

1. Meeting Minutes



JISC DATA DISSEMINATION COMMITTEE
Friday December 4, 2015 (8:15 a.m. – 9:45 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 Thomas J. Wynne, Chair
Judge Jeannette Dalton
Judge J. Robert Leach
Judge G. Scott Marinella
Judge David A. Svaren
Ms. Barbara Miner
Ms. Brooke Powell
Ms. Aimee Vance

AOC Staff Present

Stephanie Happold, Data Dissemination Administrator
Kathy Bowman, MSD Office Assistant
Marcea Basham, Senior System Integrator
Eric Kruger, IT Applications, Enterprise Architecture
Lori Murphy, SC-CMS Business Analyst

Guests Present

Dr. Liz Cook, Westat
Mr. Hickory Gateless, Center for Children and Youth Justice
Ms. Melissa Sickmund, National Center for Juvenile Justice
Mr. Eric Stahl, Davis Wright, Tremaine
Dr. Suzanne Strong, Bureau of Justice Statistics
Ms. Paula Thompson, Westat

Judge Wynne called the meeting to order at 8:15 a.m.

1. Minutes of October 23, 2015

There were no additions or corrections to the October 23, 2015 meeting minutes. The minutes were approved by the Committee.

2. Update on WSP Access to Juvenile Sealed Cases

DDA Happold provided an update on WSP's request for increased access to individual juvenile sealed court files in order to satisfy its obligations under RCW 13.50.260(8)(d). A proposed AOC solution was to provide the WSP Identification and Criminal History Section (approximately 10-12 staff members) with JIS LINK Level 25 (Prosecutor) access that provides the existence of a sealed juvenile case. AOC will also give them access to the BOXI universe to run reports on the cases they find in JIS. A sample of the BOXI report was provided to WSP, who approved it.

DDA Happold gave the sample report to Committee members and asked if this would be a satisfactory answer to WSP's request. The Committee approved the solution and thanked the AOC ISD staff who proposed it. Ms. Miner will notify the County Clerks that the WSP Identification and Criminal History Section will have this access.

3. Center for Children & Youth Justice Request for Additional JIS LINK Access

The Center for Children & Youth Justice (CCYJ) currently has JIS LINK Level 1 Public access to JIS screens. Mr. Hickory Gateless, managing attorney for Lawyers Fostering Independence, presented CCYJ's request for access to the JIS Defendant Case History screen and alias information not available to Level 1 users. AOC's recommendation was to grant CCYJ access to the DCH screen and alias information with a Level 20 JIS LINK account because it could be considered a "public purpose agency." Ms. Miner expressed concern that the Data Dissemination Policy criteria allowing access for "non-profit" groups were too broad. Judge Wynne asked if anyone had a suggestion for narrowing the criteria. Ms. Miner felt the definition and even the policy may need to change before making this accommodation, as granting this request would open the door to all registered non-profit organizations who may not have a legitimate court-related need for the DCH access.

Judge Wynne reminded the Committee that the Data Dissemination Policy (DD Policy) was in need of review and Ms. Miner suggested putting the CCYJ request on hold until the policy is updated. Mr. Gateless asked if there wasn't a possible interim solution. Judge Dalton also expressed interest in an interim solution. Ms. Miner stated that the request needs more thought before it is granted. Ms. Powell noted that all cases tied to a particular person may not be linked, and that the DCH may not even be the best solution. Judge Leach suggested deferring CCYJ's request until the DDC has determined whether there will be any changes to the DD Policy.

Judge Leach made a motion, seconded by Judge Svaren, to defer the CCYJ's request until mid-next year when any changes to the DD Policy could be considered by the JISC. The motion passed unanimously.

4. National Center for Juvenile Justice, Westat, Bureau of Justice Statistics Contract Language Request

DDA Happold presented the draft datashare agreement between the AOC and the National Center for Juvenile Justice (NCJJ), Westat, and Bureau of Justice Statistics (BJS) for a large quantity of court data contained in the JIS system. Negotiations had stalled as the parties affiliated with the federal government had rejected certain provisions in the AOC contract without providing alternative language. Therefore, because it is for court data, the AOC took the contract to the DDC and if the Committee agreed to remove the opposed provisions, the AOC would remove them and provide the data.

Dr. Strong with BJS stated there were several sections of the agreement the BJS could not agree to at this time. Dr. Strong cited Section 19.5 on Governing Law, noting the BJS could not be bound by the laws of Washington State. DDA Happold offered to send BJS draft language to address the conflict of law issue; however, she thought the BJS would provide it when they initially rejected the section. Judge Leach asked Dr. Strong if the section would be acceptable to BJS if the language included the condition "to the extent it does not conflict with Federal law." Dr. Strong still objected to the venue listed in the section. Judge Leach asked Dr. Strong why

BJS could not agree to the clause and cited 28 U.S.C.A. §1404 and *Atlantic Marine Const. Co., Inc. v U.S. Dist. Court for the Western Dist. of Texas*, 134 S.Ct. 568 (2013), to support that the federal government could accept the venue proposed by the AOC. Judge Leach stated that the BJS request was unreasonable and that it was more a request than a legal question. Dr. Strong responded that she would ask the BJS Office of General Council if they would agree to that modification.

The Committee then discussed Section 6 of the agreement that was also rejected by the BJS which allows the AOC the right to audit the Researchers. DDA Happold offered language similar to what was agreed to with the ACLU when they also expressed a similar objection. Dr. Strong agreed that the new language may resolve the issue and DDA Happold told the Committee she would send it to BJS to review.

Dr. Strong next stated BJS could not agree to Section 14 as written as it allowed the AOC to review reports prior to publication. She asserted that the BJS must remain independent of political influence. She also said that the AOC would have the opportunity to review any data that is collected from Washington State. DDA Happold asked if the AOC would be given the opportunity to object if the data appeared to be incorrect. Dr. Sickmund, with the NCJJ replied that the data collected in Washington State would be shared with the AOC before it is provided to BJS with a chance to object then. DDA Happold acknowledged gestures of agreement among the Committee members to this compromise and offered to provide an amended Section 14 language to the BJS.

In conclusion, Judge Wynne noted the apparent resolution to each of the sections under discussion except for Section 19.5 which needed BJS general council approval. Judge Wynne also requested the inclusion of this question as an agenda item at the next DDC meeting for follow up. Ms. Thompson from Westat inquired when the next DDC meeting was scheduled. DDA Happold replied the next DDC meeting was scheduled to be held by teleconference in February, or possibly the end of January. Dr. Strong then asked the Committee if the BJS general council agreed to the language changes, if the parties could finalize the agreement prior to the next scheduled meeting. DDA Happold suggested any objections could be relayed via email. Judge Wynne agreed ratification by email would be acceptable by the Committee, otherwise this request will be held over to the next meeting for additional discussion.

5. Odyssey Portal Access Questions

DDA Happold presented various issues and questions regarding Odyssey Portal access for non-court users that were raised during meetings between her and AOC's IT Applications Enterprise Architect Eric Kruger as they set-up access roles. She informed the Committee that the AOC was currently treating the anonymous Portal user the same as a user on the AOC public case search website and only providing data access that mirrored that website. The AOC sought confirmation from the DDC that they should continue with that access. One of the examples given was that juvenile offender records were not available to the anonymous Portal user just as they were not on the AOC's public website. Judge Leach asked if this information is available to the public at the courthouse. Ms. Miner replied that juvenile offense decisions are available by name at the courthouse counter, unless the decision has been sealed. It was asked why this question was being raised, if an anonymous user can access this information by visiting the court house. The Committee was reminded that removing juvenile records from the AOC public website was a DDC policy decision.

Mr. Kruger recommended that both systems provide the same access to information, otherwise the Portal could potentially be flooded with public requests. Judge Leach asked for clarification that if the two systems were not consistent, it would create a systems availability issue. Mr. Kruger answered no, but that information available should be consistent for the various levels and for the public. DDA Happold reiterated that the goal is to maintain a consistency between the applications.

A motion was made and seconded to adopt the recommendation that information available via the Odyssey anonymous Portal user mirrors the AOC case search website. All were in favor. Ms. Miner abstained. The motion was passed.

DDA Happold then raised the question about pre-filing adult and juvenile cases in Odyssey and if they should be available to the public. Part of the issue was that courts used the code for non-charge cases similar to what was done in SCOMIS. Judge Wynne noted that every county dealt with non-charge cases differently. It was suggested that probable cause hearings be filed separately. Ms. Lori Murphy stated that entry of pre-file case type was not required, it could be probable cause or preliminary, but the goal is consistency in Odyssey.

It was remarked that how data is entered into Odyssey is more a question for the Court User Work Group and the Steering Committee rather than for the DDC. However, the Committee agreed that if a court used a pre-filing adult code, it should be available to the public. The juvenile pre-filing case types would also be available as allowed by chapter 13.50 RCW.

DDA Happold then provided other questions about Odyssey portal access, but the Committee asked she provide examples for each question so the Members could understand what was being reviewed. She will bring these at the next available meeting.

The Committee also discussed financial and various contact information. Mr. Kruger assured that contact and financial information would be on a tab not available to the public. Ms. Miner asked that if the information is not available "over the counter" she would like to see that assurance in writing.

6. Update on Will Repository/Sealed Cases

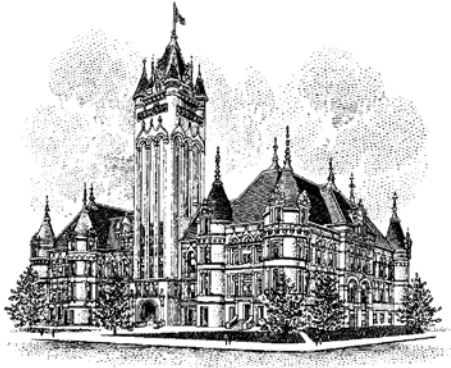
DDA Happold provided background and history on the development of the AOC public case search website and that it was originally built to provide the public a source for the "Find My Court Date" information. Ultimately, the reason all cases do not appear on the website is because it was never set up to perform as a case index. Based on prior DDC and JISC decisions, such as removal of juvenile offender records, not all case types are listed on the website. Also, sealed cases are not contained in the AOC public datamart that feeds the website. The Committee discussed that RCW 11.12.267 required a will to be sealed prior to death and become unsealed once the individual has died, but there was no automated system to do this action. Judge Wynne suggested that perhaps there should be a change in the law regarding sealed wills. Judge Leach offered to put that question on his calendar to address when he filed his report of issues with current statutes. DDA Happold will send Judge Leach a reminder.

7. Other Business

The Committee agreed that JABS Pros/PD confidentiality agreements should be signed annually. There was discussion how this will be audited and how courts will be held accountable.

Judge Wynne adjourned the meeting at 9:40 a.m.

**2. Spokane County
District Court
Request for Non-
Court Personnel
Access**



Spokane County Court House

SPOKANE COUNTY DISTRICT COURT

**Public Safety Building
P.O. Box 2352
Spokane, Washington 99210-2352**

**John C. Witter
Court Administrator**

Feb. 8, 2016

TO: JISC Data Dissemination Committee
FROM: John C. Witter, Spokane County District Court Administrator
RE: JIS access to non-court employee

Spokane County District Court is request JIS access for a non-court employee.

As a requirement in our agreement for collection services, the contracted agency is required to make a staff member available twice per week to assist with the processing of files in collections status.

The staff member provided is given an “extra-help” designation by Spokane County and – following a background check and the signing of a confidentially agreement – has security clearance to enter our office much the same as a “regular” employee.

Being perpetually understaffed, we are reliant on the assistance this employee offers.

Thank you for your consideration.

3. UW Harborview Research Request



January 19, 2016

JISC Data Dissemination Committee
c/o Stephanie Happold
Data Dissemination Administrator
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504
Stephanie.Happold@courts.wa.gov

Re: Request for access to “defendant case history” information

Dear Members of the Data Dissemination Committee:

We are investigators at the Harborview Injury Prevention & Research Center (HIPRC) and have been studying gun violence in the community. In 2013, HIPRC established an agreement with the Administrative Office of the Courts (AOC) to facilitate data retrieval for a research project that examined long-term outcomes for patients who had been admitted to Washington State hospitals with gunshot wounds. The study found that such patients had a much greater likelihood of being re-hospitalized or dying due to future gunshot wounds as well as a much greater likelihood of perpetrating crimes than the population at large or even the population of hospitalized individuals who had sustained other traumatic injuries, including non-firearm assault-related injuries (e.g., stabbing). In that study, we used the data provided by AOC to examine the risk of subsequent convictions in the study population and compare it between individuals hospitalized due to firearm injuries with those hospitalized due to other injury and non-injury reasons.

HIPRC is building on that previous research by creating a targeted violence intervention program for gunshot wound patients. This patient population is small, but they disproportionately sustain violent victimization and perpetrate violent crime posing a notable burden on their communities. The goal of our violence intervention project is to determine whether targeted interventions such as motivational interviewing and community outreach programs reduce the burden of injury, crime, and death in this patient population. By targeting this high-risk population, we hope to reduce criminal activity and improve service linkages, both of which could have profound, positive implications for the community at large. Additionally, study results could inform important secondary and tertiary prevention strategies related to crime and injury. We are conducting this as a randomized trial, with funding from the City of Seattle and the US Department of Justice.

HIPRC respectfully requests that this committee authorize the AOC to provide data related to particular defendants’ case histories. One of the primary outcomes for this intervention is crime, including arrests and convictions for both violent and non-violent crimes. Although crime can be measured, to some degree, with publicly available conviction data, we understand that the AOC records will include all cases filed against a particular defendant, irrespective of its outcome. The benefits of accessing this more comprehensive data are multiple. First, the records maintained by AOC are more comprehensive than conviction data. Accessing these records can give us a richer picture of our study participants’



criminal conduct. Second, the records can help us identify communities in which our participants are regularly engaging, allowing us to file public records requests with local law enforcement agencies so that we have a more complete picture of the participants' law enforcement contacts. Third, the AOC records can be a source of information to assist us in locating participants who fail to appear for interviews or who disengage from the intervention services offered, thus improving our participant retention rate. All of these are crucial to this project's success.

The University of Washington's Human Subject Division has reviewed and approved this research project. Additionally, the National Institutes of Health has reviewed and issued a Certificate of Confidentiality to protect the privacy and welfare of all project participants. This certificate allows researchers to refuse requests to disclose identifiable, sensitive information (e.g., illegal activities) obtained through our research.

In order to accomplish our objectives, we do not need access to AOC's entire database of defendant case histories. Rather, we are seeking defendant case histories only for identified individuals, all of whom would have been admitted to Harborview Medical Center during the two-year study period with gunshot wounds. This population would include both patients offered interventions and the control group of patients. We anticipate that this population will consist of approximately 200 patients, each of whom would be followed for one year. We hope to obtain such information—the complete defendant case history—for each identified individual approximately every three months, especially because this data will help us locate participants.

If it would reduce the burden on AOC personnel, we would be happy to partner with agencies that have access to this data already, as long as we can do so in a way that protects the individuals' privacy. We would be happy to discuss this request further or to refine it as necessary to minimize the burden on your agency. Thank you for your consideration of this request.

Sincerely,

AR Ali Rowhani-Rahbar

Ali Rowhani-Rahbar, MD, MPH, PhD
Assistant Professor of Epidemiology, School of Public Health
Adjunct Assistant Professor of Pediatrics, School of Medicine
Leader of Violence Section, Harborview Injury Prevention & Research Center
University of Washington | Phone: 206-221-1602 | E-mail: rowhani@uw.edu

4. Data Dissemination Policy Draft

Data Dissemination Policy

- [AUTHORITY AND SCOPE](#)
- [DEFINITIONS](#)
- [ACCESS TO JIS LEGAL RECORDS](#)
- [JIS PRIVACY AND CONFIDENTIALITY POLICIES](#)
- [LIMITATION ON DISSEMINATION OF JUVENILE OFFENDER COURT RECORDS](#)
- [PROCEDURES](#)
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- [ACCESS TO AND USE OF DATA BY CRIMINAL JUSTICE AGENCIES](#)
- [ACCESS TO AND USE OF DATA BY PUBLIC PURPOSE AGENCIES](#)
- [E-MAIL](#)
- [VERSION HISTORY](#)

I. AUTHORITY AND SCOPE

- A. ~~These policies govern~~This policy governs the release of information ~~in from~~ the case management systems that the Administrative Office of the Courts (AOC) maintains, such as the Judicial Information System (JIS), the Superior Court Management Information System (SCOMIS), the Appellate Court System (ACORDS) and Odyssey, as well as data collected by AOC from other court case management systems. The policy has been approved ~~and are promulgated~~ by the Judicial Information System Committee (JIS Committee), pursuant to JISCR 12 and 15(d). ~~They, and apply~~applies to all requests for computer-based court information subject to JISCR 15.
- B. ~~These policies are to~~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 "Justice in all cases shall be administered openly, and without unnecessary delay," as well as the privacy protections of Article I, § 7, and GR 31.
- C. ~~These policies do~~This policy does not apply to requests initiated by or with the consent of the ~~Administrator for the Courts~~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 clerk's 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. ~~Records~~—"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 human readable and retrievable form.

1. ~~"JIS record"~~ is an electronic representation (bits/bytes) of information either stored within, derived from, or accessed from the OAC. *(Amended February 27, 1998.)*

~~"JIS legal record"~~ is a JIS record that is the electronic duplication of the journal of proceedings or other case related information which it is the duty of the court clerk to keep, and which is programmed to be available in human readable and retrievable form. Case information reflecting the official legal file and displayed by JIS programs are JIS legal records.

C. JIS Reports

1. ~~"JIS reports"~~ are the results of special programs written to retrieve and manipulate JIS records into a human readable form, ~~other than the JIS legal record.~~ It includes, but is not limited to, compiled reports, index reports, compiled aggregate numbers, and statistics.
2. ~~"Compiled reports"~~ are based on information related to more than one case or more than one court. As used in this policy, "compiled reports" do not include index reports.
3. ~~"Index reports"~~ are reports containing bulk court data with set data elements.
4. ~~"Compiled aggregate numbers"~~ are JIS reports containing only total numerical quantities without case level data elements.
5. ~~"Routine summary reports"~~ are JIS reports automatically generated by courts, county clerk's offices, or the AOC during the scope of daily business.

D. Data Dissemination Management

1. ~~"Data dissemination"~~ is the reporting or other release of information derived from JIS records.
2. ~~The "data dissemination manager"~~ ~~administrator~~ is the individual designated within the ~~Office of the Administrator for~~ Administrative Office of the Courts and within each individual court or county clerk's office and assigned the responsibility for 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 clerk's offices may use multiple staff to satisfy this role. ~~The name and title of the current data dissemination manager for each court and the Office of the Administrator for~~ Administrative the Courts shall be kept on file with the Office of the Administrator for the Courts.

E. **Electronic Data Dissemination Contract**

The "**electronic data dissemination contract**" is an agreement between ~~the a county clerk's office, a Washington state court or the Office of the Administrator for Administrative Office of~~ the Courts and any ~~non-Washington state court~~ entity, except a Washington State court (Supreme Court, court of appeals, superior court, district court, or municipal court), that is provided information for release of data contained in the JIS ~~in an electronic format~~. The data dissemination contract shall specify terms and conditions, as approved by the ~~Judicial Information System~~ JIS Committee, concerning the data including but not limited to restrictions, obligations, and cost recovery ~~agreements~~ fees. ~~Any such contract shall at a minimum include the language contained in Exhibit A—Electronic Data Dissemination Contract. (Amended February 27, 1998.)~~

III. ACCESS TO JIS ~~LEGAL RECORDS~~

Open Records Policy. The following principles apply to the interpretation of procedural rules or guidelines set forth in this policy:

A. Access to and release of JIS data will be consistent with 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. Information related to the conduct of the courts' business, including statistical information and information related to the performance of courts and judicial officers, is to be disclosed as fully as resources will permit. In order to effectuate the policies protecting individual privacy which are incorporated in statutes, case law, and policy guidelines, direct downloading of the database is prohibited except for the index items identified in Section III.B.6. Such downloads shall be subject to conditions contained in the electronic data dissemination contract. (Amended February 27, 1998.)

3. Dissemination of compiled reports on an individual, including information from more than one case, is to be limited to those items contained in a case index, as defined in Section III.B.6.

B. Privacy protections accorded by the Legislature to records held by other state agencies are to be applied to requests for ~~computerized information from court~~ 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). ~~admitted in the record of a~~

~~judicial proceeding, or otherwise made a part of a file in such a proceeding, so that court computer records will not be used to circumvent such protections.~~

~~C. **Contact Lists:** Access to JIS information will not be granted when to do so would have the effect of providing access to lists of individuals for commercial purposes, defined as set forth in RCW 42.17.260(6) and WAC 390-13-010, i.e., that in connection with access to a list of individuals, the person requesting the record intends that the list will be used to communicate with the individuals named in the record for the purpose of facilitating profit expecting activity. 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.~~

~~6. Except to the extent that dissemination is restricted by Section IV.B, or is subject to provisions in the electronic data dissemination contract, electronic records representing court documents are to be made available on a case by case and court by court basis as fully as they are in hard copy form. (Amended February 27, 1998.)~~

~~All access to JIS information 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 information provided in electronic format shall be subject to provisions contained in the electronic data dissemination contract. (Amended February 27, 1998.)~~

~~D. Court and county clerk data dissemination managers-administrators will restrict the dissemination of JIS reports to data related to the manager's-administrator's particular court, or court operations subject to the supervision of that court, except where the court has access to JIS statewide indices.~~

~~E. Courts and county clerk's offices may direct requestors to the Administrative Office of the Courts if the request falls under GR 31 (g)(2) and creates an undue burden on the court or court clerk 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.~~

~~3. Access to JIS legal records, in the form of case specific records, will be permitted to the extent that such records in other forms are open to inspection by statute, case law and court rule, and unless restricted by the privacy and confidentiality policies below.~~

4. ~~Individuals, personally or through their designees, may obtain access to compiled legal records pertaining to themselves upon written request, accompanied by a signed waiver of privacy.~~

5. ~~No compiled reports will be disseminated containing information which permits a person, other than a judicial officer or an attorney engaged in the conduct of court business, to be identified as an individual, except that data dissemination managers may disseminate the following:~~

a. ~~Public agency requested reports. Reports requested by public agencies which perform, as a principal function, activities directly related to the prosecution, adjudication, detention, or rehabilitation of criminal offenders, or to the investigation, adjudication, or enforcement of orders related to the violation of professional standards of conduct, specifically including criminal justice agencies certified to receive criminal history record information pursuant to RCW 10.97.030(5)(b).~~

b. ~~Personal reports, on the request or signed waiver of the subject of the report.~~

e. ~~On court order.~~

G. An index report, containing some or all of the following information, may be disseminated: (Amended February 27, 1998.) shall not contain confidential information as determined by Court Rules, Washington state law and Federal law. This includes but is not limited to:

1. filing date; social security numbers;
2. case caption; financial account numbers;
3. party name and relationship to case (e.g., plaintiff, defendant); driver's license numbers;
4. cause of action or charge; date of birth of a minor child;
5. case number or designation; party's telephone number;
6. case outcome; witness address and phone number; and
7. disposition date; abstract driving record as defined in RCW 46.52.130;

(III.B.6.f. and III.B.6.g. added December 5, 1997.)

An index report provided in electronic format shall be subject to the provisions contained in the ~~electronic~~ data dissemination contract.

(Amended February 27, 1998.)

~~A report sorted by case resolution and resolution type, giving index criteria except individual names, may be compiled and released. (Section added June 21, 1996.)~~

H. Financial Data.

1. Requests to courts or county clerk's 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 specific financial information 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 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.

IV. JIS PRIVACY AND CONFIDENTIALITY POLICIES

- A. Information in JIS records which is sealed, exempted, or otherwise restricted by law or court rule, whether or not directly applicable to the courts, may not be released except by specific court order or by statutory authority.
- B. Confidential information regarding individual litigants, witnesses, or jurors that ~~has been collected for the internal administrative operations is contained in case management systems~~ of the courts will not be disseminated. ~~This information includes, but is not limited to, credit card and P.I.N. numbers, and social security numbers.~~ Identifying information (including, but not limited to, residential addresses and residential phone numbers) regarding individual litigants, witnesses, or jurors will not be disseminated, except that the residential addresses of litigants will be available to the extent otherwise permitted by law. (*Section amended September 20, 1996; June 26, 1998.*)
- C. A data dissemination ~~manager 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 requester agrees to maintain the confidentiality required by these policies. In such instances, the requester shall complete a research agreement in a form

prescribed by the ~~Office of the Administrator for~~ Administrative Office of the Courts. The research agreement shall 1) require the requester 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 Administrative Office of the Courts otherwise authorized by GR 31(g), except for research purposes as permitted by statute or court rule.
- B. The Administrative Office of the Courts 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 ~~managers~~administrators, shall be as set forth in policies issued by the ~~Office of the Administrator for the Courts~~Administrative Office of the Courts 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 Administrative Office of the Courts can make no representation regarding the identity of any persons whose names appear in the report, and that the court makescan make no representation as to the accuracy and completeness of the data except for court purposes.

Commented [HS1]: Disclaimer that is currently sent with the reports:
The Administrative Office of the Courts, the Washington Courts, and the Washington State County Clerks:
1) Do not warrant that the data or information is accurate or complete;
2) Make no representations regarding the identity of any persons whose names appear in data or information; and
3) Do not assume any liability whatsoever resulting from the release or use of the data or information.
The user should verify the information by personally consulting the "official" record reposing at the court of record.

VII. ACCESS TO AND USE OF DATA BY COURTS

The Courts, courts, the county clerk's 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 and county clerk staff will sign a confidentiality agreement by January 31. The courts and the county clerk's offices will then submit a Statement of Compliance to the AOC by March 31 confirming that their staff has executed the agreements.

VIII. ACCESS TO AND USE OF DATA BY CRIMINAL JUSTICE AGENCIES AND BY THE WASHINGTON STATE ATTORNEY GENERAL'S OFFICE

- A. "Criminal justice agencies" as defined in ~~RCW Chapter~~ chapter 10.97 ~~RCW~~ shall have additional access to JIS records beyond that which is permitted the public.
- B. The JIS Committee 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 an ~~electronic~~-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.

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 ~~42.17.020~~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. Upon approval by the JIS Committee, public purpose agencies may be granted additional access to JIS records beyond that which is permitted the public.~~
- ~~D.C.~~ Agencies requesting additional access under this provision shall identify the information requested and the proposed use(s). In reviewing such requests, the ~~JIS~~courts, the county clerk's offices, and the JIS Committee 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 clerk's offices, and the JIS Committee must determine that filling the request will not violate GR 31, and must determine the minimum access to restricted court records necessary for the purpose of the request.

E.D. Access by public purpose agencies shall be governed by ~~an electronic~~ data dissemination contract ~~with each such agency~~. The contract shall:

1. Require the requestor to specify provisions for the secure protection of any data that is confidential.
- ~~1.2.~~ Specify the data to which access is granted. Prohibit the disclosure of data in any form which identifies an individual.
- ~~2.3.~~ Specify the uses which the agency may make of the data. Prohibit the copying, duplication, or dissemination of information or data provided other than for the stated purpose.
- ~~3.4.~~ Include the agency's agreement that its employees will access the data only for the uses specified. 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. — E-MAIL

~~The JIS provides e-mail for official court business use only. Access to judicial officers' and court employees' e-mail is restricted. Access to a judicial officer's e-mail files shall only be granted with the permission of the judicial officer involved. Request for access to a court employee's e-mail or to logs containing records on an employee's e-mail shall be subject to the review and approval of the county clerk if the employee is employed in the clerk's office, or the presiding judge or court administrator if the employee is employed by the court. Nothing in this policy shall be used as a reason to withhold records which are the subject of a subpoena or otherwise available to the public.~~

XI.X. — VERSION HISTORY

These policies shall take effect 30 days from the date of their adoption by the Judicial Information Systems Committee, 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

DRAFT

Data Dissemination Policy

- [AUTHORITY AND SCOPE](#)
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I. AUTHORITY AND SCOPE

- A. This policy governs the release of information from the case management systems that the Administrative Office of the Courts (AOC) maintains, such as the Judicial Information System (JIS), the Superior Court Management Information System (SCOMIS), the Appellate Court System (ACORDS) and Odyssey, as well as data collected by AOC from other court case management systems. The policy has been approved by the Judicial Information System Committee (JIS Committee), pursuant to JISCR 12 and 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 "Justice in all cases shall be administered openly, and without unnecessary delay," as well as the privacy protections of Article I, § 7, and 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 clerk's 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 human 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, compiled reports, index reports, compiled aggregate numbers, and statistics.
2. "**Compiled reports**" are based on information related to more than one case or more than one court. As used in this policy, "compiled reports" do not include index reports.
3. "**Index reports**" are reports containing bulk court data with set data elements.
4. "**Compiled aggregate numbers**" are JIS reports containing only total numerical quantities without case level data elements.
5. "**Routine summary reports**" are JIS reports automatically generated by courts, county clerk's offices, or the AOC during the scope 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 Administrative Office of the Courts and within each individual court or county clerk's office and assigned the responsibility for 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 clerk's 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 Administrative Office of the Courts 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 JIS Committee, concerning the data including but not limited to restrictions, obligations, and cost recovery fees.

III. ACCESS TO JIS RECORDS

- A. Access to and release of JIS data will be consistent with 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 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 dissemination of JIS reports to data related to the administrator’s particular court, or court operations subject to the supervision of that court.
- E. Courts and county clerk’s offices may direct requestors to the Administrative Office of the Courts if the request falls under GR 31 (g)(2) and creates an undue burden on the court or court clerk 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. An index report shall not contain confidential information as determined by Court Rules, Washington state law and Federal law. This includes but is not limited to:
 - 1. social security numbers;
 - 2. financial account numbers;
 - 3. driver’s license numbers;
 - 4. date of birth of a minor child;
 - 5. party’s telephone number;
 - 6. witness address and phone number;
 - 7. abstract driving record as defined in RCW 46.52.130.

An index report provided in electronic format shall be subject to the provisions contained in the data dissemination contract. (*Amended February 27, 1998.*)

H. Financial Data.

1. Requests to courts or county clerk's 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 specific financial information 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 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.

IV. JIS PRIVACY AND CONFIDENTIALITY POLICIES

- A. Information in JIS records which is sealed, exempted, or otherwise restricted by law or court rule, whether or not directly applicable to the courts, may not be released except by specific court order or by statutory authority.
- B. Confidential information regarding individual litigants, witnesses, or jurors that is contained in case management systems of the courts will not be disseminated. Identifying information (including, but not limited to, residential addresses and residential phone numbers) regarding individual litigants, witnesses, or jurors will not be disseminated, except that the residential addresses of litigants will be available to the extent otherwise permitted by law. (*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 requester agrees to maintain the confidentiality required by these policies. In such instances, the requester shall complete a research agreement in a form prescribed by the

Administrative Office of the Courts. The research agreement shall 1) require the requester 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 Administrative Office of the Courts otherwise authorized by GR 31(g), except for research purposes as permitted by statute or court rule.
- B. The Administrative Office of the Courts 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 as set forth in policies issued by the Administrative Office of the Courts 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 Administrative Office of the Courts can make no representation regarding the identity of any persons whose names appear in the report, and can make no representation as to the accuracy and completeness of the data except for court purposes.

VII. ACCESS TO AND USE OF DATA BY COURTS

The courts, the county clerk's 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 and county clerk staff will sign a confidentiality agreement by January 31. The courts and the county clerk's offices will then submit a Statement of Compliance to the AOC by March 31 confirming that their staff has executed the agreements.

VIII. ACCESS TO AND USE OF DATA BY CRIMINAL JUSTICE AGENCIES AND BY THE WASHINGTON STATE ATTORNEY GENERAL'S OFFICE

- 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 JIS Committee 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.

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 clerk's offices, and the JIS Committee 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 clerk's offices, and the JIS Committee must determine that filling 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 Judicial Information Systems Committee, 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

Data Dissemination Policy

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I. AUTHORITY AND SCOPE

- A. These policies govern the release of information in the Judicial Information System (JIS) and are promulgated by the JIS Committee, pursuant to JISCR 12 and 15(d). They apply to all requests for computer-based court information subject to JISCR 15.
1. These policies are to be administered in the context of the requirement of Article I, § 10 of the Constitution of the State of Washington that "Justice in all cases shall be administered openly, and without unnecessary delay," as well as the privacy protections of Article I, § 7.
 2. These policies do not apply to requests initiated by or with the consent of the Administrator for the Courts for the purpose of answering a request vital to the internal business of the courts. See JISCR 15(a).

II. DEFINITIONS

- A. Records
1. "**JIS record**" is an electronic representation (bits/bytes) of information either stored within, derived from, or accessed from the OAC. (*Amended February 27, 1998.*)
 2. "**JIS legal record**" is a JIS record that is the electronic duplication of the journal of proceedings or other case-related information which it is the duty of the court clerk to keep, and which is programmed to be available in human readable and retrievable form. Case information reflecting the official legal file and displayed by JIS programs are JIS legal records.
- B. JIS Reports
1. "**JIS reports**" are the results of special programs written to retrieve and manipulate JIS records into a human readable form, other than the JIS legal record.

2. **"Compiled reports"** are based on information related to more than one case or more than one court. As used in this policy, "compiled reports" do not include index reports.
- C. **Data Dissemination Management**
1. **"Data dissemination"** is the reporting or other release of information derived from JIS records.
 2. The **"data dissemination manager"** is the individual designated within the Office of the Administrator for the Courts and within each individual court and assigned the responsibility for administration of data dissemination, including responding to requests of the public, other governmental agencies, or other participants in the judicial information system. The name and title of the current data dissemination manager for each court and the Office of the Administrator for the Courts shall be kept on file with the Office of the Administrator for the Courts.
- D. **Electronic Data Dissemination Contract**
- The **"electronic data dissemination contract"** is an agreement between the Office of the Administrator for the Courts and any entity, except a Washington State court (Supreme Court, court of appeals, superior court, district court, or municipal court), that is provided information contained in the JIS in an electronic format. The data dissemination contract shall specify terms and conditions, as approved by the Judicial Information System Committee, concerning the data including but not limited to restrictions, obligations, and cost recovery agreements. Any such contract shall at a minimum include the language contained in Exhibit A – Electronic Data Dissemination Contract. (*Amended February 27, 1998.*)

III. ACCESS TO JIS LEGAL RECORDS

- A. **Open Records Policy.** The following principles apply to the interpretation of procedural rules or guidelines set forth in this policy.
1. Information related to the conduct of the courts' business, including statistical information and information related to the performance of courts and judicial officers, is to be disclosed as fully as resources will permit.
 2. In order to effectuate the policies protecting individual privacy which are incorporated in statutes, case law, and policy guidelines, direct downloading of the database is prohibited except for the index items identified in Section III.B.6. Such downloads shall be subject to conditions contained in the electronic data dissemination contract. (*Amended February 27, 1998.*)
 3. Dissemination of compiled reports on an individual, including information from more than one case, is to be limited to those items contained in a case index, as defined in Section III.B.6.
 4. Privacy protections accorded by the Legislature to records held by other state agencies are to be applied to requests for computerized information

from court records, unless admitted in the record of a judicial proceeding, or otherwise made a part of a file in such a proceeding, so that court computer records will not be used to circumvent such protections.

5. **Contact Lists:** Access to JIS information will not be granted when to do so would have the effect of providing access to lists of individuals for commercial purposes, defined as set forth in RCW 42.17.260(6) and WAC 390-13-010, i.e., that in connection with access to a list of individuals, the person requesting the record intends that the list will be used to communicate with the individuals named in the record for the purpose of facilitating profit expecting activity.
6. Except to the extent that dissemination is restricted by Section IV.B, or is subject to provisions in the electronic data dissemination contract, electronic records representing court documents are to be made available on a case-by-case and court-by-court basis as fully as they are in hard copy form. *(Amended February 27, 1998.)*

B. All access to JIS information 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 information provided in electronic format shall be subject to provisions contained in the electronic data dissemination contract. *(Amended February 27, 1998.)*

1. Court data dissemination managers will restrict the dissemination of JIS reports to data related to the manager's particular court, or court operations subject to the supervision of that court, except where the court has access to JIS statewide indices.
2. 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.
3. Access to JIS legal records, in the form of case-specific records, will be permitted to the extent that such records in other forms are open to inspection by statute, case law and court rule, and unless restricted by the privacy and confidentiality policies below.
4. Individuals, personally or through their designees, may obtain access to compiled legal records pertaining to themselves upon written request, accompanied by a signed waiver of privacy.
5. No compiled reports will be disseminated containing information which permits a person, other than a judicial officer or an attorney engaged in the conduct of court business, to be identified as an individual, except that data dissemination managers may disseminate the following:
 - a. Public agency requested reports. Reports requested by public agencies which perform, as a principal function, activities directly related to the prosecution, adjudication, detention, or rehabilitation of criminal offenders, or to the investigation, adjudication, or

enforcement of orders related to the violation of professional standards of conduct, specifically including criminal justice agencies certified to receive criminal history record information pursuant to RCW 10.97.030(5)(b).

- b. Personal reports, on the request or signed waiver of the subject of the report.
 - c. On court order.
6. An index report, containing some or all of the following information, may be disseminated: (*Amended February 27, 1998.*)
- a. filing date;
 - b. case caption;
 - c. party name and relationship to case (e.g., plaintiff, defendant);
 - d. cause of action or charge;
 - e. case number or designation;
 - f. case outcome;
 - g. disposition date.

(*III.B.6.f. and III.B.6.g. added December 5, 1997.*)

An index report provided in electronic format shall be subject to the provisions contained in the electronic data dissemination contract. (*Amended February 27, 1998.*)

7. A report sorted by case resolution and resolution type, giving index criteria except individual names, may be compiled and released. (*Section added June 21, 1996.*)

IV. JIS PRIVACY AND CONFIDENTIALITY POLICIES

- A. Information in JIS records which is sealed, exempted, or otherwise restricted by law or court rule, whether or not directly applicable to the courts, may not be released except by specific court order.
- B. Confidential information regarding individual litigants, witnesses, or jurors that has been collected for the internal administrative operations of the courts will not be disseminated. This information includes, but is not limited to, credit card and P.I.N. numbers, and social security numbers. Identifying information (including, but not limited to, residential addresses and residential phone numbers) regarding individual litigants, witnesses, or jurors will not be disseminated, except that the residential addresses of litigants will be available to the extent otherwise permitted by law. (*Section amended September 20, 1996; June 26, 1998.*)
- C. A data dissemination manager 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 requester agrees to maintain the confidentiality required by these policies. In such instances,

the requester shall complete a research agreement in a form prescribed by the Office of the Administrator for the Courts. The research agreement shall 1) require the requester 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 Administrative Office of the Courts otherwise authorized by GR 31(g), except for research purposes as permitted by statute or court rule.
- B. The Administrative Office of the Courts 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 managers, shall be as set forth in policies issued by the Office of the Administrator for the Courts 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 can make no representation regarding the identity of any persons whose names appear in the report, and that the court makes no representation as to the accuracy and completeness of the data except for court purposes.

VII. ACCESS TO AND USE OF DATA BY COURTS

Courts 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.

VIII. ACCESS TO AND USE OF DATA BY CRIMINAL JUSTICE AGENCIES

- A. "Criminal justice agencies" as defined in RCW Chapter 10.97 shall have additional access to JIS records beyond that which is permitted the public.
- B. The JIS Committee 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 an electronic 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.

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 42.17.020 and other non-profit organizations whose principal function is to provide services to the public.
- B. Upon approval by the JIS Committee, public purpose agencies may be granted additional access to JIS records beyond that which is permitted the public.
- C. Agencies requesting additional access under this provision shall identify the information requested and the proposed use(s). In reviewing such requests, 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.
- D. Access by public purpose agencies shall be governed by an electronic 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.

X. E-MAIL

The JIS provides e-mail for official court business use only. Access to judicial officers' and court employees' e-mail is restricted. Access to a judicial officer's e-mail files shall only be granted with the permission of the judicial officer involved. Request for access to a court employee's e-mail or to logs containing records on an employee's e-mail shall be subject to the review and approval of the county clerk if the employee is employed in the clerk's office, or the presiding judge or court administrator if the employee is employed by the court. Nothing in this policy shall be used as a reason to withhold records which are the subject of a subpoena or otherwise available to the public.

XI. VERSION HISTORY

These policies shall take effect 30 days from the date of their adoption by the Judicial Information Systems Committee, 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

Responses from Washington County Clerks in regards to ICH and DCH being publicly available.

	County Clerk Response	JIS LINK	Print outs from Offices And Court Access	DD requests
DV issue	I know that we discussed this in GJCOM. The concern was a person comes in and gets a copy of the ICH before their spouse/significant other has a protection order served on them. They would be able to get this information before they are served.	DDC conversation		
Sealed juv issue	I do not see anything in the ICH or DCH that should be confidential, except those juvenile matters. Will this only be for adult cases? I know juvenile cases are not sealed, but there has been debates on sealing vs unsealing them.	Currently, prosecutors, law enforcement, public defenders and state agencies with similar access can view the DCH screen. Prosecutors see the existence of sealed juvenile cases and adult cases. Law enforcement and public defenders are given the existence of	Court JIS access shows the existence of sealed juvenile cases. Is it possible to do print outs using a level 1 public access account, similar to what is used for the lobby terminals?	AOC would provide DCH/ICH information, but only those cases that are disclosable. Sealed cases and confidential cases would not be disclosed.
	I have a huge reason that we should not be giving them out mostly for juvenile. I already had quite the discussion with my District Court. When an offender's case is sealed it stays on the dch. I think that HAS to change before I would be comfortable giving it out. We even tried to change District Court to have the requests go to Juvenile if there was a sealed case but it is a big mess. I can send an example if you need me to.			
	My concern is that they confidential case types, including juvenile cases that have been sealed and, per statute, "shall be treated as if they never existed."			

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		adult sealed cases, but not		
	Would the confidential cases be removed from the ICH screen? Or would those be available ONLY to the party?	sealed juvenile cases. Public level 1 would be given access similar to public defenders/law enforcement. Also, confidential cases would not be included on the ICH, such as case type 7s and 6s.		
	I'm most concerned with the sealed offender records since we can't acknowledge a case exists but I think we should be able to handle it with the proper permissions on the user accounts so we don't provide this case info.	AOC ISD is looking into providing DCH and ICH for level 1 users. Will provide time/resource estimates for the 2/26 DDC meeting.		
Screens need code	Well, if the law does not require us to keep this information confidential, or even give us authority to	JIS LINK users have access to	Can the courts direct the	AOC would direct requestors to the

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descriptions for the public	keep it confidential, I think we've got to make it public. If they take away the WADL# can they also please make it print out with an explanation of what all the columns and entries in the columns are so that we do not have to offer a class in what the page is saying to those who use these codes? Just revealing this record as it exists doesn't educate the layman.	the online code manuals that explain all the codes.	requestor to the online code manuals?	code manuals that are available online
	The concern I see this creating is a lot of questions about what the "Status" codes mean? Because the screen shot does not provide a key of those codes, people have to guess what the letters may reveal. Never good, in my opinion.	See above.		
Identifying the correct person	The other question/'quess' from customers (and us) would be whether this is the correct person. Would there be liability for releasing every ICH or DCH screen there is for a common name such as Smith, John? How about if they really wanted Smith, Jon?	DDC Conversation		
	Good idea. Many of the offices are handing them out left and right anyhow and the lower courts. We see them attached to petitions all the time. Will this affect our ability to look for people without the DOL identifier?	DCH screen will be part of JIS LINK subscription but with the DOL # screened. AOC ISD is looking	The DOL # will still show for court users in their accounts. AOC ISD is looking into	

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	Need to charge for the service I would think. Just a thought.	into resources/time to achieve this.	resources/time to achieve this.	Will be included in the current DD cost recovery fees
public viewing controls	I don't think we can limit the view with permissions. These screens were never intended to be publicly viewable so I believe it would be a program change for AOC to hide them or create a public view.	Please see responses above.		
Vacated criminal charges	Now, when a criminal charge is vacated and sealed by court order the original charge is still listed on the ICH. It does indicate **Seal** but the charge is still listed. This is fine for court staff by counter to GR 15 re: public access.			
WDL issue	We will still have the WDL on other, non-public screens, right?		Correct. Court users will still have access.	
Implementation issue	Next question, is how the customer would make the request...via the current form that asks for a Notarized signature? Final question: What is the applicable fee? \$.15 as a public document request?		DDC conversation.	
comment	Just a comment: Wow they worry about people getting jobs and renting houses. This really open things up!			