

Fwd: Answer to Complaint 25FC:0014

From Eckley, Erika <erika.eckley@iowa.gov>
To pyrebird@phoenixharbor.net, Scott Nicholson <snicholson@jaspercoatty.org>
CC reaton@jasperia.org
Date Wednesday, March 19th, 2025 at 8:39 AM

Received. Including Mr. Merritt in the response.

Erika Eckley, Executive Director
Iowa Public Information Board (IPIB)

On Mon, Mar 17, 2025 at 11:56AM Ryan Eaton <reaton@jasperia.org> wrote:

Director Eckley,

Mr. Nicholson was called away on a family emergency yesterday and has asked me to scan and email his response in his absence.

He indicated he may be gone all week.

Thank you.

Ryan Eaton

Chief Information Officer

Jasper County Information Systems

101 1st St. N., Room 108

Newton, IA 50208

641-841-1100

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reaton@jasperia.org



image001.jpg 21.36 KB

25FC0014.pdf 155.28 KB

TO: IPIB Board Director Erika Eckley
FROM: Jasper County Attorney Scott Nicholson
Jasper County IT Director Ryan Eaton
RE: Answer to Complaint 25FC:0014

Director Eckley,

Back in 2023, Michael Merritt made an open records request to Jasper County, Iowa, for emails concerning Iowa State Representative Jon Dunwell. Ryan Eaton contacted Mr. Merritt via email on August 4, 2023 (attached) and explained that Jasper County has previously provided requested records at no cost. Mr. Eaton further explained the costs related to prior and current request.

Most importantly, Mr. Eaton specifically stated that no further records requests would be reviewed until Mr. Merritt paid Jasper County for the Dunwell request.

To date, the Jasper County Auditor, IT Director and Attorney have not received any monetary payments from Mr. Merritt for the work previously done for him (Dunwell request).

On the IPIB website, there was a power point training called "Sunshine Laws." That training states that "Fulfillment of a request may be made contingent upon payment of a fee and estimated expenses shall be communicated to the requestor." (authority unknown).

In his August 4, 2023, response to Mr. Merritt. Mr. Eaton explained that there had been previous work done by his department (the Dunwell request) and those fees would have to be paid before any more work would be done, which would include Mr. Merritt's request for billing documents related to Microsoft 364, which is before the IPIB now.

Jasper County has a Public Records Request Policy. In that Policy, under the paragraph labeled "Advance Deposits" it states: "If any requestor has not paid a previous amount due under this policy, the County department shall require full payment of the previous amount due plus a full deposit for estimated services before processing a new request" (attached).

In summary, Michael Merritt has owed Jasper County fees for a previous request he made in 2023 and has not yet paid. Under Iowa case law and Jasper County Policy, Jasper County must be paid prior fees before any more public records requests will be reviewed that are made by Michael Merritt.

Respectfully submitted,

Scott Nicholson

Ryan Eaton

Ryan Eaton

From: Ryan Eaton
Sent: Friday, August 4, 2023 12:10 PM
To: Michael J. Merritt; cipherus.x1@cipherphoenix.com
Cc: Scott Nicholson; Brandon Talsma; Doug Cupples
Subject: RE: Iowa Open Records Request - Jasper County IA - 563 - CM-X2 - Status Request - II/II
Attachments: Record Request - 1686706919547.pdf; Iowa Open Records Request - Jasper County IA - 563 - CM-X2.pdf; Unnamed attachment; PRR 3187 Invoice.pdf; Record Request - 1686700206365.pdf; Cipher Phoenix Mail - Iowa Open Records Request - Greene County IA - 503 - CM-X2- Status Request - 01 of 02.pdf; Record Request - 1686700018752.pdf; Cipher Phoenix Mail - Electronic Service - Iowa Open Records Request.pdf; Record Request - 1686700007298.pdf; Cipher Phoenix Mail - Public records requestfsd.pdf; Record Request - 1686700180772.pdf; Unnamed attachment.pdf; Record Request - 1686700223126.pdf; Iowa Open Records Request - Update - Michael J Merritt - 31 JUL 2023.pdf

Mr. Merrit,

I have been tasked with reviewing your latest requests and I am afraid the Iowa Public Information Board already ruled for Jasper County, and we will not provide you with "user names" for Jasper County Facebook accounts.

The Supervisor's Facebook pages are their own and not administered or connected to Jasper County. You will need to address that with them.

I appreciate your confusion about the fees charged by different entities for E-discovery services. Indeed, the security requirements play a significant role in determining the cost. Organizations dealing with sensitive data like CJIS (Criminal Justice Information Services) have stricter security requirements, and therefore, they may need to more experienced and certified IT staff, which can lead to higher fees.

On the other hand, educational institutions, like schools, may not handle such sensitive data, so they can potentially use alternative, cost-effective solutions. Utilizing a paid intern or cyber security student to perform the E-discovery under supervision can help reduce expenses while still ensuring compliance with privacy regulations and removing personal identification information (PII) to protect individual privacy.

It's essential for organizations to understand their specific data security requirements and tailor their E-discovery approach accordingly. By doing so, they can strike a balance between cost-effectiveness and maintaining the necessary level of security.

As the only staff member with training and a license to use Gimmal's Discovery Attender for Open Records Requests, they are performed by me. You will find this in smaller departments where resources may be limited, it can be more costly for both the organization and the requestor.

The NIST (National Institute of Standards and Technology) framework or NIST 800-53 is widely used for information security and access control in various organizations and government agencies. The principle of least privilege is a fundamental concept in this framework, where each user or account is granted only the minimum level of access necessary to perform their specific tasks, reducing the risk of unauthorized access and potential security breaches.

Jasper County has implemented a process for searching and granting access to specific accounts, but this access is given on a temporary basis. The process involves the following steps:

1. Access Request: When someone needs access to a particular account or resource, they must submit a request.
2. Individual Permission: Each account is individually granted access based on the principle of least privilege. This means that users will only be given access to the specific resources they need and nothing more.
3. Processing: The access is granted and processed after business hours. The specific details of the access request and the time it takes to process are automatically recorded in a report.
4. Access Removal: Once the authorized user has completed their task, the access is removed. This ensures that the temporary access is not left open unnecessarily.

The time taken to process an access request varies depending on the size of the account. Accounts with larger data volumes (e.g., 25 GB) may take several hours to process, while smaller accounts may be completed in 30 minutes or less.

By implementing this access control process, Jasper County is ensuring that only authorized personnel have access to specific resources for the duration required, minimizing the risk of unauthorized access and potential security threats. Additionally, the logging and reporting of access times provide transparency and accountability for access-related activities.

MXtoolbox.com or dnsstuff.com can be used to view our Jasper County's MX records to see it is on Microsoft's Government Cloud. Again, as required by Federal Law, CJIS data must be stored within the United States and with ever increasing cyber-attacks, it is more cost effective to use third party security than attempt to protect it in house.

Previously we have provided approximately 40 hours of both IT staff and Attorney timelwages on your requests at no charge. It seems there was a misunderstanding, and any organization can bill for staff's time to complete requests. My wages increased on July 1st and the current cost at 1.5 for afterhours "time only" is \$83.35.

You will need to discuss the fees for the County Attorney's staff hourly rate to review the results and redact any Personal Identifiable Information (PII), Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, or Criminal Justice Information Systems (CJIS) protected data. That will be redacted according to Federal laws.

Based on your previous emails regarding building databases and the potential for collecting information contained in metadata on attachments, all requests will be printed and sent by certified mail to the address you have provided.

I have an outstanding open request from you for emails from Jon Dunwell to any jasper county email account. Per your request I included the cost per hour and received no confirmation that you accepted or would pay that fee. That will need to be paid for before additional requests are reviewed and completed.

Please Contact the Jasper County Attorney's Office – general@jaspercoatty.org to confirm fees and authorize the billing for the work you have requested.

Ryan Eaton
Chief information Officer
Jasper County, Iowa

County department head, requested records will be available for the requestor's review for a period of one week after notification to the requestor that the original public records are available for inspection and copying. If the requestor does not review the original public records within one week or make other arrangements with the County department, the requestor may incur additional charges for the additional time spent in the re-search, re-preparation or re-retrieval of the public records.

3. Other Applicable Fees and Deposits:

A. Additional Costs:

Any costs not covered by the above fee schedule shall be charged to the requestor based upon the actual costs incurred by the County department, including but not limited to all amounts charged to the County department by third parties in connection with the fulfillment of any public records request.

B. Advance Deposits:

If the County department estimates the fees for the requested services will be greater than ten dollars (\$10.00), the County department may require the requestor to make an advance deposit to cover all or part of the estimated fees. If a deposit is required, no work will begin on a request until the deposit is received by the County department. Any funds collected by the County department in excess of the actual fees will be refunded to the requestor in a timely manner. If any requestor has not paid a previous amount due under this policy, the County department shall require full payment of the previous amount due plus a full deposit for estimated services before processing a new request.

C. Cumulative Charges:

The charges outlined herein are cumulative to the extent they reflect the actual cost to the County department. For example, if a one-page black and white document takes 30 minutes to locate and the requestor wants the document copied and mailed, the charges will include charges for the 30 minutes of retrieval services, (.25 hours at staff rate), \$0.25 for the photocopy and the applicable postage charge for a certified mail delivery.