

Instructions

Peace Officer and Law Enforcement

Electronic Document Redaction Request Form

Updated - 07/27/2021

Section 331.604 subsection 3(f) provides for the redaction of certain names from electronic documents displayed for public access through an Internet site for the protection of current and former law enforcement professionals. This form is required for the processing of any redaction request under this section.

331.604(3)(f)(1) - "Upon request by a peace officer, as defined in section 801.4, civilian employee of a law enforcement agency, or state or federal judicial officer or state or federal prosecutor, the county assessor or the county assessor's staff, or the county recorder or the county recorder's staff, shall redact the requestor's name contained in electronic documents that are displayed for public access through an internet site."

331.604(3)(f)(2) - "Upon request by a former peace officer, as defined in section 801.4, or a former civilian employee of a law enforcement agency, the county assessor or the county assessor's staff, or the county recorder or the county recorder's staff, may redact, upon the presentation of evidence that a compelling safety interest is served by doing so, the requestor's name contained in electronic documents that are displayed for public access through an internet site."

Instructions for Requestors (qualified peace officers, or former peace officers or civilian law enforcement personnel, as defined by Section 331.604(3)(f), Code of Iowa).

Part 1 – Page 1

Full Legal Name, Phone Number and Email Address. This information concerns the person requesting the redaction. The name specified here will be the name that is redacted on the documents referenced elsewhere in this form. Variations on this name, if present, will be redacted from the specified documents. A phone number and email address are required if the requestor needs to be contacted for any reason.

Part 2

Eligibility for the redaction of a name from an electronic document displayed for public access through an internet site is based on the employment status of the requestor. The requirements for current and former peace officers or law enforcement personnel are different.

Part 2A – Page 1 – Complete this section if you are currently employed in a position that qualifies for redaction pursuant to 331.604(3)(f)(1) (see the reference above).

Employer, Employer Phone Number. This information concerns the identification of the law enforcement organization which employs the requestor (the person who is requesting that their name be redacted). Verification of employment as an eligible law enforcement employee is required before a redaction request can be fulfilled. Specify the name of the employer organization, and the phone number of a supervisor or HR Manager who can verify employment or answer questions about the role and status of the requestor.

Name of Supervisor or HR Manager, and Title. This information concerns the identity and employment title of the supervisor or human resources manager (or equivalent position) who can verify the current employment of the requestor with the employing law enforcement organization. Enter the name of the supervisor or HR manager, and their employment title.

Certification of Employment Checkbox, Signature and Date. The signature of the supervisor or HR manager, the date of the signature, and a marked or checked box representing the certification that the requestor is currently employed in an eligible position are required. A redaction request will not be accepted without this certification by the supervisor or HR manager.

Part 2B – Page 2 – Complete this section if you were formerly employed in a position that qualifies for redaction pursuant to 331.604(3)(f)(2) (see the reference above).

Most Recent Law Enforcement Position/Title. Enter the previous employment position name or title held by the person requesting the redaction.

Law Enforcement Organization Name and Employer Phone Number. This information concerns the identification of the law enforcement organization which formerly employed the requestor (the person who is requesting that their name be redacted). Verification of previous employment as an eligible law enforcement employee is required before a redaction request can be fulfilled. Specify the name of the former employer organization, and the phone number of a supervisor or HR Manager who can verify employment or answer questions about the role and status of the requestor.

Statement or explanation of compelling safety interest for requestor. Section 331.604(3)(f)(2) specifies that a redaction may be implemented when there is evidence that a compelling safety interest is served by doing so. It is not possible for a county recorder to make a determination about a compelling safety interest. Therefore, it is required that an appropriate person representing the former employer – or another knowledgeable law enforcement official – certify that there is a compelling safety interest concerning the requestor.

Using the space provided on the form, provide a summary statement or explanation of the compelling safety interest of the requestor.

Certification of Former Employment and Certification of Compelling Safety Interest. Statements certifying that the requestor was previously employed as an eligible law enforcement employee AND that there is a compelling safety interest concerning the requestor are provided in the form. Both statements must be marked or checked by a certifying authority

who may be a former supervisor of the requestor or another active law enforcement official who is knowledgeable about the compelling safety interest.

Certifying Authority Name, Title/Position, Signature and Date. This information concerns the identity and employment title of the person (certifying authority) who can verify the previous employment of the requestor and who can attest to the compelling safety interest of the requestor. Enter the name of the person acting as the certifying authority, their employment title. The person acting as the certifying authority must sign and date Part 2B at the bottom of page 2.

Part 3 – Page 3

Documents to be Redacted. It is the responsibility of the requestor to specify which electronic documents are to be redacted. The requestor must be a named party in an electronic document, and a requestor should be familiar with the electronic documents with which they are associated. Every recorded document is assigned a unique document reference number (or a book and page reference number) and a date of recording by the county recorder. This information is included in the recording stamp on the first page of any recorded document.

Enter the following information in the spaces provided.

1. Name of the county in which the document(s) are recorded
2. Reference Number (or book & page) assigned and displayed in the recording stamp
3. Date of recording displayed in the recording stamp

Space for additional references to recorded documents is provided in the form on page 4.

Acknowledgements. Part 3 includes several statements which the requestor must read and review. Each and every statement must be marked or checked by requestor to acknowledge that they have read and understand it. The following is an explanation for each statement type.

Statement: I certify that I am either: 1) currently employed in a capacity that qualifies for redaction pursuant to Iowa Code 331.604(3)(f)(1); or 2) I was formerly employed as a peace officer or a civilian employee of a law enforcement agency pursuant to Iowa Code 331.604(3)(f)(2).

Explanation. Iowa law provides that the redaction service is only available to individuals who qualify as current or former law enforcement personnel as defined in these Sections: Iowa Code 331.604(3)(f)(1) or Iowa Code 331.604(3)(f)(2). This service is not available to any other person.

Statement: I understand that the submission of this application does not guarantee the permanent redaction of my name from the public record, but it will be used to review the redaction request.

Explanation. The general policy of the State of Iowa is to include the identities of all parties to legal transactions in the public record and to make public information available online. These provisions are an exception. Circumstances change over time. It is

presumed that when a person no longer serves in a position referenced in Iowa Code 331.604(3)(f)(1), or when a compelling safety interest is no longer present, that the original unaltered versions of the public documents should again be made accessible.

Statement: I acknowledge that only the requestor name listed on this application will be redacted from electronic document(s)

Explanation. Sections 331.604(3)(f)(1) and 331.604(3)(f)(2) only specify that a requestor's name shall or may be redacted. No other party is referenced in the legislation.

Statement: I am aware that it is not the responsibility of the county recorder to identify new real estate documents in which my name may appear as a party. A new request must be submitted for any additional electronic documents which may need to be redacted.

Explanation. The public record of recorded documents includes millions of documents, and many people have the same names. It is not practical or cost effective for public officials to conduct research to identify the public records for any individual. Individuals should be aware of and responsible for knowing of the legal documents to which they are a party. Further, it is not practical for public officials to track or monitor any new transactions or newly recorded documents to which the requestor may be a party. Therefore it is responsibility of the requestor to explicitly inform the county about which documents may require redaction, or any new documents which may require redaction after an initial redaction request is fulfilled.

Statement: I acknowledge that the removal of information from the public record could affect future real estate or lending transactions. I have been advised to consult with legal counsel or my lending institution before requesting that electronic documents be redacted.

Explanation. Real estate professionals including attorneys, financial institutions, title companies and many others rely upon the public land registry for information used in their business processes including underwriting, lending and title searches. The redaction of information from the public record can inhibit or interfere with these business processes. Requestors are encouraged to carefully evaluate the comparative risks and benefits of redaction.

Statement: I do not currently hold an elected office, and/or I am not a candidate for public office.

Explanation. Sections 331.604(3)(f)(3) explicitly states that the redaction service may not be provided to a person holding or seeking public office.

Statement: I acknowledge that this redaction request is valid for four years from the date specified below, unless I otherwise become disqualified during this time. If I wish to continue to have my information redacted after four years, I understand I must submit a new request to the County.

Explanation. As referenced previously, the general policy of the State of Iowa is to include the identities of all parties to legal transactions in the public record and to make public information available online. In order to ensure that public information is made available in the public record after a change in circumstances, such as when a person

no longer serves in a position referenced in Iowa Code 331.604(3)(f)(1), or when a compelling safety interest is no longer present, a reasonable time limit is set for the application of any redaction applied under this service. Redaction request may be renewed by submitting a redaction request renewal form.

Requestor Signature. – Bottom of Page 3 The requestor is required to sign and date the request form in the space provided.

The completed form should be submitted to the appropriate county recorder. If a requestor requires the redaction of electronic documents in multiple counties, a separate Electronic Document Redaction Request Form must be submitted to each applicable county. Questions about this form and the Redaction Request process should be directed to the appropriate county recorder.

Instructions for Version 2 – 07/22/2021

Instructions for County Recorders. Electronic Document Redaction Request Forms must be reviewed by designated staff in the office of the county recorder. The following is a checklist of items to be reviewed.

1. Is part 1 of the form complete, including the requestor's name, phone number, email address and mailing address? An address may be a street address or a post office box number.
2. Is Part 2 (either 2A or 2B) complete? [It is not necessary for the requestor to complete both Part 2A and 2B.]
 - a. **If 2A**, is an Employer (company or organization name) Employer Phone Number, supervisor or HR Name and Title provided?
 - b. Is the checkbox marked or checked?
 - c. Is there a signature for the Supervisor or HR manager and is it dated?

It is not the responsibility of the county recorder or staff to authenticate this information.

- a. **If 2B**, is the Recent Law Enforcement Position/Title, Law Enforcement Organization Name, Employer (organization) Phone Number provided?
- b. Is there a statement of explanation of compelling safety interest provided and is it legible?
- c. Are both checkboxes marked or checked?
- d. Is the name and title of the person certifying the past employment and the compelling safety interest provided?
- e. Is there a signature for the person certifying the past employment and the compelling safety interest and is it dated?

It is not the responsibility of the county recorder or staff to authenticate this information.

3. Is Part 3 complete, including additional documents listed on page 4 or other additional pages, and is the name of the County, and a Reference Number and Date of Recording provided for each electronic document?
 - a. Each electronic document listed should be reviewed by designated staff in the office of the county recorder.
 - i. Does the electronic document exist?
 - ii. Does the requestor name appear in the document as a party to the transaction?
 - b. Are ALL checkboxes marked or checked?
 - c. Is there a signature for the requestor (the name provided in Part 1), and is it dated?

4. Is Part 4 complete, including the name of the County and the name of the County Recorder?

Mark or check one but NOT both of the check boxes.

- a. If the information is in order and is verified by either the requestor's employer (2A) or by a Certifying Authority (2B), and the electronic document information is correct, mark or check the first check box.

Sign and date the approved request in the space provided at the bottom of page 3, and then email a scanned image of the Redaction Request Form to Iowa Land Records at support@clris.com with the subject line "Electronic Document Redaction Request".

- b. If the information is not in order and is NOT verified by either the requestor's employer (2A), or by a Certifying Authority (2B), OR the electronic document information is incorrect, mark or check the second check box.

Sign and date the declined request. Keep a copy for future reference. Do NOT forward a declined request to Iowa Land Records. Return the declined form to the requestor. When possible, inform the requestor of any steps necessary to correct errors or otherwise provide any missing information.

Requestors will be notified via email when a redaction request has been fulfilled. Typically, allow for up to one week for the completion of a redaction request.