. The clerk will research the error and advise the filing party how the error will be addressed by the clerk and what further action by the filer, if any, is required to address the error. A filer shall not refile or attempt to refile a document that has been erroneously filed or docketed unless specifically directed to do so by the clerk.

c. Errors discovered by clerk. If errors in the filing or docketing of a document are discovered by the clerk, the clerk will ordinarily notify the filer of the error and advise the filer of what further action, if any, is required to address the error. If the error is a minor one, the clerk may, with or without notifying the parties, either correct or disregard the error.

Rule 16.310 Payment of fees.

16.310(1) All applicable fees shall be paid by court approved electronic means unless otherwise allowed.

16.310(2) Applications to proceed without the prepayment of filing fees shall be supported by an affidavit, *see* Iowa Code section 610.1. The application and supporting affidavit may be submitted to the clerk nonelectronically.

Rule 16.311 Date and time of filing, deadlines, and system unavailability.

16.311(1) *Date and time of filing, deadlines.*

a. An electronic filing can be made any day of the week, including holidays and weekends, and any time of the day the

electronic document management system is available. However, the expanded availability of electronic filing shall not affect the provisions for extension of deadlines under the criteria set forth in Iowa Code section 4.1(34). When a document is filed using the electronic document management system, the system will generate a notice of electronic filing. The notice of electronic filing will record the date and time of the filing of the document in local time for the state of Iowa. This will be the official filing date and time of the document regardless of when the filer actually transmitted the document.

b. A document is timely filed if it is filed before midnight on the date the filing is due.

c. If there is a deadline established in these rules that is different from a deadline established by a court order in a particular case, the deadline established in the court order controls.

d. As the electronic document management system may not always be available due to system maintenance or technical difficulties, filers should not wait until the last moment to file documents electronically.

16.311(2) *System unavailable.*

a. Some deadlines are jurisdictional and cannot be extended. The filer must ensure, by whatever means necessary, a document is timely filed to comply with jurisdictional deadlines. A technical failure, including a failure of the electronic document management system, will not excuse a failure to comply with a

jurisdictional deadline.

b. If a filer is unable to meet a nonjurisdictional deadline due to a technical failure, the filer must file the document using the soonest available electronic or nonelectronic means. The filing will not be considered untimely unless determined to be untimely by the court after an opportunity to be heard.

16.311(3) *Notice of system downtime.*

a. Anticipated downtime. When the electronic document management system will not be available due to scheduled maintenance, registered filers and users will be notified by e-mail and a notice will be posted on the court's web site of the date, time, and anticipated length of the unavailability.

b. Unexpected downtime. When the electronic document management system is unexpectedly unable to accept filings continuously or intermittently for more than one hour, registered filers will be notified of the problem by e-mail or by the posting of a notice of the problem on the court's web site.

Rule 16.312 Format of electronic documents.

16.312(1) *Generally.* All documents shall be formatted in accordance with the applicable rules governing formatting of paper documents. *See e.g.,* Rs. Civ. P. 1.411, 1.412; Iowa Rs. App. P. 6.803(2), 6.903, 6.905(3), 6.1002. A document must be converted to a portable document format (".pdf") before the document is filed in the electronic document management system. The registered

filer shall ensure that the filing is an accurate representation of the document and is complete and readable.

16.312(2) *Exceptions for authorized governmental agencies.* All documents shall be formatted in accordance with the applicable rules governing formatting of paper documents. *See e.g.* Rs. Civ. P. 1.411, 1.412; Iowa Rs. App. P. 6.903, 6.905(3), 6.1002. If authorized by the state court administrator a governmental agency may use an approved data transfer method to file documents in the court's electronic document management system.

Rule 16.313 Electronic attachment of other electronic documents.

16.313(1) The following documents shall be electronically attached to another document without a separate cover sheet:

a. A proposed document, such as an amended petition, shall be electronically attached to a motion for leave to file that document. If the court grants the motion, the clerk shall file and docket the documents.

b. Any item that would normally be included as an exhibit to a paper-filed document shall be electronically attached as an exhibit to the applicable electronic document.

16.313(2) Documents that would be filed separately if the documents were filed as paper documents shall each be filed separately with a separate cover sheet. Examples of such documents include a petition for dissolution of marriage, a motion for temporary support, and a financial affidavit.

Rule 16.314 Hyperlinks and other electronic navigational aids.

16.314(1) Hyperlinks and other electronic navigational aids may be included in an electronically filed document as an aid to the court. Each hyperlink must contain a text reference to the target of the link.

16.314(2) Although hyperlinks may be included in a document as an aid to the court, the material referred to by the hyperlinks are not considered part of the official record or filing unless already part of the record in the case.

16.314(3) Hyperlinks to cited authority may not replace standard citation format for constitutional citations, statutes, cases, rules, or other similarly cited materials.

16.314(4) Hyperlinks may be used to provide an electronic link to other portions of the same document or other portions of the court file.

Rule 16.315 Documents and other items to be filed non-electronically and not maintained in the electronic case file.

16.315(1) *Items not to be electronically filed.* Unless otherwise required or authorized by these rules, by the clerk or the court, or as specifically noted below, the following documents and other items may be filed nonelectronically and need not be maintained in the electronic case file:

a. The administrative record in cases in which the court is

asked to rule based on that record unless the underlying administrative record is already an electronic record or is submitted electronically by agreement of the parties. The petition, answer, briefs, and motions in such cases shall be filed electronically, and shall be maintained in the electronic case file.

b. Transcripts of proceedings before the court not available in electronic format unless submitted electronically by agreement of the parties.

c. Any item that is not capable of being filed in an electronic format.

16.315(2) *Service of notice of items filed nonelectronically.* Parties who file paper documents or other items pursuant to rule 16.315(1) must electronically file a notice of the filing of the item.

Rule 16.316 Original notice.

16.316(1) *Form of original notice.* When a party electronically files a new case, the party shall attach an original notice in the form required by Iowa Rule of Civil Procedure 1.302(1) to the petition. In addition to the information required by rule 1.302(1), the original notice must:

(1) State that the case has been filed in a county that utilizes electronic filing.

(2) Direct the other party to Iowa Court Rules Chapter 16 for general rules and information on electronic filing.

(3) Refer the other party to the rules in Chapter 16, division VI regarding the protection of personal information in court filings.

16.316(2) *Clerk's sealing of original notice.* After a petition is filed, the clerk shall electronically seal the original notice and electronically return a sealed and signed original notice back to the registered filer.

16.316(3) *Service of original notices.* Original notices must be served upon the party against whom an action has been filed in accordance with the Iowa Code and the Iowa Court Rules.

16.316(4) *Return of service.* After the original notice is served, the return of service must be scanned and electronically filed.

Rule 16.317 Service of documents subsequent to original notice.

16.317(1) *Service of documents by registered filers.*

a. Electronic distribution of electronically filed documents.

(1) A filer's completion of the registration process, *see* 16.305(1), constitutes a request for, and consent to, electronic service of court-generated documents, and documents filed electronically by other parties.

(2) When a document is electronically filed, it will be served through the electronic document management system to all parties who are registered filers. *See* rule 16.201 (definition of "electronic service"). The electronic document management system serves parties by sending them a notice of electronic filing. The notice of electronic filing along with the posting of the notice and the documents on the filer's interface constitutes service of the

document for purposes of the Iowa Court Rules. No other service on those parties is required. Electronic service is not effective if the filer learns the notice of electronic filing was not transmitted to a party.

b. Service on parties who are nonregistered filers. Parties must serve a paper copy of any filed document on a person entitled to service who is not a registered filer in the manner required by Iowa Rule of Civil Procedure 1.442 and Iowa Rule of Criminal Procedure 2.34(2), unless otherwise agreed by the parties. When serving paper copies of documents that have been filed electronically, the filer must include a copy of the notice of electronic filing.

16.317(2) *Service of documents filed by nonregistered filers.* Nonregistered filers must serve a paper copy of documents filed with the court on all persons entitled to service who are nonregistered filers in the manner required by Iowa Rule of Civil Procedure 1.442 and Iowa Rule of Criminal Procedure 2.34(2). No separate service is required for parties who are registered filers. Service on such persons will be made electronically through the electronic document management system. *See* rule 16.201 (definition of "electronic service").

Rule 16.318 Certificate of service. A certificate of service shall be filed for all documents not served by the electronic document management system. These include documents that must be served on parties who are nonregistered filers, documents that must be served on persons or entities seeking to intervene in a

confidential case, persons or entities filing documents pursuant to rule 16.321(2) and service of discovery materials. *See e.g.* rules 16.317(1)(*b*), 16.321(1)(*c*), 16.321(2)(*c*), and 16.401(1)(*a*). The certificate shall be filed promptly and shall show the date and manner of service. The certificate of service may be included on the last page of the document.

Rule 16.319 Additional time after electronic service. When service of a document is made by electronic means, the time to respond shall be computed in the same manner as required by Iowa R. Civ. P. 1.443(2) and Iowa R. App. P. 6.701(6).

Rule 16.320 Court-generated documents.

16.320(1) *Electronic filing of court-generated documents.* All court-generated documents issued in cases governed by this chapter, *see* rule 16.102, shall be electronically filed.

16.320(2) *Service of court-generated documents.*

a. Electronic notice and service. The electronic document management system will electronically serve any court-generated document to all registered filers entitled to service. *See* rule 16.201 (definition of "electronic service"). Electronic service of the notice of electronic filing upon a registered filer constitutes service or notice of the document.

b. Nonelectronic notice and service. The clerk shall mail paper copies of electronically-filed court-generated documents to nonregistered filers. The clerk shall not mail paper copies of court-generated documents to nonregistered parties, including criminal

defendants, who are represented by counsel unless otherwise required by the rules or specifically required by court order. The clerk shall include a copy of the notice of electronic filing with the paper copy of the document.

Rule 16.321 Filing in confidential cases by a potential intervenor or by a non-party.

16.321(1) *Potential intervenor.*

(*a*) *Manner in which to intervene.* A person or entity seeking to intervene in a case deemed confidential by law, rule, or court order shall, unless authorized to file nonelectronically under rule 16.302(2), electronically file the motion to intervene and all related documents.

(*b*) *Access to file.* Until the court grants the motion to intervene, the person or entity seeking to intervene is not allowed to download or view any part of the confidential file, nor will the person or entity receive a notice of electronic filing of any document filed in the case.

(*c*) *Service.* The documents filed by a person or entity seeking to intervene shall be served pursuant to rule 16.317(1)(*a*)(2) and 16.317(1)(*b*). The person or entity seeking to intervene is, according to rule 16.317(1)(*b*), required to serve a paper copy of the document on parties who are nonregistered filers. If the court or a party files a document related to the motion to intervene, a paper copy of the document shall be served on the potential intervenor in the same manner as a nonregistered filer.

See rules 16.317(1)(*b*) and 16.320(2)(*b*). If the motion to intervene is granted, the intervenor will subsequently be served copies of filed documents pursuant to rules 16.317 and 16.320(2).

16.321(2) *Filing in confidential cases by a person or entity who is not a party and is not attempting to intervene in the case.*

Examples of filings of this nature include a person or entity who files a motion to quash a subpoena issued in the case.

(*a*) *Filing.* A person or entity seeking to file documents in a case deemed confidential by law, rule, or court order shall, unless authorized to file nonelectronically under rule 16.302(2), electronically file the documents.

(*b*) *Access to file.* The person or entity is not allowed to download or view any part of the confidential file, nor will the person or entity receive a notice of electronic filing of any document filed in the case.

(*c*) *Service.* The documents filed by a non-party person or entity shall be served pursuant to rule 16.317(1)(*a*)(2) and 16.317(1)(*b*). The non-party person or entity is, according, to rule 16.317(1)(*b*), required to serve a paper copy of the document on parties who are nonregistered filers. If the court or a party files a document related to the documents filed by the non-party person or entity, a paper copy of the document shall be served on the non-party person or entity in the same manner as a nonregistered filer. *See* rules 16.317(1)(*b*) and 16.320(2)(*b*).

Rule 16.322 Limited appearance.

16.322(1) *Entry of appearance.* An attorney whose role in a case is limited to one or more matters shall file a document labeled "Limited Appearance pursuant to Iowa R. Prof'l Conduct 32:1.2(c)." Upon the filing of this document the attorney will receive electronic service of filed documents pursuant to rules 16.317 and 16.320(2). *See generally* Iowa Rs. Civ. P. 1.404(3), 1.442(2), Iowa R. Prof'l Conduct 32:1.2(c).

16.322(2) *Termination of limited appearance.* At the conclusion of the matters covered by the limited appearance the attorney shall file a notice of completion of limited appearance. Upon the filing of this document the attorney will no longer receive electronic service of filed documents. *See generally* Iowa R. Civ. P. 1.404(4).

16.322(3) *Service on litigant.* During the course of the limited appearance the litigant on whose behalf the attorney has entered a limited appearance shall continue to receive service of all documents pursuant to rules 16.317 and 16.320(2).

Rules 16.323 to **16.400** Reserved.

DIVISION IV
SPECIFIC TYPES OF DOCUMENTS

Rule 16.401 Discovery.

16.401(1) *Service of discovery materials.*

a. Service. Requests for discovery, responses to discovery, and notices of deposition may be served by e-mail to a registered filer.

b. Time service occurs. When service is made by e-mail the time to respond shall be computed in the same manner as required by Iowa R. Civ. P. 1.443(2).

16.401(2) *Filing notice of discovery requests and responses.* Parties shall file a notice with the court when a notice of deposition or a discovery request or response is served on another party. The notice shall identify the document served, and include the date, manner of service, and the names and addresses of the persons served. This rule only requires the filing of a notice indicating a discovery request or response was made. The parties should continue to follow Iowa R. Civ. P. 1.502 with respect to the filing of discovery materials.

Rule 16.402 Transcripts. Transcripts shall be filed electronically in a secure format in accordance with directives established by the state court administrator and with the formatting requirements of Iowa R. App. P. 6.803(2).

Rule 16.403 Expedited relief Requests for expedited relief shall be noted on the electronic document management system cover sheet.

Rule 16.404 Briefs. Legal briefs and memoranda shall be electronically filed.

Rule 16.405 Documents to be filed under seal.

16.405(1) *Motions to seal.* A party seeking to file under seal documents that are not deemed confidential by statute or rule, shall file a motion to seal the document. The document sought to be filed under seal must not be attached to the motion or it will be part of the public case file. The document may be filed under seal only after the motion is granted. The documents proposed to be filed under seal shall be electronically presented for review by the court. If the court enters an order granting the motion, the electronically presented document will be filed and sealed.

For information on filing confidential papers in appeals to the Iowa Supreme Court see rule 16.1209.

16.405(2) *Documents filed subsequent to order to seal.* If the court enters a protective order or an order directing or permitting the filing of documents under seal, the parties shall, without further order from the court, file under seal all documents covered by the order. The parties shall also file under seal all documents referring to or disclosing confidential information in the sealed

documents. A document filed under this rule must be so designated on the cover sheet.

16.405(3) *System-sealed documents.* Certain categories of documents are sealed within the electronic document management system without a motion by a party or an order of the court. A current list of system-sealed filings is available from the clerk and is available on the court's web site at https://www.iowacourts.state.ia.us/Efile. For such documents, no motion for leave to file under seal is necessary.

16.405(4) *Access to sealed documents and docket entries.* Access to documents filed under seal is managed by the electronic document management system in three different ways:

a. Some documents are available for viewing only by the parties and the court, but are referenced in a docket entry available to the public. Examples of these documents include presentence investigation reports, minutes of testimony, and documents filed under seal pursuant to this rule.

b. Some documents are available for viewing only by the parties and the court, and are not referenced in a docket entry available to the public. Examples of these documents include filings in a child in need of assistance case.

c. Some documents are available for viewing only by the court, and are not referenced in a docket entry available to the parties or the public. Examples of these documents include applications for search warrants and search warrants that have not been executed.

In civil cases, most documents filed under seal are referenced in a docket entry available to the public, but are available for viewing only by the parties and the court.

16.405(5) *Paper documents.* Paper documents must conform to the privacy rules that apply to electronic documents.

Rule 16.406 In camera inspection. Material may be electronically presented to the court for in camera inspection. After the court has examined the material and has entered an order concerning the issues raised by the material, the electronically presented material will be filed and sealed.

Rule 16.407 Subpoenas. The clerk of court may electronically provide subpoenas to a registered filer.

Rule 16.408 Certification of documents by the clerk. Certified copies of electronically filed documents may be obtained electronically or nonelectronically. The fee for a certified copy will be in accordance with the fee established in Iowa Code section 602.8105 and Iowa Court Rule 6.702(3). The clerk may certify documents by digital signature and seal.

Rule 16.409 Proposed orders. If a proposed order is electronically presented, *see* definition 16.201 (electronic presentation), it may be electronically attached to a motion or presented without a motion. The proposed order shall be

submitted in an editable format capable of being read by Microsoft Word.

Rule 16.410 Court reporter notes. Court reporters who have computer-aided transcription capability shall electronically file the court reporter notes.

Rule 16.411 Original documents. Where the law requires the filing of an original document, such as a will, mortgage document, or birth certificate, the filer shall scan the original document and file the scanned document in the electronic document management system. The filer shall retain the original document for a period no less than two years or until the conclusion of the case or the conclusion of an appeal, or the conclusion of the estate, whichever is later. The filer shall immediately deliver the original document to the court upon request of the court or the other party for inspection and electronic preservation, if necessary.

Rule 16.412 Exhibits. Exhibits offered at trials or hearings that are capable of being maintained in an electronic format shall, unless otherwise ordered by the court, be maintained electronically for purposes of the official court record. For example, the submitting party shall convert photographs into digital images.

Rules 16.413 to **16.500** Reserved.

DIVISION V
PUBLIC ACCESS

Rule 16.501 General rule. All filed court documents are public unless confidential, protected, or sealed. The fact that a case is electronically filed has no effect on the scope of what is accessible to the public. Access to information in the court file will depend on the nature of the information and the level of authorization of those seeking to access the file.

Rule 16.502 Access to electronic court files.

16.502(1) *Registered filers.*

a. Lawyer licensed to practice law in Iowa. A lawyer, licensed to practice law in Iowa, shall have remote access to all non-confidential documents in non-confidential court files. Lawyers, licensed to practice law in Iowa, shall have limited access to birth dates and names of children, normally considered protected information under rule 16.602, in non-confidential court files. The access to the birth dates and names of children, in cases in which the lawyer has not entered an appearance, will be limited to requesting the electronic document management system to confirm or deny that the birth date or child's name supplied by the lawyer is the same as the individual involved in a particular case.

b. Lawyer admitted pro hac vice. All lawyers admitted pro hac vice, *see* Iowa Ct. Rule 31.14, shall only have remote access to the documents filed in the cases in which the lawyer has been admitted pro hac vice.

c. Self-represented litigants and parties to an action. Self-

represented litigants and parties to an action who have registered and obtained a login and password shall only have remote access to the documents filed in the cases in which they are involved.

16.502(2) *Abstractors.* An abstractor, *see* rule 16.305(1)(*c*)(2), shall have remote access to all non-confidential documents in non-confidential court files. Abstractors shall have limited access to birth dates and names of children, normally considered protected information under rule 16.602, in non-confidential court files. The access to the birth dates and names of children will be limited to requesting the electronic document management system confirm or deny that the birth date or child's name supplied by the abstractor is the same as the individual involved in a particular case.

16.502(3) *Specialized nonparty filers.* Specialized nonparty filers, *see* rule 16.305(1)(*c*)(1), will be able to file documents in cases in which they are not a party consistent with the terms specified in their particular registration agreements. Specialized nonparty filers will not have remote access to electronic court documents.

16.502(4) *Members of the general public.* Documents in electronic court files may be viewed by use of a public access terminal in the county in which the case originated. To view electronic documents in a public case on appeal to the Iowa Supreme Court members of the general public may use a public access terminal located in the Judicial Branch Building in Des

Moines, Iowa, or a public access terminal located in the county in which the underlying case originated.

Rule 16.503 Public access terminals. At least one public access terminal shall be maintained in each courthouse.

Rule 16.504 Bulk distribution. The judicial branch will not make a bulk disclosure, or sell database information, that is confidential or otherwise protected by court order.

Rules 16.505 to **16.600** Reserved.

DIVISION VI
PROTECTION OF PERSONAL PRIVACY

Rule 16.601 Responsibility to redact or mask protected or confidential information.

16.601(1) *Responsibility of filer, generally.* It is the responsibility of the filer to ensure, according to the rules of this division, that protected information, *see* rule 16.602, is omitted or redacted from documents before the documents are filed. The clerk of court will not review filings to determine whether appropriate omissions or redactions have been made. The clerk will not, on the clerk's own initiative, redact documents or seal documents containing protected information.

16.601(2) *Transcripts.* At the time a transcript is filed, the court reporter shall, in accordance with directives established by the state court administrator, designate information that is included in the list of protected information in rule 16.602. After the court reporter has filed the certified transcript with the designated protected information, each party shall, within ten days from the date of certification of the transcript, review the designated material and, if necessary, request additional designation of protected information. Any disagreement as to whether information should be so designated shall be decided by the court. The parties to the action are responsible for ensuring the appropriate information is designated as protected material. The transcript will not be subject to public access until any requests for additional designation have been resolved. The system will not allow viewing of the protected information by those without proper access.

16.601(3) *Exhibits.* At the conclusion of the hearing or trial the parties shall designate protected information included in the exhibits. Any disagreement as to whether information should be so designated shall be decided by the court. The system will not allow viewing of the protected information by those without proper access.

Rule 16.602 Protected information. Protected information includes the following:

1. Social security numbers.

2. Financial account numbers.
3. Dates of birth.
4. Names of minor children.
5. Individual taxpayer identification numbers.
6. Personal identification numbers.
7. Other unique identifying numbers.

Rule 16.603 Omission and redaction requirements.

16.603(1) *Protected information not required and not material.* A party shall omit protected information from documents filed with the court when the information is not required by law and is not material to the proceedings.

16.603(2) *Protected information that is required or material.* When protected information is required by law to be included or is material to the case, a party shall record the protected information on a separate protected information form, *see* rule 16.606. The party shall redact the protected information, *see* rule 16.605 (manner in which to redact protected information), from any other document before filing the document with the court.

16.603(3) *Confidential or sealed documents.* Parties are not required to redact protected information from documents deemed confidential by statute, rule or court order; however redaction is required for materials that are initially confidential but which later become public, such as documents in dissolution proceedings.

16.603(4) *Full disclosure allowed.* A party may disclose protected information only when full disclosure of that information

is an essential or required component of the document, for example, when a writ of execution requires a full financial account number.

Rule 16.604 Information that may be redacted. A party may redact the following information from publicly available documents unless the information is material to the proceedings or disclosure is otherwise required by law:

1. Driver's license numbers.
2. Information concerning medical treatment or diagnosis.
3. Employment history.
4. Personal financial information.
5. Proprietary or trade secret information.
6. Information concerning a person's cooperation with the government.
7. Information concerning crime victims.
8. Sensitive security information.
9. Home addresses.

Rule 16.605 Manner in which to redact protected information. When protected information is required or is material to the case, only a portion of the protected information should be used. By way of example, and not limitation:

1. If a Social Security number must be included in a document, only the last four digits of that number should be used.

2. If financial account numbers are relevant, only

incomplete numbers should be recited in the document.

3. If an individual's date of birth is necessary, only the year should be used.

4. If a minor child must be mentioned, only that child's initials should be used.

Rule 16.606 Protected information form.

16.606(1) *Protected information form required.* When a party is required to include protected information in a filed document, the party shall file a protected information form. A copy of the form can be found at https://www.iowacourts.state.ia.us/Efile. The protected information form shall contain the protected information in its entirety as well as the redacted version of the information used in the filed document. All references in the case to the redacted information included in the protected information form shall be construed to refer to the corresponding complete protected information. The protected information form shall be confidential.

16.606(2) *Supplementing protected information form.* When new information is needed to supplement the record, or if information already contained in the protected information form needs to be updated or corrected, the parties shall file an updated protected information form reflecting all previously disclosed protected information plus any additions, changes, or corrections.

Rule 16.607 Orders and other court-generated documents. All orders and other court-generated documents shall follow the omission and redaction requirements in rule 16.603. Orders and

other court-generated documents will use the redacted version of the protected information found in the protected information form filed by the parties. *See* rule 16.606.

Rule 16.608 Improperly included protected information.

16.608(1) A party may move to redact improperly included protected information from a filed document and may request an immediate order to temporarily seal the document pending notice and opportunity to be heard by all parties.

16.608(2) If, after all parties have been provided an opportunity to be heard, the court finds protected information was improperly included in a filed document, the court may seal the document and may cause a properly redacted document to be filed.

Rule 16.609 Sanctions. If a party purposefully files documents containing unredacted protected information, the court, upon its own motion or upon the motion of any party, may impose sanctions which may include an order requiring a violator to pay a party all damages and reasonable expenses, costs, and attorney fees incurred because a party purposely filed documents containing unredacted protected information.

DIVISION VII
CRIMINAL CASES

Rule 16.701 Criminal cases and the electronic document management system.

16.701(1) *Use of electronic document management system.* All criminal cases shall be opened using the electronic document management system. All filings made in criminal cases shall be done through the electronic document management system.

16.701(2) *Applicability of other chapter 16 rules to criminal cases.* The rules in divisions I through VI, including rules pertaining to the protection of personal privacy, apply in criminal cases.

Rule 16.702 Documents requiring oaths, affirmations or verifications. Any document requiring a signature be made under oath or affirmation or with verification may be either signed non-electronically and scanned into the electronic document management system or may be signed by an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image of the required signature.

Rule 16.703 Warrants and other similar applications. When made during regular court hours, applications for search warrants, arrest warrants, and other similar applications shall, if at all

possible, be electronically presented to the court. Applications made when the courthouse is closed may be electronically presented to the court on a computer tablet or similar electronic device capable of allowing the court to modify the documents and capable of accepting a judge or magistrate's signature. If the applicant does not have immediate access to such technology, the application shall be presented to the court in paper form and shall later be scanned into the electronic document management system.

Rule 16.704 Documents initiating criminal cases.

16.704(1) *Trial informations and indictments.*

a. Trial informations. A trial information shall be electronically presented to the court for approval. If the court approves a trial information, the information will be electronically filed. If the court refuses to approve a trial information the information shall be electronically returned to the prosecuting attorney.

b. Indictments. An indictment containing a nonelectronic signature of the foreperson of the grand jury shall be scanned before it is electronically filed in the electronic document management system.

16.704(2) *Complaints, traffic tickets, and similar citations.* A complaint, traffic ticket, or similar citation containing the electronic signature of an arresting officer or other person shall be transmitted to the electronic document management system in

such a manner as to legibly reproduce an unaltered image of the required signature or display a realistic visual image of the signature.

Rule 16.705 Signature of defendant. When a defendant's signature is required on a document the defendant's signature may be placed on the document in one of the following ways:

16.705(1) *Nonelectronic signature.* A defendant may sign a document nonelectronically, such as with the use of pen on paper. The document signed in this manner shall be scanned before it is electronically filed in the electronic document management system.

16.705(2) *Computer tablet signature.* A defendant may electronically sign a document by use of computer tablet or similar technology.

16.705(3) *Login and password.* A defendant who is a registered filer may sign the document by use of the defendant's login and password.

Rule 16.706 Copies of documents for self-represented defendants. A defendant who is not represented by counsel shall, unless waived, be provided by the court a paper copy of all documents submitted to the court or filed by the court during that hearing.

Rule 16.707 Written plea agreements. Written plea agreements may be electronically presented to the court, but need not be filed

prior to a plea proceeding. If the plea is accepted the electronically presented plea agreement shall be filed.

DIVISION VIII
JUVENILE CASES

Rule 16.801 Juvenile cases and the electronic document management system.

16.801(1) *Use of electronic document management system.* All delinquency, child in need of assistance, termination, waiver of parental notification, and family in need of assistance cases shall be opened using the electronic document management system. All filings made in these cases shall be done through the electronic document management system.

16.801(2) *Applicability of electronic document management rules to juvenile cases.* The rules in divisions I through VI, including rules pertaining to the protection of personal privacy, apply in delinquency, child in need of assistance, termination, waiver of parental notification, and family in need of assistance cases.

Rule 16.802 Emergency applications. When made during regular court hours applications for emergency orders shall, if at all possible, be electronically presented to the court. Applications made when the courthouse is closed may be electronically

presented to the court on a computer tablet or similar electronic device capable of allowing the court to modify the documents and capable of accepting a judge's signature. If the applicant does not have immediate access to such technology, the application shall be presented to the court in paper form and shall later be scanned into the electronic document management system. Examples of emergency applications include applications for placement in shelter care, placement in detention, requests for emergency medical care, and removal from parental custody.

Rule 16.803 Signatures. When the signature of a parent, guardian, custodian, child, as defined in Iowa Code section 232.2(5), or adult within the jurisdiction of the juvenile court is required on a document the signature may be placed on the document in one of the following ways:

16.803(1) *Nonelectronic signature.* The person may sign a document nonelectronically, such as with the use of pen on paper. The document signed in this manner shall be scanned before it is electronically filed in the electronic document management system.

16.803(2) *Computer tablet signature.* The person may electronically sign a document by use of computer tablet or similar technology.

16.803(3) *Login and password.* If the person is a registered filer the person may sign the document by use of the person's login and password.

Rule 16.804 Documents requiring oaths, affirmations or verifications. Any document requiring a signature be made under oath or affirmation or with verification may be either signed non-electronically and scanned into the electronic document management system or may be signed by an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image of the required signature.

Rule 16.805 Written plea agreements. Written plea agreements may be electronically presented to the court but need not be filed prior to a plea proceeding. If the plea is accepted the electronically presented plea agreement shall be filed.

NOTE: Rules pertaining to electronic filing in the appellate courts will be contained in Division XII of the rules and it is anticipated the appellate rules will be numbered 16.1201 through 16.1234. The rules in Division XII are undergoing modification and will be approved and posted prior to implementation of the electronic document management system in the appellate courts.