WASHINGTON COURTS

**October 24, 2014**

**TO:** JISC Data Dissemination Committee

**FROM:** Stephanie Happold, AOC Data Dissemination Administrator

**RE:** Redacting names in JIS Based on Court Order.

## Issue

Should DKF's name be redacted in JIS so the full name does not appear on the AOC public case search website?

## Background

AOC staff was contacted by Mr. Jonathan Baner who is legal counsel for Ms. Darcy Kinkela-Frye. Mr. Baner expressed concern that his client's full name is displayed on the AOC public search website for 5 cases the Pierce County Superior Court had ordered redactions to all references of the name.[1] In the Pierce County case management system, Linx, the cases provided by Mr. Baner show a case title with the initials "DKF" instead of her name. However, in doing a case search or name search on the AOC public search website, his client's full name is still listed as a participant.

## Discussion

The JIS Committee (JISC) authorized the JISC Data Dissemination Committee (DDC) to act on its behalf in addressing "issues with respect to access to the Judicial Information System (JIS) and the dissemination of information from it."[2] AOC staff now brings this issue before the DDC as JIS currently does not allow redaction of names similar to Linx. Further, AOC staff seeks direction on this issue based on the recent decision in *Hundtofte v. Encarnacion*, 181 Wn.2d 1, 330 P.3d 168 (2014).

In *Hundtofte*, Ignacio Encarnacion and Norma Karla Farias were involved in an unlawful detainer action that ended in a settlement. However, because their names were associated with an unlawful detainer, they found it difficult to find housing. *Hundtofte*, 330 P.3d at 171. They filed a motion to have their names redacted and replaced with initials in the Superior Court Management Information System (SCOMIS) indices. *Id*. The trial court granted the motion and the ruling was appealed. *Hundtofte*, 330 P.3d at 172. The Supreme Court held that the SCOMIS indices are a court record per GR 31 as they are both an "index and information in a case management system created or

[1] Mr. Baner's letter and a copy of Pierce County Superior Court Case No. 11-2-03536-6 are provided to the Committee.
[2] JISC Bylaws, Article 7, Sec. 1.

prepared by the court that is related to a judicial proceeding." *Hundtofte*, 330 P.3d at 172. The indices are also subject to redaction and sealing per GR 15. *Hundtofte*, 330 P.3d at 172-173. However, the Court held that the petitioners in *Hundtofte* did not offer a compelling enough reason to warrant redaction of the SCOMIS indices. *Hundtofte*, 330 P.3d at 174-175. It went on to state that "the open administration of justice is a vital constitutional safeguard that may not be overridden to seal or redact court records except in the most unusual of circumstances." *Hundtofte*, 330 P.3d at 175.

In the current matter, DKF requested redaction of her name in the court records due to being subjected to inquiry, embarrassment, and employment background checks that could potentially be used against her. The Pierce County Superior Court Findings of Fact and Conclusions of Law acknowledge that the County Clerk cannot redact court records in the JIS database. Technically, the PER screens cannot be altered as it changes the official person record, thereby prohibiting the courts the ability to see all the cases related to one individual. Therefore, the Pierce County Superior Court orders were amended to just direct the Clerk of the Court to redact court records except for those in the JIS database. Mr. Baner then contacted the AOC to notify the agency of the matter and to take steps to redact references of his client's full name in the cases referenced in in the court's order.

Information on the AOC public case search website comes from the JIS database that contains information from the SCOMIS and DISCIS/JIS case management systems. Many local courts use the website as a case index. Looking to the *Hundtofte* decision, AOC staff seeks direction from the DDC about this matter and whether AOC resources should be allocated to research how to redact names in the JIS database.