



JISC DATA DISSEMINATION COMMITTEE
Friday October 26, 2018 (8:30 a.m. – 9:40 a.m.)
Administrative Office of the Courts
SeaTac Office Building
18000 International Blvd. Suite 1106, Conf. Rm #2
SeaTac, WA 98188
Call-in Number: 1-877-820-7831, Passcode 797974

DRAFT – MEETING MINUTES

Members Present

Judge J. Robert Leach, Chair
Judge Scott K. Ahlf
Judge John H. Hart (telephonically)
Ms. Barb Miner
Ms. Paulette Revoir (telephonically)
Judge David A. Svaren

Members Absent

Judge Jeannette Dalton
Ms. Brooke Powell

Guests Present

Ms. Sonya Kraski, Snohomish County Clerk
Ms. Jennifer Ortega, Access to Justice – Technology
Committee

Staff Present

Stephanie Happold, Data Dissemination Administrator
Kathy Bowman, MSD Administrative Secretary
Mike Keeling, AOC IT Operations Manager

0. Call to Order

Judge Leach called the October 26, 2018, Data Dissemination Committee meeting to order at 8:29 a.m.

1. June 22, 2018 Meeting Minutes

No changes or additions were requested, and the meeting minutes were approved as written.

2. Non-Court IT Personnel JIS Access Policy

DDA Happold presented this agenda item. The 2014 DDC non-court IT personnel JIS access policy is still considered temporary. The current temporary policy allows AOC to establish JIS access for non-court/county clerk IT personnel if requested by a court or county clerk's office (usually for IT personnel that work for the county/city). The RACFID is active for only six months and does not provide access to BIT. Currently, the access is just being renewed every six months, and AOC is requesting a permanent policy. Based on this information, the DDC approved the following:

1. If a request comes in for JIS access for non-court/county clerk IT personnel, (usually IT personnel that work for the county/city) they are allowed a temporary JIS RACFID for 6 months. This access does not extend to running BIT Reports.
2. During those six months, an agreement must be executed as described in *JIS General Policy 4.1.9*, if continued access is needed:

Vendors, contractors, and staff of local information technology departments may be granted security privileges for access to non-public data in the JIS if such access is needed in order to develop or maintain an information system for a court or the AOC. Such access shall be governed by written

agreements between the AOC, the court or county clerk, and the vendor, contractor, or local information technology department. Such contracts shall require the employees of the vendor, contractor, or local information technology department to sign a confidentiality agreement, and for the court or county clerk to keep the signed copies and to certify to the AOC that such agreements have been executed.

3. If an agreement is not executed, the access is shut-off after six months.

This policy is not retroactive. Meaning that if a jurisdiction contacts AOC to renew the access for another six months, their IT personnel are not shut off at that time. When AOC renews the access, the jurisdiction should be told that this is the last six month temporary extension AOC can grant, and that they must enter into an agreement as described in 4.1.9.

This decision does not alter the DDC's March 6, 2015, decision that three non-court IT personnel permanently assigned to Spokane County Superior Court be given RACFIDs to work with the court and the clerk's office.

3. Verus Research Request for Access to Dates of Birth in Odyssey Portal

Shelly Renz from Verus Research was not present or on the phone. DDA Happold presented this agenda item. Ms. Renz contacted AOC and wanted dates of birth to be available for public Odyssey portal users. It is unclear if Ms. Renz meant the anonymous portal user, the registered portal user, or both. The first part of the request is if this data should be accessible to public portal users, the second part is for access for Ms. Renz. Judge Leach stated that the DDC already answered the first request: Because the case management systems cannot differentiate between confidential and public dates of birth, all dates of birth are restricted from public access. Registered public users can see birth year in general searches and can use known dates of birth as a search filter. The DDC will not change this access. The Committee then discussed the second part of the request and concluded that Ms. Renz can register with her local county clerk's office. It was asked if AOC provided statewide portal access without documents. DDA Happold stated that a few years ago, AOC gave JIS-LINK site coordinators an Odyssey portal role that provided statewide court data access without documents. Ms. Renz would have been contacted at that time, and it could be that she did not activate the account. AOC does not plan on re-offering this access due to the administrative workload. Therefore, the Committee concluded that Ms. Renz can contact her local clerk to register, but any decision to give the access and to apply any associated fees would be determined by the county clerk. AOC was instructed to write a response to Ms. Renz describing the Committee decision.

4. Data Dissemination Manual Updates

DDA Happold presented this agenda item. The Data Dissemination Manual located on inside courts is out-of-date, especially with recent data dissemination policy changes. The manual was created by the DDC and will need to be updated by the Committee. She edited the sections with tracked changes for a starting point. Committee members provided the following edits:

- The Washington State Constitution should be added to the preface, first page, first bullet.

- The second paragraph in example 6 – rationale, and the last sentence in example 11-rationale, should be removed.

DDA asked if the examples were still relevant. Several Committee members suggested contacting the courts and county clerks to review the examples or to provide new ones. The fee schedule was also discussed. There is concern that the fees based on AOC staff time cannot be used by the local jurisdictions. DDA Happold added language in the section stating that courts/county clerks should contact their legal counsel before implementing the AOC-based fee schedule or using their own. Ms. Miner stated that clerks' fees are based on statutes and they cannot charge the same as AOC. The rest of the sections were then briefly reviewed. DDA Happold asked the Committee to review and make their own edits to the manual. Any new edits should be given to John Bell with AOC. DDA Happold will send the members the sections as word documents so they can edit and track the changes. Judge Svaren suggested that the unedited manual be distributed to the county clerks and the CLJ court administrators to provide comments/edits on all of the manual's content, not just examples. It was agreed that DDA Happold will send the old manual to the presidents of the WSACC and the DMCMA for edits and ask that they forward the example section on to their members for updated examples. Feedback should be given back to AOC staff for the next meeting.

5. Updates on JIS-LINK and Public Index Amendments

DDA Happold stated that a change was needed in the JIS-LINK agreements after they were approved by the Committee at the last meeting. The agreements need additional language requiring confidentiality agreements be signed by employees before access is provided and again by January 31. Ms. Barbara Miner presented the motion and Judge Ahlf seconded it. All in favor. None opposed. Motion passed.

DDA updated the DDC that its recently approved changes to the public index agreements are done and amendments are signed by all current licensees. New JIS-Link agreements are being used, and AOC will start working on the amendments to current JIS-LINK agreements.

6. Review of AOC Data Agreements

DDA Happold presented this agenda item. Washington State Court Rule GR 31(g)(1) requires a JISC-approved dissemination contract for the release of bulk JIS records from AOC. DDA is bringing the agreements to the DDC for review and approval. There are two main agreements: one is a data agreement for public requests, the other is a research data agreement for JIS data that may include confidential data variables being requested by researchers conducting legitimate research or state agencies in need of the data for a governmental purpose. The Committee did not have any edits for the research data agreement at this time. In the public data agreement, subsection 6.3 should be changed to "commercial solicitation" rather than "commercial purposes." DDA Happold suggested striking subsections 6.4, 6.6, and section 7 that address secondary dissemination and the destruction of the data after the agreement is expired. DDA Happold was concerned about the lack of authority in court rule or statute (other than in contract law) to enforce these requirements for public data. She referenced the Public Records Act (Act), and though JIS records do not fall under it, the judiciary may look to the Act for reference. The Act does not have these requirements on public data. It was stated that the JIS data is not just public

records being provided, but is data that is compiled and enhanced. The sorting and assembly of data is much different than raw data, enhancing the value. Therefore, limiting re-dissemination should be required for personal privacy reasons. It was asked what is required of the bigger data companies like LexisNexis. DDA Happold responded that a lot of them acquire their information from the public index subscriptions and there are re-disclosure requirements in those agreements. The JIS agreements before the Committee are for the specialized JIS compiled reports that AOC provides.

The Committee also looked at the indemnification language in section 13, and changed it to: "...and the State of Washington from all claims, loss, risk of loss, and damages (including expenses, costs, and attorney fees) arising out of, sustained, or incurred..."

Judge Leach asked if there should be action done today, or if the Committee should review the agreements and discuss them again at the next meeting. **The Committee decided to review both agreements with the proposed changes and discuss at the next meeting.** DDA Happold will send word versions of both agreements to the Committee members with her proposed tracked changes, as well as the changes added during this meeting. It was asked what version of the research/data agreements are being used now, and DDA Happold said that the disputed requirements are in the current agreements. DDA Happold requested that if the Committee decides on the needed language, that the motion also include allowing AOC to have discretion in making slight changes to the contracts during negotiations, or every proposed contract change would have to come back to the DDC for approval. The Committee agreed that the motion should have this caveat. **The agreements will be scheduled for review at the next meeting.**

7. Court Rule GR 15 and Restricted Case Types

DDA Happold presented this agenda item. AOC staff is seeking clarification if Washington State Court Rule GR 15(c)(4) applies to restricted case types such as adoptions, paternities, involuntary commitments, and juvenile non-offender cases. Committee stated that the language in GR 15(c)(4): "The existence of a court file sealed in its entirety, unless protected by statute, is available for viewing by the public on court indices..." meant if the case was restricted by statute, even the existence of it as a sealed case should not be made public. It is the opinion of the Committee that GR 15(c)(4) language applies to case files sealed by court order under the authority of GR 15 and does not apply to the restricted case types.

8. Sealed Cases Displaying in Odyssey

The Committee asked AOC staff for an update regarding sealed cases displaying in Odyssey Portal. The Committee is concerned about Odyssey Portal and the AOC public websearch not comporting with court rule GR 15. DDA Happold stated that the sizing request went to Tyler, not only to display sealed cases in Odyssey Portal consistent with GR 15, but to also have sealed cases display in Odyssey client for county clerk/court staff. Currently, AOC staff is working with Tyler in expanding on the initial requirements that were submitted. Tyler has come back with a few questions and concerns about what is being asked to display, as it is different than other states. Mr. Keeling added that Odyssey has the ability to show a case as sealed and include the case number and case type, but not the parties' names as required under GR 15. He believes it will take a couple of weeks to get the final sizing information from Tyler. Then the work will need to be prioritized. It was discussed who can prioritize: JISC, AOC, etc. DDC recommended that the County Clerks Association write a letter in support of the work and that may help in prioritizing it. DDA

Happold was asked about when the public websearch will be fixed. She responded that it is not known yet which application will support the websearch, but she has provided the GR 15 requirements to the EDR project manager and told the MSD supervisors that this needs to be monitored. Also, the JIS-LINK level 1 replacement project have the GR 15 requirements and are incorporating them into the work.

9. Other Business

Judge Leach thanked the DDC members for presenting at the fall judicial conference. Ms. Miner's presentation was well received, and Judge Leach's materials have proved very helpful for the clerks.

This is DDA Happold's last DDC meeting. Judge Leach thanked her for her 5+ years of work and that her institutional knowledge will be missed. John Bell will take over for Ms. Happold until a replacement is found.

The December 7 JISC meeting is cancelled; therefore, Judge Leach also cancelled the DDC meeting. If there is a need for a teleconference, John Bell will contact Judge Leach to schedule one.

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