

LCR 16  
PRETRIAL PROCEDURE AND FORMULATING ISSUES

(c) Public Records Act Cases - In Camera Review.

(1) When commenced. In a Public Records Act case, in camera review will occur only if the court enters an order requiring such review. Agreement between parties or submission of records to the court, without an appropriate order, will not trigger in camera review.

(2) Electronic records. Records for in camera review shall be submitted in an electronic form unless the court orders otherwise on a showing of good cause.

(3) Identification of records. Records for in camera review must have a unique identifying number, such as a Bates number. The system for numbering and the placement of page numbers must be uniform for all records.

(4) Entirely exempt record. If a record is claimed entirely exempt, it must be clearly designated as exempt or withheld on the first page of the document for in camera review.

(5) Identification of redactions. Records redacted in part must be submitted to the judge in a manner that will permit the judge to read the entire record and immediately understand which parts were withheld by redaction and which parts were produced. For example, the redactions may be outlined or indicated with a lightly shaded or colored overlay.

(6) Submission of spreadsheet. In cases with numerous records at issue, or if ordered by the judge, a spreadsheet shall be submitted as part of the in camera procedure. The spreadsheet must clearly identify which records are claimed entirely exempt and have been withheld and which records have been redacted in part. The spreadsheet(s) shall list the following information in separate fields or columns: (A) the unique identifier for the record or page being reviewed, such as a Bates number; (B) descriptive information that accurately identifies the record, including author(s), recipients(s), and date(s) (or if descriptive information is protected, other means of sufficiently identifying particular records without disclosing protected content); (C) identification of a specific exemption claimed and an explanation of how it applies to the record; and (D) an expandable cell for the court's notes. The spreadsheet shall be filed and served on all parties and also shall be submitted to the court in electronic form.

(7) Basis for exemption. The basis for the claim of exemption may appear on the document if doing so would not obliterate text or other information necessary for the court's review.

[Adopted September 1, 2013]

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