

Text Comparison

Documents Compared

CJD05-original_txt.pdf

CJD05-01attachmentPublicAccessPolicy_July2007amended_txt.pdf

Summary

1170 word(s) added

879 word(s) deleted

4483 word(s) matched

47 block(s) matched

To see where the changes are, scroll down.

~~COLORADO JUDICIAL DEPARTMENT~~

~~Policy Adopted April 8, 2005~~

~~By the Public Access Committee~~

PUBLIC ACCESS TO COURT RECORDS

COLORADO JUDICIAL DEPARTMENT

PURPOSE

Section 1.00 – PURPOSE OF THE POLICY

(a) The purpose of this policy is to provide a comprehensive framework for public access to court records. The policy provides for access in a manner that:

- (1) maximizes accessibility to court records;
- (2) supports the role of the judiciary;
- (3) promotes governmental accountability;
- (4) contributes to public safety;
- (5) minimizes risk of injury to individuals;
- (6) protects individual privacy rights and interests;
- (7) protects proprietary business information;
- (8) minimizes reluctance to use the court to resolve disputes;
- (9) makes ~~most~~ effective use of court and clerk of court staff;
- (10) provides excellent customer service;
- (11) does not unduly burden the ongoing business of the judiciary; and
- (12) protects individuals from the use of outdated or inaccurate information.

(b) This policy is intended to provide guidance to 1) litigants, 2) those seeking access to court records, and 3) judges and other judicial branch personnel responding to requests for access.

(c) This policy is also intended to provide guidance to Judicial Districts and the State Court Administrator regarding the content of Judicial Branch web sites.

ACCESS BY WHOM

Section 2.00 – WHO HAS ACCESS UNDER THIS POLICY

Every member of the public will have the same access to court records as provided in this policy.

(a) “Public” includes:

1. any person and any business or non-profit entity, organization or association;
2. any governmental agency for which there is no existing policy defining the agency’s access to court records;
3. media organizations; and
4. entities that gather and disseminate information for whatever reason, regardless of whether it is done with the intent of making a profit, and without distinction as to nature or extent of access.

(b) “Public” does not include:

1. Judicial Branch staff, including: court or clerk of court employees, state court administrator’s office employees, probation employees and judicial officers;
2. people or entities, private or governmental, who assist the court in providing court services;
3. public agencies whose access to court records is defined by another statute, rule, order or policy set by the State Court Administrator; and
4. the parties to a ~~case or their lawyers~~ regarding access to the court record in their specific

COLORADO JUDICIAL DEPARTMENT
Policy Adopted December 8, 2006
By the Public Access Committee
Attachment to CJD 05-01

PUBLIC ACCESS TO COURT RECORDS
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3. public agencies whose access to court records is defined by another statute, rule, order or policy set by the State Court Administrator; and

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GENERAL PROVISIONS AND DEFINITIONS

Section 3.00 – GENERAL PROVISIONS

(a) ~~Public Access Committee:~~ A Public Access Committee was established by Chief Justice Directive 05-01 to develop policy regarding the information to be released to the public from court ~~records~~ including court records maintained in the Integrated Colorado Online Network (“ICON/Eclipse”) system.

(b) The State Court Administrator is the official custodian of ICON/Eclipse. The State Court Administrator, as the official custodian of ICON/Eclipse, is charged with completing ~~the~~ requests for data from the ICON/Eclipse system consistent with the policies and procedures developed by the Public Access Committee. ~~The policy and procedures developed by the committee shall govern the completion of all requests for data from the ICON/Eclipse database.~~

(c) No Judicial Branch personnel shall permit a member of the public to use a computer or other machine associated with the ICON/Eclipse system for access to court records unless authorized by the State Court Administrator or his/her delegate.

(d) ~~Validity of information released to the public:~~ Court personnel will make reasonable efforts to use the standardized coding and input procedures for ICON/Eclipse established by the State Court Administrator’s Office. Any court record released in error to the public shall not be authenticated as an official court or probation record.

(e) ~~If a Judicial Branch employee or the Public Access Committee believes that information in the ICON/Eclipse system is inaccurate due to programming issues, the State Court Administrator’s Office shall be immediately informed and inaccurate information shall not be released to the public.~~

Section 3.10 - DEFINITION OF COURT RECORD

For purposes of this policy

(a) “Court record” includes:

- (1) any document, information, or other item that is collected, received, or maintained by a court or clerk of court in connection with a judicial proceeding;
- (2) any index, calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, or minute order, that is related to a judicial proceeding; and
- (3) the electronic record (ICON/Eclipse) is an official court record, including the probation ICON/Eclipse files.

(b) “Court record” does not include:

- (1) other records maintained by the court or clerk of court pertaining to the administration of the court or clerk of court’s office not associated with any particular case (i.e., personnel information, travel vouchers, e-mail, etc.);
- (2) non ICON/Eclipse probation records;
- (3) administrative and management reports;
- (4) judges notes and judicial work product related to the deliberative process; and
- (5) information gathered, maintained or stored by a governmental agency or other entity to which the court has access but which is not part of the court record as defined in section 3.10(a).
- (6) other records maintained by the Judicial Branch not expressly defined as court records in 3.10(a).

4. the parties to a case, their lawyers or other authorized representative regarding access to the court record in their specific case.

GENERAL PROVISIONS AND DEFINITIONS

Section 3.00 – GENERAL PROVISIONS

(a) A Public Access Committee was established by Chief Justice Directive 05-01 to develop policy regarding the information to be released to the public from court records, including court records maintained in the Integrated Colorado Online Network (“ICON/Eclipse”) system.

(b) The State Court Administrator is the official custodian of ICON/Eclipse. The State Court Administrator, as the official custodian of ICON/Eclipse, is charged with completing requests for data from the ICON/Eclipse system consistent with the policies and procedures developed by the Public Access Committee. Such policies shall govern the completion of all requests for data from the ICON/Eclipse database.

(c) No Judicial Branch personnel shall permit a member of the public to use a computer or other machine associated with the ICON/Eclipse system for access to court records unless authorized by the State Court Administrator or his/her delegate.

(d) Court personnel will make reasonable efforts to use the standardized coding and input procedures for ICON/Eclipse established by the State Court Administrator’s Office. Any court record released in error to the public shall not be authenticated as an official court or probation record.

(e) If a Judicial Branch employee believes that the ICON/Eclipse program is producing incorrect or erroneous results, the State Court Administrator’s Office shall immediately be informed.

Section 3.10 - DEFINITION OF COURT RECORD

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(a) “Court record” includes:

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- (1) other records maintained by the court or clerk of court pertaining to the administration of the court or clerk of court’s office not associated with any particular case (i.e., personnel information, travel vouchers, e-mail, etc.);
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- (5) information gathered, maintained or stored by a governmental agency or other entity to which the court has access but which is not part of the court record as defined in section 3.10(a).
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“Public access” means that the public may inspect and obtain a copy of information in a court

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“Public access” means that the public may inspect and obtain a copy of ~~the~~ information in a court record.

Section 3.30 - DEFINITION OF REMOTE ACCESS

“Remote access” means the ability to electronically search, inspect, or copy information in a court record without need to physically visit ~~the~~ Judicial Branch facility or location where the court record is maintained.

Section 3.40 - DEFINITION OF IN ELECTRONIC FORM

Information in a court record “in electronic form” includes information that exists as:

- (a) electronic representations of text or graphic documents;
- (b) an electronic image, including a video image of a document, exhibit or other item;
- (c) data in the fields or files of an electronic database; or
- (d) an audio or video recording, analog or digital, of an event or notes in an electronic file from which a transcript of an event can be prepared.

ACCESS TO WHAT

Section 4.00 - APPLICABILITY OF RULE

This policy applies to all court records, regardless of the physical form of the court record, the method of recording ~~the information in the court record or the method of storage of the information in the court record.~~ This policy also applies to Judicial Branch data that is transferred electronically to other agencies (i.e., CICJIS, social services, DMV, or other agencies). Court records, data and/or data fields that are protected by ~~constitution~~, statute, court rule or this policy in the Judicial Branch’s system are not to be released by any agency sharing the court records, database or database information. Additionally, this policy applies to e-filed (electronically filed) documents maintained by the vendor (C.R.C.P. Rule 121 Section 1 – 26); and to e-filed documents maintained at the respective courts.

Section 4.10 – GENERAL ACCESS RULE

- (a) Information in the court record is accessible to the public except as prohibited by section ~~4.60(a) and (b) or by court order adopted pursuant to 4.60(c), (d), or (e).~~
- ~~(b) Records protected pursuant to §24-72-308 C.R.S., including the existence of cases that have been sealed, will not be acknowledged. (§24 72 308(1)(b)(II)(d) C.R.S.)~~

~~Section 4.20 – COURT RECORDS IN ELECTRONIC FORM PRESUMPTIVELY SUBJECT TO REMOTE ACCESS BY THE PUBLIC~~

The following information in court records is available by remote access, unless public access is restricted pursuant to section 4.60:

- ~~(a)~~ litigant/party indexes to cases filed with the court;
- ~~(b)~~ listings of case filings, including the names of the primary parties;
- ~~(c)~~ register of actions showing case number, judge assigned to the case, county in which the case is assigned, scheduled date, time and location of court proceedings, judgments, orders or decrees, charges, pleas, findings and sentences in criminal types of cases, and a listing of documents filed in a case.

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“Remote access” means the ability to electronically search, inspect, or copy information in a court record without need to physically visit a Judicial Branch facility or location where the court record is maintained.

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This policy applies to all court records, regardless of the physical form of the court record, the method of recording or the method of storage. This policy also applies to Judicial Branch data that is transferred electronically to other agencies (i.e., CICJIS, social services, DMV, or other agencies). Court records, data and/or data fields that are protected by The Constitution, statute, court rule or this policy in the Judicial Branch’s system are not to be released by any agency sharing the court records, database or database information. Additionally, this policy applies to e-filed (electronically filed) documents maintained by the vendor (C.R.C.P. Rule 121 Section 1 – 26); and to e-filed documents maintained at the respective courts.

Section 4.10 – GENERAL ACCESS RULE

(a) Information in the court record is accessible to the public except as prohibited by section 4.60.

(b) Information in court records sealed pursuant to §24-72-308 C.R.S., is not accessible to the public. Further the response to any request for such record will be that no record exists.

Section 4.20 – COURT RECORDS SUBJECT TO REMOTE ACCESS

(a) The following information in court records is available by remote access, unless public access is restricted pursuant to section 4.60:

- (1) litigant/party indexes to cases filed with the court; (2) listings of case filings, including the names of the primary parties;
- (3) register of actions showing case number, judge assigned to the case, county in which the case is assigned, scheduled date, time and location of court proceedings, judgments, orders or decrees, charges, pleas, findings and sentences in criminal types of cases, and a listing of documents filed in a case.

(b) The following information in electronic court records is not accessible to the public due to the inability to protect confidential information. It may be available in paper form at local courthouses.

(1) Financial Files (everything except the financial summary screen)

(2) Free text fields

Section 4.30 – REQUESTS FOR BULK DISTRIBUTION OF COURT RECORDS

Bulk data, for purposes of this statement of policy, is defined as the entire ICON/Eclipse database. It is defined also to include that subset of the entire database that remains after the extraction of all data that is confidential under law. It is the policy of the Judicial Branch that bulk data not be released to individuals, government agencies or private entities.

Section 4.40 – ACCESS TO ~~COMPILED DATA FROM COURT RECORDS~~

~~(1) Compiled Data: Compiled data is defined as data that is derived from the selection, aggregation or reformulation of specific data elements within the ICON/Eclipse database. It is the policy of the Judicial Branch to supply non-confidential compiled data to the public from the ICON/Eclipse database as provided in this section.~~

~~(a) Compiled data will only be released by the State Court Administrator's Office or its designated agent. (See Addendum A for application.)~~

~~(b) Only data elements contained in the ICON/Eclipse database which the Public Access Committee has approved for release shall be released in compiled data. These elements are as follows: case classes CR & F (Felony); M (Misdemeanor); T & R (Traffic); C, CV, CW, & S (Civil & Small Claims); and DR (Domestic Relations). The following fields within the stated case classes are approved for release in compiled data: court type, court location, case year, case class, case sequence, case filing date, judge and division assigned to the case, events, scheduled events and scheduled event status, case status, date of birth, sex, race, attorney assigned to a case, judgment amount ordered, summary financial information, arrest or offense date, arresting agency, charge, plea, and conviction information, and sentences.~~

~~(c) Compiled data requests will not contain any names of parties associated with a case. This type of request is distinguishable from the data match requests mentioned in section 4.40(2) below.~~

~~(d) Any member of the public may request compiled data that consists solely of records that are publicly accessible and that are not already available pursuant to section 4.20 or in an existing report. The State Court Administrator's Office, may compile and provide the data if it determines, in its discretion, that providing the compiled data meets criteria established by the Public Access Committee, that the resources are available to compile the data, and that it is an appropriate use of public resources. The State Court Administrator may delegate to his/her staff the authority to make the initial determination as to whether to provide compiled data.~~

~~(e) The State Court Administrator's Office will prioritize compiled data requests in the following manner: requests from within the Judicial Branch; requests from other agencies that are essential to complying with their statutory mandates; and, other requests including those from the media, businesses and private entities.~~

~~(f) (1) Compiled data may be requested by any member of the public only for scholarly, journalistic, political, governmental, research, evaluation, or statistical purposes. Requests for on going reports via compiled data requests will be provided no more frequently than on a quarterly basis.~~

~~(2) The request shall:~~

~~(i) identify what compiled data is sought;~~

~~(ii) describe the purpose for requesting the compiled data and explain how the compiled data will benefit the public interest or public education; and~~

~~(iii) explain provisions for the secure protection of any compiled data requested to which public access is restricted or prohibited.~~

~~(3) The State Court Administrator or his/her designee may grant the request and compile the data if he/she determines that doing so meets criteria established by the Public Access~~

- (3) Probate cases (except in compiled requests in aggregate form)
- (4) Addresses, phone numbers and other contact information for parties in cases
- (5) Information related to victims of crime
- (6) Information related to witnesses in cases
- (7) Information related to impartial parties in cases
- (8) Files/fields/codes related to running a computer program

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Bulk data, for purposes of this statement of policy, is defined as the entire ICON/Eclipse database. It is defined also to include that subset of the entire database that remains after the extraction of all data that is confidential under law. It is the policy of the Judicial Branch that bulk data not be released to individuals, government agencies or private entities.

Section 4.40 – ACCESS TO AGGREGATE AND COMPILED DATA FROM COURT RECORDS

(a) Definitions

(1) “Compiled Data” means data that is derived from the selection or reformulation of specific data elements within the ICON/Eclipse database. It is a listing of individual court records that may contain the following data elements: case number (which may include court type, court location, case year, case class, case sequence); case filing date, judge and division assigned to the case; events, scheduled events and scheduled event status; case status; date of birth; sex; race; attorney assigned to a case; judgment amount ordered; summary financial information; arrest or offense date and arresting agency; charge, plea, and conviction information; and sentences. Compiled Data requests shall not contain any names of parties associated with a case.

(2) “Aggregate Data” means summary information extracted from Compiled Data that eliminates any case or party identifying information such as case numbers, case sequence fields, names, or EID numbers.

(b) The Judicial Branch will supply Compiled Data and Aggregate Data to the public from the ICON/Eclipse database as provided in this section.

(1) Compiled Data and Aggregate Data shall only be released by the State Court Administrator’s Office or its designated agent. See Addendum A for application. This type of request is distinguishable from the Data Match requests mentioned in section 4.40(2) below.

(2) Compiled Data and Aggregate Data may be released as follows: i. In case classes: CR & F (Felony); M (Misdemeanor); T & R (Traffic); C, CV, CW, & S (Civil & Small Claims); and DR (Domestic Relations), data may be released as Compiled Data or Aggregate Data.

ii. In case classes JD (Juvenile Delinquency), JV (Juvenile – Non- Delinquency) and PR (Probate) data shall only be released as Aggregate Data.

iii. Probation data may only be released as Aggregate Data.

(c) Any member of the public may request compiled data that consists solely of records that are publicly accessible and that are not already available pursuant to section 4.20 or in an existing report. The State Court Administrator’s Office, may compile and provide the data if it determines, in its discretion, that providing the compiled data meets criteria established by the Public Access Committee, that the resources are available to compile the data, and that it is an appropriate use of public resources. The State Court Administrator may delegate to his/her staff the authority to make the initial determination as to whether to provide compiled data.

(d) The State Court Administrator’s Office will prioritize compiled data requests in the following manner: requests from within the Judicial Branch; requests from other agencies that are

Committee and is consistent with the purposes of the access policy, the resources are available to compile the data, and that it is an appropriate use of public resources.

(4) If the request is granted, the State Court Administrator or his/her designee may require the requestor to sign a declaration that:

- (i) the compiled data will not be sold or otherwise distributed, directly or indirectly, to third parties;
- (ii) the compiled data will not be used directly or indirectly to sell a product or service to an individual or the general public;
- (iii) there will be no copying or duplication of compiled data provided other than for the stated scholarly, journalistic, political, governmental, research, evaluation, or statistical purpose;
- (iv) the compiled data will not be made available on the Internet;
- (v) compiled data may be used for research purposes only; and
- (vi) recipients of compiled data are required to sign an agreement that includes an acknowledgement of the recipient's responsibility for checking the accuracy of the compiled data and complying with the requirements of § 24-72-305.5 C.R.S. of the Criminal Justice Records Act. This provision prohibits the use of criminal justice records for the solicitation of business.

~~(2)~~ Data Matches: The media or other organizations may submit an electronic list of data that can be matched with the public criminal (felony, misdemeanor and traffic) data contained in ICON/Eclipse. (See Addendum B for application.)

~~(a)~~ Pursuant to §24-33.5-412(6) C.R.S., the Colorado Bureau of Investigation is designated as the official repository for criminal history information. Therefore, data match requests will not be processed for specific individual background checks. Any attempt to compile a separate database (i.e., requesting a match of all criminal records) will be denied.

~~(b)~~ All requests are subject to approval by the State Court Administrator or his/her designee. The State Court Administrator or his/her designee may grant the request and compile the data if he/she determines that doing so meets criteria established by the Public Access Committee and is consistent with the purposes of the access policy, the resources are available to compile the data, and that it is an appropriate use of public resources.

~~(c)~~ Match requests will be submitted to the Public Access Manager at the Office of the State Court Administrator. Upon receipt, the request will be logged and forwarded to appropriate personnel for processing. The following information will be chronicled in a register: person and/or organization submitting the request, contact person including name and telephone number, what data was provided for matching, and for what purpose the data was requested. The log should also be updated when the request is completed with the name of the programmer that ran the data, how long it took, and how much the requestor was charged.

~~(d)~~ Requests will be processed matching the submitted data to data contained in the libraries in ICON/Eclipse. Only records with positive matches (name and DOB) will be returned and an electronic list of matches will be provided to the requesting person or organization. Only data available in the criminal (felony, misdemeanor and traffic) libraries will be provided in the matched ~~data~~

~~(e)~~ The requestor will sign an agreement regarding the limits for the use of the matched data similar to the agreement referenced in 4.40(g)(4) above.

Section 4.50 – COURT RECORDS THAT ARE ONLY PUBLICLY ACCESSIBLE AT A COURT FACILITY

(a) Unless access is prohibited pursuant to section 4.60 court records as defined in section 3.10(a)(1) and 3.10(a)(2) may be accessible at court facilities or may be stored at a remote

essential to complying with their statutory mandates; and, other requests including those from the media, businesses and private entities.

(e) (1) Compiled data may be requested by any member of the public only for scholarly, journalistic, political, governmental, research, evaluation, or statistical purposes. Requests for on going reports via compiled data requests will be provided no more frequently than on a quarterly basis.

(2) The request shall:

(i) identify what compiled data is sought;

(ii) describe the purpose for requesting the compiled data and explain how the compiled data will benefit the public interest or public education; and

(iii) explain provisions for the secure protection of any compiled data requested to which public access is restricted or prohibited.

(3) The State Court Administrator or his/her designee may grant the request and compile the data if he/she determines that doing so meets criteria established by the Public Access Committee and is consistent with the purposes of the access policy, the resources are available to compile the data, and that it is an appropriate use of public resources.

(4) If the request is granted, the State Court Administrator or his/her designee may require the requestor to sign a declaration that:

(i) the compiled data will not be sold or otherwise distributed, directly or indirectly, to third parties;

(ii) the compiled data will not be used directly or indirectly to sell a product or service to an individual or the general public;

(iii) there will be no copying or duplication of compiled data provided other than for the stated scholarly, journalistic, political, governmental, research, evaluation, or statistical purpose;

(iv) the compiled data will not be made available on the Internet;

(v) compiled data may be used for research purposes only; and

(vi) recipients of compiled data are required to sign an agreement that includes an acknowledgement of the recipient's responsibility for checking the accuracy of the compiled data and complying with the requirements of § 24-72-305.5 C.R.S. of the Criminal Justice Records Act. This provision prohibits the use of criminal justice records for the solicitation of business.

(f) Data Matches: The media or other organizations may submit an electronic list of data that can be matched with the public criminal (felony, misdemeanor and traffic) data contained in ICON/Eclipse. (See Addendum B for application.)

(1) Pursuant to §24-33.5-412(6) C.R.S., the Colorado Bureau of Investigation is designated as the official repository for criminal history information. Therefore, data match requests will not be processed for specific individual background checks. Any attempt to compile a separate database (i.e., requesting a match of all criminal records) will be denied.

(2) All requests are subject to approval by the State Court Administrator or his/her designee. The State Court Administrator or his/her designee may grant the request and compile the data if he/she determines that doing so meets criteria established by the Public Access Committee and is consistent with the purposes of the access policy, the resources are available to compile the data, and that it is an appropriate use of public resources.

(3) Match requests will be submitted to the Public Access Manager at the Office of the State Court Administrator. Upon receipt, the request will be logged and forwarded to appropriate personnel for processing. The following information will be chronicled in a register: person and/or organization submitting the request, contact person including name and telephone number, what data was provided for matching, and for what purpose the data was requested.

location. Files stored at remote locations will be retrieved in order to provide accessibility, but retrieving these files will delay the retrieval in some courts.

(b) Access to sealed criminal records is governed by §24-72-308 C.R.S.

(c) A request to limit public access to information in a court record to a court facility in the jurisdiction may be made by any party to a case, an individual identified in the court record, or on the court's own motion. For good cause the court will limit the manner of public access. In limiting the manner of access the court will use the least restrictive means that achieves the purposes of the access policy and the needs of the requestor.

Section 4.60 – COURT RECORDS EXCLUDED FROM PUBLIC ACCESS

~~The State Court Administrator or his designee will create a procedure to assist courts with the implementation of the following Section. Additionally, the State Court Administrator may permit exceptions when exclusion is not possible due to resource limitations, provided that the court seeking the exception takes reasonable steps toward full implementation.~~

~~(a) Information in court records, as defined in Section 3.10(a) that is not to be accessible to the public pursuant to federal law, state law, court rule, court order, or case law including, but not limited to:~~

~~Probation ICON/Eclipse files~~

~~Social Security Numbers (as collected by the court on court issued or standardized forms)~~

~~Deposited Wills~~

~~Victim's name or identifying information in sexual assault case~~

~~Drug/Alcohol treatment information~~

~~Paternity tests, cases and records~~

~~Genetic testing~~

~~HIV/AIDS testing information~~

~~Medical, mental health, sociological, intelligence testing~~

~~Scholastic achievement data on individuals~~

~~Adoption Records~~

~~Relinquishment Cases~~

~~Juvenile Delinquency Cases~~

~~Dependency & Neglect Records~~

~~Mental Health Cases~~

~~Expunged Records~~

~~Sealed files, data or information~~

~~Files/fields/codes concerning the deliberative process~~

~~Draft opinions, notes or internal memos~~

~~Driver History~~

~~Judicial bypass cases~~

~~Juror questionnaires~~

~~GBI criminal background check reports~~

~~(b) The following information in court records is not accessible in electronic format due to the inability to protect confidential information. It may be available at local courthouses.~~

~~Financial Files – everything except the financial summary screen~~

~~Free text fields~~

~~Probate cases~~

~~Addresses, phone numbers and other contact information for parties in cases~~

~~Codes and information related to victims of crime~~

~~Codes and information related to witnesses in cases~~

The log should also be updated when the request is completed with the name of the programmer that ran the data, how long it took, and how much the requestor was charged.

(4) Requests will be processed matching the submitted data to data contained in the libraries in ICON/Eclipse. Only records with positive matches (name and DOB) will be returned and an electronic list of matches will be provided to the requesting person or organization. Only data available in the criminal (felony, misdemeanor and traffic) libraries will be provided in the matched data.

(5) The requestor will sign an agreement regarding the limits for the use of the matched data similar to the agreement referenced in 4.40(g)(4) above.

Section 4.50 – COURT RECORDS THAT ARE ONLY PUBLICLY ACCESSIBLE AT A COURT FACILITY

(a) Unless access is prohibited pursuant to section 4.60 court records as defined in section 3.10(a)(1) and 3.10(a)(2) may be accessible at court facilities or may be stored at a remote location. Files stored at remote locations will be retrieved in order to provide accessibility, but retrieving these files will delay the retrieval in some courts.

(b) Access to sealed criminal records is governed by §24-72-308 C.R.S.

(c) A request to limit public access to information in a court record to a court facility in the jurisdiction may be made by any party to a case, an individual identified in the court record, or on the court's own motion. For good cause the court will limit the manner of public access. In limiting the manner of access the court will use the least restrictive means that achieves the purposes of the access policy and the needs of the requestor.

Section 4.60 – COURT RECORDS EXCLUDED FROM PUBLIC ACCESS

(a) Information in court records is not accessible to the public if protected by federal law, state law, court rule, court order, case law or this policy.

(b) Court records in the following case types are not accessible to the public, unless the court orders otherwise

(1) Relinquishment cases

(2) Juvenile Delinquency cases

(3) Mental Health cases

(4) Judicial Bypass cases

(5) Dependency & Neglect cases

(6) Adoption cases

(7) Paternity cases

(8) Truancy cases

(c) Court records in the following cases are not accessible to the public, unless the court orders otherwise:

(1) Expunged cases

(2) Sealed cases

(3) Individual cases or documents within a case that have been sealed by court order

(d) The following documents or information are examples of commonly filed court records that are not accessible to the public, unless the court orders otherwise:

(1) Deposited wills

(2) Genetic testing information

(3) Drug/Alcohol treatment information, evaluations and reports

(4) Paternity tests

(5) HIV/AIDS testing information

~~Codes and information related to impartial parties in cases~~

~~Files/fields/codes related to running a computer program~~

~~(c) A court, by blanket order, may declare that certain types of materials, including but not limited to materials or exhibits which are dangerous or contraband, drugs, items whose possession is illegal, financial affidavits of parties, income tax returns filed in the court, separation agreements, property division orders, pre-sentence reports, custody investigation reports, child abuse investigation reports, and estate inventories and appraisals which the court finds are personal and confidential to the parties and which do not fulfill any requirement of necessity of public knowledge shall not be made available to the public.~~

~~(d) A court, for good cause shown, may order that specific records in a specific case shall not be made available to the public.~~

WHEN ACCESSIBLE

Section 5.00 – WHEN COURT RECORDS MAY BE ACCESSED

~~(a) Court records will be available for public access in the courthouse during hours established by the court (§24-72-203 C.R.S.). Court records in electronic form to which the court allows remote access under this policy will be available for access during the hours established by the court for courthouse access, subject to unexpected technical failures or normal system maintenance announced in advance. Electronic court records may be available during extended hours.~~

~~(b) Requests to inspect or copy the publicly accessible materials associated with court files, as referenced above, shall be made pursuant to §24-72-201 C.R.S., et. seq. (public records) and §24-72-301 C.R.S., et. seq. (criminal justice records).~~

~~(c) Upon receiving a request for access to court records the court will respond within a reasonable time regarding the availability of the court records and provide the court records within a reasonable time.~~

FEES

Section 6.00 – FEES FOR ACCESS

Clerks of Court and the State Court Administrator's Office may charge a fee for access to court records pursuant to §24-72-205(2) and (3) C.R.S and Chief Justice Directive ~~96-01~~.

The costs shall include: administrative personnel costs associated with providing the court records; direct personnel costs associated with programming or writing queries to supply data; the personnel costs associated with testing the data for validity and accuracy; maintenance costs associated with hardware and software that are necessary to provide data as expressed in Computer Processing Units (CPU), network costs, and operating costs of any reproduction mediums (i.e., photocopies, zip disks, CD, etc.) To the extent that public access to electronic court records is provided exclusively through a vendor, the State Court Administrator's Office will ensure that any fee imposed by the vendor for the cost of providing access is reasonable. The authorization to charge fees does not imply the service is currently available. (See Addendum C for details on hourly fees.)

OBLIGATION OF VENDORS

Section 7.00 – OBLIGATIONS OF VENDORS PROVIDING INFORMATION TECHNOLOGY SUPPORT TO A COURT TO MAINTAIN COURT RECORDS

- (6) Driver history reports
- (7) Juror questionnaires
- (8) Criminal history record checks
- (9) Credit reports
- (10) Medical and mental health information
- (11) Psychological and intelligence test information
- (12) Scholastic achievement data on individuals
- (13) Probation ICON/Eclipse files
- (14) Draft opinions, notes or internal memos
- (15) Files/fields/codes concerning the deliberative process
- (16) Materials or exhibits that are dangerous or contraband
- (17) Drugs
- (18) Items whose possession is illegal
- (19) Pre-sentence reports
- (20) Separation Agreements
- (21) Parenting Plans
- (22) Sworn Financial Statements/Financial Affidavits
- (23) Evaluations and reports filed by Child and Family Investigator (§14-10-116.5 C.R.S.); Child's Legal Representative (§14-10-116 C.R.S.); Allocation of Parental Responsibilities (§14-10-127 C.R.S.)
- (24) Child abuse investigation reports that the court finds are personal and confidential to the parties and that do not fulfill any requirement of necessity of public knowledge
- (e) Requests for access to pleadings or documents that contain the following information will be provided after the information is redacted. Such a request will be handled administratively and shall not require a court order unless otherwise required in Section 4 60(b), (c), or (d). Refer to the forms in Addendum D.
 - (1) Pleadings or documents that contain victim identifying information in sexual assault cases
 - (2) Data or information restricted by court order in specific cases
 - (3) Social Security numbers
 - (4) Driver license numbers
 - (5) Personal identification numbers (e.g., passport, student ID, state ID, etc.)
 - (6) Financial account numbers (This provision does not require redaction when only the last few digits of an account number have been provided to identify an account if it does not reveal the entire account number.)

WHEN ACCESSIBLE

Section 5.00 – WHEN COURT RECORDS MAY BE ACCESSED

- (a) Court records in electronic form to which remote access is allowed shall be available, subject to unexpected technical failures or normal system maintenance announced in advance. Electronic court records may be available during extended hours.
- (b) Court records will be available for public access in the courthouse during hours established by the court. Requests to access or copy publicly accessible materials at the courthouse shall be made at the clerk's office.
- (c) Upon receiving a request for access to court records, the court will provide the court records. If access to court records is delayed due to file availability or resource limitations, the clerk should indicate the nature of the delay and approximate the time necessary to provide the records. The clerk may require the requesting person complete a written request for the court record (see addendum D). Such a request shall be handled administratively and shall not

(a) If the State Court Administrator's Office contracts with a vendor to provide information technology support to gather, store, or make accessible court records, the contract will require the vendor to comply with the intent and provisions of this access policy. For purposes of this section, "vendor" includes a state, county or local governmental agency that provides information technology services to a court or the State Court Administrator's Office.

(b) By contract, the vendor and any successive contractors with the vendor will be required to comply with the requirement of sections 8.00, 8.10, 8.20, and 8.30 to educate litigants, the public, and its employees and subcontractors about the provisions of this access policy.

(c) By contract, the vendor will be required to notify the court of any requests for compiled data or bulk distribution of data, including the vendor's requests for such data for its own use. Release of data in this manner is prohibited unless each request is individually approved by the State Court Administrator or his/her designee.

OBLIGATION OF THE COURT TO INFORM AND EDUCATE

Section 8.00 – DISSEMINATION OF INFORMATION TO LITIGANTS ABOUT ACCESS TO COURT RECORDS

The Judicial Branch will inform litigants and the public that information in the court record about them is accessible to the public, including remotely, and how to request to restrict the manner of access or to prohibit public access.

Section 8.10 – DISSEMINATION OF INFORMATION TO THE PUBLIC ABOUT ACCESSING COURT RECORDS

The Judicial Branch will develop and make information available to the public about how to obtain access to court records pursuant to this policy.

Section 8.20 – EDUCATION OF JUDGES AND COURT PERSONNEL ABOUT AN ACCESS POLICY

The Courts, State Court Administrator, District Administrators, Chief Probation Officers and Clerks of Court will ensure that all staff within their district are educated and trained to comply with this access policy so that their respective offices respond to requests for access to information in the court record in a manner consistent with this policy. The Chief Judges in each district shall ensure that all judges and magistrates in their district are informed about this access policy.

Section 8.30 – EDUCATION ABOUT PROCESS TO CHANGE INACCURATE INFORMATION IN A COURT RECORD

The State Court Administrator will have policies and will inform the public of the policies by which the court will correct inaccurate information in a court record.

PROCESS TO CHANGE INACCURATE INFORMATION

Section 9.00 –PROCESS TO CHANGE INACCURATE INFORMATION IN A COURT RECORD

(a) To request court records to be corrected in ICON/Eclipse the following steps must be taken:

(1) An individual with a complaint or concern about the accuracy of a court record shall lodge the complaint in writing with the Public Access Manager at the State Court Administrator's

require a court order, except as required by 4-60.

(d) The administrative authority shall make the necessary arrangements to provide access to the court records. If the requested information cannot be provided within three business days, the clerk will set a date for providing the information within 30 days. A record shall be kept of delayed access to court records that are provided in response to written requests. (Addendum D)

FEES

Section 6.00 – FEES FOR ACCESS

Clerks of Court and the State Court Administrator's Office may charge a fee for access to court records pursuant to §24-72-205(2) and (3) C.R.S and Chief Justice Directive 06-01.

The costs shall include: administrative personnel costs associated with providing the court records; direct personnel costs associated with programming or writing queries to supply data; the personnel costs associated with testing the data for validity and accuracy; maintenance costs associated with hardware and software that are necessary to provide data as expressed in Computer Processing Units (CPU), network costs, and operating costs of any reproduction mediums (i.e., photocopies, zip disks, CD, etc.) To the extent that public access to electronic court records is provided exclusively through a vendor, the State Court Administrator's Office will ensure that any fee imposed by the vendor for the cost of providing access is reasonable. The authorization to charge fees does not imply the service is currently available. (See Addendum C for details on hourly fees.)

OBLIGATION OF VENDORS

Section 7.00 – OBLIGATIONS OF VENDORS PROVIDING INFORMATION TECHNOLOGY SUPPORT TO A COURT TO MAINTAIN COURT RECORDS

(a) If the State Court Administrator's Office contracts with a vendor to provide information technology support to gather, store, or make accessible court records, the contract will require the vendor to comply with the intent and provisions of this access policy. For purposes of this section, "vendor" includes a state, county or local governmental agency that provides information technology services to a court or the State Court Administrator's Office.

(b) By contract, the vendor and any successive contractors with the vendor will be required to comply with the requirement of sections 8.00, 8.10, 8.20, and 8.30 to educate litigants, the public, and its employees and subcontractors about the provisions of this access policy.

(c) By contract, the vendor will be required to notify the court of any requests for compiled data or bulk distribution of data, including the vendor's requests for such data for its own use. Release of data in this manner is prohibited unless each request is individually approved by the State Court Administrator or his/her designee.

OBLIGATION OF THE COURT TO INFORM AND EDUCATE

Section 8.00 – DISSEMINATION OF INFORMATION TO LITIGANTS ABOUT ACCESS TO COURT RECORDS

The Judicial Branch will inform litigants and the public that information in the court record about them is accessible to the public, including remotely, and how to request to restrict the manner of access or to prohibit public access.

(j) Unlicensed software shall not be used in the maintenance of web site material.

This policy replaces ~~Public Access Policies 98-01, 98-02, 98-03, 98-04, and 98-06. Approved and adopted by the Public Access Committee April 8, 2005.~~

~~IT IS ORDERED, pursuant to the authority granted by Chief Justice Directive 05-01, that the Public Access Policy approved and adopted by the Public Access Committee on April 8, 2005, is hereby made an order of the Colorado Supreme Court.~~

~~Done this 27th day of April, 2005.~~

~~BY THE COURT:~~

~~_____ /s/ _____~~

Alex J. Martinez
Justice
Colorado Supreme Court
Chair, Public Access Committee

Administrator's Office web site is subject to administrative review by the State Court Administrator or his/her designee.

(c) Requests for review of information on local web sites shall be submitted in writing to the Chief Judge who shall respond within ten working days of notification. Should any review not be fully resolved by the Chief Judge, a further request for review shall be submitted in writing to the State Court Administrator who shall respond within ten working days of notification. Should controversy arise regarding information placed on Judicial Branch web sites, it shall be removed until reviewed by the State Court Administrator to assess the applicability and suitability of the information.

(d) The following criteria must be met before a link is to be placed on a Judicial Branch web site. If the link does not meet these criteria it is not to be placed on Judicial Branch web sites. All links are to be related to the business of the Judicial Branch. Links should facilitate use and understanding of the court system and/or links should be a reference point for approved service agencies referred by judicial officers, court staff or probation staff.

(e) If a linked site becomes controversial, it shall be removed until reviewed by the State Court Administrator. The State Court Administrator shall resolve issues regarding controversial sites and determine the suitability of linking the site. This review shall be accomplished in writing.

(f) Individuals who possess the special skills needed to adequately and efficiently maintain state court web sites shall be designated. The State Court Administrator shall designate applicable individuals for the Branch web site and the Chief Judge in districts with web sites shall designate individuals for local web sites.

(g) Web site material shall be updated and maintained based upon an established schedule for posting web site data. Time-sensitive material shall not be placed on web sites if it cannot be properly maintained.

(h) Security procedures shall be established to prevent unauthorized individuals from tampering with data or copyrighted material, and/or accessing restricted web site areas.

(i) The intra-web site, developed for use by court and probation employees, shall be accessible to Judicial Branch employees only.

(j) Unlicensed software shall not be used in the maintenance of web site material.

This policy replaces previous Public Access Policies and is effective July 1, 2007

Pursuant to the authority granted by Chief Justice Directive 05-01, the Public Access Policy approved and adopted by the Public Access Committee on December 8, 2006, is an order of the Colorado Supreme Court on the 14th day of February, 2007

BY THE COURT:

/s/

Alex J. Martinez

Justice

Colorado Supreme Court

Chair, Public Access Committee

Comments regarding this policy can be submitted in writing to the Public Access Committee, State Court Administrator's Office, 1726 Cole Blvd., #300, Golden, CO 80401 or by e-mail to public_access@judicial.state.co.us.