AMENDED Data Dissemination Policy

Data Dissemination Policy

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I. AUTHORITY AND SCOPE

A. This policy governs the release of information from the case management systems maintained by the Administrative Office of the Courts (AOC) that include the Judicial Information System (JIS), the Superior Court Management Information System (SCOMIS), the Appellate Court System (ACORDS) and Odyssey. It also includes data collected by AOC from other court case management systems. The policy is approved by the Judicial Information System Committee (JISC), pursuant to the Judicial Information System Committee Rule (JISCR) 12 and JISCR 15(d), and applies to all requests for computer-based court information subject to JISCR 15.

B. This policy is to be administered in the context of the requirement of Article I, § 10 of the Constitution of the State of Washington that states: "Justice in all cases shall be administered openly, and without unnecessary delay," as well as the privacy protections of Article I, § 7, and General Rule (GR) 31.

C. This policy does not apply to requests initiated by or with the consent of the State Court Administrator or his/her designee for the purpose of answering a request vital to the internal business of the courts. See JISCR 15(a).

D. This policy does not apply to documents filed with the local courts and county clerks' offices.

II. DEFINITIONS

A. "**JIS**" is the acronym for "Judicial Information System" and as used in this policy represents all the case management systems that the AOC currently maintains.

B. "**JIS record**" is an electronic representation of information stored within, or derived from the case management systems that the AOC maintains. It is programmed to be available in readable and retrievable form.

C. JIS Reports

1. "**JIS reports**" are the results of special programs written to retrieve and manipulate JIS records into a readable form. It includes, but is not limited to, index reports, compiled aggregate numbers, and statistics.
2. "**Index reports**" are reports containing bulk court data with set data elements**.**
3. "**Compiled aggregate numbers**" are JIS reports containing only total numerical quantities without case level data elements.
4. "**Routine summary reports**" are JIS reports automatically generated by courts, county clerks' offices, or the AOC during the course of daily business.

D. Data Dissemination Management

1. "**Data dissemination**" is the reporting or other release of information derived from JIS records.
2. "**Data dissemination administrator**" is the individual designated within the AOC and within each individual court or county clerk's office, who is assigned the responsibility of administration of data dissemination, including responding to requests of the public, other governmental agencies, or other participants in the judicial information system. Courts and county clerks' offices may use multiple staff to satisfy this role.

E. Data Dissemination Contract

The **"data dissemination contract"** is an agreement between a county clerk's office, a Washington state court, or the AOC and any non-Washington state court entity for release of data contained in the JIS. The data dissemination contract shall specify terms and conditions, as approved by the JISC, concerning the data including but not limited to restrictions, obligations, and cost recovery fees.

F. Well Identified Person

"Well identified person" is defined for the purposes of this policy as an individual whose name and address are entered into the case management system with the possible addition of a date of birth, driver's license number, the state criminal identification (SID) number, or the Department of Corrections (DOC) number.

III. ACCESS TO JIS RECORDS

A. Access to and release of JIS data will be consistent with Article I, § 10 of the Constitution of the State of Washington, GR 31, and Washington state statutes. Statutes, court rules, case law, and policy guidelines that protect

individual privacy and confidential court records shall be adhered to when JIS records or JIS reports are disseminated. All access to JIS records and JIS reports is subject to the requirements of the criteria for release of data specified in JISCR 15(f): availability of data, specificity of the request, potential for infringement of personal privacy created by release of the information requested, and potential disruption to the internal ongoing business of the courts. JIS records or JIS reports provided in electronic format shall be subject to provisions contained in the data dissemination contract.

B. Privacy protections accorded by the United States Congress and by the Washington State Legislature to records held by other state agencies are to be applied to requests for JIS records or JIS reports, unless such record is a "court record" as defined in GR 31 and access is controlled by GR 31(d) and GR 31(e).

C. Contact Lists: The use of JIS records or JIS reports for the purpose of commercial solicitation of individuals named in the court records is prohibited. Requests for JIS data for this purpose will be denied.

D. Court and county clerk data dissemination administrators will restrict the public dissemination of JIS reports to data related to the administrator's particular court, or court operations subject to the supervision of that court. A court or county clerk may disseminate a report or data summarizing an individual's case history.

E. Courts and county clerks' offices may direct requestors to the AOC if the request falls under GR 31(g)(2) and creates an undue burden on the court's or the county clerk's operations because of the amount of equipment, materials, staff time, computer time or other resources required to satisfy the request.

F. Routine summary reports will be made available to the public upon request, subject to the payment of an established fee and so long as such request can be met without unduly disrupting the on-going business of the courts.

G. Index Report

1. An index report shall not contain confidential information as determined by Court Rules, Washington state law, and Federal law. In addition, the following data is confidential information:

    a. social security numbers;
    b. financial account numbers;
    c. driver's license numbers;
    d. dates of birth of a minor child;
    e. party addresses and telephone numbers;
    f. witness and victim addresses and phone numbers;
    g. abstract driving records as defined in RCW 46.52.130; and

h. well identified person addresses and phone numbers.

COMMENT

The JISC Data Dissemination Policy adopted on May 19, 1995 limited public access to JIS data to an index report. Address information was not a data element included in that index report. The Data Dissemination Policy also prohibited public access to compiled reports. This policy predated the adoption of GR 31 and GR 22. Neither GR 15, GR 31 nor GR 22 provide for confidentiality of party addresses. A Confidential Information Form (CIF) promulgated by the Pattern Forms Committee must be completed and provided to the Clerk upon filing a family law matter or domestic violence petition. The current version of the CIF, as of 11/1/2016, provides a block which may be checked by a party providing: "the health, safety, or liberty of a party or child would be jeopardized by disclosure of address information because:_____." See RCW 26.27.281(5). No additional security is provided in the JIS system by a party checking this block. A reasonable expectation of privacy in the address information on the CIF is created by checking this block.

The JIS system, including Odyssey, cannot differentiate the source of an address currently contained in the system.

2. No screen or report in a JIS system shall be made available for public dissemination if it contains confidential information, as defined in this section, notwithstanding any other provision of this policy.
3. An index report provided in electronic format shall be subject to the provisions contained in the data dissemination contract. *(Amended February 27, 1998.)*
4. A local court or county clerk's office is not precluded by this policy from releasing, without redaction, a document or pleading containing a residential address, as this policy does not apply to documents filed with local courts or county clerks' offices.
5. A local court or county clerk's office is not precluded by this policy from providing the address of a party or well identified person to a state agency to meet requirements of law or court rules.
6. A local court or county clerk's office is not precluded from providing the address of a party or well identified person for the purpose of conducting the court's or the county clerk's business

H. Financial Data

1. Requests to courts or county clerks' offices will be handled by that individual office in the same manner as all other requests for court data.
2. Requests to the AOC for statewide financial court data or for an individual court's data will be handled in the following manner:

a. Requestor will provide as much detail as possible regarding the specific financial information being requested. Explanations may include such information as specific codes, accounting or non-accounting needs, statewide aggregate, court aggregate or case-by-case data, and court levels.
b. The AOC will review the request and submit any clarifications to the requestor. Communications may need to take place between the AOC staff and the requestor so the parties know what is being asked for and what can be provided. The time taken for clarifications and meetings will be in addition to any time estimates given for compiling the data. Further, the requestor will be charged for the staff time under the approved cost recovery fee for research/programming.
c. Prior to release of the report, the data will be reviewed by delegated court and/or county clerk representatives for accuracy and completeness. Review period for representatives will be ten (10) days. Any disputes between AOC and the court/county clerk representatives regarding the data contained in the reports shall be resolved by the JISC Data Dissemination Committee (DDC).

IV. JIS PRIVACY AND CONFIDENTIALITY POLICIES

A. Information in JIS records which is sealed, exempted, or otherwise restricted by law, including court rule, whether or not directly applicable to the courts, may not be released except by specific court order, by statutory authority, or for research requests described in Section IV.C.

B. Confidential information regarding individual litigants, witnesses, jurors, or well identified persons that is contained in case management systems of the courts will not be disseminated. Identifying information (including, but not limited to, residential addresses and personal phone numbers) regarding individual litigants, witnesses, jurors, or well identified persons will not be disseminated, except that the residential addresses of litigants will be available to the extent otherwise permitted by law and court rule. *(Section amended September 20, 1996; June 26, 1998.)*

C. A data dissemination administrator may provide data for a research report when the identification of specific individuals is ancillary to the purpose of the research, the data will not be sold or otherwise distributed to third parties, and the requestor agrees to maintain the confidentiality required by these policies. In such instances, the requestor shall complete a research agreement in a form prescribed by the AOC. The research agreement shall: 1) require the requestor to explain provisions for the secure protection of any data that is confidential, using physical locks, computer passwords, and/or encryption; 2) prohibit the disclosure of data in any form which identifies an individual; 3) prohibit the copying or duplication of information or data provided other than for the stated research, evaluative, or statistical purpose. *(Amended June 6, 1997.)*

V. LIMITATION ON DISSEMINATION OF JUVENILE OFFENDER COURT RECORDS*

The dissemination of juvenile offender court records maintained in the Judicial Information System shall be limited as follows:

A. Juvenile offender court records shall be excluded from any bulk distribution of JIS records by the AOC otherwise authorized by GR 31(g), except for research purposes as permitted by statute or court rule.

B. The AOC shall not display any information from an official juvenile offender court record on a publicly-accessible website that is a statewide index of court cases.

* Juvenile offender court records shall remain publicly accessible on the JIS Link notwithstanding any provision of this section. *(Section added September 6, 2013.)*

VI. PROCEDURES

A. Uniform procedures for requesting JIS information, and for the appeal of decisions of data dissemination administrators, shall be set forth in policies issued by the AOC pursuant to JISCR 15(d).

B. In any case where a report is provided, the report must be accompanied by a suitable disclaimer noting that the court, the county clerk's office, and the AOC can make no representations regarding the identity of any persons whose names appear in the report, and can make no representations as to the accuracy and completeness of the data except for court purposes. Courts, county clerks' offices, or their associations may apply to the JIS Data Dissemination Committee (DDC) for an exemption to the disclaimer for specific routine summary reports that are generated in such a manner that makes the accompaniment difficult. The exemption request should include an explanation as to why producing the disclaimer is difficult for that particular report.

VII. ACCESS TO AND USE OF DATA BY COURTS

The courts, the county clerks' offices, and their employees may access and use JIS records only for the purpose of conducting official court business. Such access and use shall be governed by appropriate security policies and procedures. Each year, all court staff, county clerk staff, and anyone receiving access from a court or a county clerk's office, including prosecutors and public defenders with access to the Judicial Access Browser System (JABS), will sign a confidentiality agreement by January 31. The courts and the county clerks' offices will then submit a Statement of Compliance to the AOC by March 31 confirming that their staff and any other users receiving access from their office have executed the agreements. This requirement does not apply to subscribers to

portals (i.e. Odyssey Portal or comparable systems) which furnish access to court data, provided that the subscription or user agreement for such systems includes conditions establishing confidentiality and limitations on the dissemination of court data obtained through such systems.

VIII. ACCESS TO AND USE OF DATA BY CRIMINAL JUSTICE AGENCIES AND BY THE WASHINGTON STATE ATTORNEY GENERAL'S OFFICE, THE WASHINGTON STATE OFFICE OF PUBLIC DEFENSE, AND THE WASHINGTON STATE OFFICE OF CIVIL LEGAL AID

A. "Criminal justice agencies" as defined in chapter 10.97 RCW shall have additional access to JIS records beyond that which is permitted the public.

B. The JISC shall approve the access level and permitted use(s) for classes of criminal justice agencies including, but not limited to, law enforcement, prosecutors, and corrections. An agency that is not covered by a class may request access.

C. Agencies requesting access under this provision shall identify the information requested and the proposed use(s).

D. Access by criminal justice agencies shall be governed by a data dissemination contract with each such agency. The contract shall:

1. Specify the data to which access is granted.
2. Specify the uses which the agency may make of the data.
3. Include the agency's agreement that its employees will access the data only for the uses specified.

E. The Washington State Attorney General's Office will be provided additional access to JIS records for those cases in which it represents the State.

F. The Washington State Office of Public Defense will be provided additional access to JIS records for those cases in which it is responsible for indigent defense services, and/or has a right to access under RCW 13.50.010(13).

G. The Washington State Office of Civil Legal Aid will be provided additional access to JIS records for those cases for which it has a right of access under RCW 13.50.010(14).

IX. ACCESS TO AND USE OF DATA BY PUBLIC PURPOSE AGENCIES

A. "Public purpose agency" includes governmental agencies included in the definition of "agency" in RCW 42.56.010 and other non-profit organizations whose principal function is to provide services to the public.

B. A public purpose agency may request court records not publicly accessible for scholarly, governmental, or research purposes where the identification of specific individuals is ancillary to the purpose of the request.

C. Agencies requesting additional access under this provision shall identify the information requested and the proposed use(s). In reviewing such requests, the courts, the county clerks' offices, and the JISC will consider such criteria as:

1. The extent to which access will result in efficiencies in the operation of a court or courts.
2. The extent to which access will enable the fulfillment of a legislative mandate.
3. The extent to which access will result in efficiencies in other parts of the criminal justice system.
4. The risks created by permitting such access.

The courts, the county clerks' offices, and the JISC must determine that fulfilling the request will not violate GR 31, and must determine the minimum access to restricted court records necessary for the purpose of the request.

D. Access by public purpose agencies shall be governed by a data dissemination contract. The contract shall:

1. Require the requestor to specify provisions for the secure protection of any data that is confidential.
2. Prohibit the disclosure of data in any form which identifies an individual.
3. Prohibit the copying, duplication, or dissemination of information or data provided other than for the stated purpose.
4. Maintain a log of any distribution of court records which will be open and available for audit by the court, the county clerk's office or the AOC. Any audit should verify that the court records are being appropriately used and in a manner consistent with GR 31.

X. VERSION HISTORY

These policies shall take effect 30 days from the date of their adoption by the JISC, May 19, 1995.

- Adopted May 19, 1995
- Amended June 21, 1996
- Amended September 20, 1996
- Amended June 6, 1997
- Amended December 5, 1997
- Amended February 27, 1998
- Amended June 26, 1998
- Amended September 6, 2013
- Amended