

602.1614 Acceptance, distribution, and retention of electronic records by the judicial branch.

1. As used in this section, “*governmental agencies*” means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or of a state or of a county, municipality, or other political subdivision of a state.

2. Notwithstanding section 554D.120, the supreme court may prescribe by rule whether and to what extent the judicial branch will accept, process, distribute, and retain electronic records and electronic signatures from litigants, governmental agencies, and other persons, and to what extent the judicial branch will create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

3. If the supreme court prescribes rules relating to electronic records and electronic signatures under subsection 2, the rules may include but are not limited to the following:

- a. Defining terms.
- b. The manner and format in which an electronic record is created, generated, sent, communicated, received, filed, recorded, and stored.
- c. Establishing the information process system to create, generate, send, communicate, receive, file, record, and store an electronic record.
- d. How a traditional written signature will relate to an electronic signature.
- e. The criteria establishing when an electronic document must be electronically signed.
- f. The type of electronic signature required.
- g. The manner and format in which an electronic signature is associated with an electronic record.
- h. Who can create an electronic signature.
- i. The criteria and procedures to follow when filing an electronic document, including who is allowed to file electronically, how notice is given, and electronic service of process.
- j. Establishing processes and procedures to ensure adequate preservation, integrity, security, disposition, and audit worthiness of the electronic records.
- k. Establishing the criteria for the retention of paper documents when deemed necessary to promote the integrity of electronic records.
- l. Establishing the appropriate level of public access to differing classes of electronic records and other court records to ensure the confidentiality of any records that are required by law to be confidential.
- m. Establishing any other process or procedures attributable to creating, generating, communicating, storing, processing, and using electronic records and electronic signatures, and how these electronic records and electronic signatures will relate to nonelectronic court records.

4. Rules prescribed pursuant to this section shall prevail over any other laws or court rules that specify the method, manner, or format for sending, receiving, retaining, or creating paper records relating to the courts. The supreme court may limit the applicability and scope of any rules prescribed pursuant to this section to single offices, courts, judicial election districts, or by specific case types for the purpose of testing and implementing an electronic information processing system. Temporary rules prescribed pursuant to this section for the purpose of testing an electronic information processing system are not subject to the requirements of section 602.4202.

5. An electronic record that complies with the rules prescribed under this section shall prevail over any law that requires a written record, and an electronic signature that complies with the rules prescribed under this section shall prevail over any law that requires a written signature. An electronic record or signature that complies with rules prescribed under this section shall not be denied legal effect or enforceability based solely because of the record’s or signature’s electronic form. The determination of an electronic record’s or signature’s legal consequence is determined by this chapter, applicable law, and court rules.

2006 Acts, ch 1174, §5