

# Electronic Services System

## Policies And Procedures

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## Chapter 1 County Land Record Information System Governance

### **ESS – 1.1 Definitions.**

(Iowa Code Section 331.604, 3(a))

As used in this Chapter:

**28E Agreement** – An agreement between a public agency with one or more public or private agencies for joint or cooperative action pursuant to the provisions of Chapter 28E of the Iowa Code, including the creation of a separate entity to carry out the purpose of the agreement.

**ACH** – Automated Clearing House; an electronic banking network often used for direct deposit and electronic bill payment.

**Bank Service Charges** – Fees charged by a financial institution for the maintenance of an account or services associated with the account.

**Batch Transfer** - The delivery or transfer of an accumulation of electronic documents or records recorded or maintained by a County Recorder.

**Browser User Interface Submitter** – A Submitter which accesses the Iowa Land Records E-Submission service through a web browser interface.

**CLRIS** – See: county land record information system.

**County** – A political subdivision of the State of Iowa as defined in Chapter 331 of the Iowa Code.

**County Land Record Information System (CLRIS)** – The activities and organization created to for the purpose of planning and implementing electronic recording and electronic transactions in each county and developing county and statewide internet websites to provide electronic access to records and information as provided in 2003 Iowa Acts, Chapter 178, Section 25, Subsection 4; and 2005 Iowa Acts, Chapter 179, Section 101, Subsection 1.

**County Official** – An official defined in Section 331.101 of the Iowa Code including an Auditor, Board, Clerk, County Attorney, Recorder, Sheriff, Supervisor or Treasurer.

**County Project Assessments** – An assessment or fee which is levied by the ESS Coordinating Committee to a County for expenses associated with the operation of the county land record information system.

**Draw Down Account** – A payment account which authorizes a customer to deposit funds into an ESS current liability account. The customer may draw funds from this account to pay for County recording fees and Electronic Recording Convenience Fees.

**Electronic Document** - A document or instrument that is received, processed, disseminated, or maintained in an electronic format. The submission of an electronic document through the county land record information system electronic submission service shall be equivalent to delivery of a document through the United States postal service or by personal delivery at designated offices in each county.

**Electronic Recording Fee** – A fee levied by ESS Coordinating Committee to a Submitter for the service of enabling the review and transfer of electronic documents submitted for official recording in a County, as authorized by Section 331.605B, subsection 2, Code of Iowa.

**Electronic Services System (ESS)** – The entity established under Chapter 28E to provide Iowa counties with an electronic services system for land record information, electronic recording and other services as provided in 2021 Iowa Acts, Chapter 126, Section 2. See also: Section 331.604, subsection 3, paragraph f.

**ESS Coordinating Committee** –The committee established under the Electronic Services System 28E Agreement to coordinate efforts to deliver services and information through ESS, and to make policy regarding the operations of ESS.

**Failed Payment** – A payment transaction for a provided service which is not honored by a financial institution, credit card or debit card company or other payment service provider or organization, because there are insufficient funds, the debit or credit card has expired, the account is closed or frozen, or because of any other reason.

**Failed Payment Occurrence** – A Failed Payment associated with Recording Fees or service fees not received from a Submitter for one or more recorded documents at a specified time or on a specified day.

**Failed Payment Service Fee** – A fee paid by a Submitter when there is a Failed Payment to address ESS internal costs associated with the handling of a Failed Payment.

**Hosting and Office Technology Costs** – The costs associated with the hosting and operation of computing devices and systems and any related equipment or service including servers, software licenses, and technical support agreements.

**ICRA Executive Board** – The Executive Board of the Iowa County Recorders Association.

Insurance Costs – The costs associated with insurance maintained to mitigate the risks associated with Electronic Services System operations.

Iowa Counties Information Technology Affiliate – An affiliate of the Iowa State Association of Counties representing information technology professionals who work for a County.

Iowa County Recorders Association (ICRA) or (Association) – A private, nonprofit corporation established to represent elected County Recorders in the State of Iowa.

Iowa State Association of Counties (ISAC) – A private, nonprofit corporation established to promote effective and responsible county government for the people of Iowa.

Local Service Provider Maintenance Costs – The costs associated with services provided by local electronic indexing and imaging service providers to maintain and support the Recorder's Association Transfer Module which is used to transfer information between a County and the Electronic Services System.

Merchant Service Charges - Fees charged by an organization to merchants for facilitating customer payment through credit, debit or charge cards.

Operational Costs – The costs associated with accounting, account management, auditing, business analysis, clerical, communications, marketing, customer support, project management and quality assurance functions necessary for the operation of the Electronic Service System.

Payment Gateway Fees – Fees charged by an e-commerce application service provider which facilitates the implementation of electronic payment systems. The service provider authorizes payments for e-businesses, online retailers, or traditional businesses. Payment gateways protect credit card details by encrypting sensitive information, such as credit card numbers, to ensure that information is passed securely between the customer and the merchant and also between a merchant and the payment processor.

Point of Sale Credit/Debit Payment System (POS) – The payment system established by ESS to facilitate credit, debit, mobile and digital wallet payments for services provided at authorized locations including but not limited to organizations which are members of the Electronic Services System (ESS)

Qualified County Recorder – A County Recorder from a County which is a member of the Electronic Services System 28E organization.

Real Estate Transfer Tax – The tax applied to the assignment, transfer or conveyance of lands, tenements or other realty as provided in Chapter 428A of the Iowa Code.

Recording Fees – The combined fees charged by a County for recording a document including the standard recording fee, the Auditor’s transfer fee, additional transaction fee, and the document management fee.

Redaction – The process of permanently removing all or a portion of text or other information from a document or an electronic document, including but not limited to personally identifiable information. See also: Section 6.1 of the Policies and Procedures.

Registered User – A person or organization which establishes an account at <https://iowalandrecords.org/portal/> for the purpose of accessing information including images of recorded documents.

Revolving Fund Cash Flow Balance – The balance of funds maintained to ensure that sufficient funds are available to timely distribute recording fees and other funds to a County.

Software Development and Maintenance Costs – The costs associated with the process of conceiving, specifying, designing, programming, documenting, testing, and bug fixing involved in creating and maintaining applications, frameworks, or any software components developed and managed by the Electronic Services System.

Submitter – A person or organization which is authorized to submit electronic documents for recording through the county land record information system at <https://iowalandrecords.org/esubmission>.

Surcharge – The fee charged to a customer for the use of the POS system at an ESS location.

Technical Services Costs – The costs associated with services provided by ESS or ICRA employees, or third-party organizations who provide programming, system administration, database administration, web site administration, hosting and maintenance support, or other technical services to the Electronic Services System.

Treasury Management Service Charges - Fees charged by a financial institution for services associated with electronic funds transfers or other specialized services.

Unregistered User – A person or organization which accesses certain information or services at <https://iowalandrecords.org/portal/> or <https://iowalandrecords.org/esubmission>, when such access does not require the provision of a unique user identification or password. An unregistered user will not have authorization to access images of recorded documents, submit electronic documents for recording, or receive other information or services reserved only for registered users or Submitters.

Web Service Integration Portal User – An authorized organization which accesses the Iowa Land Records website and database through a web services API provided by the Electronic Services System and governed under an Integration Agreement.

Web Service Integration Submitter – A Submitter which accesses the Iowa Land Records E-Submission service through a web services API provided by the Electronic Services System and governed under an E-Submission Integration Agreement.

Web Site Promotion – Promotional or advertising services provided by the Electronic Services System on behalf of a person or organization. Services may include but are not limited to web site banner or pop up advertisements.

Section 1.1 revised 2.12.14.

Section 1.1 revised 8.12.15. Effective 9.1.15

Section 1.1 revised 10.7.15. Effective 12.1.16

Section 1.1 revised 8.7.18

Section 1.1 revised 8.10.21

### **ESS – 1.2 Authority and Purpose.**

(Iowa Code Section 331.604, Subsection 3(a); Section 331.604, Subsection 3(b); 2003 Iowa Acts, Chapter 178, Section 25, Subsection 4; 2005 Iowa Acts, Chapter 179, Section 101, Subsection 1; and 2009 Iowa Acts, Chapter 159)

1.2(1) The county land record information system is governed by Electronic Services System, a public entity established under the authority of Chapter 28E of the Iowa Code. The ESS Coordinating Committee shall carry out the duties specified in the Electronic Services System 28E agreement.

1.2(2) Each County and County Official shall participate in the county land record information system and shall comply with the policies and procedures established by the governing board of the county land record information system.

1.2(3) County representation in the governance of the county land record information system is contingent upon the execution of a 28E agreement between the board of supervisors of each county for the implementation of the county land record information system as required by 2005 Iowa Acts, Chapter 179, Section 101, Subsection 1 and as provided in 2021 Iowa Acts, Chapter 126, Section 2. See also: Section 331.604, subsection 3, paragraph f. Participation in the county land

record information system, and compliance with the policies and procedures adopted by the governing board of the county land recording information is required notwithstanding the absence of a 28E agreement for participation in the Electronic Services System with a County board of supervisors.

1.2(4) The Electronic Services System has the responsibility to develop, implement, and maintain a statewide internet website for purposes of providing electronic access to records and information and to implement electronic recording and electronic transactions in each County. The ESS Coordinating Committee is authorized to establish policies and procedures relating to or affecting the maintenance, transfer, storage, or utilization of land record information which may be incorporated with the Electronic Services System and the county land record information system.

1.2(5) Policies and procedures established by the Electronic Services System shall apply to all counties, County Officials and staff, any third-party service providers engaged in activities affecting the operations of the Electronic Services System and the county land record information system, and to Registered Users, Submitters, and Unregistered Users.

1.2(6) Policies and procedures which may be addressed by Electronic Services System include but are not limited to the following.

- a. Requirements for maintaining and operating the statewide internet website and the county land record information system.
- b. Requirements relating to the use of the county land record information system and the associated web sites including but not limited to Terms of Use and Privacy policies.
- c. Standards for recording, processing, indexing and archiving electronic documents and records.
- d. Requirements for integrating, accessing, transferring and archiving information contained in documents and records from other sources with the county land record information system.
- e. Requirements for redacting personally identifiable information contained in electronic documents that are displayed for public access through an internet website or that are transferred to another person.
- f. Requirements for implementing electronic recording.
- g. Initiatives to increase access to public records and the delivery of public services electronically.

Section 1.2 (1, 3-6) revised 8.10.21

### **ESS – 1.3 Other Powers and Duties.**

(Iowa Code Section 331.604, Subsection 3(a))

1.3(1) The ESS Coordinating Committee, shall have the following additional powers and duties.



- a. Provide Iowa counties with an electronic services system for land record information including but not limited to associated web sites, databases, search engines and electronic document management and submission services;
- b. Receive and disburse electronically into bank accounts designated by the Electronic Services System and each County Recorder authorized fees for electronic recording and other services.
- c. Provide Iowa counties with an electronic services system for other services provided through the Office of the County Recorder;
- d. Provide an electronic services system for other public agencies or private organizations.
- e. Contract with any public or private entity to provide all necessary services.
- f. To rent, lease or purchase any tangible personal property, real estate or services reasonably necessary to fulfill the purposes of this Agreement;
- g. Establish a system of accounting and budgeting, and a system for receiving payments;
- h. Retain legal counsel, accountants and other professional individuals needed in order to fulfill the purposes of this Agreement; and
- i. Exercise any other power or do any other legal act necessary to discharge its obligations and fulfill the purposes of this Agreement.
- j. Take other routine or ministerial action as needed to provide for the successful operation of the Electronic Services System and/or the county land record information system.
- k. Establish Policies and Procedures to provide for the governance and operation of the Electronic Services System and a governing board or committee.
- l. Establish committees and subcommittees as needed to carry out the duties and responsibilities established by the ESS Coordinating Committee.
- m. To sue, or be sued, acquire and own real or personal property necessary for its corporate purpose.
- n. Adopt a corporate seal and alter the seal at its pleasure.
- o. To issue debt as it deems necessary to fulfill its purposes.
- p. Execute all powers conferred in chapter 28E of the Iowa Code (2021) and as subsequently amended from time to time.

Section 1.3 revised 8.10.21

**ESS – 1.4 Limitation of Liability.**

(Iowa Code Section 331.606A, Subsection 7)

1.4(1) The Electronic Services System and the county land record information system is a unit of local government for purposes of chapter 670, relating to tort liability of governmental subdivisions.

**ESS – 1.5 Funding.**

(Iowa Code Section 331.603, Subsection 5a; Section 331.604, Subsection 3; Section 331.605B, Subsection 2)

1.5(1) Funding for the operation of the Electronic Services System and the county land record information system shall be provided through the county land record information system fee as provided in Section 331.604, Subsection 3 of the Iowa Code, the Electronic Recording Fee as provided in Section 331.605B, Subsection 2 of the Iowa Code, any other transaction service or user fees, and other sources specified herein.

1.5(2) Electronic Recording Surcharge. The Electronic Services System and the county land record information system is authorized to collect an additional service charge or surcharge for credit or debit card payments.

1.5(2-1) Electronic Recording Fee Schedule.

The Electronic Recording Fee shall be as follows.

For ACH Payments the base service fee is \$3.00 per recorded document.

For Credit/Debit Card Payments the Electronic Recording Fee shall be \$3.00 per recorded document plus the product of .01865 times the transaction amount.

Each Draw Down Account Submitter shall maintain a minimum balance of \$500.00 in the account. Any Draw Down Account Submitter which fails to maintain the required minimum balance shall be designated as “inactive” until sufficient funds are deposited into the account to maintain the balance and to cover any pending transactions.

For the payment of recording fees from a Draw Down Account, the Electronic Recording Fee is \$3.00 per recorded document.

Notwithstanding the Electronic Recording Fee specified in this Section, designated administrative personnel for the Electronic Services System and the county land record information system may authorize temporary promotional discounts for Browser User Interface Submitters, and otherwise negotiate alternative fee structures with Web Service Integration Submitters, subject to the approval of the ESS Coordinating Committee.

1.5(2-2) Electronic Recording Fee Uses.

Income derived from the Electronic Recording Fee or the Electronic Recording Fee Surcharge may be used for the purposes specified in Section 331.604, subsection 3, and Section 331.605B, subsection 2.

The following are authorized uses for revenue or income generated from the Electronic Recording Fee.

- a. Payment Gateway Fees
- b. Bank Service Charges
- c. Treasury Management Service Charges
- d. Merchant Service Charges
- e. Revolving Fund Cash Flow Balance
- f. Hosting and Office Technology Costs
- g. Insurance Costs
- h. Technical Services Costs
- i. Local Service Provider Maintenance Costs
- j. Operational Costs
- k. Redaction
- l. Software Development and Maintenance Costs

1.5(3) Credit/Debit Card Fee. The Electronic Services System has established a point of sale (POS) credit/debit card payment system for customers of County Recorders or other County offices. A surcharge is established to provide for the operation of the POS system. For Credit/Debit Card Payments the surcharge shall be the product of .03 times the transaction amount.

Net income derived from the point of sale (POS) credit/debit card payment system may be used to assist counties with the replacement of equipment required for participation in the system such as card swipe readers and receipt printers. The method of assistance, if any, shall be determined by the ESS Coordinating Committee. Net income may also be used for other purposes as determined by the ESS Coordinating Committee. Net income is defined to be the gross Credit/Debit Card Surcharge income for a calendar year less expenses for third-party service provider transaction and merchant account fees.

1.5(4) Online Access Fees Prohibited. The Electronic Services System and the county land record information system shall not collect a fee for viewing, accessing, or printing documents in the county land record information system.

1.5(5) Batch Transfer Fees Prohibited. The Electronic Services System and the county land record information system shall not enter into an agreement or collect a fee for providing access to electronic documents or records on a batch basis. Access to accumulated documents shall be limited to the user and web service interfaces provided through the county land record information system web site and online search functions.

1.5(6) Interest Income. Income from interest associated with the deposit of funds managed by the Electronic Services System and the county land record information system may be used for the purposes specified in Section 1.5(2-2).

1.5(7) Web Site Promotion Fees. The Electronic Services System and the county land record information system may provide promotional or advertising services through the county land record information system web site. Income from any web site promotional fees may be used for the purposes specified in Section 1.5(2-2). Web site promotional fees are subject to the approval of the ESS Coordinating Committee.

1.5(8) County Project Assessments. As necessary the Electronic Services System and the county land record information system may assess an amount from each County to secure necessary funds for the maintenance and operation of the county land record information system. The amount of an assessment may be based on the proportionate share of land records in each County, on an equal basis, or any other basis, subject to the approval of the ESS Coordinating Committee.

1.5(9) Other Funding Sources. The Electronic Services System and the county land record information system may seek funding from other sources including but not limited to grants and charitable contributions, subject to the approval of the ESS Coordinating Committee.

1.5(10) Failed Payment Service Fee. The Electronic Services System and the county land record information system is authorized to collect a service fee for the handling of any Failed Payment. The amount of the Failed Payment Service Fee shall be \$30.00 per Failed Payment Occurrence.

Any Submitter which submits a document(s) for recording which subsequently results in a Failed Payment shall have their submission privileges disabled until payment of the associated Recording Fees and the Failed Payment Service Fee is fully resolved.

Notwithstanding the Failed Payment Service Fee specified in this Section, designated administrative personnel for the Electronic Services System and the county land record information system may waive the Failed Payment Service Fee if the Submitter has had no prior Failed Payment Transactions or Failed Payment Occurrences.

1.5(11) Point of Sale Credit/Debit Payment System (POS). The Electronic Services System has established a Point of Sale Credit/Debit Payment System to facilitate credit, debit, mobile and digital wallet payments for services provided at authorized locations including but not limited to organizations which are members of the Electronic Services System (ESS). Participation in the POS system is subject to the following standards and guidelines.

- a. An authorized location shall agree to the Terms and Conditions and other business requirements established by the Electronic Services System and the designated merchant payment service provider.

- b. An authorized location shall agree to the application of a Surcharge to each transaction amount, as specified in Section 1.5(3). The authorized location shall display information about the Surcharge at the point of sale to inform customers about the amount of the Surcharge and its purpose. ESS shall provide text or standard information about the Surcharge to each authorized location.
- c. An authorized location shall accept all forms of POS payments and shall follow the operational instructions provided by ESS and the designated merchant payment service provider.
- d. An authorized location may void a transaction which occurs during a business day, but not later than 5:30 PM Central Time.
- e. An authorized location shall not issue a refund through the POS system. Refunds shall only be made to customers through payment methods available to the location such as a check or cash. A refund made by a location shall exclude the Surcharge amount. In the event that an authorized location issues a refund through the POS system, the location shall reimburse ESS for the amount of the refund. ESS shall monthly issue an invoice to a location for the reimbursement amount. There shall be a \$25.00 handling fee for each monthly invoice submitted to a location.
- f. An authorized location shall ensure that the credit/debit card surcharge is applied to every point of sale transaction, including but not limited to the procedures for bypassing the entry of a personal identification number (PIN) for debit cards. In the event that an authorized location fails to apply the credit/debit card surcharge to a transaction, the location shall reimburse ESS for the amount of the credit/debit card surcharge. ESS shall issue an invoice to the location for the reimbursement amount. There shall be a \$25.00 handling fee for each monthly invoice submitted to a location.
- g. A location may accept payment through a charge card, gift card, or other card which does not permit the application of a surcharge for any reason. However, when a location accepts payment through a charge card, gift card, or other card which does not permit the application of a surcharge, the amount of the surcharge shall be manually added to the transaction amount by the location. When necessary, a location shall either back out of the transaction, or if completed, void a transaction, and then manually re-enter the total transaction amount including the surcharge.

If a location accepts payment through a charge card, gift card, or other card which does not permit the application of a surcharge, and the

location fails to manually add the surcharge to the transaction amount, then the surcharge amount shall be deducted from the transaction amount when funds for the transaction are distributed to the location. A location shall not be reimbursed for the balance of a transaction by ESS.

- h. Certain point of sale devices may require the installation of supplemental software or an “add-in” application. If such software or application is required for a device, ESS shall issue an invoice to the location for the actual cost of the software or application. The frequency of invoices shall be determined by the mutual agreement of ESS and the location, but the frequency shall be no more than monthly.

Section 1.5(2-2) revised 2.12.14.  
Section 1.5(2-2) revised 6.11.14.  
Section 1.5 (2 and 3) revised 8.12.15. Effective 9.1.15  
Section 1.5 (2-1) and (2-2) revised 10.7.15. Effective 12.1.16  
New Section 1.5 (10) adopted 10.7.15. Effective 12.1.16  
Section 1.5 (2-2) revised 8.7.18  
Section 1.5 revised 9.25.18  
Section 1.5 (11) adopted 9.25.18  
Section 1.5 (11) revised 11.8.18  
Section 1.5 (11) revised 2.7.19  
Section 1.5 (3) revised 6.26.19  
Section 1.5 (11) revised 8.8.19 – Effective 9.1.19  
Section 1.5 (1, 2, 5-9) revised 8.10.21

### **ESS – 1.6 ESS Coordinating Committee.**

(Iowa Code Section 331.604, Subsection 3(a); 2005 Iowa Acts, Chapter 179, Division VII, Section 101, Subsection 1; Section 28E, Subsection 6, paragraph 3)

1.6(1) Committee Established. An ESS Coordinating Committee is established to coordinate efforts to deliver services and information through the Electronic Services System and the county land record information system. The Committee shall consist of no more than 15 members, and the number of members may be adjusted as circumstances require.

1.6(2) Qualification of Members. Members of the ESS Coordinating Committee shall consist of eight County Recorders who shall be representative of the Electronic Services System membership as follows:

- a. One County Recorder shall be appointed from each of the six geographic districts established by the Iowa County Recorders Association.
- b. One County Recorder shall be appointed from one of five counties with the highest population based on the most recent official U.S. census.
- c. One County Recorder who is a member of the Iowa County Recorders Association Executive Board.

To the extent practicable, the County Recorders should be representative of the various indexing and imaging systems utilized throughout Iowa. Deputy Recorders shall be eligible to serve on the ESS Coordinating Committee.

Members of the Coordinating Committee may include representatives of stakeholders and professionals who develop, originate or process official real estate documents. Stakeholder representatives shall comprise no more than six positions on the Coordinating Committee. These members shall be qualified from one of the following groups:

- a. A person who is a representative of Iowa financial institutions including banks, credit unions or mortgage companies.
- b. A person who is a representative of professionals active in the practice of real estate law.
- c. A person who is a representative of professionals in abstracting and land title management.
- d. A person who is a representative of information technology professionals who serve Iowa counties.
- e. A person who is representative of professional realtors or brokers.
- f. A person who is representative of professional and licensed land surveyors.
- g. Any person who is representative of another profession engaged in the Iowa real estate industry.

1.6(3) Nominations and Elections. Nominations shall be submitted to the Executive Board of the Iowa County Recorders Association not less than sixty (60) days prior to the expiration of the term of office for each position on the ESS Coordination Committee.

Nominations for each position shall be made as follows.

The County Recorders from each district may nominate up to two Qualified County Recorders from the district.

The County Recorders representing the five largest counties may nominate up to two qualified County Recorders.

Individuals representative of stakeholders and professionals who develop, originate or process official real estate documents may be nominated by an organization or association representing the profession or they may be self-nominated.

The Executive Board of the Iowa County Recorders Association shall designate its representative to the ESS Coordinating Committee. The Executive Board shall appoint the members of the ESS Coordinating Committee from the qualified nominations submitted.

1.6(4) Term of Office. The term of office for each position shall be two (2) years. ESS Coordinating Committee members will begin serving their terms on January 1st of the year following their election to the ESS Committee. The term of office for County Recorders representing even-numbered Districts will begin in even-numbered years. The term of office for County Recorders representing odd-numbered Districts will begin in odd-numbered years. The term of office for the County Recorder representing the highest population counties begins in odd-numbered years. The representative of the Executive Board shall serve at the discretion of the Executive Board.

The term of office for representatives of stakeholders, professionals and affiliates shall be initially established by the Executive Board to ensure that expiration of terms is balanced among the Committee members.

ESS Coordinating Committee members shall be eligible for nomination and appointment to additional terms of office.

1.6(5) Time and Location of Meetings. The ESS Coordinating Committee shall meet quarterly at a time specified by the chair. The Committee may meet in person or by electronic means. Additionally, the ESS Coordinating Committee shall meet as necessary in joint session with Iowa County Recorders' Association Executive Board at a time and location determined by mutual agreement. Other meetings may be called by the Chair or Vice Chair of the Committee.

Meetings shall be conducted in accordance with the requirements of Chapter 21 of the Iowa Code. Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

Welcome and Introductions  
Approval of Meeting Summary  
Financial Reports  
Action and Discussion Items  
Informal Discussion and Public Comment

By general consent of the Committee, items may be considered out of order.

1.6(6) Quorum and Voting. All members of the ESS Coordinating Committee shall have equal voting privileges. The members present at any properly announced meeting shall constitute a quorum. All issues to be voted on shall be decided by a simple majority of those present at the meeting in which the vote takes place.

The Committee shall proceed by motion. Any member, including the chair, may make a motion. A second is required to proceed with action on a motion.



1.6(7) Officers. There shall be three officers of the ESS Coordinating Committee, consisting of a chair, vice-chair and secretary/treasurer.

The ESS Coordinating Committee shall nominate and elect a chair, vice-chair and secretary/treasurer from the ESS membership. The term of Office for the Chair, Vice Chair & Secretary Treasure shall be one year. However, an Officer may serve successive terms with no limit to the number of terms.

The Chair shall convene and preside over all meetings, or shall arrange for other members of the Coordinating Committee to preside at each meeting in the following order: Vice Chair, Secretary/Treasurer. The Chair shall also appoint members of any subcommittees established by the Coordinating Committee.

The Secretary/Treasurer shall be responsible for keeping records of ESS Committee actions, including overseeing the preparation of meeting summaries and financial reports, and ensuring that corporate records are maintained.

1.6(8) Vacancy. In the event of a vacancy prior to the expiration of a term of office, the Iowa County Recorders Association Executive Board shall accept nominations and make appointments as necessary.

1.6(9) Termination of Appointment. The Executive Board of the Iowa County Recorders Association may terminate the appointment of a member of the ESS Coordinating Committee if the member is habitually absent, fails to participate constructively in the deliberations of the ESS Committee or for other reasons.

1.6(10) Compensation of Members. The members of the ESS Coordinating Committee shall not receive compensation. However, ESS Coordinating Committee members, County Recorders or Deputy Recorders, or ESS staff may be reimbursed for travel expenses subject to the following parameters.

- a. ESS Coordinating Committee members or ESS staff for participation in face-to-face meetings of the Committee.
- b. A representative of the ESS Finance Subcommittee upon approval from the ESS Coordinating Committee Chair for participation in face-to-face meetings of the ESS Coordinating Committee.
- c. ESS Subcommittee Members or ESS staff for participation in face-to-face meetings of the Subcommittee.
- d. County Recorders, Deputy Recorders, or ESS staff who participate in scheduled meetings with legislators, legislative staff, and state administrative agencies, subject to the prior approval of the ESS Coordinating Committee Chair.
- e. ESS Coordinating Committee members, County Recorders, Deputy Recorders, or ESS staff who participate in and assist with trade shows on behalf of ESS, subject to the prior approval of the ESS Coordinating Committee Chair.

- f. ESS Coordinating Committee members, County Recorders, Deputy Recorders, or ESS staff for participation in other special meetings or events subject to the approval of the ESS Coordinating Committee Chair.

Mileage reimbursement rates for ESS Coordinating Committee members, County Recorders, Deputy Recorders or ESS staff shall be based on the current IRS optional standard mileage rates for deductible business expenses.

Meal reimbursement rates for ESS Coordinating Committee members, County Recorders, Deputy Recorders or ESS staff shall be based on the current State of Iowa Summary of Travel Reimbursement Guidelines. See: <https://das.iowa.gov/state-accounting/travel-relocation>

Other expense reimbursement rates for ESS Coordinating Committee members, County Recorders, Deputy Recorders or ESS staff shall be based on ordinary and necessary standards acceptable for public organizations.

Persons requesting reimbursement must disclose to ESS other purposes of the travel and whether reimbursement for the travel may be available from other sources. Reimbursement may be limited in the discretion of the Chair, when reimbursement is available from other sources regardless of the actual amount of reimbursement. The Chair shall consider the primary purpose of the travel and cooperate with other sources to provide appropriate allocation of reimbursement.

In all cases reimbursement for lodging expenses is subject to the prior approval of the Chair.

1.6(11) Meeting Notices. Public notice of meetings of the ESS Coordinating Committee are posted at <https://iowalandrecords.org/accountability-in-reporting>, and at the offices of the Iowa State Association of Counties, 5500 Westown Pkwy #190, West Des Moines, IA 50266.

1.6(12) Meeting Summaries. A summary of the proceedings of each regular, adjourned, or special meeting of the ESS Coordinating Committee shall be published after adjournment of the meeting in one newspaper of general circulation within the geographic area served by the joint board of the entity created in the agreement. The summary of the proceedings shall include the date, time, and place the meeting was held, the members present, and the actions taken at the meeting. A summary of the proceedings of the ESS Coordinating Committee are also posted at <https://iowalandrecords.org/accountability-in-reporting>.

1.6(13) Other Project Information. Operational information such as the project budget, financial reports, audits, project status reports and other information shall be posted at <https://iowalandrecords.org/portal/>.

1.6(14) Administrative Offices. The administrative offices of the Electronic Services System and the county land record information system are located at 8711 Windsor Parkway, Suite 2, Johnston, IA 50131.

1.6(15) Teleconference Expense Reimbursement. The ICRA Executive Board or an officer of the Iowa County Recorders Association may utilize the teleconference service established to facilitate teleconference communications for ESS. However, when the purpose of any communication is not directly related to the activities of ESS, the ICRA Executive Board or the Iowa County Recorders Association shall reimburse ESS for the actual cost of teleconference service usage.

Section 1.6(10) revised 2.8.12. Retroactive to 1.1.12  
New Section 1.6(15) adopted 2.8.12. Retroactive to 1.1.12  
Section 1.6(5) revised 8.12.15. Effective 9.1.15  
Section 1.6(11-13) revised 8.12.15. Effective 9.1.15  
Section 1.6(10) revised 5.9.19  
Section 1.6 (1-3, 5, 10-13, 15), revised 8.10.21  
Section 1.6 (5); (10) amended 11.10.22

### **ESS – 1.7 Financial Procedures.**

(Iowa Code Section 331.604, Subsection 3(a))

1.7(1) ESS Finance Subcommittee. An ESS Finance Subcommittee is established to review the financial activities of the Electronic Services System. The Subcommittee shall perform the following duties.

- a. Assist with the development of an annual budget for ESS and the county land record information system.
- b. Review monthly invoices and claims for payment.
- c. Review financial reports, meeting summaries and other information as necessary.
- d. Assist the ESS Coordinating Committee with financial matters.

1.7(2) Review and Approval of Expenditures. Accounts payable (invoice payments, credit card charges and claims for payment) shall be reviewed by the ESS Finance Subcommittee. The Subcommittee shall advise the ESS Coordinating Committee of issues and activities which require formal action.

1.7(3) Review and Approval of Financial Reports. Financial reports shall be reviewed by the ESS Finance Subcommittee monthly. The Subcommittee shall advise the ESS Coordinating Committee of issues and activities which require formal action. Financial reports shall be reviewed and approved by the ESS Coordinating Committee.

1.7(4) Annual Budget. The ESS Finance Subcommittee shall assist the ESS Coordinating Committee with the development of an annual budget and any

budget amendments. An annual budget and any amendments to the budget shall be reviewed and approved by the ESS Coordinating Committee.

1.7(5) Annual Audit. Financial accounts managed directly by ESS Coordinating Committee shall be audited annually by an independent auditor. Financial accounts managed through the Office of the State Treasurer shall be subject to the auditing procedures of the State Auditor.

1.7(6) Allocation and Expenditure of Reserve Funds. The following reserve funds are established.

- a. Treasury Management Software Development and Equipment Maintenance Reserve. The purpose of the reserve is to provide resources for authorized software development, technical assistance, equipment replacement or maintenance, and human resource management activities
- b. Treasury Management Redaction Reserve. The purpose of the reserve is to provide resources for the redaction of personally identifiable information which may be included in images of Back File documents as defined in Section 4.1
- c. Treasury Management Restricted Operating Reserve. The purpose of the reserve is to provide resources which may be necessary to sustain the operation of the Electronic Services System due to an unforeseen event or emergency.
- d. Treasury Management Unrestricted Reserve. The purpose of the reserve is to provide resources for planned operating expenses when income varies from budget projections

Any reserve funds shall be reviewed at least annually by the ESS Coordinating Committee and the ESS Finance Subcommittee. The expenditure of Restricted Operating Reserve funds shall be subject to the approval of the ESS Coordinating Committee. The Administrator/Project Manager shall inform the ESS Coordinating Committee and ESS Finance Subcommittee of the expenditure of any other reserve funds. As needed the reserve funds may be adjusted or rebalanced by the ESS Coordinating Committee.

Funds not allocated to a reserve fund in the Treasury Management account shall be available for general operating expenses and to maintain the necessary liquidity for daily operations including the distribution of funds to participating public agencies, budgeted operating expenses, and payments to vendors.

Section 1.7 (6) revised 5.9.19  
Section 1.7 (6) revised 2.6.20  
Section 1.7 (6) revised 11.5.20  
Section 1.7 (2-4, 6) revised 8.10.21

## **ESS – 1.8 Administration.**

(Iowa Code Section 331.604, Subsection 3(a))

1.8(1) Designation of Administrator/Project Manager. An administrator or Project Manager shall be designated by the ESS Coordinating Committee to oversee and manage the operations of the Electronic Services System and the county land record information system.

1.8(2) Duties of the Administrator/Project Manager. The administrator or Project Manager designated by the ESS Coordinating Committee shall perform the following duties.

- a. Oversee the operation and maintenance of the Iowa Land Records system.
- b. Manage and direct the work of all service providers and ensure the appropriate administration of contracts, deliverables and project plans.
- c. Manage and direct the work of all employees assigned to the Electronic Services System and the county land record information system.
- d. Work with the ESS Coordinating Committee and Subcommittees to address ongoing financial, management and standards issues.
- e. Handle all financial aspects of the ILR, including accounts receivable and accounts payable and work with the financial service providers and the Association Treasurer as required. Provide for the monthly reconciliation of bank accounts and preparation of monthly financial statements.
- f. Oversee customer service support systems.
- g. Serve as the ILR primary administrative point of contact, and act to direct inquiries to ESS Officers and Association leaders as appropriate.
- h. Act as the administrative agent on behalf of the ESS Coordinating Committee concerning matters relating to compliance with policies and procedures adopted by the Electronic Services System. The Project Manager is authorized and directed to take appropriate progressive action, subject to consultation with the President of the Iowa County Recorders Association and the Chairperson of the ESS Coordinating Committee, to secure compliance by a County or County Official concerning ESS policies and procedures.
- i. Perform other administrative or project management duties as assigned by the ESS Coordinating Committee

Section 1.8 (2) revised 8.10.21

### **ESS – 1.9 Development of Policies and Procedures.**

(Iowa Code Section 331.604, Subsection 3(a))

1.9(1) ESS Standards Subcommittee. An ESS Standards Subcommittee is established to assist with the review and development of policies and procedures for county indexing, imaging and archiving systems and standards for the Electronic Service System and the county land record information system. The Subcommittee shall perform the following duties.

- a. Assist with the review and development of policies and procedures for the following:
  - i. Operating policies for the county land record information system
  - ii. Policies relating to the transfer of information from county systems to the county land record information system
  - iii. Policies relating to indexing systems
  - iv. Policies relating to document images
  - v. Policies relating to local indexing and imaging systems
- b. Assist with the review or development of other policies and procedures as requested by the ESS Coordinating Committee

**ESS – 1.10 ESS Executive Committee.**

(Iowa Code Section 331.604, Subsection 3(a))

1.10(1) ESS Executive Committee. An ESS Executive Committee is established to assist with strategic issues of mutual interest including but not limited to the following.

- a. The coordination of activities between the Electronic Services System and the Iowa County Recorders Association.
- b. The development of strategy for sustaining and strengthening the Electronic Services System.

Section 1.10 revised - Executive Committee created 8.7.18

Section 1.10 (2) revised 8.10.21

Section 1.10 revised - Executive Committee updated 11.10.22

1.10(2) ESS Executive Committee Members. The ESS Executive Committee shall be comprised of the individuals serving in the following roles.

- a. President of the Iowa County Recorders Association
- b. Chair of the ESS Coordinating Committee
- c. Vice Chair of the ESS Coordinating Committee
- d. Secretary/Treasurer of the ESS Coordinating Committee
- e. Vice President of the Iowa County Recorders Association
- f. Treasurer of the Iowa County Recorders Association
- g. Secretary of the Iowa County Recorders Association

Section 1.10 revised - Executive Committee created 8.7.18

Section 1.10 (2) revised 8.10.21

### **ESS – 1.11 Communications Subcommittee.**

(Iowa Code Section 331.604, Subsection 3(a))

1.11(1) ESS Communications Subcommittee. An ESS Communications Subcommittee is established to assist with education, communications and outreach activities. The Subcommittee shall perform the following duties.

- a. Assist with the development of an annual ESS education, outreach, communications and marketing plan.
- b. Assist with marketing and promoting E-Submission services including activities such as the distribution of flyers and promotional materials, attendance at trade show exhibits, and participation in webinars and seminars.
- c. Assist with the maintenance of county information posted on the Iowa Land Records web site including the following sections and pages: Iowa County Recorders, Search Tips, and ICRA Members.
- d. Assist with monitoring performance reports and information and developing strategies for improving performance and quality.
- e. Assist with the development of information and articles suitable for ESS and Iowa Land Records newsletters.
- f. Assist with activities of the Iowa County Recorders Association which are related to or associated with ESS goals and objectives.

New Section 1.11 adopted 6.11.14.

### **ESS – 1.12 Document Retention and Destruction.**

(Iowa Code Section 331.604, Subsection 3(a))

The purpose of this policy is to ensure that necessary records and documents of are adequately protected and maintained and to ensure that records that are no longer needed by the Electronic Services System or are of no value are discarded at the proper time. This policy applies to all physical records generated in the course of Electronic Services System's operation, including both original documents and reproductions. It also applies to electronic documents including but not limited to email and documents processed through the Iowa Land Records E-Submission service.

1.12(1) A record retention schedule is specified in Subsection 1.12(3) concerning the maintenance, retention and disposal schedule for physical records and electronic documents of the Electronic Services System. An administrator shall be designated by the ESS Coordinating Committee to ensure that the record retention schedule is followed. The administrator is authorized to monitor local, state and federal laws affecting record retention, annually review record retention and destruction policies and processes, and monitor compliance with this policy.

1.12(2) In the event the Electronic Services System is served with any subpoena or request for documents, or if the administrator becomes aware of a governmental investigation or audit concerning the Electronic Services System or the commencement of any litigation against or concerning the Electronic Services System, the administrator shall temporarily suspend processes for destroying documents, subject to the review and guidance of legal counsel.

1.12(3) The Record Retention Schedule is as follows:

<b>Record Type</b>	<b>Retention Limit</b>
Electronic financial records maintained within the Right Networks File Manager including Bank of America Files: Audit Files, BankCardUSA reports, USAePay reports, VeriCheck reports, NCMIC Reports, BOA Financial Reports, Budget Reports, Committee Packets, Deposits, Payment Gateway Reports, IIF Files, Monthly Statements, NACHA Files, Reconciliation Reports, Bills-Receipts; Fund 255 Files: Committee Packets, Fund 255 Financial Reports, Budget Reports, State Treasurer Statements, Reconciliation Reports; Fund 823 Files: Fund 823 Financial Reports	7 years
Depreciation schedules	3 Years After Full Depreciation
Insurance Policies (current)	2 Years
Insurance Claims History	7 Years
Tax Returns	10 Years
Official Audit Reports	Permanently
Contracts, Integration Agreements and Other Written Agreements	7 Years After Expiration or Termination
Contracts including license and maintenance agreements (still in effect)	3 Years Following End of Contract Period
Correspondence (general)	1 Year
Correspondence (litigation and other formal legal matters)	Permanently
Correspondence (with customers and vendors)	2 Years
Personnel Records Including Insurance and 401K Information maintained by the Human Resources service vendor (Aureon/Paychex)	In Conformance with Aureon/Paychex policy
Employee Time Sheet Records	3 Years
Meeting Summaries, 28E Agreement	Permanently
Policies and Procedures	Permanently



<b>Record Type</b>	<b>Retention Limit</b>
Email correspondence (clris.com and iowalandrecords.org)	See Correspondence Type Above; email to be temporarily archived after 60 days
System-Generated and DoNotReply email messages	Archived each day and purged after 30 Days
ESS Application Log Files	7 Years
Documents submitted for electronic recording: see also Section 7.5 of the ESS Policies and Procedures	30 Days
Department of Revenue or IRS Tax Liens or Lien Releases	1 Day or as soon as possible
Marketing, Training and Other Communications Materials	2 Years Following Publication
Real Estate Agreements (if applicable)	7 Years After Expiration or Termination

New Section 1.12 adopted 6.26.19.

**ESS – 1.13 Software Asset Determination.**

(Iowa Code Section 331.604, Subsection 3

The purpose of this policy is to establish a method for valuing the software developed by the Electronic Services System and to account for the value of the software as an asset in the ESS financial reporting system. The asset is to be included in the ESS balance sheet and would be subject to depreciation. Software developed by ESS is not sold or licensed as a commercial product, and it has no market value in the traditional sense. The valuation method is to be primarily based on the value of the human resources dedicated to the creation of the software.

1.13(1) The value of ESS software is to be calculated based on the human resources expenditures associated with members of the ESS software development team and other personnel engaged in support activities associated with the development of the software including testing and initial implementation. The following methodology shall be used to calculate the value of the software.

- a. The ESS Project Manager shall define the software assets to be developed, and the software development activities which contribute to the creation of the software asset. The ESS Project Manager shall also determine and document the points in time when development of the asset begins and when development is complete. Activities such as preliminary planning

- and post-production implementation shall not be included in the software development activities used to calculate the value of the asset.
- b. ESS personnel, and any external software development professionals engaged to assist with ESS software development, shall track and report time dedicated software development activities which may include planning, development, testing and initial implementation of the software.
  - c. An hourly cost shall be determined for ESS personnel and any external software development professionals engaged to assist with ESS software development. For ESS personnel, the hourly cost shall include to wages or salaries including all associated payroll taxes paid by the employer, plus the cost of benefits and any human resources administrative fees. For external software development professionals, the hourly cost shall be the hourly rate charged by the vendor or independent contractor.
  - d. For each member of the software development team and other designated personnel, the product of the hours allocated to the software development activities determined in subsection b., times the hourly costs determined shall be calculated.
  - e. The sum of the values determined in subsection d shall represent the value of the asset.
  - f. The value of the software assets shall be determined annually by calendar year.

New Section 1.13 adopted 5.9.19.

## Chapter 2 CLRIS Data and Information Standards

### **ESS – 2.1 Definitions.**

(Iowa Code Section 331.604, 3(a))

As used in this Chapter:

**Document Types** – A title or name given to a document which is officially recorded in a County document indexing system, and subsequently associated with a document type in the CLRIS document indexing system. A document type represents the purpose or function of the instrument such as “mortgage” or “deed” and it may be used as the criteria for submitting or retrieving information about the instrument.

**Electronic Documents** - A document or instrument that is received, processed, disseminated, or maintained in an electronic format. The submission of an electronic document through the county land record information system electronic submission service shall be equivalent to delivery of a document through the United States postal service or by personal delivery at designated offices in each county.

**Mortgage Industry Standards Maintenance Organization (MISMO)** – A technology standards development body for the residential and commercial real estate finance industries, and a wholly owned subsidiary of the Mortgage Bankers Association.

**Open Source (OSS)** - Computer software that is available in source code form: the source code and certain other rights normally reserved for copyright holders are provided under a software license that permits users to study, change, improve and at times also to distribute the software. Some open source software is available within the public domain.

**Property Records Industry Association (PRIA)** - A private, nonprofit corporation which provides a forum for the identification, research, discussion, development, drafting and implementation of national standards, best practices and new technology solutions to promote the integrity of the public records system, the efficiency of industry operations and the effectiveness of interfaces between the two.

**Proprietary** - Material licensed under an exclusive legal right of the copyright holder. For example, a licensee is given the right to use the software under certain conditions, but restricted from other uses, such as modification, further distribution, or reverse engineering.

**Submitter** - A person or organization which is authorized to submit electronic documents for recording through the county land record information system.

XML - Extensible Markup Language (XML); a set of rules for encoding documents in machine-readable form.

**ESS – 2.2 Authority and Purpose.**

(Iowa Code Section 331.604, 3(a))

2.2(1) The Electronic Services System (ESS) is required to implement electronic recording in each county, and to maintain a statewide internet web site to provide electronic access to records and information. In order to provide the required services and functions it is necessary to establish data and information standards and other technical requirements. These standards provide a common basis which serves to normalize and make consistent a wide variety of information from different counties and different third party indexing and imaging systems, and helps ensure that citizens and customers receive high quality and consistent services through the county land record information systems.

**ESS – 2.3 XML Data and Messaging.**

(Iowa Code Section 331.604, 3(a))

2.3(1) The county land record information system is based upon standards published by the Property Records Industry Association (PRIA) and the Mortgage Industry Standards Maintenance Organization (MISMO). While based on these nationally established standards, the Electronic Services System and the county land record information system is designed and developed with both open source and proprietary methods which may deviate from those standards. Therefore, the structure and form of the data and information as well as the communications and information transfer methods specified the Electronic Services System are the standards for the county land record information system.

2.3(2) Counties, County Recorders and the indexing, document management and document imaging systems employed or used by them shall comply with the published XML Data and Messaging specifications when transferring or receiving information through the Electronic Services System and the county land record information system.

2.3(3) Specifications for XML messages and the contained PRIA\_DOCUMENT content (including embedded files) are published as follows.

PRIA Document

[http://iowalandrecords.org/portal/dtd/CLRIS\\_PRIA\\_DOCUMENT.dtd](http://iowalandrecords.org/portal/dtd/CLRIS_PRIA_DOCUMENT.dtd)

PRIA Request

[http://iowalandrecords.org/portal/dtd/CLRIS\\_PRIA\\_Request.dtd](http://iowalandrecords.org/portal/dtd/CLRIS_PRIA_Request.dtd)

PRIA Response

[http://iowalandrecords.org/portal/dtd/CLRIS\\_PRIA\\_Response.dtd](http://iowalandrecords.org/portal/dtd/CLRIS_PRIA_Response.dtd)

## **ESS – 2.4 PRIA Document Types.**

(Iowa Code Section 331.604, 3(a))

2.4(1) A commonly referenced component of the CLRIS PRIA DOCUMENT is the list of document types which are included in the county land record information system database. The document types provide one means for citizens and customers to use when either searching for records or submitting records for recording. The following document types are established for the Electronic Services System and the county land record information system.

- a. AbstractOfJudgment
- b. Assignment
- c. AssignmentOfDeedOfTrust
- d. AssignmentOfMortgage
- e. Deed
- f. DeedOfTrust
- g. FederalTaxLien
- h. ModificationAgreementOrConsolidationAgreement
- i. Mortgage
- j. Other
- k. PartialSatisfactionOfLien
- l. PowerOfAttorney
- m. QuitClaimDeed
- n. ReleaseOfFederalTaxLien
- o. ReleaseOfStateTaxLien
- p. SatisfactionOfLien
- q. SatisfactionOfMortgage
- r. StateTaxLien
- s. SubordinateLienAgreement
- t. WarrantyDeed
- u. Type "Other" Doctype descriptions:
  - i. AffidavitNonTransfer
  - ii. AffidavitTransfer
  - iii. Condemnations
  - iv. Condominiums
  - v. ContractOrContractRelated
  - vi. CornerCertificates
  - vii. Covenants
  - viii. DeclarationofValue
  - ix. Easements
  - x. GroundwtrHazardStmt
  - xi. Heritage
  - xii. MonumentPreservationCertificate
  - xiii. Other
  - xiv. SurveysAndPlats
  - xv. UCC
  - xvi. 28E

**ESS – 2.5 Modification Of Data and Information Standards.**

(Iowa Code Section 331.604, 3(a))

2.5(1) The standards for XML Data and Messaging, PRIA Document Types, and other data and information standards published by the Electronic Services System will change and evolve over time. It is recognized that changes in standards may affect individual Counties, County Recorders and the indexing, document management and document imaging systems employed or used by them. To the extent practicable, the Electronic Services System and the county land record information system shall provide advance notice to Counties and County Recorders concerning pending or future modifications to published standards.

2.5(2) Modifications shall be published as specified in Section 2.3(3).

2.5(3) Notification of third-party service providers who provide indexing, document management and document imaging services to a county shall be implemented according to the terms of any service contract or agreement between the service provider and the Electronic Services System and county land record information system when applicable.

Section 2.4(1) amended – 11.10.16 (Monument Preservation Certificate)

## Chapter 3 County Data and Information Standards

### **ESS – 3.1 Definitions.**

(Iowa Code Section 331.604, 3(a))

As used in this Chapter:

**Additional Transaction** – Any supplemental transaction represented in an instrument for which an additional fee may be charged under Section 331.604 of the Iowa Code.

**Associated Document Reference** – The Unique Code Values assigned to related documents, such as a mortgage and a satisfaction of mortgage. The Unique Code Values are used to quickly retrieve information about related or associated documents.

**Business Day** – A business day generally represents a period of time which includes eight or more consecutive business hours. For example, a business with office hours from 8:00 A.M. to 5:00 P.M. is considered one business day. Alternatively, a business day could be considered as the consecutive business hours within one twenty-four hour period. For example, one business day could be represented as the office hours between 2:00 P.M. on day 1, and 2:00 P.M. on day 2. In either representation, a business day is intended to help define a minimum time frame in which a service should be reasonably performed.

**Capacity or Role** – The description given to a person who performs a function when a party to a transaction such as Executor or Trustee.

**Complete** – The status of a document after it has been recorded, represented by the inclusion of all pertinent information about the document in a database or index including but not limited to the parsed names of the parties, the date of the instrument, document type, associated references, and the parsed legal description if applicable. A status of complete also implies that a permanent unaltered image of the instrument has been archived.

**Cover Page** – A page submitted with a document for recording which includes required information and which conforms to requirements for recording such as the appropriate top margin on the first page. A cover page facilitates the recording of a non-standard or non-conforming document.

**Document Reference Number** – A unique reference number assigned to a document in a County indexing system which ensures that the document will not be mistaken for another document.

Document Type Mapping – A one-to-one relationship between a document type in a County indexing system and the appropriate ILR PRIA document type used by the county land record information system.

Electronic Document - A document or instrument that is received, processed, disseminated, or maintained in an electronic format. The submission of an electronic document through the county land record information system electronic submission service shall be equivalent to delivery of a document through the United States postal service or by personal delivery at designated offices in each county.

Grantor and Grantee – The names of the transferor and transferee in the transaction used to create the recording index. Grantor is any party that grants an interest in real property and includes affiants. Grantee is any party that is receiving an interest in property or put on notice by a grantor. The Grantee title is typically assigned to the purchaser of property. The Grantor title is typically assigned to the seller of property.

Human Name – A parsed name of an individual, including last name, middle name, first name, suffix, and Capacity or Role.

Image Archiving System – Any system which provides for an archive or permanent storage of electronic documents recorded by a County Recorder.

Index Legend – A rectangular area displayed on the first page of a plat or survey or a drawing related to a plat or survey which includes information required by a County Recorder to record and index a document.

Indexed and Filed – The process whether by manual, mechanical, electronic, optical, magnetic, microfilm, or other methods of storage, after filing or submission, to incorporate a document or instrument into an archival system for a business purpose or for transfer to another party.

Instrument Date – The date on which a real estate or other document is signed and executed by the parties specified in the document.

Legal Description - A detailed written description of real property that discloses the location of the real property with reference to the United States government land survey or land subdivision made in accordance with chapters 354 and 355 of the Code of Iowa. This may include an unparsed text description of metes and bounds or subdivision references; a parsed legal description of platted land such as lot, block and section; or a parsed legal description of unplatted land such as section, township, range.

Lineage/Suffix – An indicator of an individual's lineage such as Sr, Jr, Second or Third.



Monument Preservation Certificate – For the purposes of this section, a monument preservation certificate is a document created through the process of identifying and perpetuating the position of an existing monument as described in Section 355.6A of the Iowa Code.

Non-Human Name - A name of a company, organization or association.

Owner – The owner of a property which is referenced in a plat or survey or a drawing related to a plat or survey (Surveys and Plats).

Parcel Identification Number – A unique alphanumeric identifier assigned to a parcel of property by a County Official at the time the property is conveyed.

Parsed or Parsing – The separation of names or identifiers into distinct elements for an index or database such as the separation of names into first, middle and last, or the separation of legal description identifiers such as lot, block, unit. Parsing names or identifiers enables more granular retrieval and analysis of information.

Personally Identifiable Information - One or more of the following specific unique identifiers when combined with an individual's name:

- (1) Social security number.
- (2) Checking, savings, or share account number, credit, debit, or charge card number.

“Proprietor” means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement, or lien interest. (See Iowa Code Section 354.2)

Public – The term used to reference the citizens of a County in the land record index by a County Recorder with respect to the document type Corner Certificates.

Record – The process whether by manual, mechanical, electronic, optical, magnetic, microfilm, or other methods of storage, after filing or submission, to incorporate a document or instrument into the public record.

Requestor – The person who requests that a Surveyor or Surveyor Company prepare a plat or survey or a drawing related to a plat or survey (Surveys and Plats).

Retracement Plat of Survey – For the purposes of this section, a retracement plat of survey is a document which includes a graphical representation of the subdivision of land as defined in Section 355.1, Subsection 9B of the Iowa Code.

Surveyor – A person who is licensed under Section 193C of the Iowa Administrative Code to conduct a land survey and who prepares a Corner

Certificate, plat or survey or a drawing related to a plat or survey (Surveys and Plats).

Surveyor Company – An organization or company engaged in the activity of conducting land surveys as a professional service.

Township – A defined geographic area within a County (based on the U.S. public land survey system).

Traditional Paper Document – A real estate or other document presented for recording in a letter or legal sized paper format which may include ink signatures, embossed seals, stamps or other features associated with the processing of paper instruments.

Transaction – A specific legal action represented in a document or instrument including an electronic document. A distinct legal action or operation which is described in a document or instrument. A transaction must be associated with a legal action as demonstrated by the recording of a legal document including but not limited to mortgages, easements, deeds, quit claim deeds, or warranty deeds.

Unaltered – A representation of an original document when presented for recording; archived as either a paper document, electronic document, or other media, which does not include any mark, stamp, redaction or other modification which would obscure or alter the content or meaning of the original document.

Unique Code Value – A reference value assigned to a document by a County, County Recorder or information technology service provider which uniquely identifies each document within a County and which associates indexed document information with an archived image of the document or instrument.

Section 3.1 amended – 8.9.16

Section 3.1 amended – 2.13.18

### **ESS – 3.2 Authority and Purpose.**

(Iowa Code Section 331.604, 3(a))

3.2(1) The Electronic Services System (ESS) and the county land record information system is required to implement electronic recording in each County, and to maintain a statewide internet web site to provide electronic access to records and information. ESS aggregates information from multiple jurisdictions and local electronic indexing and imaging systems, and implements methods for managing transactions and messaging among those systems. Data, information, communication protocols, and business processes must be aligned in order to fulfill the mission and purpose of the Electronic Services System and the county land record information system as set forth in Chapter 1. In order to provide the required services and functions consistently and with high quality it is necessary to establish mandatory standard operating policies and procedures

3.2(2) The Electronic Services System Coordinating Committee is authorized to establish policies and procedures affecting the mission, purpose and operation of the Electronic Services System and the county land record information system. The authority to establish policies and procedures extends to County data and information standards, business processes and other issues when those issues affect the mission, purpose and operation of the Electronic Services System and the county land record information system. Each County shall comply with the policies and procedures established by the ESS Coordinating Committee.

Section 3.2 (2) revised 11.10.22

**ESS – 3.3 Document Formatting.**

(Iowa Code Section 331.604, 3(a); 331.606A, subsection 2; and 331.606B)

3.3(1) Documents which are submitted to a County and County Recorder shall conform to formatting standards to ensure that the documents are legible and contain the information required for recording. The standards specified herein apply to both traditional paper documents and electronic documents. Additional standards relating to the format of electronic documents submitted for recording are specified in Chapter 5.

3.3(2) Each document or instrument shall consist of one or more individual pages not permanently bound or in a continuous form. The document or instrument shall not have any attachment stapled or otherwise affixed to any page except as necessary to comply with statutory requirements. However, the individual pages of a document or instrument may be stapled together for presentation for recording. A label that is firmly attached with a bar code or return address may be accepted for recording.

3.3(3) All preprinted text shall be at least eight point in size and no more than twenty characters and spaces per inch. All other text typed or computer generated, including but not limited to all names of parties to an agreement, shall be at least ten point in size and no more than sixteen characters and spaces per inch. If a document or instrument, other than a plat or survey or a drawing related to a plat or survey, presented for recording contains type smaller than eight point type for the preprinted text and ten point type for all other text, the document or instrument shall be accompanied by an exact typewritten or printed copy that meets the requirements of this section.

3.3(4) Each document shall be of sufficient legibility to produce a clear reproduction. If a document or instrument, other than a plat or survey or a drawing related to a plat or survey, is not sufficiently legible to produce a clear reproduction, the document or instrument shall be accompanied by an exact typewritten or printed copy that meets the type size requirements of specified in

Section 3.3(3) and shall be recorded contemporaneously as additional pages of the document or instrument.

3.3(5) Each document or instrument, other than a plat or survey or a drawing related to a plat or survey, shall be on white paper of not less than twenty-pound weight without watermarks or other visible inclusions. All text within the document or instrument shall be of sufficient color and clarity to ensure that the text is readable when reproduced from the record.

3.3(6) All signatures on a document or instrument shall be in black or dark blue ink and of sufficient color and clarity to ensure that the signatures are readable when the document or instrument is reproduced from the record. The corresponding name shall be typed, printed, or stamped beneath the original signature. The typing or printing of a name or the application of an embossed or inked stamp shall not cover or otherwise materially interfere with any part of the document or instrument except where provided by law. Failure to print or type signatures as provided in this paragraph does not invalidate the document or instrument.

3.3(7) The first page of each document or instrument, other than a plat or survey or a drawing related to a plat or survey, shall have a top margin of at least three inches of vertical space from left to right which shall be reserved for the recorder's use. All other margins on the document or instrument shall be a minimum of three-fourths of one inch. Nonessential information including but not limited to form numbers, page numbers, or customer notations may be placed in a margin except the top margin. The recorder shall not incur any liability for not showing a seal or information that extends beyond the margin of the permanent archival record.

3.3(8) A document or instrument presented for recording shall not include an individual's personally identifiable information.

3.3(9) Each document or instrument, other than a plat or survey or a drawing related to a plat or survey, that is presented for recording shall contain the following information on the first page below the three-inch margin:

- a. The name, address, and telephone number of the individual who prepared the document.
- b. For any instrument of conveyance, the name of the taxpayer and a complete mailing address.
- c. A return address.
- d. The title of the document or instrument.
- e. All grantors' names.
- f. All grantees' names.
- g. Any address required by statute.
- h. The legal description of the property and parcel identification number, if required.

- i. A document or instrument number for statutory requirements, if applicable.

3.3(10) If insufficient space exists on the first page for all of the information described herein, the page reference of the document or instrument where the information is located shall be noted on the first page.

3.3(11) If insufficient space exists on the first page for all of the information described herein, the document may include a Cover Page which includes required information. An approved template for a Cover Page is published at [iowalandrecords.org](http://iowalandrecords.org).

3.3(12) The following documents are exempt from the format requirements of this section:

- a. A document or instrument that was signed before July 1, 2005.
- b. A military separation document or instrument.
- c. A document or instrument executed outside the United States.
- d. A certified copy of a document or instrument issued by a governmental agency, including a vital record.
- e. A document or instrument where one of the original parties is deceased or otherwise incapacitated.
- f. A document or instrument formatted to meet court requirements.
- g. A federal tax lien.
- h. A filing under the uniform commercial code, chapter 554.

#### **ESS – 3.4 Indexing of Grantor/Grantee Names.**

(Iowa Code Section 331.604, 3(a))

3.4(1) Time of Recording. A County Recorder shall review and process any document submitted within two business days. The result of the review and process will either be the official recording of the document in the County, or the rejection and return of the document to the Submitter.

3.4(2) Indexing Goals and Objectives. The purpose of establishing standards, policies and procedures for recording and indexing is to ensure that the recording process is timely, accurate, complete, and consistent, and to ensure that records are accessible, easy to use and readable. The following summarize the goals and objectives of the recording process.

3.4(2a) Accuracy. An index to provide public notice of recordings is useful only to the extent that it accurately replicates the grantor and grantee names that appear in documents. Errors and inconsistencies in keying party names can create breaks in the chain of title and hidden liens.

3.4(2b) Completeness. An index to provide public notice of recordings is useful only to the extent that it is complete. “Complete” means both that

all documents recorded are indexed and that all grantors and grantees in documents are indexed.

3.4(2c) Consistency. An index to provide public notice of recordings is useful only to the extent that the names are consistent. Names should be keyed and entered into the index in a consistent fashion. For example, entry of “national” as either “natl” or “national” can create hidden records and liens. Consistency rules are some of the most difficult to develop, yet they are a necessity.

3.4(2d) Accessibility. An index to provide public notice of recordings is useful only to the extent that the index is accessible, through on-site terminals, internet web sites, and sales of bulk data to title plants and private vendors who program different ways of searching and using the information.

3.4(2e) Ease of Use. An index to provide public notice of recordings is useful only to the extent that access to it is logical and easy for the user to access. The grantor/grantee index should be divided and ordered alphabetically in such a way that searchers can find what they are looking for with a minimum of special instructions.

3.4(2f) Readability. An index to provide public notice of recordings is useful only to the extent that the information provided in a search of the index is readable. This involves not only placing in the index information necessary to identify the type and location of the actual document, but, using modern technologies, also making images of documents readily available to the public.

3.4(3) Requirements for indexing when there are spelling variations or illegibility. When instruments contain variations between the typed or printed portions and signatures, partially illegible signatures, or information in the typed or printed portion not given by signatures, then the following procedures shall govern the indexing:

- a. If the signature is legible it governs.
- b. If the printed version of a human name spells out a name that is only initials in the signature, and the printed name is not in conflict with the signature, the printed or typed name governs.
- c. When one or more words in the signature is legible, it governs for that word.
- d. If none of the words in the signature are legible, the printed or typed name governs.

3.4(4) Names shall be indexed in all the ways that a searcher might try to find it.

- a. Enter names so that it will be indexed in all possible ways.
- b. Enter human and non-human names in different field structures as specified herein.
- c. Enter each name on a separate line.

3.4(5) The following punctuation standards shall apply to all documents.

- a. Punctuation shall not be used in human names.
- b. It shall be assumed that all signatures on a document are in the United States signature convention of given name(s) followed by surname.
- c. Punctuation such as hyphen, apostrophe, comma, slash, colon, semi-colon, parentheses, quotation marks, brackets, or period shall not be used for non-human names.
- d. When a non-human name contains words separated by a comma, period, colon, or semi-colon the punctuation shall be dropped.
- e. When a non-human name contains an apostrophe, the apostrophe shall be dropped. If the apostrophe is between two letters, no space shall separate the letters.
- f. When a non-human name contains two words separated by a hyphen(-) or a slash(/), the hyphen or slash shall be dropped. A space shall separate the two words.
- g. Quotation marks, brackets, and parentheses shall be dropped from non-human names.
- h. The following characters and symbols may be used for indexing and sorting non-human names:

English alphabet letters

Arabic numerals

! (when used as a symbol and not as punctuation)

? (when used as a symbol and not as punctuation)

: (when used in time such as 8:30 AM Café)

#

\$

%

&

\*

+

=

/ (for fractions and date)

@

- i. If a non-human name contains a character or symbol not listed herein, the symbol shall be dropped.

3.4(6) The following standards shall apply to human names.

- a. Index character set is A-Z only. Blank is not a character. Numbers (2nd, II, 3rd, IV) may appear in suffixes, but they are not part of the index entry.
- b. American name sequence is assumed.
- c. Split names into five fields: First, Middle, Surname, Lineage/suffix and Capacity/role.
- d. Enter all forms of name appearing on the document: signature and printed names.
- e. Separate multiple names (including AKA, FKA etc.) into separate entries: John and Mary Smith = 2 entries= John Smith, Mary Smith.
- f. Surnames. For the purpose of alphabetizing, the surname shall be considered as one word except for compound names as defined later. If the name contains blank spaces, apostrophes, or hyphens they will be dropped and ignored in the indexing process.
- g. Prefix- A name with a prefix is one that begins with a separately written particle consisting of an article ( La Crosse, L'Estrange), a preposition (De Morgan), a combination of a preposition and an article( Van der Veer) or a term which expressed a relationship ( O'Brien ) for indexing the prefix and the name shall be considered as one name and shall not contain blank spaces or apostrophes, etc.
- h. Compound Surname – A compound surname is a name consisting of two or more names which are separated by a hyphen. Hyphens are always dropped from compound surnames and will be replaced with a space. Compound surnames composed of more than one proper name with a hyphen shall also be indexed by the last name in the compound surname. Index the name twice if it is unclear whether the name is a hyphenated compound surname.
- i. If it is unknown or unclear if a name is the last given name or is part of a multi-name surname, the name may be treated as the last given name and also as a part of the multi-name surname.
- j. Given names. Given names shall be listed in the order of first given name or initial, second given name (middle name) or initial, third given name or initial etc. An initial shall be considered as a given name, and a space shall separate given names and initials that are given names. Commas shall not be used to separate given names.
- k. Suffix. A suffix denoting lineage such as Junior, Jr, Sr, II, III, etc. shall be placed after the last given name. No comma shall be placed between the last given names and the suffix.

3.4(7) The following standards shall apply to non-human names.



- a. Index character set is A-Z, 0-9, and the conjunction “&”.
- b. Key as seen. Enter name sequence as shown on the document. Do not alter the name.
- c. Separate multiple names into separate entries: ABC Inc. DBA Jones Company = 2 entries= ABC Inc and Jones Company.
- d. Key the name as it appears in the document, including all special characters.
- e. Change all instances of the conjunction “and” to “&”
- f. Delete “THE” at beginning of names. The first letter, number, or special character immediately following the word “THE” shall be used for indexing. When the first word is “The”, the word “The” shall appear at the end of the entry or may be dropped.
- g. Human Name/Initials. The names or words in a non-human entry shall not be reversed even when the non-human entry contains a human name/initials.
- h. Numbers.
  - 1) When the first word of a non-human name is a number and the number is spelled (six), the number shall be treated as a word.
  - 2) When the first word of a non-human name is a number and the number is in numeric form (6), the number shall be placed in alphanumeric character sequence in the index as it appears on the document.
  - 3) When a non-human names contains a fraction in numeric form, the numerator and the denominator of the fraction shall be separated by a slash(/) with no space on either side of the slash.
  - 4) If a whole number is associated with the fraction, a space shall separate the whole number from the fraction. When an ordinal number is in numeric form, a space shall not separate the numeral from the ordinal suffix.
  - 5) When a non-human name contains a series of two or more single numerals, no space shall separate the single numerals.

3.4(8) All County indexing systems shall provide for parsed human names and include separate data elements for First, Middle, Surname, Lineage/suffix and Capacity/role.

3.4(9) All County indexing systems shall provide a separate data element for non-human names.

3.4(10) Separation of Unparsed Human Names and Non-Human Names. If an index includes a data element for unparsed human name, it shall be separate from any data element for non-human names.

3.4(11) Trusts and Estates. Trusts and estates should be indexed as human names. If a county has indexed them as non-human names, then index them both ways. Use separate lines for each name.

### **ESS – 3.5 Document Types.**

(Iowa Code Section 331.604, 3(a))

3.5(1) Document types for County indexing systems shall be specified by the County Recorder. However, each County indexing system shall include the following document types or their equivalent.

- a. AbstractOfJudgment
- b. Assignment
- c. AssignmentOfDeedOfTrust
- d. AssignmentOfMortgage
- e. BargainAndSaleDeed
- f. Deed
- g. DeedOfTrust
- h. FederalTaxLien
- i. Judgment
- j. ModificationAgreementOrConsolidationAgreement
- k. Mortgage
- l. Other
- m. PartialSatisfactionOfLien
- n. PowerOfAttorney
- o. QuitClaimDeed
- p. Reconveyance
- q. ReleaseOfFederalTaxLien
- r. ReleaseOfStateTaxLien
- s. ReleaseOfTreasurersTaxLien
- t. SatisfactionOfLien
- u. SatisfactionOfMortgage
- v. StateTaxLien
- w. SubordinateLienAgreement
- x. SubstitutionOfTrustee
- y. TreasurersTaxLien
- z. WarrantyDeed
- aa. Type "Other" Doctype descriptions:
  - i. AffidavitNonTransfer
  - ii. AffidavitTransfer
  - iii. Condemnations
  - iv. Condominiums
  - v. ContractOrContractRelated
  - vi. CornerCertificates
  - vii. CourtOrder
  - viii. CourtOrderTransfer
  - ix. Covenants
  - x. DeclarationofValue

- xi. Easements
- xii. GroundwtrHazardStmnt
- xiii. Heritage
- xiv. MonumentPreservationCertificate
- xv. Other
- xvi. SurveysAndPlats
- xvii. UCC
- xviii. 28E

Section 3.5 amended – 11.10.16 (Monument Preservation Certificate)

**ESS – 3.6 Document Type Mapping.**

(Iowa Code Section 331.604, 3(a))

3.6(1) The purpose of establishing standards, policies and procedures for the mapping of document types from local indexing systems to the county land record information system is to ensure that the information is accurate, complete, consistent and accessible through the county land record information system. While the assignment of document types may vary from County to County, consistent definitions must apply when records are transferred to the county land record information system. Similarly, when citizens and customers of electronic recording services submit documents through the county land record information system, consistent definitions must apply to ensure that County Recorders can correctly review and process the documents.

3.6(2) Document types or codes implemented by individual County indexing, document management or image archive systems shall map or associate the local document type with the correct PRIA document type according to the following mapping table.

<b>Document Type</b>	<b>PRIA Doc Type</b>
28E	28E
Abstract of Judgment	Abstract of Judgment
Access Rights Deed	Deed
Affidavit - Non-Judicial Voluntary Foreclosure	Affidavit - Transfer
Affidavit - Transfer Document Error Correction	Affidavit - Non-Transfer
Affidavit By Tax Title Holder	Affidavit - Non-Transfer
Affidavit Explanatory of Title	Affidavit - Non-Transfer
Affidavit in Support of Forfeiture of Judgment Lien	Affidavit - Non-Transfer
Affidavit in Support of Forfeiture of Real Estate Contract	Contract or Contract Related
Affidavit of Adverse Possession Under Tax Deed	Affidavit - Non-Transfer
Affidavit of Compliance with Section 624.23(2)	Affidavit - Non-Transfer
Affidavit of Death Terminating Life Estate	Affidavit - Transfer

Affidavit of Identity	Affidavit - Non-Transfer
Affidavit of Possession	Affidavit - Non-Transfer
Affidavit of Surviving Spouse for Change of Title to Real Estate	Affidavit - Transfer
Affidavit Regarding Non-Judicial Voluntary Foreclosure	Affidavit - Non-Transfer
Affidavit Regarding Security Assignment	Affidavit - Non-Transfer
Affidavit Regarding Surviving Joint Tenant	Affidavit - Transfer
Affidavit-Waiver Right of First Refusal	Affidavit - Non-Transfer
Assignment (General)	Assignment
Assignment of Deed of Trust	Assignment of Deed of Trust
Assignment of Easement	Easement
Assignment of Ground Lease	Assignment
Assignment of Leases and Rents	Assignment
Assignment of Mortgage	Assignment of Mortgage
Bargain and Sale Deed	Deed
Bill of Sale	Deed
Blanket Assignment	Assignment
Cemetery Deed	Deed
Change of County Auditor's Real Estate Taxation Record	Affidavit - Transfer
Condemnations	Condemnations
Condominiums	Condominiums
Contracts	Contract/Contract Related
Corner Certificates	Corner Certificates
Court Officer Deed	Deed
Court Order/Transfer	Court Order/Transfer
Declaration of Value	Declaration of Value
Deed of Trust	Deed of Trust
Deeds (General)	Deed
Easements	Easements
Estoppel Affidavit	Affidavit - Non-Transfer
Extension of Tax Lien	State Tax Lien
Federal Tax Lien	Federal Tax Lien
Groundwater Hazard Statements	Groundwater Hazard Statements
Iowa Workforce Dev. Lien	State Tax Lien
Iowa Workforce Dev. Sat. of Lien	Release of State Tax Lien
Judgment	Judgment
Lien	Other
Lot Line Fence Agreement	Other
Modification of Home Equity LOC	Modification Agreement
Modification of Mortgage	Modification Agreement
Modification of Mortgage	Modification Agreement
Modification of Mortgage and Assignment	Modification Agreement
Monument Preservation Certificate	Monument Preservation Certificate

Mortgage	Mortgage
Notice of Special Use Valuation Lien	State Tax Lien
Offer To Buy And Acceptance	Contract/Contract Related
Other	Other
Partial Satisfaction of Deed of Trust	Partial Satisfaction of Lien
Partial Satisfaction of Lien	Partial Satisfaction of Lien
Partial Satisfaction of Mortgage	Partial Satisfaction of Lien
Power of Attorney	Power of Attorney
Purchaser's Affidavit	Affidavit - Non-Transfer
Quit Claim Deed	Quit Claim Deed
Real Estate Contract Amendment	Contract/Contract Related
Real Estate Contract Assignment - Collateral Only	Contract/Contract Related
Real Estate Contract Assignment - Transfer	Contract/Contract Related
Real Estate Contract Installments	Contract/Contract Related
Real Estate Contract Modification	Contract/Contract Related
Real Estate Contract Short Form	Contract/Contract Related
Record of Entry of Foreclosure of Mortgage	Affidavit - Non-Transfer
Release of Assignment of Leases and Rents	Satisfaction of Lien
Release of Federal Tax Lien	Release of Federal Tax Lien
Release of State Tax Lien	Release of State Tax Lien
Satisfaction of Deed of Trust	Satisfaction of Mortgage
Satisfaction of Mortgage	Satisfaction of Mortgage
Sheriff's Deed	Deed
State Tax Lien	State Tax Lien
Subordinate Lien Agreement	Subordinate Lien Agreement
Surveys and Plats	Surveys and Plats
Tax Sale Deed	Deed
Trustee Warranty Deed	Warranty Deed
Trustee's Affidavit	Affidavit - Non-Transfer
UCC	UCC
Warranty Deed	Warranty Deed

3.6(3) A mapping table established by each County shall be provided to the ESS Coordinating Committee for review. If required by the ESS Coordinating Committee, a County shall modify the County mapping table to ensure that transferred records are consistent within the county land record information system.

Section 3.6 amended – 11.10.16 (Monument Preservation Certificate)

Section 3.6 (2) revised 11.10.22

Section 3.6 (3) revised 11.10.22

**ESS – 3.7 Document Reference Numbers.**

(Iowa Code Section 331.604, 3(a))

3.7(1) The purpose of establishing standards, policies and procedures for document reference numbers is to ensure that a unique reference number, code value or other identifier is assigned to each recorded document in Iowa. A document reference number should enable a citizen or customer to find a document without regard to the County in which the document is recorded. Document reference numbers should not be duplicated within a County or among multiple counties.

3.7(2) Document reference numbers assigned by a County should conform to generally accepted database management practices and conform to the objectives of Section 3.7(1) as soon as practicable.

3.7(3) Each County, County Recorder and County indexing system shall uniquely identify each document recorded. Reference numbers, book and page numbers or other unique identifiers shall be determined by the County Recorder.

3.7(4) Each County, County Recorder and County indexing system shall assign a Unique Code Value to each recorded document mapped to a PRIA document type as specified in Section 3.6. The Unique Code Value shall be used to identify each document transferred to the county land record information system, and the Unique Code Value shall conform to the specifications established by the county land record information system. If a County is served by separate indexing and imaging service provider, the County and County Recorder shall ensure that the same Unique Code Value for a document shall be assigned to both the index information and the document image.

3.7(5) The county land record information system shall encourage the adoption of specifications for Unique Code Values which incorporate the following elements: County number, year of recording, and a document reference number assigned to each document in the County document indexing system.

3.7(6) If recorded or filed, a Groundwater Hazard Statement shall be assigned a unique document reference number.

3.7(7) If recorded or filed, a Declaration of Value document shall be assigned a unique document reference number.

3.7(8) When recorded, or when indexed and filed, the instrument date of a document shall be specified in the County indexing system.

3.7(9) In the event that a County changes the indexing or imaging service, as applicable, the County and the new service provider shall retain any previously assigned Unique Code Value for each document and any Unique Code Value for associated documents. A County shall notify the county land record information system concerning any service provider changes.

### **ESS – 3.8 Legal Descriptions.**

(Iowa Code Section 331.604, 3(a))

3.8(1) The purpose of establishing standards, policies and procedures for indexing legal descriptions is to ensure that the information is accurate, complete, consistent and accessible through the county land record information system.

3.8(2) Each County indexing system shall provide for archiving data relating to property legal descriptions. Methods for recording or archiving abbreviated, unparsed legal descriptions, or full metes and bounds legal descriptions shall be determined by the County Recorder. However, abbreviated, unparsed legal descriptions, or full metes and bounds legal descriptions shall be maintained in a separate text field and shall not be substituted for a correctly parsed legal description.

3.8(3) Each County indexing system shall provide for archiving parsed legal description information, and the parsed legal description information shall be archived as specified herein. Parsed legal description information for incorporated areas shall include lot, block and unit information. Parsed legal description information for unincorporated areas shall include section, township, range. Sections shall be archived by quarter section. If practicable, sections shall also be archived by quarter quarter section. References to half sections may be included in separate text fields as provided in Section 3.8(2).

Section 3.8(3) deleted and sections renumbered 2.12.14

Section 3.8(5) amended 2.12.14.

Section 3.8(3) amended 8.12.15

Section 3.8(4) (effective date) deleted 8.12.15

### **ESS – 3.9 Associated Document References.**

(Iowa Code Section 331.604, 3(a))

3.9(1) The purpose of establishing standards, policies and procedures for Associated Document References is to ensure that the information is accurate, complete, consistent and accessible through the county land record information system, and to ensure that information about associated documents including index information and document images can be retrieved. In some cases, the retrieval of associated document information will be implemented through a search link using the document reference information for the associated document or documents. Therefore, the format of associated document reference information must be maintained in a format which is identical to the original document reference number for the associated document.

3.9(2) Each County indexing system shall provide for archiving associated document reference information. Each County shall archive associated document reference information for all associated and electronically indexed documents. Associated document references include but are not limited to the following.

- a. Index references between conveyance documents, e.g., deeds, contracts or bills of sale, and Declaration of Value documents.
- b. Index references between mortgage and satisfaction of mortgage documents.
- c. Index references between state and federal tax liens and releases of federal and state tax liens.
- d. Index references between other associated documents such as Groundwater Hazard statements, re-recorded documents, etc..

3.9(3) The associated reference information shall be as follows:

- a. The Unique Code Value for each document

3.9(4) Each associated document reference shall be transferred to the county land record information system when the reference is created in the County indexing system as specified in Chapter 4.

### **ESS – 3.10 Parcel Identification Numbers.**

(Iowa Code Section 331.604, 3(a))

3.10(1) The purpose of establishing standards, policies and procedures for Parcel Identification Numbers is to ensure that the information is accurate, complete, consistent and accessible through the county land record information system, and to ensure that information about Parcel Identification Numbers can be used as a search criteria when searching for information in the county land record information system. In some cases, the retrieval of document or property information will be implemented through a search link using the parcel identification number. Therefore, the format of Parcel Identification Number information must be maintained in a format which is identical to the format used in other County systems which maintain Parcel Identification Number information.

3.10(2) When practicable, each County indexing system shall provide for archiving parcel identification numbers as specified herein. All parcel identification numbers associated with a property which is described in a recorded conveyance document shall be archived. The parcel identification number shall be the number assigned by the County or City Assessor to the property at the time of recording.

3.10(3) Parcel identification numbers shall be archived in exactly the same format as the parcel identification numbers archived in the applicable County or City Assessor database.



3.10(4) In the event that parcel identification numbers associated with a property are subsequently changed by a County or City Assessor, the County shall not modify the parcel identification number associated with the recording of a document. The indexed parcel identification number is intended to be a historical reference concerning the property at the time of recording.

3.10(5) This section shall be effective January 1, 2016.

Section 3.10(5) amended 12.11.13.

Section 3.10(2) amended 8.12.15.

### **ESS – 3.11 Permanent Unaltered Archive.**

(Iowa Code Section 331.604, 3(a) and Section 331.606, Subsection 4)

3.11(1) The purpose of establishing standards, policies and procedures for maintaining a permanent unaltered archive of a recorded document is to ensure that document archive is an accurate and complete representation of the document prior to recording.

3.11(2) A County shall permanently archive an unaltered version of each recorded document or instrument. A document or instrument may be archived in its original format, as an electronic document, or in another format suitable for preserving information in the document or instrument.

A County shall not remove or delete a recorded document, or any portion of a recorded document, from the local land records management system, the Image Archiving System, or any other official archive managed by the County, except when explicitly directed to do so by an order of a recognized United States federal court or recognized judicial authority in the State of Iowa.

3.11(3) Notwithstanding the requirement in Section 3.11(2) that a County shall permanently archive an unaltered version of each recorded document or instrument, a County may replace the image of a recorded document or instrument in the permanent archive provided that the replacement image does not obscure or alter the content or meaning of the original document, and provided that the image replacement is for one or more of the following purposes:

- a. The image associated with the original document is incorrect, such as when the image does not match the associated recording information for a document, or
- b. The image associated with the original document is corrupt, such as when a scanned image is of poor quality or illegible when compared with the original document, or
- c. The image associated with the original document is incomplete, such as when pages are missing from the electronic document when compared with the original document.

- d. The image associated with the original document unintentionally alters the content or meaning of the original document, such as when a recording stamp is placed in a location which obscures a portion of the original document.

3.11(4) Notwithstanding the requirement in Section 3.11(2) that a County shall permanently archive an unaltered version of each recorded document or instrument, a County may alter an original document when one or more of the following conditions is true:

- a. The alteration is made at the request of the preparer, and when either of the following conditions is present:
  - i. The alteration does not materially affect the meaning or substance of the document and is for the purposes of correcting a typographical error, or
  - ii. The alteration does not materially affect the meaning or substance of the document and is for the purposes of inserting a reference to a previously recorded document

A County shall not alter information in an original document after it is archived as an image and made available for public access through any media. A County shall not alter the following information in an original document for any reason: legal descriptions, parcel identification numbers, party names, or preparer information. A County may add an appropriate recording stamp to a document.

3.11(5) Notwithstanding the requirement in Section 3.11(2) that a County shall permanently archive an unaltered version of each recorded document or instrument, a county may alter or replace the recording stamp for a document provided that the alteration or replacement of the recording stamp is for one or more of the following purposes:

- a. The document is erroneously recorded in an incorrect sequence, or a sequence not intended by the submitter
- b. The document is erroneously recorded with a recording time which is not within the normal operating hours of the recorder's office
- c. The recording fee represented in the stamp is incorrect or does not reflect the actual recording fee after an adjustment is made to the fee paid

3.11(5a) A County Recorder shall maintain a log which documents any alteration of a recording stamp and the associated image maintained in the Image Archiving System for each recorded Traditional Paper Document.

3.11(5b) The ESS E-Submission Service shall maintain a log which documents any alteration of a recording stamp and the associated image maintained in the Image Archiving System for each recorded Electronic Document. The interface provided to the County for processing an electronic document submitted for

recording shall include a method for specifying nature and purpose of the re-stamping action.

3.11(5c) The respective logs shall identify the recording reference number, the date of the recording, the date of the re-stamping action, and a description of the nature and purpose of the re-stamping action.

3.11(5d) A County Recorder shall not alter or replace the recording stamp for a document after five business days following the date and time of the initial recording.

3.11(5e) When any action to re-stamp a document is completed as described in this section the County Recorder shall ensure that following associated actions have been completed.

- a. A document image associated with a re-stamped Traditional Paper Document archived in the Image Archiving System is transferred successfully to the Iowa Land Records system and database
- b. A document image associated with a re-stamped Electronic Document is downloaded from the ESS E-Submission service, archived in the Image Archiving System and then transferred successfully to the Iowa Land Records system and database
- c. The recording fee represented in the stamp is correct and reflects the actual recording fee after an adjustment is made to the fee paid

Section 3.11(3) and Section 3.11(4) adopted 12.11.13.

Section 3.11(2) amended 11.5.20.

Section 3.11(5) adopted 11.5.20.

### **ESS – 3.12 Archive Back Up.**

(Iowa Code Section 331.604, 3(a) and Section 331.601A)

3.12(1) The purpose of establishing standards, policies and procedures for maintaining a back-up copy of the County archive of recorded documents is to ensure that information about recorded documents can be recovered and accessed in the event that the primary archive is damaged or destroyed by an event or natural disaster.

3.12(2) A County Recorder shall provide for a complete backup copy of any electronic index or image archive, and one copy of the archive shall be stored in a secure location outside of the County. If a County Recorder has transferred original, unaltered information to the county land record information system, the requirement for maintaining a copy outside of the County shall be deemed satisfied with respect to the information transferred.

3.12(3) A County Recorder shall develop a written business continuity and disaster recovery plan to ensure that recording services, including electronic

recording, are maintained, and to ensure that the recorded documents remain accessible to the public.

### **ESS – 3.13 Requirements For Surveys and Plats.**

(Iowa Code Section 331.604, 3(a) and Section 331.601A)

3.13(1) Indexing Goals and Objectives for Corner Certificates, and Surveys and Plats. Establishing standards, policies and procedures for recording and indexing information with respect to Corner Certificates and Surveys and Plats aligns with the purposes of establishing standards for indexing Grantor/Grantee names as specified in Section 3.4(2). Accuracy, completeness, consistency, accessibility, ease of use and readability are characteristics which will be of benefit to citizens and many business groups including but not limited to land surveyors. For the purposes of this section, the term “Surveys and Plats” is equivalent with the terms “Plats Of Survey”, “Subdivision Plats”, “Monument Preservation Certificate”, “Retracement Plat of Survey”, “Acquisition Plat”, or “Auditor’s Plat”.

3.13(2) Indexing Requirements For Surveys and Plats. When archiving index information with respect to the document type Surveys and Plats, the following policies and procedures shall govern.

- e. A Surveyor’s personal name shall be included as a Human Name, and it shall be specified as the Grantor.
- f. A Surveyor Company name, if stated, shall be included as a Non-Human Name, and it shall be specified as the Grantor.
- g. A proprietor’s or owner’s name shall be included, and the name shall be specified as the Grantee. The name may be either a Human Name or a Non-Human name, as appropriate.
- h. A requestor’s name shall be included, and the name shall be specified as the Grantee. The name may be either a Human Name or a Non-Human name, as appropriate.
- i. A subdivision or plat name shall be included, if applicable, and the name shall be specified as the Grantee. The name shall be a Non-Human name.
- j. The index shall include a legal description as defined in this section.

3.13(3) Indexing Requirements For Corner Certificates. When archiving index information with respect to the document type Corner Certificates, the following policies and procedures shall govern.

- a. A Surveyor’s personal name shall be included as a Human Name, and it shall be specified as the Grantor.
- b. A Surveyor Company name, if present, shall be included as a Non-Human Name, and it shall be specified as the Grantor.
- c. Township names may be archived, but it is not recommended or required. If a township name is archived with respect to the document type Corner Certificates, the township name shall be specified as a Grantee.

- d. The term 'Public' may be archived, but it is not recommended or required. If the term 'Public' is archived with respect to the document type Corner Certificates, 'Public' shall be specified as a Grantee.
- e. The index shall include a legal description as defined in this section.

3.13(4) Associated Document References For Surveys and Plats and Corner Certificates. If an Associated Document Reference to another recorded document is visible on a document type of either Corner Certificate or Survey and Plats, then it shall be archived as an Associated Document Reference in the index.

3.13(5) Document Dimensions. Each County Image Archiving System shall provide for scanning Surveys and Plats in the following dimensions: 8.5" by 11" (letter), 8.5" by 14" (legal), and 11" by 17". A County is not required to provide for the printing or reproduction of a document with dimensions of 11" by 17" or larger.

Each County Image Archiving System shall provide for archiving Surveys and Plats in the following dimensions: 8.5 by 11 inches (letter), 8.5 by 14 inches (legal), 11 by 17 inches, or with respect to documents submitted through the Iowa Land Records E-Submission service dimensions of up to 24.0" by 36.0".

3.13(6) Index Legend. In addition to the Document Formatting requirements specified in Section 3.3, and notwithstanding any exclusion from those requirements with respect to a plat or survey or a drawing related to a plat or survey, a document submitted to a County Recorder which is a plat or survey or a drawing related to a plat or survey including a subdivision plat, retracement plat of survey, monument preservation certificate, acquisition plat, or auditor's plat shall include an Index Legend on the first page as specified in Section 331.606B (3A). The Index Legend shall include the legal description to be indexed by the County Recorder, and the names of any applicable parties to the document including a Requestor, Proprietor, or Owner when applicable. The legal description shall be parsed by section, township, range, and quarter sections (unplatted land), or by lot, block, subdivision and town/city (platted land) to the extent possible. The name of the Surveyor, the Surveyor Company including mailing address and other contact information, and any information necessary for the County Recorder to return the document, shall also be included in the Index Legend. For a Monument Preservation Certificate, the Index Legend shall also include the information specified in Iowa Code Section 355.6A, subsection 4(c).

For a plat or survey, or a drawing related to a plat or survey, the information required by this section may be provided in a Cover Page in lieu of an index legend.

3.13(7) Recording Stamp Area. Notwithstanding the exclusion from the requirements specified in Section 3.3(7) relating to the top margin of the first page of each document or instrument, a plat or survey or a drawing related to a plat or

survey including a subdivision plat, retracement plat of survey, monument preservation certificate, acquisition plat, or auditor's plat shall include sufficient space for an official recording stamp or label to be affixed by the systems used by a County Recorder for reviewing, recording and indexing documents. The space to be provided for an official recording stamp shall be blank or white with dimensions of not less than 3.75 inches of width and 2.5 inches of height. The space to be provided for an official recording stamp shall be located on the top portion of the first page whenever feasible.

Section 3.13 adopted – 8.9.16

### **ESS – 3.14 Additional Transactions.**

(Iowa Code Section 331.604(1))

“3.14(1) Establishing standards, policies and procedures for Additional transactions will ensure the consistent application of fees and recording policies in all Iowa counties.

3.14(2) If a document submitted for recording releases, assigns, modifies, subordinates, re-records, or amends any originally recorded document (changing a prior legal action/transaction), then a recording fee shall be charged for each legal action or transaction represented in the document. Evidence of a legal action or transaction is represented by a reference to the originally recorded document(s). The base recording fee shall be associated with the first legal action or transaction, and any other legal action or transaction in the document shall be treated as an “additional transaction” and be subject to the \$7 recording fee.

3.14(3) In an enumerated list of actions in a document appendix, only the actions which reference any originally recorded document being affected (evidence of a legal action) shall be subject to the additional transaction fee. A simple reference to a prior action which is not associated with an originally recorded document shall not be subject to the additional transaction recording fee

3.14(4) An Additional Transaction includes but is not limited to the following:

- a. With respect to a Satisfaction of Mortgage, actions to release multiple mortgages
- b. With respect to an Assignment of Easement, enumerated actions which explicitly reference a previously recorded Easement
- c. With respect to an Assignment of Mortgage, enumerated actions which explicitly reference separate, previously recorded, mortgages
- d. With respect to modifications, extensions or changes to mortgages, deeds or other documents where there is no reference to a re-recorded document

3.14(5) The following references in a document shall not be treated as an Additional Transaction:

- a. With respect to an Affidavit of Surviving Spouse, any reference to a prior transfer of title
- b. With respect to an Affidavit, including but not limited to an Affidavit Explanatory of Title or Trustee's Affidavit, any reference to a prior transfer of title
- c. With respect to Corner Certificates, references to previously recorded Corner Certificates for the same property
- d. With respect to Subordination Agreements for mortgages or loans, references to previously recorded Subordination Agreements applicable to the original mortgage or loan – a listing of the order of importance or priority of the subordinate liens does not modify or change the original mortgage or loan document
- e. With respect to Modification Agreements for mortgages or loans, references to previously recorded Modification Agreements applicable to the original mortgage or loan
- f. With respect to modifications, extensions or changes to mortgages, deeds or other documents which have been re-recorded, any reference to the re-recorded document

With respect to an Assignment of Easement, enumerated items which do not explicitly reference a previously recorded action such as an unrecorded reference to a buried telephone right of way.

New Section 3.14 adopted – 2.13.18 – Effective 3.1.18  
Section 3.14 (5) amended 8.7.18

## Chapter 4 County and CLRIS Operational Requirements

### **ESS – 4.1 Definitions.**

(Iowa Code Section 331.604, 3(a))

As used in this Chapter:

**Back File** – Documents which have been recorded prior to January 1, 2010.

**Document Image** – A digital representation of a recorded document, usually archived as either a TIF or PDF file.

**Document Information** – Data associated with a recorded document including the date of the instrument, document type, parties, associated document references, legal descriptions, note or redaction annotation information, and any appropriate metadata.

**Electronic Index** – The electronic data base and system used by a County, County Recorder or information technology service provider to permanently archive information about recorded documents.

**Forward File** – Documents which have been recorded on or after January 1, 2010.

**ILR PRIA Document Type** – The document types specified in Section 3.5(1).

**Image Archive** - The electronic data base and system used by a County, County Recorder or information technology service provider to permanently archive images of recorded documents.

**Index Data** – The Document Information stored in the Electronic Index.

**Scheduled Automatic Transfer** – A process implemented by a County, County Recorder or information technology service provider which would periodically schedule and execute the transfer of information between the county land record information system and either the Electronic Index or Image Archive.

**Service Provider** – An internal information technology unit within a County, or a private third-party information technology organization which provides Electronic Index or Image Archive systems and services to a County or County Recorder.

**Unaltered** - A representation of an original document when presented for recording; archived as either a paper document, electronic document, or other media, which does not include any mark, stamp, redaction or other modification which would obscure or alter the content or meaning of the original document.



### **ESS – 4.2 Authority and Purpose.**

(Iowa Code Section 331.604, 3(a))

4.2(1) The Electronic Services System (ESS) is required to maintain a statewide internet web site to provide electronic access to records and information. ESS integrates information from multiple jurisdictions and local electronic indexing and imaging systems, and implements methods for managing transactions and messaging among those systems. In order to provide the required services and functions consistently and with high quality it is necessary to establish mandatory standard operating policies and procedures. When applicable, standards relating to County business processes affecting services to citizens and customers through the county land record information system shall be established.

### **ESS – 4.3 Transfer of Recorded Documents.**

(Iowa Code Section 331.604, 3(a))

4.3(1) A County shall transfer to the county land record information system all recorded document information which is archived in an electronic format. Document information includes all index data and document images contained in a PRIA Document as specified in Section 2.3(3). Images shall be transferred in an original unaltered form, and shall be in an image format consistent with the format used in the local county image archive system and as otherwise specified in Section 5.4(1). Required documents include all real estate records and records which are specified in the ILR PRIA Document Type Table. This section applies to all documents except for those specified in subsection 4.3(3).

4.3(2) A County shall transfer any and all index updates for required documents to the county land record information system. Index updates include index error corrections, parsed human names, parsed legal descriptions, and new associated document reference information added to previously recorded documents. Index updates shall be transferred within the time frame specified in Section 4.6.

4.3(3) Military separation or discharge records, birth records, death certificates and marriage certificates shall not be transferred unless such record or certificate is incorporated within another document or instrument that is recorded. Records relating to recreational vehicles shall not be transferred. Records relating to fee book transactions which are not associated with a recorded document, voided documents, or other information not associated with a recorded document shall not be transferred.

4.3(4) A County Recorder shall review information transferred to and published by ESS and the county land record information system to ensure that the information is being correctly and accurately processed, or when applicable to identify and correct errors which may exist in the local county indexing or imaging archive.

4.3(5) A County Recorder shall respond to questions or concerns from citizens and customers concerning information transferred to and published by the county land record information system, and shall take action to address issues relating to missing, incomplete or inaccurate data. As needed the County Recorder shall collaborate with ESS and the county land record information system to correct or update information.

4.3(6) Notwithstanding the requirement in Section 4.3(1) that a County shall transfer to the county land record information system all recorded document information which is archived in an electronic format, a County may request a deferment of the transfer of a portion of the information. The basis for a deferment request shall be related to county activities intended to improve the quality of the information or to complete information which may be missing. A deferment is subject to the approval of the ESS Coordinating Committee, and shall be for a limited period of time.

4.3(7) Notwithstanding the requirement in Section 4.3(1) that images shall be transferred in an original unaltered form, a County may transfer a corrected image to the county land record information system as authorized under Section 3.11(3), lettered paragraphs a through d.

4.3(8) Notwithstanding the requirement in Section 4.3(1) that images shall be transferred in an original unaltered form, a County may transfer an image of an altered document to the county land record information system as authorized under Section 3.11(4), lettered paragraph a.

Section 4.3(7) and Section 4.3(8) adopted 12.11.13.

#### **ESS – 4.4 Method of Transfer.**

(Iowa Code Section 331.604, 3(a))

4.4(1) Back File and Forward File records shall be transferred to the county land record information system through a Recorder's Association File Transfer Module developed and implemented by the applicable Service Provider which provides archiving services relating to county document index information and images. The method of transfer is subject to the approval of the Electronic Services System Coordinating Committee, and may include the use of the ILR API, LCM, or ILR Web Service as described in Section 2.3.

#### **ESS – 4.5 Time of Transfer – Back File Records.**

(Iowa Code Section 331.604, 3(a))

4.5(1) Back File records shall be transferred to the county land record information system as soon as practicable after they are archived by a county in electronic format. Back File documents which have been recorded and archived prior to December 31, 2010 shall be transferred to the county land record information system not later than June 30, 2012 except when a County is granted a deferral as

provided in Section 4.3(6). Back File document information which is added to the electronic index or the image archive shall be transferred within a period of ninety days following the addition of the information to the electronic index or image archive.

**ESS – 4.6 Time of Transfer – Forward File Records.**

(Iowa Code Section 331.604, 3(a))

4.6(1) Forward File records shall be transferred to the county land record information system not later than three business days after the time of recording by a county. If feasible, a scheduled automatic transfer of Forward File records shall be enabled with the consent of a County Recorder. Such consent shall not be unreasonably withheld.

## Chapter 5 County and CLRIS Operational Requirements – Electronic Recording

### **ESS – 5.1 Definitions.**

(Iowa Code Section 331.604, 3(a))

As used in this Chapter:

**Business Day** - A business day generally represents a period of time which includes eight or more consecutive business hours. For example, a business with office hours from 8:00 A.M. to 5:00 P.M. is considered one business day. Alternatively, a business day could be considered as the consecutive business hours within one twenty-four hour period. For example, one business day could be represented as the office hours between 2:00 P.M. on day 1, and 2:00 P.M. on day 2. In either representation, a business day is intended to help define a minimum time frame in which a service should be reasonably performed.

**Condensed** – The process of scaling or shrinking an image to fit a smaller area, such as scaling a legal-sized document for printing on letter-sized paper.

**Cover Page** - A page submitted with a document for recording which includes required information and which conforms to requirements for recording such as the appropriate top margin on the first page. A cover page facilitates the recording of a non-standard or non-conforming document.

**Electronic Document** - A document or instrument that is received, processed, disseminated, or maintained in an electronic format. The submission of an electronic document through the county land record information system electronic submission service shall be equivalent to delivery of a document through the United States postal service or by personal delivery at designated offices in each county.

**Electronic Recording Stamp** – A stamp or other indicia applied to an electronic document submitted through the ILR E-Submission service which indicates or confirms that the document has been officially recorded in a County.

**Electronic Signature** – an electronic sound, 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. “Electronic signature” includes a signature that is secured through distributed ledger technology. See Section 554D.103, subsection 8 of the Iowa Code.

**External Submitter** – A Submitter authorized to submit documents through the county land record information system web service. Typically, an External Submitter has more advanced information technology capabilities, and handles a larger volume of documents.

ILR E-Submission Service – A component of the county land record information system which facilitates the submission of electronic documents for recording in a County.

Irregular or Nonconforming Document – A document which does not conform to the specifications described in Section 3.3.

PDF - Portable Document Format; an open standard for document exchange created by Adobe Systems.

Remote Notarial Act – A notarial act performed with respect to a Traditional Paper Document or an Electronic Document which conforms to the requirements of Section 9B.14A of the Code of Iowa.

Smart Contract – an event-driven program or computerized transaction protocol that runs on a distributed, decentralized, shared, and replicated ledger that executes the terms of a contract. For purposes of this subsection, “executes the terms of a contract” includes taking custody over and instructing the transfer of assets. See Section 554D.103, subsection 14A of the Code of Iowa.

Submitter - A person or organization which is authorized to submit electronic documents for recording through the county land record information system.

Text Area - A text box, text field or text entry box used when building a graphical user interface (GUI). A text box's purpose is to allow the user to input text information to be used by a program. For example, a PDF document which is formatted as a fillable form.

TIF - Tagged Image File Format; a file format for storing images, popular among graphic artists, now under the control of Adobe Systems.

Traditional Paper Document - A real estate or other document presented for recording in a letter or legal sized paper format which may include ink signatures, embossed seals, stamps or other features associated with the processing of paper instruments.

Section 5.1 revised 11.9.17

Section 5.1 revised 8.10.21

## **ESS – 5.2 Authority and Purpose.**

(Iowa Code Section 331.604, 3(a))

5.2(1) The Electronic Services System (ESS) is required to implement electronic recording in each county. ESS integrates information from multiple jurisdictions and local electronic indexing and imaging systems, and implements methods for

managing transactions and messaging among those systems. In order to provide the required services and functions consistently and with high quality it is necessary to establish mandatory standard operating policies and procedures. When applicable, standards relating to County business processes affecting services to citizens and customers through the county land record information system shall be established.

**ESS – 5.3 Authorized Submitters.**

(Iowa Code Section 331.604, 3(a) and 331.601A)

5.3(1) A person or organization who is engaged in the preparation of documents for recording may apply for authorization to submit electronic documents through the county land record information system for recording in any County which is a member of the Electronic Services System. An application shall specify information about the person or organization including name, address, and phone number, and information about the person seeking to be the designated administrator for and electronic document submission account. The person or organization shall also provide appropriate information concerning their financial institution and accounts when applicable, and reference information concerning any prior experience in submitting documents for recording in an Iowa County.

5.3(2) Personnel designated by the Electronic Services System and the county land record information system shall review information submitted by an applicant person or organization and shall verify the accuracy of any information included in the application. If the information provided by an applicant is correct and provides the basis for establishing the person as having a legitimate and legal role in the preparation and submittal of documents for recording, then the applicant may be set up as an authorized submitter.

5.3(3) An applicant person or organization shall review and agree to the published Terms of Use and Privacy Policies for the Electronic Services System and the county land record information system prior to the activation of an account. If an applicant seeks to be an External Submitter, then the application shall also be required to enter into a detailed Integration Agreement which specifies the technical and business requirements for the applicant.

**ESS – 5.4 Electronic Document Formatting.**

(Iowa Code Section 331.604, 3(a))

5.4(1) In addition to the document formatting standards specified in Chapter 3 and Section 331.606B of the Iowa Code, the following requirements are established for Electronic Documents submitted through the Electronic Services System and the county land record information system.

- a. Irregular or nonconforming documents will not be accepted through the ILR E-Submission service.

- b. Documents shall be submitted with one of the following dimensions: 8.5” by 11.0” (letter), 8.5” by 14.0” (legal), 11.0” by 17.0”. A survey or plat may be submitted with dimensions of up to 24.0” by 36.0”.
- c. Documents which are exempt from the format requirements as specified in Section 331.606B, subsection 4 of the Iowa Code and Section 3.3(12) of the ESS policies and procedures, shall not be accepted through the ILR E-Submission service except when accompanied by an approved Cover Page.
- d. Plats, maps, exhibits and other drawings certified by a land surveyor presented for recording shall contain an Index Legend as required in Sections 355.6A, subsection 4(c) and 331.606B of the Iowa Code. U.S. Public Land Survey Corner Certificates are exempt from this requirement.
- e. A document shall be scanned into a TIF or PDF format and be stored as an image only. Submitters are strongly encouraged to examine the documentation provided for scanners, copiers and related software to ensure that the documents are saved in image format only.
- f. A document shall be submitted with a portrait orientation. Landscape orientation will not be accepted except when the document type is SurveysAndPlats. All documents shall be submitted with an orientation to be read from left to right. Document images which are rotated to enable viewing in portrait orientation shall not be accepted through the ILR E-Submission service.
- g. A document may be rendered in PDF format by computer software. However, a PDF document rendered by computer software shall conform to the requirements of this section.
- h. A document should not have active text areas or layers.
- i. The document shall not have special attachments or features that are enabled through Adobe Acrobat or other software.
- j. The document shall not include annotations.
- k. The file size per page for a standard letter-sized document should generally be less than 100kb. Larger files sizes will be accepted as necessary.
- l. An image resolution range of 200 to 400 dots per inch (DPI) is required. An image resolution of 300 DPI is recommended.
- m. Image compression shall conform to the following specifications: CCITT T.4 (Group 3) or T.6 (Group 4). The following image compression formats are prohibited: LZW, Old Style JPEG, JPEG, JBIG, Packbits or other formats which do not conform to the specified Group 3 or Group 4 options.
- n. The standard and recommended best practice for image creation is black and white. Greyscale images may be submitted as needed. Images with a significant amount of color will be programmatically returned to the submitter. However, images with a minor amount of color, such as images with color signatures, may be accepted and processed.

- o. The Resolution Unit of an image after scanning or rendering shall be PPI (pixels per inch). A resolution of PPC (pixels per centimeter) is prohibited.
- p. Images shall not be submitted as a negative, i.e., the background of a document shall be white, and text or graphics shall be black.
- q. Embossed seals, if required or utilized, shall be shaded prior to scanning to ensure that an image of the seal is visible and legible when saved to TIF or PDF format.
- r. Scanned images of documents with dimensions greater than 8.5” by 11.0” (letter) shall not be condensed or resized to letter size when submitted through the ILR E-Submission service.
- s. Documents which conform to the requirements specified in Section 331.606B of the Iowa Code or Section 3.3 of the ESS policies and procedures shall be accepted by the Electronic Services System and Iowa County Recorders. Electronic documents with minor variances or imperfections which do not prevent processing, indexing or archiving shall be accepted. If an electronic document is declined, the Submitter or External Submitter will be notified of the reason for the action.

Section 5.4(1) revised 8.9.16  
Section 5.4(1) revised 11.10.22

5.4(2) – Smart Contracts. Smart Contracts are governed by Section 554E.3 of the Code of Iowa. While Smart Contracts may not take the form of a Traditional Paper Document or an Electronic Document (often in the form of a TIF or PDF image which resembles a paper document), it may be necessary to memorialize a Smart Contract transaction in the public record registry.

An Electronic Document which includes the necessary and required information to record a transaction, and which conforms to document formatting requirements in the same manner as is required of a scanned Traditional Paper Document or as a rendered Electronic Document, shall be submitted for recording as a representation of a Smart Contract. An Electronic Document which represents a Smart Contract and conforms to the requirements of Iowa law shall be accepted for recording.

As provided in Section 331.601A, subsection 3 which provides a definition for an Electronic Document, “Persons who submit electronic documents for recording are responsible for ensuring that the electronic documents comply with all requirements for recording.” This responsibility includes the assurance that any Electronic Document which is representative of a Smart Contract is legally and properly executed.

Section 5.4(2) revised 8.10.21  
Section 5.4(2) revised 11.10.22



5.4(3) – Electronically Signed Documents. Electronic signatures are governed by Section 554D.103, subsection 8 of the Iowa Code. Electronic signatures, including digital signatures, make take many forms ranging from simple text to the use of cryptographic methods to authenticate the signatories, and these forms include various representations of a signature by a party to a transaction including holographic, cursive font or standard font.

Electronic Documents submitted for recording through the Electronic Services system which are signed using any electronic signature authorized by and conforming to Iowa law shall be accepted for recording.

As provided in Section 331.601A, subsection 3 which provides a definition for an Electronic Document, “Persons who submit electronic documents for recording are responsible for ensuring that the electronic documents comply with all requirements for recording.” This responsibility includes the assurance that an Electronic Document is legally and properly signed.

Section 5.4(3) revised 8.10.21

5.4(4) – Remote Notarial Act – Standards for notarial acts are governed by Chapter 9B of the Iowa Code and the associated administrative rules adopted by the Iowa Secretary of State. Iowa law and administrative rules specify the requirements for the notarization of Traditional Paper Documents and Electronic Documents. Additionally, Iowa law and rules authorize Remote Notarial Acts which use approved communication technology.

As provided in Section 9B.14A, subsection 4, the certificate of notarial act required by section 9B.15 and the short-form certificate provided in section 9B.16 “must indicate that the notarial act was performed using communication technology”.

Electronic Documents submitted for recording through the Electronic Services system which are notarized using any notarization process authorized by and conforming to Iowa law shall be accepted for recording.

As provided in Section 331.601A, subsection 3 which provides a definition for an Electronic Document, “Persons who submit electronic documents for recording are responsible for ensuring that the electronic documents comply with all requirements for recording.” This responsibility includes the assurance that an Electronic Document is legally and properly notarized.

Section 5.4(4) revised 8.10.21

### **ESS – 5.5 Electronic Submission Processing.**

(Iowa Code Section 331.604, 3(a) and 331.601A)

5.5(1) A County Recorder shall process for recording any electronic document which is submitted through the ILR E-Submission service. The submission of an electronic document through the ILR E-Submission service is equivalent to delivery of a document through the United States postal service or by personal delivery at designated offices in each county. To the extent practicable, A County Recorder shall give priority to processing electronic documents.

5.5(2) A County Recorder shall determine whether an electronic document is suitable for recording in the same manner as the determination would be made for a traditional paper document. If the electronic document conforms to recording requirements, then it shall be approved. If the electronic document does not conform to recording requirements, then it may be declined and returned to the Submitter for correction accompanied by a message explaining why the electronic document was declined.

5.5(3) If the submission of information associated with an electronic document is in error, a County Recorder shall make a reasonable attempt to correct the error through the ILR E-Submission service rather than declining the document. Examples of errors which may be corrected by a County Recorder include a correction in the spelling of a party name, a document type, or information required to calculate a recording fee such as the number of parcels or any additional transactions.

5.5(4) A County Recorder shall review and process an electronic document submitted through the ILR E-Submission service within one business day. All documents, including electronic documents, should be processed in a timely manner throughout the business day. A County may specify the operation times for the E-Submission service to be consistent with the normal business hours established by the County Recorder. The result of the review and process will either be the official recording of the electronic document in the County, or the declination and return of the document to the Submitter.

Section 5.5(4) revised 8.12.15.

Section 5.5(2-4) revised 11.10.22

### **ESS – 5.6 Electronic Submission Payment.**

(Iowa Code Section 331.604, 3(a) and 331.601A)

5.6(1) When authorized to be a Submitter or External Submitter, a person or organization shall be required to set up a payment method for the purpose of making payment for required recording fees and any Electronic Recording Fee as specified in Section 1.5(2). Payment options may include ACH electronic funds transfer, credit or debit cards, or a Draw Down account.

5.6(2) When an electronic document submitted and recorded through the ILR E-Submission Service by a County the ESS and the county land record information

system shall secure the appropriate recording fee from the Submitter on behalf of the County.

5.6 (3) ESS and the county land record information system shall remit via electronic funds transfer the appropriate fee for the recording of an electronic document to a County within two business days after the recording date.

5.6 (4) If a payment method fails for any reason, further access to electronic document submission services shall be restricted, and the Submitter or External Submitter may be required to pay an additional Failed Payment service fee before access to services is restored.

Section 5.6(1) revised 9.24.18.

### **ESS – 5.7 Electronic Recording Stamp Requirements.**

(Iowa Code Section 331.606A)

5.7(1) After an Electronic Document has been approved by a County Recorder, and when a Document Reference Number and a date and time of recording has been assigned by a County Recorder through a local land records management system, an Electronic Recording Stamp shall be applied by the ILR E-Submission service or the land records management Service Provider designated by the ILR E-Submission service to the first page of the Electronic Document.

5.7(2) An Electronic Recording Stamp shall include the following information.

- a. The County Name in which the Electronic Document has been recorded
- b. The name of the County Recorder
- c. The Document Reference Number which shall include the Instrument Number or Number, or a Book and Page when applicable
- d. The Date and Time of recording
- e. The Recording Fee for the recording as defined in Section 331.604, Subsections 1 through 3 of the Iowa Code including any Auditor's Transfer Fee when applicable
- f. The Electronic Recording Convenience (Iowa E-Filing) Fee as defined in Section 1.5 of the ESS Policies and Procedures
- g. The Total Fee for the recording which is the sum of the County Fee and the Electronic Recording Convenience Fee
- h. The amount of Real Estate Transfer Tax paid, if applicable
- i. Information about the number of pages or a page range, if desired by a County Recorder

5.7(3) The size of an Electronic Recording Stamp shall conform to the requirements specified in Section 3.13(7) of the ESS Policies and Procedures.

Section 5.7 adopted 11.9.17 – Effective 1.1.18

## Chapter 6 Personally Identifiable Information

### **ESS – 6.1 Definitions.**

(Iowa Code Section 331.604, 3(a))

As used in this Chapter:

**Actual Cost** – The proportionate amount of the equivalent hourly compensation of the person assigned to supervise, assist or implement a Batch Transfer of information from a County plus the actual cost of the media used to transfer the information.

**Batch Transfer** - The delivery or transfer of an accumulation of electronic documents or records recorded or maintained by a County Recorder.

**Certifying Authority** - A City Chief of Police, County Sheriff, County Attorney, or a designated administrative official of a State of Iowa Law Enforcement agency with direct knowledge concerning a Compelling Safety Interest of a former law enforcement official.

**Compelling Safety Interest** – A circumstance or condition in which a former law enforcement officer attests that there is a credible risk to their physical safety and well-being, and the risk is confirmed in writing by a Certifying Authority.

**Electronic Document** - A document or instrument that is received, processed, disseminated, or maintained in an electronic format. The submission of an electronic document through the county land record information system electronic submission service shall be equivalent to delivery of a document through the United States postal service or by personal delivery at designated offices in each county.

**Personally Identifiable Information (PII)** - One or more of the following specific unique identifiers when combined with an individual's name:

- (1) Social security number.
- (2) Checking, savings, or share account number, credit, debit, or charge card number.

**Private Image Repository** – The storage system used by the county land record information system to permanently archive original, unaltered images of recorded documents.

**Public Access Terminal** – A personal computer or other public computer terminal provided to the public at a service counter or other designated area for the purpose of providing read-only access to information and images for recorded documents.

Qualified Individual – Current or former law enforcement officers as follows:

- a. a current or former peace officer as defined in section 801.4 of the Code of Iowa,
- b. a current or former civilian employee of a law enforcement agency,
- c. a current or former state or federal judicial officer,
- d. a current or former state or federal prosecutor

A person holding or seeking public office shall not be considered as a Qualified Individual.

Recently Recorded Documents – Documents which are recorded and transferred to the county land record information system within the previous three business days as provided in Section 4.6(1).

Redaction - The process of permanently removing all or a portion of personally identifiable information or other information specified by Iowa law from electronic documents.

Section 6.1 revised 8.10.21

**ESS – 6.2 Authority and Purpose.**

(Iowa Code Section 331.603; 331.604, 3(a); 331.606, 4; 331.606A )

6.2(1) The Electronic Services System (ESS) is required to implement electronic recording in each county, and to maintain a statewide internet web site to provide electronic access to records and information. County Recorders, the Electronic Services system and the county land record information system are prohibited from publishing personally identifiable information on web sites, and prohibited from transferring electronic documents which contain personally identifiable information. In order to comply with the requirements of Iowa law, it is necessary to establish policies and procedures which will clarify how certain documents are handled.

**ESS – 6.3 Public Access and Transfer Policy.**

(Iowa Code Section 331.603; 331.604, 3(a); 331.606, 4; 331.606A)

6.3(1) Personally identifiable information that is contained in electronic documents that are displayed for public access on a website, or which are transferred to any person, shall be redacted prior to displaying or transferring the documents. The transfer of electronic documents includes the transfer of document images via any electronic media including internet transfer such as e-mail or ftp, CD or DVD, flash drive or other electronic device.

**ESS – 6.4 CLRIS Redaction Procedures.**

(Iowa Code Section 331.603; 331.604, 3(a); 331.606, 4; 331.606A)

6.4(1) Private Image Repository. As provided in Section 4.3(1), A County shall transfer to the county land record information system all recorded document information which is archived in an electronic format. Document information includes index data and document images. The Electronic Services System and the county land record information shall archive original, unaltered images in a private image repository which shall not be accessible to the public.

6.4(2) PII Redaction Policy. The Electronic Services System and the county land record information shall provide for the processing of each image to check for personally identifiable information, and if found, to redact the personally identifiable information as described herein.

6.4(2a) Social Security Numbers. Social security numbers shall be redacted based on the following rules. A social security number in a perfect format (3-2-4) or 9 digit number associated with a person or with a Social Security keyword shall be redacted. A number which has a perfect format (3-2-4) numbers with a keyword other than a Social Security Keyword shall be redacted. Examples include but not limited to: IBSA #'s, Parcel #'s, Loan #, Account #, etc. Perfect format (3-2-4) numbers that do not have a keyword associated or next to a person's name shall also be redacted.

6.4(2b) State and Federal Tax Liens. Federal and State tax liens, Federal tax lien releases, and State tax lien releases with a SSN that is not truncated (showing all 9 digits) will have only the 1st 5 digits redacted. Federal and State tax liens, Federal tax lien releases, and State tax lien releases with a SSN that is truncated will be not be redacted but retained as a truncated number. A truncated social security number found on any document which is not a Federal or State tax lien, Federal tax lien release, or State tax lien release will be redacted fully (including the X's) and classified as a social security number.

6.4(2c) Bank Account Numbers. Bank and investment company account numbers associated with a person or business shall be redacted. Banking Institutions are defined as Banks, Credit Unions, Savings and Loan, Savings and Trusts. Common Investment companies are Morgan Stanley, Charles Schwab, Smith Barney, T.D. Waterhouse, Fidelity, Ameritrade, etc. Bank accounts to be redacted include Checking, Savings, and Money Market accounts. Routing numbers and SWIFT (international routing numbers) shall be redacted. Trust accounts listed as Depository, Estate, Conservatorship, and Restricted from banks and investment companies shall be redacted. Mutual fund accounts, brokerage accounts, and financial services accounts (such as asset management, hedge funds, IRAs, 401Ks, and Annuities) from investment companies shall be redacted.

Accounts associated with loan agencies or collection agencies, and loan accounts, including mortgages, or loan numbers are not defined as personally identifiable information and shall not be redacted. Stocks, Shares, Bonds, Securities, Annuity Contracts, Certificate of Deposits, Timed Deposits, Savings Certificates, or

CUSIP Ids are not defined as personally identifiable information and shall not be redacted unless they are specified as being part of a Bank Account as defined herein.

6.4(2d) Bankruptcy Documents. All account numbers found on a Bankruptcy document associated with a Creditor shall be redacted.

6.4(2e) Credit and Debit Cards. Credit and debit cards are identified by keywords (such as credit card, debit card, charge card, MasterCard, Visa, etc.), by the starting prefix of the credit card number, number length, and format. All digits of a credit or debit card shall be redacted including whether the credit card is showing only a partial number or last 4 digits.

6.4(2f) Driver License Numbers. Driver License Numbers are identified by keywords and abbreviations (such as driver license, DL, dr lic, etc.), and by flagging for review pages within a document with a high probability for handwritten driver license numbers (such as notarization page). Any number explicitly identified as a driver license number, no matter the length of digits or format of number (including 3-2-4 format), shall be redacted and classified as a Driver License Number. All digits of a Driver License Number shall be redacted, even if it is truncated.

6.4(2g) Alien Registration Numbers. All alien registration numbers shall be redacted.

6.4(3) Redaction of Personally Identifiable Information. All documents to be made accessible to the public through the Electronic Services System and the county land record information system shall be processed to identify personally identifiable information, and if found, the information shall be redacted prior to making the documents accessible.

Notwithstanding the requirements of this subsection, certain documents may be excluded from processes to identify and redact personally identifiable information, because the nature of the documents makes it very unlikely that any personally identifiable information would be included. Documents Types which may be excluded from the requirements of this subsection are the following as listed in Section 3.5 of the ESS Policies and Procedures: Other:CornerCertificates, Other:MonumentPreservationCertificate, and Other:SurveysAndPlats

6.4(4) Redaction Inspection. A document which has been redacted shall be inspected and approved by the Electronic Services System and the county land record information system, or by the applicable County or County Recorder before it is made accessible to the public.

6.4(5) Public Access – Redacted Documents Processed. Documents which have been redacted, inspected and approved may be made accessible to the public at

the discretion of the Electronic Services System and the county land record information system.

6.4(6) Public Access – Other Documents Processed. Documents which have been processed without redactions may be made accessible to the public at the discretion of the Electronic Services System and the county land record information system.

6.4(7) Transfer To County Systems. The Electronic Services System and the county land record information system shall make images of redacted documents, and redaction coordinate information available to local County imaging systems. Redacted images and coordinate information may be accessed by a County and its local County imaging system according to specifications established by the county land record information system. Any programming, software or equipment to facilitate the transfer of redacted images or redaction coordinate information from the county land record information system to a local County imaging system shall be solely at the expense of the County.

6.4(8) Procedures For PII Not Redacted. If a County Recorder, County Official, service provider or any person discovers any personally identifiable information in a document images which is accessible to the public through the county land record information system, upon notification, access to the image shall be immediately restricted. The document image shall then be inspected, and any personally identifiable information shall be redacted as soon as possible. The document image shall remain restricted until the redaction process is completed. Individuals who have access to images through the county land record information system shall be instructed to use the customer service links on the web site to report any personally identifiable information which is discovered.

Section 6.4 (3) revised 8.7.18

### **ESS – 6.5 County Procedures.**

(Iowa Code Section 331.603; 331.604, 3(a); 331.606, 4; 331.606A)

6.5(1) County Archive Unaltered. A County Recorder shall permanently archive an unaltered version of each recorded document or instrument. A document or instrument may be archived in its original format, as an electronic document, or in another format suitable for preserving information in the document or instrument. A County Recorder shall not alter or modify an original document even if a document includes personally identifiable information.

6.5(2) Recently Recorded Documents. A County Recorder shall immediately notify the Electronic Services System and the county land record information about any recently recorded document which may include personally identifiable information.



6.5(3) County Web Site Access. If a County or County Recorder provides access to documents through a county web site, the County and County Recorder shall implement a system for redacting personally identifiable information, and shall not provide public access to the documents through the county web site until any personally identifiable information as defined herein is redacted. A County or County Recorder may satisfy this requirement by transferring and displaying redacted document images, or using redaction coordinate information to restrict access to the personally identifiable information as provided in Section 6.4(7).

6.5(4) County Batch Transfer of Electronic Documents. A County or County Recorder may enter into an agreement to provide access to electronic documents or records on a batch basis. Electronic documents which are transferred in any medium shall comply with the requirements of Section 6.3(1). Electronic documents and records made available under this subsection shall not include personally identifiable information and shall be subjected to a redaction process prior to the transfer of the electronic documents or records to another person pursuant to an agreement.

6.5(5) County Batch Transfer Fees. A County or County Recorder may collect reasonable fees for access to electronic documents and records to provide access to electronic documents or records on a batch basis. The fees shall not exceed the actual cost of providing access to the electronic documents and records. "Actual cost" means only those expenses directly attributable to providing access to electronic documents and records. "Actual cost" shall not include costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the county recorder or the county land record information system.

6.5(6) Public Access – Office of the County Recorder. Notwithstanding restrictions on access to documents displayed on a public web site, or restrictions on the transfer of electronic documents, any person may view and copy an original or unaltered document or instrument in the office of the recorder. This may include access to information through a Public Access Terminal.

6.5(7) Procedures For PII Not Redacted On A County Web Site. A County Recorder shall establish a procedure by which individuals may request that personally identifiable information contained in an electronic document displayed on a County web site be redacted, at no fee to the requesting individual.

## **ESS – 6.6 Document Deletion.**

(Iowa Code Section 331.603; 331.604, 3(a); 331.606, 4; 331.606A)

6.6(1) Request For Document Deletion. An individual or County Recorder may request that a document be deleted from the Electronic Services System. ESS personnel may consider the request when all the following conditions are true:

- a. The person requesting the deletion can demonstrate that the record has been permanently removed from the archive of the county in which the document was recorded, and
- b. The document was removed from the county archive under the direction of a court order.

6.6(2) Disposition Of Document Deletion Requests. An individual or County Recorder who has made a request to delete a document will be notified of the disposition of the request. If a request is denied, the individual or County Recorder will be informed of the reason for the denial.

### **ESS – 6.7 Image Restriction Requests.**

(Iowa Code Section 331.603; 331.604, 3(a); 331.606, 4; 331.606A)

6.7(1) Request For Image Restriction. An individual may request that public access to certain document images be restricted. ESS personnel may consider the request when all of the following conditions are true:

- a. The person requesting the restriction is a named party in the document or documents, and
- b. The request is made in writing and documents the conditions which cause the person requesting the restriction to believe that there is a credible risk to their physical safety and well-being, and
- c. The risk is confirmed in writing by an authorized Iowa law enforcement official. Authorized law enforcement officials include a City Chief of Police, County Sheriff, County Attorney, or a designated administrative official of a State of Iowa Law Enforcement agency.

6.7(2) Form of Image Restriction Request. An individual requesting the restriction of document images shall provide all of the following information for each document.

- a. The name of the party reference in the document including contact information (name, mailing address, phone number, and e-mail address).
- b. The name of the County in which the document has been recorded.
- c. The document reference number assigned to the document by the County. There are various formats used by different counties. In some cases the reference number is a book and page number.
- d. The date on which the document was recorded.
- e. The reason for requesting the restriction of public access to the document.

Requests to restrict documents without the required specific document information will not be considered. All requests must be submitted in writing. Written requests may be delivered to the primary office of the Electronic Services System at 8711 Windsor Parkway, Suite 2, Johnston, IA, 50131. Written requests

may also be submitted via e-mail to [support@clris.com](mailto:support@clris.com) with the subject “Document Restriction Request”.

6.7(3) Disposition Of Image Restriction Requests. An individual who has made a request that public access to certain document images be restricted will be notified of the disposition of the request. If a request is denied, the individual will be informed of the reason for the denial.

6.7(4) No Restriction Of Index Information. Information about documents which is used to index and reference information filed with the Office of the County Recorder shall not be restricted.

6.7(5) Removal Image Restriction. ESS will remove restrictions on access to document images when any of the following conditions exist.

- a. The individual requesting the restriction of document images rescinds the request in writing.
- b. ESS determines, at its sole discretion, that the risk to the physical safety and well-being of the requesting individual no longer exists.

#### **ESS – 6.8 Redaction Requests.**

(Iowa Code Section 331.604, subsection 3(f))

6.8(1) Request For Redaction of Qualified Individual Name. A Qualified Individual may request that their name be redacted from electronic documents displayed for public access through an ESS internet site. ESS will fulfill a valid redaction request at no cost when all of the following conditions are true:

- a. The person requesting the restriction is a named party in the document or documents, and
- b. The person is a Qualified Individual as verified by the employer, or if a former employee, verified by a supervisor or other human resources manager with the former employer, and
- c. If the person is a former law enforcement officer, verification by an Certifying Authority that the person has a Compelling Safety Interest, and
- d. The request is made in writing using a form approved by ESS, and
- e. The person specifies the documents to be redacted, and
- f. The person does not currently hold or is not seeking public office, and
- g. The redaction request is reviewed and approved by the county recorder or their staff

6.8(2) Form of Image Restriction Request. An individual requesting the restriction of document images shall provide all of the following information.

- a. Contact information for the person requesting a redaction (the Qualified Individual including name, phone number, and e-mail address).
- b. The Compelling Safety Interest (if applicable).
- c. The name of the County in which the document has been recorded.

- d. The document reference number assigned to the electronic document(s) by the County. There are various formats used by different counties. In some cases the reference number is a book and page number.
- e. The date on which the document(s) was recorded.

Requests to redact a name from an electronic document without the required specific document information will not be considered. All requests must be submitted in writing using the required form through a county recorder's office. The Office of the County Recorder shall deliver approved requests via e-mail to [support@clris.com](mailto:support@clris.com) with the subject "Electronic Document Redaction Request".

6.8(3) Disposition Of Image Restriction Requests. Pending the completion of the redaction of a name, the applicable electronic document(s) will be temporarily removed from public access. A person who has made a redaction request will be notified of the disposition of the request. If a request is denied, the individual will be informed of the reason for the denial by the office of the county recorder.

6.8(4) No Restriction Of Index Information. Information about electronic documents which is used to index and reference information filed with the Office of the County Recorder shall not be restricted.

6.8(5) Removal of Redaction. ESS will restore unredacted electronic documents when any of the following conditions exist.

- c. The individual requesting the restriction of document images rescinds the request in writing.
- d. Four years following the application of a requested redaction to an electronic document.

6.8(6) Renewal of Redaction Request. A person may request that an electronic document continue to be redacted under this section by submitting an application for renewal to the Office of the County Recorder.

New Sections 6.6 (1-2) adopted 12.9.15

New Sections 6.7 (1-5) adopted 8.9.16

New Sections 6.8 (1-5) adopted 8.10.21

## Chapter 7 Terms of Service and Privacy Policies

### **ESS – 7.1 Definitions.**

(Iowa Code Section 331.604, 3(a))

As used in this Chapter:

**Abandoned Documents** – Any number of associated E-Submission documents within an E-Submission group which have not been submitted or completed within 30 days after the creation of the E-Submission group.

**ESS Central Authentication Service** - An enterprise single sign-on authentication and authorization platform used by the Electronic Services System (ESS) to enable authorized users to log in and access services and information provided by ESS such as the Search and E-Submission applications.

**Internet Protocol Address (IP address)** – A numerical label assigned to each device (e.g., computer, printer) participating in a computer network that uses the Internet Protocol for communication.

**Iowa Land Records Search Application** – The county land record information website for searching and retrieving information about recorded documents and related services. The website address is <https://iowalandrecords.org> or <https://iowalandrecords.org/cas/login>.

**Iowa Land Records E-Submission Service** – The county land record information website for submitting documents to Iowa counties for recording. The website address is <https://iowalandrecords.org> or <https://iowalandrecords.org/cas/login>.

**Site Administrator** – The Electronic Services System Project Manager, or a designated employee of the Electronic Services System.

**User In Good Standing** – An organization, an organization user or a registered individual user who is in compliance with the ESS Terms of Service and who has not or is not likely to be engaged in activities which are prohibited by these Terms of Service including but not limited to the activities enumerated in Section 7.8 (2)

Section 7.1 revised 10.10.12.

Section 7.1 revised 11.14.12.

Section 7.1 revised 8.10.21.

Section 7.1 revised 5.9.23.

Section 7.1 revised 8.8.23.

## **ESS – 7.2 Authority and Purpose.**

(Iowa Code Section 331.604, 3(a))

7.2(1) The Electronic Services System (ESS) is required to implement electronic recording in each county, and to maintain a statewide internet website to provide electronic access to records and information. In order to ensure the successful operation of the county land record information system and to fulfill the requirements of Iowa law concerning the handling of personally identifiable information, it is necessary to establish and publish appropriate Terms of Service and Privacy policies as authorized under Iowa Code Section 22.2, subsection 4a. These policies apply to all persons and organizations that access information or engage in electronic recording activities at websites published by the Electronic Services System and the county land record information system.

## **ESS – 7.3 Iowa Land Records Search Application Terms of Service.**

(Iowa Code Section 331.604, 3(a))

### Terms of Service - Disclaimer

The information contained herein is provided as a service to the public for informational purposes only and no representation is made as to its accuracy or fitness for any particular purpose. The Iowa Land Records system, also known as the County Land Record Information System, is not intended to replace a search of the official records maintained in the office of the County Recorder. The Electronic Services System and its agents hereby disclaim any and all liability from or related to the use of the information contained in the Iowa Land Records system, or the County Land Record Information System. Under Iowa law, the Electronic Services System is the sole owner of its compiled and developed information. None of the content or information contained on this website or any part thereof, including any information, products and/or software related to the materials, may be compiled, bundled, grouped, reproduced, shared, transmitted, transcribed, stored in a retrieval system, or translated into any language in any form by any means without the express written permission of the Electronic Services System. Organizations and users of this website are granted a limited license to access the content or information made available on this website. No organization or user or any other party is permitted to sell, share, transfer, loan, license or market the materials or to engage in any similar transaction related to the materials contained on this website to any extent under any circumstances. The Electronic Services System provides any and all materials and other information and/or software distributed on this website “as is” without warranty of any kind, either express or implied, including but not limited to, the implied warranties or conditions of merchantability or fitness for a particular purpose. In no event shall the Electronic Services System be liable for any loss of profits, lost business, loss of use of data, interruption of business, or for indirect, special, incidental, or consequential damages of any kind. The Electronic Services System may revise the Terms of Service of its website from time to time without notices other than posting on its website.

The performance of this website and all information contained on, downloaded or accessed from this website are provided on an "as is" basis, without warranties of any kind whatsoever, including any implied warranties or warranties of merchantability, fitness for a particular purpose or non-infringement of the rights of third parties. The Electronic Services System shall be not responsible for any problems or technical malfunction of any communications network or lines, computer online systems, servers, Internet access providers, computer equipment, software, or any combination thereof including any injury or damage to an organization or user or any other person's computer as a result of using this website.

As a registered organization or user or unregistered user of <https://iowalandrecords.org> and related extensions, an organization or user acknowledges and agrees that any reliance on or use by the organization or user of any information available on this website shall be entirely at their own risk. In no event shall the Electronic Services System nor any of its service providers be liable for any direct, indirect, consequential or exemplary damages arising from the use or the performance of this website, even if the Electronic Services System or such provider has been advised of the possibility of such damages.

Each registered organization shall ensure that the users who are accessing the website, through user accounts managed by the organization, conform to these Terms of Service.

An organization or user at <https://iowalandrecords.org> shall maintain accurate user account information concerning their identity including a first and last name, organization name, role, mailing address, e-mail address and telephone number.

Organizations and user accounts and their associated IP addresses which are deemed to be a fictitious identity or impersonation, or created to circumvent these Terms of Service may be temporarily or permanently blocked and/or blacklisted.

If the organization or user account information is not maintained or if the information is inaccurate, or if organization or user account is deemed inactive by a Site Administrator, the user account(s) will be deactivated and will no longer be permitted to access information posted at <https://iowalandrecords.org>.

As a registered organization or user of the Iowa Land Records system at <https://iowalandrecords.org>, the organization or user acknowledges and agrees that e-mail is an acceptable means of communication, and the organization or user agrees to accept and whitelist e-mails from either [iowalandrecords.org](https://iowalandrecords.org) or [clris.com](https://clris.com) and shall not block e-mails originating from these sources. Newsletters and service announcements are delivered through a recognized third-party service provider - [mailchimp.com](https://mailchimp.com), and communications from this source shall also be accepted.

If an organization or user wishes to participate in a web conference or other event hosted by the Iowa Land Records system, the organization or user shall provide accurate information concerning their identity including but not limited to the organization name or first and last name. If the information is not accurate or if the information is incomplete (such as providing a first name only), then the organization or user will not be permitted to have access to the conference or event.

The Iowa Land Records newsletter and other communications distributed by e-mail will comply with the requirements of the CAN-SPAM Act, and the organization or user may submit a request to "opt-out" of the e-mail distribution list. However, if the organization or user submits an opt-out request to Iowa Land Records concerning any newsletter, service announcement or other communication distributed via e-mail, or if we are unable to communicate with the organization or user via e-mail for any reason, the organization and user account(s) will be deactivated, and the organization or user will no longer be permitted to access information posted at <https://iowalandrecords.org>. If the organization or user has a question or comment about this policy, please send an inquiry by email to [support@clris.com](mailto:support@clris.com).

#### No Unlawful or Prohibited Use

As a condition of the use of the [iowalandrecords.org](https://iowalandrecords.org) and related extensions (websites), an organization or user will not use the website for any purpose that is unlawful or prohibited by these terms, conditions, and notices. An organization or user may not use the website in any manner that could damage, disable, overburden, or impair any Electronic Services System server, or the network(s) connected to any Electronic Services System server, or interfere with any other party's use and enjoyment of the website. The maximum number of document images which may be viewed or downloaded by an organization user shall not exceed 120 documents per day, except when authorized by a Site Administrator. This limitation will be programmatically enforced. Permission to view more than 120 documents per day per organization user may be granted to organization users in good standing on a case-by-case basis. Such permission may be denied or revoked by a Site Administrator as provided in Section 7.8(2).

The maximum number of document images which may be viewed or downloaded by a registered individual user shall not exceed 10 documents per day, except when authorized by a Site Administrator. This limitation will be programmatically enforced. Permission to view more than 10 documents per day per registered individual user may be granted to registered users in good standing on a case-by-case basis. Such permission may be denied or revoked by a Site Administrator for any reason as provided in Section 7.8(2).

Organization or user accounts and their associated IP addresses, which are deemed to be created to circumvent the daily document image limitations may be temporarily or permanently blocked and/or blacklisted.



An organization or user may not attempt to gain unauthorized access to the website, other accounts, computer systems or networks connected to any Electronic Services System server or to any of the services or information provided, through hacking, password mining, artificial intelligence (AI) or any other means. An organization or user may not obtain or attempt to obtain any content or information through any means not intentionally made available through the website.

Access to the website through an IP address located outside of the United States is prohibited except when authorized by a Site Administrator. Permission for access through foreign IP addresses may be granted to a User In Good Standing on a case-by-case basis. Such permission may be revoked by a Site Administrator.

Organization or user accounts and their associated IP addresses which are deemed to be created to circumvent the foreign access prohibition may be temporarily or permanently blocked and/or blacklisted.

Illegal and/or unauthorized uses of the website, including, but not limited to, unauthorized framing of or linking to the website, or unauthorized use of any robot, spider or other automated device on the website, will be investigated and appropriate legal action will be taken, including without limitation civil, criminal and injunctive redress.

Organization or user accounts and their associated IP addresses which are deemed to be created to circumvent the policies prohibiting illegal or unauthorized uses may be temporarily or permanently blocked and/or blacklisted.

If an organization or user violates these Terms of Service, the Electronic Services System may bar the organization or user from future use of the website and/or take appropriate legal action. The laws of the State of Iowa shall govern and determine all matters arising out of or in connection with the Terms of Service. Any and all litigation or actions commenced in connection with this agreement, including after expiration or termination of this agreement, shall be brought in Des Moines, Iowa, in Polk County District Court for the State of Iowa, if jurisdiction is proper. However, if jurisdiction is not proper in the Iowa District Court, Polk County, but is proper only in a United States District Court, the matter shall be commenced in the United States District Court for the Southern District of Iowa.

#### Historical Index and Images

The Iowa Land Record indexes have been replicated from the official indexes in each county. The Iowa Land Record images have been replicated from the official image systems in each county. In some cases, the indexes and images have been modified to comply with standards established by the Electronic Services System including standards for document types, a standard format for party names,

standards for other indexed information, and a standard document image format. The County Recorder indexes and images are the official indexes and images in any and all cases where there is an inconsistency.

As provided in Section 331.606A (Iowa Code), Iowa Land Records and the Electronic Services System have implemented a system for redacting personally identifiable information from document images. "Personally identifiable information" means one or more of the following specific unique identifiers when combined with an individual's name:

- (1) Social security number.
- (2) Checking, savings, or share account number, credit, debit, or charge card number.

Driver license information is also being redacted from document images.

Every reasonable measure is taken to redact personally identifiable information from document images before they are posted for public access through Iowa Land Records. However, no redaction system has been shown to be completely accurate. Because it is possible that some personally identifiable information may be unintentionally visible in a document image, all users of the website have the responsibility to help protect the privacy of persons whose records may be displayed.

Any personally identifiable information which may be found on any image posted on this website is considered to be confidential. In the event that an organization or user discovers any personally identifiable information posted on the Iowa Land Records system, as a condition for being an authorized organization or user of the website, the organization or user has the responsibility to immediately notify Iowa Land Records so that the information can be restricted or redacted. Additionally, each organization or user of the website is expressly prohibited from distributing, sharing, or publicizing any personally identifiable information which may be found. Personally identifiable information may be reported by using the "Error" button located on a search results page on the website, or by sending a message to support@clris.com."

#### Products

Any product mentioned on this website is mentioned for identification purposes only. Product names appearing in any content or information on the website may or may not be registered trademarks or copyrights of their respective companies.

#### Links to External Sites

Iowa Land Records includes links to websites not under the control of the Electronic Services System. The Electronic Services System does not have control of these other websites and is not responsible for the contents of any website outside of the iowalandrecords.org domain, any domain contained in a

linked website, or any changes or updates to such websites. The Electronic Services System provides these links only as a convenience and is not an endorsement by the Electronic Services System.

The Iowa Land Records website is configured to operate with various web browsers including Microsoft Edge, Firefox and Google Chrome. Users should send an inquiry by email to [support@clris.com](mailto:support@clris.com) concerning any compatibility issues with web browsers. Internet Explorer is not recommended. Users are advised to install the most recent updates to Adobe Acrobat Reader.

#### Copyright Notice

Copyright © [date] Electronic Services System, 8711 Windsor Parkway Suite 2, Johnston, IA 50131.

Any and all rights not expressly granted herein are reserved in their entirety. If an organization or user has a question or comment concerning this website, send an inquiry by email to [support@clris.com](mailto:support@clris.com).

Section 7.3 revised 10.10.12.

Section 7.3 revised 4.10.13.

Section 7.3 revised 11.8.18.

Section 7.3 revised 8.10.21.

Section 7.3 revised 5.9.23.

Section 7.3 revised 8.8.23.

## **ESS – 7.4 Iowa Land Records Search Application Privacy Policy.**

(Iowa Code Section 331.604, 3(a))

### Privacy Notice

Iowa Land Records understands issues concerning the handling of information about authorized organizations and users. This notice describes our privacy policy. By visiting Iowa Land Records ([iowalandrecords.org](http://iowalandrecords.org) or related websites), the organization and user are accepting the practices described in this Privacy Notice.

### What Personal Information About Registered Organizations and Users and Does Iowa Land Records Gather?

The information we learn from organizations and users helps us personalize and continually improve the experience of using Iowa Land Records. Here are the types of information we gather.

- **Information Given To Us:** We receive and store any information entered on the website or given to us in any other way. The information is provided when the organization registers and sets up user accounts. An organization may choose not to provide certain information, but then the organization and user might not be able to take advantage of many features of the website. We use the information that is provided for such purposes as responding to requests, customizing future services, communicating, and generally monitoring the use of the website and system. Examples of the information we collect and analyze include the Internet Protocol (IP) address used to connect a computer to the Internet; login; e-mail address; password; computer and connection information such as browser type and version, operating system, and platform. During some visits we may use software tools such as JavaScript to measure and collect session information, including information about search activities.
- **Automatic Information:** We receive and store certain types of information whenever an organization or user interacts with us. For example, like many websites, we use "cookies," and we obtain certain types of information when a Web browser accesses Iowa Land Records.
- **E-mail Communications:** To help us make e-mails more useful and interesting, we often receive a confirmation when an organization or user opens an e-mail from Iowa Land Records if a computer supports such capabilities.
- **Information from Other Sources:** We might receive information about an organization or user from other sources and add it to our account information. Examples of information we receive from other sources include updated delivery and address information from our carriers or

other third parties which we use to correct our records, or credit history information from credit bureaus, which we may use to help prevent and detect fraud.

#### Does Iowa Land Records Share the Information It Receives?

Information about our registered organizations or users is important to us, and we are not in the business of selling it to others. We share organization or user information only as described below.

- **Agents:** We employ other companies, organizations and individuals to perform functions on our behalf. Examples include fulfilling orders, delivering packages, sending postal mail and e-mail, removing repetitive information from customer lists, analyzing data, processing credit/debit card payments, and providing customer service. They have access to customer and user information needed to perform their functions, but may not use it for other purposes.
- **Protection of Iowa Land Records and Others:** We release account and other organization and user information when we believe release is appropriate to comply with the law; enforce or apply our Terms of Service and other agreements; or protect the rights, property, or safety of Iowa Land Records, our users, or others. This includes exchanging information with other companies and organizations for fraud protection and credit risk reduction. This does not include selling, renting, sharing, or otherwise disclosing personally identifiable information from customers or users for commercial purposes in violation of the commitments set forth in this Privacy Notice.
- **With Consent:** Other than as set out above, the organization or user will receive notice when information about the organization or user might go to third parties, and the organization or user will have an opportunity to choose not to share the information.

#### How Secure Is Information About Organizations or Users?

We work to protect the security of organization or user information. It is important for organizations or users to protect against unauthorized access to an organization's or user's password and computer. Be sure to sign off when finished using a shared computer.

## Which Information Can We Access?

Iowa Land Records gives organizations or users access to a range of information about their account and the interactions with Iowa Land Records for the limited purpose of viewing and, in certain cases, updating that information.

## What Choices Do We Have?

As discussed above, organizations or users can always choose not to provide information, even though it might be needed to take advantage of some Iowa Land Records features. An organization or user can add or update certain information about their account. When account information is updated, we may keep a copy of the prior version for our records.

## Terms of Service, Notices, and Revisions

If an organization or user chooses to visit Iowa Land Records, the visit and any dispute over privacy is subject to this Notice and our Terms of Service, including limitations on damages, arbitration of disputes, and application of the laws of the State of Iowa. If an organization or user has any concern about privacy at Iowa Land Records, please contact us with a thorough description, and we will try to resolve it.

Our activities and services change constantly, and our Privacy Notice and the Terms of Service will change also. We may e-mail periodic reminders of our notices and conditions, but an organization or user should check the website frequently to see recent changes. Unless stated otherwise, our current Privacy Notice applies to all information that we have about an organization, user or account. We stand behind the promises we make, however, and will never materially change our policies and practices to make them less protective of customer information collected in the past without the consent of affected customers.

## Privacy Policy Scope

This Privacy Notice addresses the handling of information about registered organizations and users and customers of the Iowa Land Records Search Application ([iowalandrecords.org](http://iowalandrecords.org) and related websites). These policies do not address privacy issues concerning personally identifiable information which may be embedded within document images. See Section 331.606A (Iowa Code). Policies relating to personally identifiable information are incorporated within the Terms of Service.

## **ESS – 7.5 Iowa Land Records E-Submission Service Terms of Service.**

(Iowa Code Section 331.604, 3(a))

### Terms of Service

Each registered organization and user represents and warrants that they agree that the user identification and authentication procedures implemented by the Iowa Land Records Electronic Submission Service, i.e., a user ID and password, is a valid electronic signature under Section 554D.103 of the Iowa Code, and that it is legally recognized as a signature under Section 554D.108.

Each registered organization and user agrees that submission of a document through the Iowa Land Records Electronic Submission Service is equivalent to delivery of a physical document through the U.S. mail, courier service or over-the-counter at designated offices in each county or jurisdiction. Organizations and users agree that a County Recorder or other designee may correct any index information submitted which may be in error or which may require clarification. Organizations and users agree that the Iowa Land Records E-Submission Service or a Site Administrator may modify the format or scale of a scanned or rendered electronic document, without altering the content of the electronic document, in order to conform to standards established by the Electronic Services System. Organizations and users agree that a County Recorder or a Site Administrator may delete or otherwise remove Abandoned Documents from the Iowa Land Records Electronic Submission Service.

Organizations and users agree that they are responsible for assuring that documents submitted through the Iowa Land Records Electronic Submission Service are valid and comply with all legal requirements and requirements for recording. Organizations and users agree that electronic documents submitted through the Iowa Land Records Electronic Submission Service have been properly executed by the parties and represent the agreement of the parties.

Organizations and users accept and agree to make payment of due and proper recording and related online service fees through the payment services system specified by the Iowa Land Records Electronic Submission Service, and further agree that the Iowa Land Records Electronic Submission Service may suspend services for failure to make payment or to maintain current payment information as required.

A registered organization or user, when acting as a Surveyor Company or Surveyor as defined in Section 3.1, shall comply with the minimum standards for property surveys as described in Section 193C, Chapter 11 of the Iowa Administrative Code, and with the code of professional conduct as described in Section 193C, Chapter 8 of the Iowa Administrative Code. A Surveyor Company or Surveyor shall, when submitting corner certificates or surveys and plats as electronic documents for recording, comply with the requirements for surveys and

plats as specified in Section 3.13 (6-7) of the ESS Policies and Procedures, and with the electronic document formatting requirements specified in Section 5.4 of the ESS Policies and Procedures. Additionally, a registered organization or user acting as a Surveyor Company or Surveyor shall ensure that any survey or plat has been reviewed and approved by any city or county jurisdiction, when such review and approval is required, prior to submitting the survey or plat through the Iowa Land Records E-Submission Service.

Each participating county and county recorder represents and warrants that they agree that the user identification and authentication procedures implemented by the Iowa Land Records Electronic Submission Service, i.e., a user ID and password, is a valid electronic signature under Section 554D.103 of the Iowa Code, and that it is legally recognized as a signature under Section 554D.108. Each participating county and county recorder agrees that submission of a document through the Iowa Land Records Electronic Submission Service is equivalent to delivery of a document through the U.S. mail, courier service or over-the-counter at designated offices in each county or jurisdiction.

The Electronic Services System provides any and all materials and other information and/or software distributed on this website "as is" without warranty of any kind, either express or implied, including but not limited to, the implied warranties or conditions of merchantability or fitness for a particular purpose. In no event shall the Electronic Services System be liable for any loss of profits, lost business, loss of use of data, interruption of business, or for indirect, special, incidental, or consequential damages of any kind. The Electronic Services System may revise the Terms of Service of its website from time to time without notice other than posting on its website. The performance of this website and all information contained on, downloaded or accessed from this website are provided on an "as is" basis, without warranties of any kind whatsoever, including any implied warranties or warranties of merchantability, fitness for a particular purpose or non-infringement of the rights of third parties. The Electronic Services System shall be not responsible for any problems or technical malfunction of any communications network or lines, computer online systems, servers, Internet access providers, computer equipment, software, or any combination thereof including any injury or damage to an organization or user or any other person's computer as a result of using this website.

As a registered user of the Iowa Land Records E-Submission Service at <https://iowalandrecords.org>, an organization or user acknowledges and agrees that any reliance on or use of any information available on this website shall be entirely at the organization's or the user's own risk. In no event shall the Electronic Services System nor any of its service providers be liable for any direct, indirect, consequential or exemplary damages arising from the use or the performance of this website, even if the Electronic Services System or such provider has been advised of the possibility of such damages.



#### No Unlawful or Prohibited Use

As a condition of the use of the Iowa Land Records E-Submission Service, an organization or user will not use the Service for any purpose that is unlawful or prohibited by these terms, conditions, and notices. An organization or user may not use the Iowa Land Records E-Submission Service in any manner that could damage, disable, overburden, or impair any Electronic Services System server, or the network(s) connected to any Electronic Services System server, or interfere with any other party's use and enjoyment of any Services.

An organization or user may not attempt to gain unauthorized access to any services, other accounts, computer systems or networks connected to any Electronic Services System server or to any of the Services, through hacking, password mining or any other means. An organization or user may not obtain or attempt to obtain any materials or information through any means not intentionally made available through the services. Illegal and/or unauthorized uses of the website, including, but not limited to, unauthorized framing of or linking to the website, or unauthorized use of any robot, spider or other automated device on the website, will be investigated and appropriate legal action will be taken, including without limitation civil, criminal and injunctive redress. If an organization or user violates these Terms of Service, the Electronic Services System may terminate the organization's or user's use of the website, bar the organization or user from future use of the website and/or take appropriate legal action against the organization or user. The laws of the State of Iowa shall govern and determine all matters arising out of or in connection with the Terms of Service. Any and all litigation or actions commenced in connection with this Agreement, including after expiration or termination of this Agreement, shall be brought in Des Moines, Iowa, in Polk County District Court for the State of Iowa, if jurisdiction is proper. However, if jurisdiction is not proper in the Iowa District Court, Polk County, but is proper only in a United States District Court, the matter shall be commenced in the United States District Court for the Southern District of Iowa.

#### Products

Any product mentioned on this website is mentioned for identification purposes only. Product names appearing in this material may or may not be registered trademarks or copyrights of their respective companies.

#### Links to External Sites

Iowa Land Records includes links to websites not under the control of the Electronic Services System. The Electronic Services System does not have control of these other websites and is not responsible for the contents of any website outside of the Iowa Land Records E-Submission Service (iowalandrecords.org) or any domain contained in a linked website, or any changes or updates to such websites. The Electronic Services System provides

these links only as a convenience and is not an endorsement by the Electronic Services System.

#### Copyright Notice

Copyright [date] Electronic Services System, 8711 Windsor Parkway Suite 2, Johnston, IA 50131.

For more information send an inquiry by email to [support@clris.com](mailto:support@clris.com). Any and all rights not expressly granted herein are reserved in their entirety. Contact [support@clris.com](mailto:support@clris.com) if there are any questions or problems with this website.

Section 7.5 revised 10.10.12.

Section 7.5 revised 11.14.12.

Section 7.5 revised 8.9.16.

Section 7.5 revised 11.8.18.

Section 7.5 revised 8.10.21.

Section 7.5 revised 5.9.23.

Section 7.5 revised 11.9.23.

## **ESS – 7.6 Iowa Land Records E-Submission Service Privacy Policy.**

(Iowa Code Section 331.604, 3(a))

### Privacy Notice

This notice describes our privacy policy. By using the Iowa Land Records E-Submission Service, the organization or user accepts the practices described in this Privacy Notice.

What Personal Information About Customers Does the Iowa Land Records E-Submission Service Gather? The information we learn from customers helps us personalize and continually improve services. Here are the types of information we gather.

- **Information Given To ESS:** We receive and store any information entered on our website or given to us in any other way. An organization or user can choose not to provide certain information, but then the organization or user might not be able to take advantage of some system features. We use the provided information for such purposes as responding to requests, customizing future services, and communications.
- **Automatic Information:** We receive and store certain types of information whenever there is an interaction with ESS systems. For example, like many websites, ESS may use "cookies," and we can obtain certain types of information when a web browser accesses the Iowa Land Records E-Submission Service.
- **E-mail Communications:** To help make e-mails more useful and interesting, ESS may receive a confirmation when an e-mail from the Iowa Land Records E-Submission Service is opened.
- **Information from Other Sources:** ESS may receive information about an organization or user from other sources and add it to our account information.

Does Iowa Land Records Share the Information It Receives? Information about our customers is important to us, and we are not in the business of selling it to others. We share customer information only as described below.

- **Agents:** We employ other companies and individuals to perform functions on our behalf. Examples include fulfilling orders, delivering packages, sending postal mail and e-mail, removing repetitive information from customer lists, analyzing data, processing credit card payments, and providing customer service. They have access to personal information needed to perform their functions, but may not use it for other purposes.

- **Protection of the Iowa Land Records E-Submission Service and Others:** We release account and other personal information when we believe release is appropriate to comply with the law; enforce or apply our Terms of Service and other agreements; or protect the rights, property, or safety of the Iowa Land Records E-Submission Service, our users, or others. This includes exchanging information with other companies and organizations for fraud protection and credit risk reduction. This does not include selling, renting, sharing, or otherwise disclosing personally identifiable information from customers for commercial purposes in violation of the commitments set forth in this Privacy Notice.
- **With Consent:** Other than as set out above, an organization or user will receive notice when information might go to third parties, and there will be an opportunity to choose not to share the information.

**How Secure Is Information?** We work to protect the security of information during transmission by using Secure Sockets Layer (SSL) software, which encrypts information. We reveal only the last four digits of credit card numbers when confirming account activity. Of course, we transmit the entire credit card number to the appropriate credit card company during order processing. It is important for an organization or user to protect against unauthorized access to password information and devices. Be sure to sign off when finished using a shared computer.

**Which Information Can Be Accessed?** The Iowa Land Records E-Submission Service gives access to a broad range of information about an organization's or user's account and their interactions with the Iowa Land Records E-Submission Service for the limited purpose of viewing and, in certain cases, updating their information.

**What Choices Are There?** As discussed above, an organization or user can always choose not to provide information, even though it might be needed to take advantage of some of the Iowa Land Records E-Submission Service features. Certain information about an account can be updated by the organization or user. When information is updated, we may keep a copy of the prior version for our records.

**Terms of Service, Notices, and Revisions.** If an organization or user chooses to use the Iowa Land Records E-Submission Service, any activity and any dispute over privacy is subject to this Notice and our Terms of Service, including limitations on damages, arbitration of disputes, and application of the law of the State of Iowa. If there are any concerns about privacy at the Iowa Land Records E-Submission Service, please contact us with a thorough description, and we will try to resolve it.

Our activities and services change constantly, and our Privacy Notice and the Terms of Service will change also. We may e-mail periodic reminders of our notices and conditions, but organizations and users should check our website frequently to see recent changes. Unless stated otherwise, our current Privacy Notice applies to all information that we have about organizations and users and their accounts. We stand behind the promises we make, however, and will never materially change our policies and practices to make them less protective of customer information collected in the past without the consent of affected customers.

**Information Given To ESS.** Most such information is provided when registering, setting up a payment account, or communicating with customer service. For example, an organization or user may provide information when communicating with us by phone or e-mail, or when a questionnaire is completed. As a result of those actions, information such as a name, address, and phone number, credit card information, e-mail addresses and other information may be given to ESS.

**Automatic Information.** Examples of the information we collect and analyze include the Internet protocol (IP) address used to connect a computer to the Internet; login; e-mail address; password; computer and connection information such as browser type and version, operating system, and platform; and account history. During some visits we may use software tools such as JavaScript to measure and collect session information, including transaction activities.

**Information from Other Sources.** Examples of information we receive from other sources include updated delivery and address information from our carriers or other third parties, which we use to correct our records; account information, purchase information, and credit history information from credit bureaus, which we use to help prevent and detect fraud and to offer certain credit or financial services to some customers.

**Information That Can Be Accessed By Organizations and Users.** Examples of information that can be accessed easily at the Iowa Land Records E-Submission Service include up-to-date information regarding recent account activity; and personally identifiable information (including name, e-mail, password; payment settings (including credit card information and account balances).

Section 7.6 revised 11.8.18.

Section 7.6 revised 5.9.23.

## **ESS – 7.7 Iowa Land Records Application Procedures**

(Iowa Code Section 331.604, 3(a))

**7.7 (1)** The purpose of this policy is to clarify the process for determining whether to grant an organization and user access to the Iowa Land Records Search application or the Iowa Land Records E-Submission service. As provided in Sections 7.3 and 7.5, an organization or user must be registered with the Electronic Services System and Iowa Land Records. Registration is conducted through an application form for organizations (<https://iowalandrecords.org/ess-business-application/>) or individuals (<https://iowalandrecords.org/ess-individual-search-application/>).

**7.7 (2)** When applying for access to the Iowa Land Records Search application or the Iowa Land Records E-Submission Service, organizations are required to provide accurate user account information concerning their identity including a first and last name, organization name, mailing address, e-mail address and telephone number. When possible, an organization web address and an organization's official business registration identification or Trade Name is requested. The use of false or fictitious information is prohibited. Organizations are required to explicitly request access to the service by marking the designated choices on the application form. They are required to explicitly agree and certify that the information submitted is complete and accurate, and they are required to explicitly acknowledge and accept the Electronic Services System Terms of Service.

**7.7 (3)** The Electronic Services System including its officials, employees and contractors reserves the right to verify and validate the information provided by an organization or user on the application form. Verification may include a review of government issued identification documents such as a passport or a REAL ID (<https://www.dhs.gov/real-id>). Further, the Electronic Services System reserves the right to conduct a review of the background of an organization to determine whether the applicant has or may be likely to engage in activities which are prohibited by these Terms of Service.

**7.7 (4)** The Electronic Services System reserves the right to decline any application and to deny access to an applicant for any of the following reasons.

- a) The applicant has submitted false, fictitious, or misleading information in an application for access
- b) The business registration information or Trade Name information is false, incomplete or inaccurate
- c) ESS is unable to authenticate the identity an organization or individual
- d) ESS believes that the applicant has or may engage in false, fraudulent, illegal or unauthorized activity based on their background and history including but not limited to their use of a legacy application such as <https://iowalandrecords.org/portal>

- e) ESS determines that the applicant is or is likely to be engaged in prohibited activity such as the commercial use of any content or information made available through the ESS website and services. Prohibited activities include selling, sharing, transferring or marketing the content or information provided through ESS website and services, or engaging in any similar service or transaction related to the materials provided through ESS website and services to any extent under any circumstances

**7.7 (5)** If the Electronic Services System declines an application and denies access to Iowa Land Records Search application or the Iowa Land Records E-Submission service, notice shall be provided to the requested organization administrator or individual user via email. Such notice will be provided within seven business days following a decision and the notice will specify the reasons for denying access. An applicant may appeal a decision to decline an application and deny access. An appeal shall be submitted via email to [support@clris.com](mailto:support@clris.com). An appeal will be directed to a designated ESS Site Administrator, who shall determine whether access to Iowa Land Records services will be granted or denied.

Section 7.7 adopted 8.8.23.  
Section 7.9 revised 11.9.23.

### **ESS – 7.8 Iowa Land Records Access Revocation Procedures**

(Iowa Code Section 331.604, 3(a))

**7.8 (1)** The purpose of this policy is to clarify the process for revoking an organization's or a user's access to the Iowa Land Records Search application or the Iowa Land Records E-Submission service. As provided in Sections 7.3, 7.5 and 7.7, a registered organization and user is required to comply with the Iowa Land Records Terms of Service. Through various means, the Electronic Services System including its officials, employees and contractors will regularly monitor the activities of registered organizations and users to ensure compliance with the ESS Terms of Service. Registered organizations and users who do not comply with the ESS Terms of Service may have their access privileges revoked. The basis for revoking an organization's or user's access to ESS services, the likely actions for revoking access, and the process for appealing a decision to revoke access is described in this section.

**7.8 (2)** Iowa Land Records Terms of Service describes several reasons for revoking an organization's or a user's access to the Iowa Land Records Search application or the Iowa Land Records E-Submission service or other services. These reasons include but are not limited to the following.

- a) Creation of multiple [user accounts] logins for the purpose of circumventing the daily search limit

- b) Failure to maintain current and accurate information about the organization
- c) Failure to maintain current and accurate information about each organization user
- d) Failure to maintain current and accurate information for an individual user
- e) Failure to pay required fees for E-Submission services or failure to pay other authorized fees
- f) Provision of an email address for an organization administrator or user that bounces or is rejected by an email service or host
- g) Failure to whitelist emails originating from iowalandrecords.org, clris.com or mailchimp.com (in service to ESS and Iowa Land Records)
- h) Provision of a disconnected or unresponsive telephone number
- i) Usage of an IP address located outside the United States
- j) Usage of an IP address with a documented history of supporting phishing, scams, or illegal activities, or which is identified as a proxy server for devices located outside of the United States
- k) Involvement in the development, use, and deployment of ransomware, as deemed illegal under Chapter 715 Code 2023 of Iowa
- l) Usage of information or services or a pattern of behavior contrary to the published Terms of Service, such as reselling ESS data or services
- m) Usage of information or services to conduct illegal activity, or a pattern of behavior which indicates illegal activity

**7.8 (3)** As a condition of using the Iowa Land Records Search application or the Iowa Land Records E-Submission service, registered organizations and registered users are required to comply with the Electronic Services System and Iowa Land Records Terms of Service as described in this Chapter (Sections 7.3, 7.5 and 7.7). Violations of the Terms of Service may result in revocation of access through various means and the deactivation of accounts.

**7.8 (4)** Iowa Land Records reserves the right to enforce compliance and take appropriate action in response to violations. The enforcement actions may include, but are not limited to:

- a) Warning and notification to the organization or user
- b) Blacklisting the accounts of an organization's users or the accounts of individual users
- c) Temporary deactivation of an organization's account or a user's account and restricting access to the Iowa Land Records Search application, the Iowa Land Records E-Submission service, or other services



- d) Permanent deactivation of the organization’s account or an individual user’s account
- e) Blocking an IP address or range of IP addresses associated with an organization or user
- f) Legal action

**7.8 (5)** If the Electronic Services System takes action to enforce compliance as described in Section 7.5(4), notice shall be provided to the primary organization administrator or individual user via email. Such notice will be provided within seven business days following an action and the notice will specify the reasons for enforcement. An organization or individual user may appeal a decision to enforce compliance. An appeal shall be submitted via email to [support@clris.com](mailto:support@clris.com). An appeal will be directed to a designated ESS Site Administrator, who shall determine whether access to Iowa Land Records services will be continued or revoked.

Section 7.8 adopted 8.8.23.  
Section 7.9 adopted 11.9.23.

### **ESS – 7.9 Temporary Adjustment To Document Image View Limits**

(Iowa Code Section 331.604, 3(a))

**7.9 (1)** Section 7.3 specifies that the maximum number of document images which may be viewed or downloaded by an organization user shall not exceed 120 documents per day, except when authorized by a Site Administrator. This limitation is programmatically enforced. Permission to view more than 120 documents per day per organization user may be granted to organizations and organization users who are in good standing on a case-by-case basis. Such permission may be denied or revoked by a Site Administrator as provided in Section 7.8(2).

Section 7.3 specifies that the maximum number of document images which may be viewed or downloaded by a registered individual user shall not exceed 10 documents per day, except when authorized by a Site Administrator. This limitation is programmatically enforced. Permission to view more than 10 documents per day per registered individual user may be granted to users who are in good standing on a case-by-case basis. Such permission may be denied or revoked by a Site Administrator as provided in Section 7.8(2).

The purpose of the limitation is to ensure that the Iowa Land Records Search application is structured to serve the needs of real estate professionals as they perform their various functions. Iowa Land Records is not intended to serve as a conduit for facilitating the aggregation of data for private commercial use or for resale. The purpose of this policy is to specify the conditions when an organization user may be granted authorization to temporarily exceed the standard limitation on the number of documents which may be viewed in a day.

**7.9 (2)** As provided in Section 7.9 (1), organizations, organization users and registered individual users may request permission to temporarily exceed the applicable daily document image view limitation. Requests shall be submitted via email to ESS and Iowa Land Records at [support@clris.com](mailto:support@clris.com) . A request shall specify the purpose for the temporary authorization, the desired number of document views per day, the number of users who would be exceeding the standard limit (if applicable), and the desired duration of the temporary authorization.

**7.9 (3)** The granting of temporary and limited permission to exceed the daily document image view limitation is subject to the following conditions:

- a) The duration of a temporary authorization to exceed the daily document image view limitation shall not be greater than 10 business days.
- b) The maximum number of organization users who may be granted temporary authorization to exceed the daily document image view limitation is five users.
- c) Organizations and individual users must be in good standing.
- d) Preference shall be given to organizations and individual users located in the State of Iowa which can demonstrate a legitimate professional need, such as research, for temporarily viewing a higher number of document images.
- e) Authorization to temporarily exceed the standard limitation on the number of documents which may be viewed in a day shall not be granted to organizations seeking to populate a database for any reason. Organizations seeking bulk data are required to seek it from individual Iowa counties who are authorized by law to transfer data and images in batch format.
- f) Authorization to temporarily exceed the standard limitation on the number of documents which may be viewed in a day shall not be granted to organizations providing a commercial product such as a private or public online searchable database, or to acquire documents for resale through any method or in any form. Such uses of ESS and Iowa Land Records are prohibited.
- g) Organizations and users authorized to temporarily exceed the standard limitation on the number of document images viewed shall otherwise comply with the Terms of Service and all applicable laws, regulations, and policies.
- h) ESS and Iowa Land Records reserve the right to monitor and audit the activities of organizations and their users who have been granted permission to temporarily exceed the daily document image viewing limitation.
- i) ESS and Iowa Land Records reserve the right to terminate an authorization to temporarily exceed the daily document image viewing limitation as provided in Section 7.8(2).

**7.9 (4)** Iowa Land Records shall maintain a record of organizations and organization users who have been granted authorization to temporarily exceed the daily document image view limitation, including the justification for granting such authorization. Iowa Land Records shall establish a mechanism for users to report any misuse of this policy.

Section 7.9 adopted 8.8.23.

Section 7.9 revised 11.9.23.

### **ESS – 7.10 ESS Central Authentication Service**

(Iowa Code Section 331.604, 3(a))

**7.10 (1)** Authorized users of the Iowa Land Records Search Application or the Iowa Land Records E-Submission Service will be assigned a unique user identification for the purposes of logging in to the ESS Central Authentication Service. Access to applications and functions are based on permissions granted by either ESS Administrators or in certain cases organization administrators. Authorized users will be required to comply with specified requirements for user identifications (user IDs) and passwords.

The Electronic Services System reserves the right to deactivate the account of an organization or a user who is determined to be inactive. Inactivity is based on the period of time between actions to log in to the ESS Central Authentication Service. The period of time will be specified by ESS and will be based on commonly accepted security standards. Organizations and users who are deactivated may request reactivation provided the user or users are considered to be a User In Good Standing.

Section 7.10 adopted 8.8.23

## Chapter 8 Policy and Procedures Compliance

### **ESS – 8.1 Definitions.**

(Iowa Code Section 331.604, 3(a))

As used in this Chapter:

County – A political subdivision of the State of Iowa as defined in Chapter 331 of the Iowa Code.

County Official – An official defined in Section 331.101 of the Iowa Code including an Auditor, Board, Clerk, County Attorney, Recorder, Sheriff, Supervisor or Treasurer.

ESS Coordinating Committee –The committee established under the Electronic Services System 28E Agreement to coordinate efforts to deliver services and information through ESS, and to make policy regarding the operations of ESS.

### **ESS – 8.2 Authority and Purpose.**

(Iowa Code Section 331.604, 3(a))

8.2(1) As specified in Chapter 1.2 (2), each county shall participate in the county land record information system, and shall comply with the policies and procedures established by the ESS Coordinating Committee. All policies and procedures adopted herein shall apply to all Counties, County officials and staff, and to any third party service providers engaged in activities affecting the operations of the Electronic Services System and the county land record information system.

### **ESS – 8.3 County Notification.**

(Iowa Code Section 331.604, 3(a))

8.3(1) It is the intent of the ESS Coordinating Committee to secure the voluntary participation of each County in the Electronic Services System and the county land record information. To the extent possible the ESS Coordinating Committee shall seek ways to cooperate and collaborate with a County or County Official to address any issues which may be preventing or inhibiting compliance with any policy or procedure. However, if a County or County Official is purposefully or willfully failing to comply with a policy or procedure, then the Electronic Services System and the county land record information shall take appropriate progressive action to secure compliance by the County or County Official.

8.3(2) When there is an indication that a County or County Official is not in compliance with a policy or procedure established by the ESS Coordinating Committee as published herein, the ESS Coordinating Committee shall initiate

communications with the County or County official to review the issue and to explore ways to secure voluntary and timely compliance. Any efforts to secure voluntary compliance shall be documented.

8.3(3) If a County or County Official is not compliant with a policy or procedure following efforts to secure voluntary compliance, then the ESS Coordinating Committee shall provide written notice to the County including the County Official, the Board of Supervisors, and the County Attorney. The County or County Official shall within thirty days either comply with the policy or provide a plan for compliance with a specific schedule of action steps.

8.3(4) If a County or County Official fails to comply with a policy or procedure within thirty days of the written notice, or if a County or County Official does not respond to a written notice within the thirty day period, then the ESS Coordinating Committee may take one or more of the following actions at their discretion.

- File action in District Court seeking a judicial declaratory ruling to require compliance with the policy or procedure.
- File a Report of Nonfelonious Misconduct in Office with the County Attorney under Section 721.2 of the Iowa Code, or with the Attorney General if applicable.
- Notify the public of the willful or habitual neglect or refusal to perform the duties of the office on the part of the County or County Official, and advise the public of their right to petition under Sections 66.1A and 66.3 of the Iowa Code.
- File an action in mandamus against officials for failing to comply with policies, procedures or state law.

Chapter 9  
County Project Assessment Cost Sharing Program

**ESS – 9.1 Definitions.**

(Iowa Code Section 331.604)

As used in this Chapter:

County E-Submission Ratio – The total number of electronic documents recorded by a county through the county land record information system in a calendar year divided by the total number of complete documents transferred by a county to the county land record information system in the same calendar year as determined by the ESS Coordinating Committee.

County Project Assessment Cost Share Basis – The Project Assessment Cost Share Basis divided by the number of counties which are deemed to be eligible for participation in the County Project Assessment Cost Sharing Program as determined by the ESS Coordinating Committee.

County Variance – The County E-Submission Ratio minus the Statewide E-Submission Ratio.

Local Service Provider Maintenance Costs – The costs associated with services provided by local electronic indexing and imaging service providers to maintain and support the Recorder’s Association Transfer Module which is used to transfer information between a County and the Electronic Services System

Percent of County Variance – The County Variance divided by the Statewide E-Submission Ratio.

Project Assessment Cost Share Adjustment – The Percent of County Variance multiplied by the County Project Assessment Cost Sharing Basis.

Project Assessment Cost Share Amount – The sum of the Project Assessment Cost Share Adjustment and the County Project Assessment Cost Sharing Basis.

Project Assessment Cost Share Basis – The portion of the net income earned from the Electronic Recording Convenience Fee which is allocated by the ESS Coordinating Committee to the County Project Assessment Cost Sharing Program.

Statewide E-Submission Ratio – The total number of electronic documents recorded through the county land record information system in a calendar year divided by the total number of complete documents transferred to the county land record information system in the same calendar year as determined by the ESS Coordinating Committee.

## **ESS – 9.2 Authority and Purpose.**

(Iowa Code Section 331.604)

9.2(1) The Electronic Services System has the responsibility to develop, implement, and maintain a statewide internet website for purposes of providing electronic access to records and information and to implement electronic recording and electronic transactions in each County. The operation of the county land record information system requires the engagement of local indexing and imaging service providers. Those service providers require compensation for their services, and new sources of revenue are required to provide for that compensation. One source of revenue is the Electronic Recording Convenience Fee as provided in Section 1.5(2). The purpose of this Chapter is create a mechanism to encourage more organizations to electronically file and to secure additional revenue from the Electronic Recording Convenience Fee, a portion of which may be used to help participating counties compensate local service providers.

## **ESS – 9.3 County Project Assessment Cost Sharing Program.**

(Iowa Code Section 331.604)

9.3(1) County Project Assessment Cost Sharing Program. For the fiscal year beginning July 1, 2014 and for subsequent fiscal years, a Local Service provider Maintenance Cost Sharing Program is established. The purpose of the program is to reduce the amount of County Project Assessments which are levied by the ESS Coordinating Committee to a County for expenses associated with Local Service Provider Maintenance Costs, and to provide an incentive for Counties to encourage customers to file documents electronically.

9.3(2) Funding For Cost Sharing Program. Upon the completion of each calendar year the ESS Coordinating Committee shall determine the amount of net income earned from the Electronic Recording Convenience Fee, after deducting the expenses associated with the activities specified in Section 1.5(2-2) lettered paragraphs a through d and lettered paragraphs f through h. The ESS Coordinating Committee shall also ensure that a sufficient Revolving Fund Cash Flow Balance is maintained as provided in Section 1.5(2-2) lettered paragraph e. If the ESS Coordinating Committee determines that sufficient net income has been earned from the Electronic Recording Convenience Fee, then a portion of the net income may be allocated by the ESS Coordinating Committee to the County Project Assessment Cost Sharing Program.

9.3(3) Eligibility For Cost Sharing Program. The eligibility of a County to participate in the County Project Assessment Cost Sharing Program shall be based on the County's compliance with the ESS Policies and Procedures including but not limited to policies relating to the completeness and timeliness of the transfer of land record information to the Electronic Services system, and the timely processing of electronic documents submitted to the County. The ESS

Coordinating Committee shall annually determine eligibility for participation in the County Project Assessment Cost Sharing Program.

9.3(4) County Distribution of Cost Sharing Program Funds. Prior to the annual issuance of invoices for County Project Assessments associated with local service provider maintenance activities, the ESS Coordinating Committee shall determine the Project Assessment Cost Share Amount for each County. The applicable Project Assessment Cost Share Amount shall be provided to each County as a credit toward the amount due as specified in the County Project Assessment invoice.

The distribution of Cost Sharing Program Funds under this program shall not exceed the amount allocated to the Program by the ESS Coordinating Committee, and the amount distributed to any individual County shall not exceed the total annual cost of maintenance services provided by local indexing and imaging vendors to the County.

New Chapter 9 adopted 2.12.14.