

1. Meeting Minutes



JISC DATA DISSEMINATION COMMITTEE
Friday June 24, 2016 (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 J. Robert Leach
Judge Jeannette Dalton
Judge G. Scott Marinella (telephonically)
Judge David A. Svaren
Ms. Barbara Miner
Ms. Brooke Powell
Ms. Aimee Vance (telephonically)

Guests Present (telephonically)

Mr. Mark Allen, Snohomish Co. Clerk's Office
Ms. Jane Boman, LAW Advocates
Mr. Michael Heatherly, LAW Advocates
Mr. Toby Marshall, Marshall Law Group

Members Not Present

Judge Thomas Wynne

Staff Present

Stephanie Happold, Data Dissemination Administrator
Kathy Bowman, Administrative Secretary
Michael Keeling, ISD Operations Manager
Elaine McLaughlin, Court Records Access Coordinator

1. Call to Order, Approval of Minutes:

The June 24, 2016 JISC Data Dissemination Committee Meeting was called to order at 8:20 am by Judge Leach, acting Chair in Judge Wynne's absence. Judge Leach next requested a motion to approve the Minutes. Judge Svaren moved to approve the Minutes of April 22, 2016, Ms. Powell seconded. The minutes were unanimously approved as written.

2. LAW Advocates Request for JIS LINK Level 20 Access for Drive Legal Whatcom Program

LAW Advocates representatives Ms. Jane Boman and Mr. Michael Heatherly presented their request for JIS LINK Level 20 access to a select number of local attorneys and trained volunteers with the Drive Legal Whatcom Program. Level 20 access would greatly aid the volunteers as it includes view-only access to defendant case history and case financial history, as well as personal identifiers such as date of birth, IN numbers and driver's license numbers. Judge Leach asked for information about the volunteers and the LAW Advocates' volunteer vetting process, as the Committee was concerned who would have the access. Ms. Boman replied the volunteers are typically attorneys and Rule 9 interns, practicing under supervision of staff. Judge Leach asked if it would frustrate the program if access was limited to only attorney volunteers. Ms. Boman said that initially that would be acceptable to their program, but LAW

Advocates may wish to come back to the Data Dissemination Committee for broader approval in the future. The program pilot begins July 23 and will end approximately October 23. Ms. Miner asked if JIS LINK would in fact be used to also obtain drivers' license numbers and legal financial background information. Ms. Boman said yes, it is extremely important to see the "big picture" of whether individuals should be pulled out of collections and onto a payment plan. Ms. Miner said she was uncomfortable allowing Level 20 access to a non-government employee and asked DDA Happold if there were any other JIS accounts that have allowed access to volunteers. After a brief search, DDA Happold cited a 2010 request from Clark County Volunteer Lawyers Program for Level 20 JIS LINK access that was granted by the Committee.

Following further discussion, Judge Marinella made a motion to allow access to JIS LINK Level 20 to volunteer licensed attorneys in good standing, limited to the information set forth in the letter from LAW Advocates, specifically to licensing and financial information. Access would also be limited in time to coincide with the pilot program, ending late October. Judge Dalton seconded the motion. All in favor. None opposed, no abstentions. The motion passed. DDA Happold and Ms. Boman agreed that they would work out the details.

3. DCH Screen Recommendation Update.

DDA Happold provided an update regarding the Data Dissemination Committee recommendation to disable the Defendant Case History (DCH) screen due to it possibly containing incomplete information. She informed the Committee that when she went to AOC leadership and staff as instructed, she was advised that removal of the DCH screen would cause substantial impacts to the courts and non-court users, and that the alternative JABS may be unable to sustain the increased load if the DCH screen was removed. Also, the Expedited Data Exchange JIS Systems Changes Governance Committee was recently formed as the governing body under the EDE Project, and is the voting committee charged with making decisions on options and recommendations provided by AOC to mitigate the impacts to existing JIS Systems when KCDC and other courts leave the statewide applications. The EDE Committee recently voted that the DCH screens should remain in use, but to include various temporary and permanent warning messages. Individual courts could also choose to limit access to the DCH screen. Ms. Miner asked who ultimately has the authority to make this decision, and was the EDE Committee actually advised of the Data Dissemination Committee's recommendation. Judge Leach suggested that the EDE Committee be made aware of the Data Dissemination Committee's position. The Committee also wanted a copy of the EDE Committee's materials that it reviewed when making its decision to keep the DCH screen.

Judge Leach suggested that someone ask at the JISC meeting if the EDE Committee charter provides for a situation if the EDE Committee and DDC do not agree on a subject, would the JISC then make a determination. DDA Happold asked Judge Leach to provide her the JISC response.

4. Review of Data Dissemination Policy Draft

The Committee reviewed Judge Wynne's proposed amendments to the Data Dissemination Policy as well as previously agreed-to additions. Judge Leach asked what various authority exists to protect specific court information from dissemination. He asked that DDA Happold research and provide the statutes and court rules that restrict dissemination of court information, including what law enforcement has to follow for intake/confidential forms and report back to the DDC. DDA Happold suggested a teleconference be scheduled in July to continue this

discussion so the Committee can vote on the DD Policy amendments during its August meeting. Judge Leach said he would like to receive a memorandum on the question, and then follow-up with a teleconference to discuss changes necessary to the DD policy to assure these protections. Committee members discussed GR 22(b)(6) and (d), as well as RCW 40.24.010 which provides address confidentiality for certain victims. Committee member also mentioned that dates of birth and addresses are currently “turned off” in Odyssey Portal for all roles. However, while protected information is not publicly available, it can be requested from the court of record directly.

5. Odyssey Portal Issues and Review

DDA Happold presented the identified issues with Odyssey Portal as requested by the Committee during its April meeting. Ms. Miner requested a Clerk who is an actual Odyssey Portal user become involved in this work. Snohomish County Clerk Mark Allen was suggested. Ms. Powell recommended that known Odyssey Portal issues be shared with new adopters in order to allow increased awareness.

Judge Wynne’s letter regarding public access to party addresses and children’s date of birth through the Odyssey Portal was sent to AOC Director of Information Services Division Vonnie Diseth, and will be included in today’s JISC meeting. Ms. Miner stated that clerks had not incorrectly entered information from the Confidential Information Form into JIS.

The discussion turned to which Portal roles should have access to information such as date of birth and residential address. During go live in Snohomish County all dates of birth and addresses were displayed to all roles and therefore was shut off. This included attorneys of record, Guardians ad Litem and justice partners. While there is no flag in Odyssey to make date of birth confidential, there is a mechanism to flag addresses as confidential, depending on how information is entered into the Case Management System. Judge Leach requested a list of the various security levels that is currently used for JIS LINK access. DDA Happold will provide this to the Committee. Ms. Powell asked how confidential information is identified in legacy systems, how is it identified today, and if this categorization can help with identifying what needs to be flagged. The issue of converted case information between SCOMIS and Odyssey was also discussed. Mr. Keeling suggested there could possibly be a programmatic approach to solve this issues for those who have already converted. He will review converted data in order to determine how confidential information could be flagged.

6. Public Index Data and Agreement

DDA Happold followed up the April meeting discussion regarding the letter from ACLU representative Mr. Marshall regarding outdated criminal history data and dissemination of the AOC bulk public indexes. After the April meeting, DDA Happold reached out to other state AOCs to find out what they did to reduce misreporting by background companies. After these discussions, DDA Happold believes that the next steps would be to review the Public Index Agreements, begin auditing users, and possibly make subscription changes. She also met with AOC staff on what would need to be done to change all the indexes to a weekly file like the SINDEXT.

The frequency of the indexes files could be changed now, but AOC recommended that other aspects of the indexes, such as a change of data elements and the contracts, wait until the move to the Enterprise Data Repository (EDR) which will include audit capabilities. The timing of the move to the EDR coincides with King County’s rollout. If contracts and data elements could

wait until then, this would reduce repetitive time-consuming work. Judge Leach noted that customers' contracts require implementing updates, but actual timeliness is not specified in days. New contract language should include allowing AOC the ability to access databases for auditing purposes.

Action: Ms. Miner moved to change all indexes from quarterly or monthly to a weekly update file. Judge Svaren seconded the motion. Judge Marinella clarified that customers must update their information. The motion passed unanimously, with no abstentions.

7. Law Enforcement Access to ICH Screen for JABS

DDA Happold presented this topic to the Committee. Part of the AOC Expedited Data Exchange (EDE) project is JIS LINK replacement. AOC intends to move all justice partners to JABS when JIS Link is discontinued. However, JABS currently uses the ICH screen as the navigational home screen and law enforcement does not have access to that screen. The ICH screen provides information on civil cases such as dissolutions and domestic dependencies. AOC is requesting law enforcement have access to the ICH screen for the implementation of JABS for judicial partners. The request is not from law enforcement but from AOC as it will help move the project forward away from JIS Link.

Action: Judge Svaren moved to approve access to Law Enforcement to the ICH screen for future JABS enhancement. Judge Dalton seconded the motion. The motion passed unanimously, there were no abstentions.

As there was no other business, Judge Leach adjourned the meeting.



JISC DATA DISSEMINATION COMMITTEE
Friday July 22, 2016 (12:00 p.m. – 1:00 p.m.)
Teleconference
Call-in Number: 1-877-820-7831, Passcode 797974

DRAFT - MEETING MINUTES

Members Present

Judge J. Robert Leach
Judge Jeannette Dalton
Judge G. Scott Marinella
Ms. Brooke Powell
Ms. Aimee Vance

Members Not Present

Judge Thomas Wynne
Judge David A. Svaren
Ms. Barbara Miner

Staff Present

Stephanie Happold, Data Dissemination Administrator
Vicky Cullinane ISD JIS Business Liaison
Michael Keeling, ISD Operations Manager
Keri Sullivan, JSD Business Analyst

1. DCH Screen Recommendation Update.
DDA Happold gave a brief overview of the documents that were used by the EDE JIS Systems Changes Governance Committee (EJSCGC) in making its decision to display warning messages on various JIS screens when King County goes online with its own case management system. She remarked on two additional documents that AOC Business Analyst Keri Sullivan provided for this teleconference: one outlined the additional steps court users would have to take if the ICH and DCH screens were removed from JIS, and the other provided the temporary and permanent warning messages that the EJSCGC approved during its June 22 meeting. Ms. Sullivan then gave an overview of the data display issues for multiple JIS screens, including the DCH and the ICH screens. She also addressed why the AOC recommended to the EJSCGC to keep the screens active but include warning messages (both temporary and permanent) on various screens, printouts and JIS reports instead of removing the screens completely. After deciding to keep the screens and add the warning messages, EJSCGC is now starting to review how these messages will affect court users and court screen-scraping applications. It will also start to prioritize which screen should be addressed first with what message. Based on the information provided, DDC members expressed interest in suspending the recommendation to remove the DCH screen from JIS and recommend instead for AOC to implement the EJSCGC-approved temporary and permanent warnings as soon as possible in order to address possible issues caused

by data replication. However, the members would like to wait for a full Committee to vote on this action.

2. Review of Data Dissemination Policy Draft

DDA Happold provided a compiled list of Washington state statutes and court rules that restrict dissemination of court and/or law enforcement records as requested by the DDC during its June meeting. She conveyed to the Committee that the document is not a complete list of every statute and does not take into account all case law that may affect these records. The Committee also reviewed Judge Wynne's proposed changes to Policy sections III.G and IV.B. Ms. Vance raised concerns about making all party addresses restricted in JIS as the information is usually available to the public in the court files and also provided in various court reports. To take this ability away from the courts would cause more counterwork for court staff. She also asked if the restriction would cover information sent to law enforcement, reports sent to collection agencies, and other court projects such as volunteers mailing information to defendants about upcoming court dates. She suggested the Committee provide more guidance regarding dissemination of addresses, such as a public dissemination definition, or allowing the release of addresses upon court order or approval. Judge Leach asked if Ms. Vance could provide a list of court activities when addresses are provided in reports or used in various ways by the courts in projects, etc., for the next meeting. The Committee will take this information and try to provide further guidance of when dissemination of addresses is to be restricted.

As there was no other business, Judge Leach adjourned the meeting.

**2. American
Information
Research
Request**



P.O. Box 2165, Chico, CA 95927
(800) 661-9388 voice
(800) 667-6021 fax
www.amer-info.com

August 4, 2016

JISC Data Dissemination Committee
Data Dissemination Committee Members
PO Box 41170
Olympia, WA 98504-1170

Dear Committee Members:

Our firm is an FCRA compliant data aggregator working on behalf of Consumer Reporting Agencies to accurately report evictions/unlawful detainers filed in civil courts. We have been engaged in this work since 1990, and are respected in the industry for our commitment to accuracy and timeliness in reporting.

With the advent of technology in the courts we have found that by combining electronic data with in-person verification of missing or questionable data points, we can enhance the accuracy of our data. Washington State is in the process of implementing Tyler Technologies Odyssey program in the courts, making case data more readily available in electronic form.

In working with other jurisdictions utilizing the same software, we've been able to reduce the impact of researchers in the courts, saving valuable court staff time, by utilizing the available data via Odyssey and only requesting paper copies of cases when necessary for verifying questionable or missing data points.

As current SINDEXTM subscribers, we would like to request from the Committee remote access to, or enhanced electronic data from, the Odyssey system. The data points we normally gather are attached to this letter as Exhibit A. I have identified optional (non-critical) data points *in italics*. I have also included notations in **red** from Committee Member Stephanie Happold regarding availability of the various data points. Additionally, marked in **green**, are data points requiring the Committee's approval for dissemination.

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Donner", written over a horizontal line.

Ryan Donner
CEO
admin@amer-info.com



P.O. Box 2165, Chico, CA 95927
(800) 661-9388 voice
(800) 667-6021 fax
www.amer-info.com

EXHIBIT A

[Information contained in the COMPLAINT]

County/Court ID	we have this data
Case Number	we have this data
Filing Date	we have this data
Plaintiff Name(s)	we have this data
Attorney Name(s)	we have this data if the attorneys
<i>were added to the case</i>	
<i>Attorney Phone Number</i>	
Defendant Name(s)	we have this data
Respondent address (for identification)	The address entered into the
<i>system will be the respondent's and that is not always the address where the unlawful detainer</i>	
<i>action is taking place.</i>	
<i>Notice given to tenant for eviction</i>	<i>AOC does not have copies of the</i>
<i>notice given for eviction</i>	

[Information contained in the DISPOSITION documents]

Final disposition of case	we have this data
Judgment Type	we have this data
Disposition Date	we have this data
Writ type	we may have this data, I would
<i>need to verify with AOC Data Warehouse</i>	
Money Judgment	AOC is not authorized to release
<i>JIS financial data until your request is approved the DDC</i>	
<i>Stipulations (any stipulations made in a settlement or stipulated judgment such as "Move by</i>	
<i>April 5" or "Dismiss case if money is paid before April 5", etc.)</i>	

[Information contained in the SATISFACTION documents]

Satisfaction Type (Full or partial)	I am not sure what you want here,
<i>can you clarify?</i>	
Satisfaction Amount	AOC is not authorized to release
<i>JIS financial data until your request is approved the DDC</i>	
Satisfaction Date	I believe we have this data, but I
<i>would need to verify with the AOC data warehouse</i>	



August 26, 2016

TO: JISC Data Dissemination Committee

FROM: Stephanie Happold, AOC Data Dissemination Administrator

RE: American Information Research Request - Recommendation

American Information Research (AIRS) subscribes to the AOC bulk public index SINDEXTM that contains Superior Court criminal, civil, domestic, probate and judgment case information. With the rollout of the Odyssey case management system that is replacing SCOMIS for most superior courts, AIRS is requesting enhanced access to online data or an enhanced download of case information, particularly for those Odyssey courts. AIRS currently does not have a JIS LINK account.

The AOC recommendation is for the AOC Data Warehouse to provide data upon request.

When AIRS first contacted AOC with its request, company representatives provided a list of needed data elements. The AOC Data Warehouse is able to provide most of the data elements; however, the agency is not authorized to release financial data contained in JIS/SCOMIS until the JIS Committee (JISC) finalizes a policy on its dissemination. All financial data requests must go to the JISC Data Dissemination Committee (DDC) for approval at this time.¹ Furthermore, because Odyssey financial data is not being replicated into JIS, the AOC Data Warehouse does not have this information for Odyssey courts. To obtain that data, the requestor will need to contact each County Clerk's Office for Thurston, Franklin, Lewis, Yakima, and Snohomish counties.

AOC recommends that AIRS submits requests to the AOC for data the AOC Data Warehouse is able to provide, including financial data for courts using the SCOMIS case management system. This will not be a data feed and any subsequent request will need to be initiated with submittal of another Request for Information form. AIRS should then contact each County Clerk's Office using Odyssey for any other available financial information. Any financial data that is compiled by AOC should be reviewed by delegated court and county clerk representatives as required for all other previous financial data requests that have come before this Committee.

¹ The JIS Committee (JISC) authorized the Data Dissemination Committee (DDC) to act on its behalf in reviewing and acting on requests for JIS access by non-court users. JISC Bylaws, Article 7, Secs. 1 - 2.

**3. University of
California -
Berkeley Request**

August 12, 2016

JISC Data Dissemination Committee

To the Data Dissemination Committee:

I am an Assistant Professor at the Haas School of Business at UC Berkeley, and am working on an academic research project to evaluate the short- and long-term effects of debt collection and wage garnishment. While a rich literature in economics has studied how individuals are affected by formal bankruptcy, much less is known about the effects of “informal bankruptcy” – that is, debt collection that operates through the court system and subsequent garnishment.

As part of this project, I have submitted a request for all debt collection cases that have been filed in Washington state over the 2000-2010 period. This request includes financial data – namely, judgment amount and amount of subsequent garnishment. This information is particularly important for our study as we are interested in understanding how and whether the impact of garnishment varies according to the financial burden levied upon the debtor. As default judgments tend to be very common in these cases, we would also like to study what factors (such as the financial amount at stake) help determine whether or not a defendant shows up to court.

Thank you for your consideration. I would be happy to provide additional details about our project if it would be helpful.

Sincerely,

Hoai-Luu Nguyen
Assistant Professor

ADMINISTRATIVE OFFICE OF THE COURTS REQUEST FOR INFORMATION

The following information is necessary for us to process your request for data from the Judicial Information System (JIS). Please complete this form and return it to:

Data Dissemination Administrator
Office of the Administrator for the Courts
PO Box 41170
Olympia, WA 98504-1170
fax: 360-956-5700
e-mail: dda@courts.wa.gov

Your request is subject to approval under the provisions of JISCR 15, the JIS Data Dissemination Policy, and the local Data Dissemination Policy and Procedures. Upon approval, the request will be forwarded to a programmer who will examine it, estimate the cost, and then contact you to provide the estimated cost and confirm the request. There is a charge for such reports as governed by JIS Committee Policy.

Name:

Agency or Company:

E-Mail Address:

Address:

City: State: Postal Code:

Day or Work Phone (with area code): Fax No. (with area code):

Information Requested (please describe in detail and attach additional pages as necessary):

We would like to request data for all debt collection cases that were filed over the 2000-2010 period. The data fields we are interested in are:

- 1) plaintiff name and address
- 2) defendant name, address, DOB, race, ethnicity, gender
- 3) name of presiding judge
- 4) court in which the case was tried (continued on last page)

What will the information be used for?

This information will be used for an academic research project studying individuals who are affected by debt collection and wage garnishment.

To whom will the data be disseminated?

These data will only be available to the personnel associated with the research project, all of whom are included on our IRB protocol. There will be no outside dissemination of the data.

If this information concerns a named individual, please give necessary identifying information (i.e. date of birth, driver's license number, most current address etc.):

For each individual in the data, we are requesting their name, address, DOB, race, ethnicity and gender.

Date information is needed: As soon as possible

The following fees are applied to information requests that require generation of a report from JIS. Fees do not include printed copies of electronic documents such as dockets or screen prints.

Administrative Fee	\$25.00 / report
Evaluation/Research/Programming	\$40.00 / hour
JIS System Run Time (two-minute minimum)	\$10.00 / minute or portion thereof
Materials:	\$ 1.00 / page \$12.00 / compact disc

Medium Requested: Paper (\$1.00/page, computer generated)
CD (\$12.00/each)
E-mail - electronic file sent as an attachment

I, the undersigned:

- **Agree to use and distribute the information only as provided in the above referenced statement of intended use;**
- **Agree not to use for commercial purposes (Data Dissemination Policy IIIA(5));**
- **Agree to take reasonable precautions to prevent disclosure of information beyond the above referenced statement of intended use;**
- **Agree to pay, unless payment is waived, the cost upon fulfillment of the request and receipt of an invoice from the Office of the Administrator for the Courts;**
- **Understand that the Office of the Administrator for the Courts makes no representation as to the accuracy and completeness of the data except for court purposes and agree to indemnify and hold harmless the Office of the Administrator for the Courts from any claims for damages arising from applicant's use and distribution of the information; and**
- **Certify, under penalty of law, that all the information supplied above is true and a complete description.**

Hoai-Luu Q. Nguyen

08/11/2016

Signature of Requestor

Date

Typed name will be accepted as signature when document is submitted electronically.

Please use this page for more detailed responses or comments.

- 5) Outcome of the case (i.e., ruled in favor of the defendant or plaintiff, or dismissed)
- 6) Judgment amount
- 7) Date filed
- 8) Date of judgment
- 9) Whether or not a writ of garnishment was issued
- 10) Whether any garnishment subsequently took place (if this information is available)



**COMMITTEE FOR PROTECTION OF HUMAN SUBJECTS
OFFICE FOR THE PROTECTION OF HUMAN SUBJECTS**

University of California, Berkeley
2150 Shattuck Avenue, Suite 313
Berkeley, CA 94704 -5940

(510) 642-7461

Fax: (510) 643-6272

Website: <http://cphs.berkeley.edu>

FWA#00006252

NOTICE OF APPROVAL FOR HUMAN RESEARCH

DATE: *July 21, 2016*
TO: *Hoai-Luu Nguyen, Haas Sch of Bus*
CPHS PROTOCOL NUMBER: *2016-03-8588*
CPHS PROTOCOL TITLE: *The Short- and Long-Term Effects of Wage Garnishment*
FUNDING SOURCE(S): *NONE*

A(n) *new* application was submitted for the above-referenced protocol. The Committee for Protection of Human Subjects (CPHS) has reviewed and approved the application on an expedited basis, under Category 5 of the federal regulations.

Effective Date: *July 21, 2016*

Expiration Date: *July 20, 2026*

Continuation/Renewal: Applications for continuation review should be submitted no later than 6 weeks prior to the expiration date of the current approval. *Note: It is the responsibility of the Principal Investigator to submit for renewed approval in a timely manner. If approval expires, all research activity (including data analysis) must cease until re-approval from CPHS has been received.* See [Renew \(Continue\) an Approved Protocol](#).

Amendments/Modifications: Any change in the design, conduct, or key personnel of this research must be approved by the CPHS **prior** to implementation. For more information, see [Amend/Modify an Approved Protocol](#).

Ten-year approvals: Minimal risk, non-federally funded protocols that are not subject to federal oversight may now be given a ten-year approval period. Please see [Ten Year Approvals](#) for information about which protocols can qualify for ten-year approvals.

The addition of federal funding or certain modifications that increase the level of risk may require a continuing review form to be submitted and approved in order for the protocol to continue. If one or more of the following changes occur, a Continuing Review application must be submitted and approved in order for the protocol to continue.

- Changes in study procedures that increase risk;
- Addition of federal funds.

Unanticipated Problems and Adverse Events: If any study subject experiences an unanticipated problem involving risks to subjects or others, and/or a serious adverse event, the CPHS must be informed **promptly**. For more information on definitions and reporting requirements related to this topic, see [Adverse Event and Unanticipated Problem Reporting](#).

This approval is issued under University of California, Berkeley Federalwide Assurance #00006252.

If you have any questions about this matter, please contact the OPHS staff at 642-7461 or email ophs@berkeley.edu .

UNIVERSITY OF CALIFORNIA AT BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO



SAN FRANCISCO • SANTA BARBARA • SANTA CRUZ

**COMMITTEE FOR PROTECTION OF HUMAN SUBJECTS
OFFICE FOR THE PROTECTION OF HUMAN SUBJECTS**

University of California, Berkeley
2150 Shattuck Avenue, Suite 313
Berkeley, CA 94704 -5940

(510) 642-7461

Fax: (510) 643-6272

Website: <http://cphs.berkeley.edu>

FWA#00006252

Sincerely,

A handwritten signature in cursive script that reads "Jane Mauldon".

Jane MAULDON

Committee for Protection of Human Subjects

4. Harvard Request



HARVARD UNIVERSITY
DEPARTMENT OF SOCIOLOGY

Phone: (617) 394-9011
Fax: (617) 496-5794
Email: mdesmond@fas.harvard.edu

675 William James Hall
33 Kirkland Street
Cambridge, MA 02138

18 August 2016

Attention: Stephanie Happold
Data Dissemination Committee
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

RE: Inclusion of Financial Information in Data Request

Dear Members of the Data Dissemination Committee,

Although housing costs have soared in recent years, basic policy-relevant questions about eviction remain unanswered. We do not have a national estimate of the prevalence of eviction in America, nor do we know how evictions matter to communities and the influence landlord-tenant laws have on eviction rates. This study is designed to answer those questions, informing law and public policy related to affordable housing and displacement.

Accordingly, we are gathering court data from all around the country to measure the prevalence of eviction or unlawful detainers. We also hope to use these data to answer three research questions:

- (1) What is the prevalence of eviction in the United States, and how does it vary geographically?
- (2) What impact, if any, do eviction rates have on local communities?
- (3) How do certain landlord-tenant laws affect a municipality's eviction rate?

We submitted a request for bulk data for eviction cases in Washington State to the Data Dissemination Administrator, Stephanie Happold, who informed us that JIS/SCOMIS financial data are typically withheld from release, pending a decision by the Judicial Information System Committee.

Therefore, we are requesting authorization from the Data Dissemination Committee for the release of the money judgments and associated court fees relevant to unlawful detainer cases in Washington State.

We seek the inclusion of financial information in our dataset because it will allow us to evaluate the material costs of eviction levied upon defendants in court. Moreover, with these data from within Washington and in counties and states across the country, we will be able to analyze the impact of and variation in court fees and money judgments on a national-level.

By analyzing the costs associated with eviction cases, we may consider, for example, how many individuals are being evicted for relatively small amounts of money. A [recent evaluation](#) of evictions in Washington, D.C. by the Washington Post, showed that over twenty percent of evictions in the nation's capitol were for cases wherein unpaid rent amounted to less than \$100. Further research on these patterns in the state of Washington and across the nation will generate critical policy implications for housing preservation, assistance, and stability.

We are aware concerns may exist regarding the security and confidentiality of the data. The IRB at Harvard determined that this study was exempt from further review and classified the research information security as Level 2 Data. According to this determination, all raw data retrieved from Washington will be stored on secure and encrypted servers, accessible only to our research team. I have attached our IRB approval for your review.

Please let me know if I can answer any questions you might have about this study.

Thank you very much!

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Matthew Desmond', is written over a light gray dotted rectangular background.

Matthew Desmond

p: 617-495-4751

e: mdesmond@fas.harvard.edu

ADMINISTRATIVE OFFICE OF THE COURTS REQUEST FOR INFORMATION

The following information is necessary for us to process your request for data from the Judicial Information System (JIS). Please complete this form and return it to:

Data Dissemination Administrator
Office of the Administrator for the Courts
PO Box 41170
Olympia, WA 98504-1170
fax: 360-956-5700
e-mail: dda@courts.wa.gov

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Name:

Agency or Company:

E-Mail Address:

Address:

City: State: Postal Code:

Day or Work Phone (with area code): Fax No. (with area code):

Gillian Slee: 949-235-6541

Information Requested (please describe in detail and attach additional pages as necessary):

We are requesting Unlawful Detainer court records as well as Writ of Restitution records in Washington State, so described under Title 59 of the RCW. We are seeking the inclusion of the following information: name of defendants/tenants, date (preferably the date of the judgment), address (of the defendants or tenants), and court outcome (dismissal, eviction judgment). We are also interested in any other information attached to eviction cases that might be available, such as the name and address of plaintiffs/landlords; money judgment amounts; and data on whether landlords and tenants were represented by legal counsel. We would like the data going as far back as possible, and up to December 31, 2015.

What will the information be used for?

Although housing costs have soared in recent years, basic policy-relevant questions about eviction remain unanswered. We do not have a national estimate of the prevalence of eviction in America, nor do we know how evictions matter to communities and the influence landlord-tenant laws have on eviction rates. This study is designed to answer those questions, informing law and public policy related to affordable housing and displacement. Accordingly, we are gathering court data from all around the country to measure the prevalence of eviction or unlawful detainers. (Continued on the final page)

To whom will the data be disseminated?

The raw, identifying data will be used by our research team to run statistical analysis on the prevalence and consequences of eviction. Analysis of these data will be used for publication, but no identifying information (i.e. names, street-level addresses) will be disseminated.

If this information concerns a named individual, please give necessary identifying information (i.e. date of birth, driver's license number, most current address etc.):

We request the addresses of the parties / address of the eviction or unlawful detainer. We also request the address to which the Writ of Restitution was delivered. In addition, we are seeking the inclusion of the names of defendants/tenants (as well as plaintiff/landlords if available). The inclusion of names and addresses allow us to merge the information with our other databases. The addresses allow us to geo-code the cases to see which kinds of neighborhoods the evictions took place in.

Date information is needed:

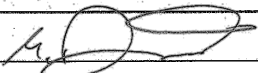
The following fees are applied to information requests that require generation of a report from JIS. Fees do not include printed copies of electronic documents such as dockets or screen prints.

Administrative Fee	\$25.00 / report
Evaluation/Research/Programming	\$40.00 / hour
JIS System Run Time (two-minute minimum)	\$10.00 / minute or portion thereof
Materials:	\$ 1.00 / page
	\$12.00 / compact disc

Medium Requested: Paper (\$1.00/page, computer generated)
CD (\$12.00/each)
E-mail - electronic file sent as an attachment

I, the undersigned:

- Agree to use and distribute the information only as provided in the above referenced statement of intended use;
- Agree not to use for commercial purposes (Data Dissemination Policy IIIA(5));
- Agree to take reasonable precautions to prevent disclosure of information beyond the above referenced statement of intended use;
- Agree to pay, unless payment is waived, the cost upon fulfillment of the request and receipt of an invoice from the Office of the Administrator for the Courts;
- Understand that the Office of the Administrator for the Courts makes no representation as to the accuracy and completeness of the data except for court purposes and agree to indemnify and hold harmless the Office of the Administrator for the Courts from any claims for damages arising from applicant's use and distribution of the information; and
- Certify, under penalty of law, that all the information supplied above is true and a complete description.



Signature of Requestor

Date

Typed name will be accepted as signature when document is submitted electronically.

Please use this page for more detailed responses or comments.

Continued: Information Requested:

We would like to retrieve all unlawful detainer or eviction cases under Title 59 of the RCW. If you require further detail, we believe these are filed under RCW 59.12, 59.16, 59.18, and 59.20.

The IRB at Harvard determined that this study was exempt from further review and classified the research information security as Level 2 Data. According to this determination, all raw data retrieved from Washington will be stored on secure and encrypted servers, accessible only to our research team. We are happy to provide further documentation regarding our IRB approval and information on how we will protect these data if desired.

Continued: "What Will the Information Be Used For?":

We also hope to use these data to answer three research questions:

- (1) What is the prevalence of eviction in the United States, and how does it vary geographically?
- (2) What impact, if any, do eviction rates have on local communities?
- (3) How do certain landlord-tenant laws affect a municipality's eviction rate?



HARVARD

Human Research Protection Program

Harvard University-Area
Committee on the Use of Human Subjects
1414 Massachusetts Avenue, 2nd Floor
Cambridge, MA 02138
IRB Registration - IRB00000109
Federal Wide Assurance - FWA00004837

Notification of Initial Study Exemption Determination

June 21, 2016

Matthew Desmond
mdesmond@fas.harvard.edu

Protocol Title: Eviction in America: Law, Housing, and Poverty
Principal Investigator: Matthew Desmond
Protocol #: IRB16-0921
Funding Source: MacArthur Foundation
IRB Review Date: 6/21/2016
IRB Review Action: Exempt

On 6/21/2016 it was determined this Initial Study submission meets the criteria for exemption per the regulations found at 45 CFR 46.101(b)(4).

The documents that were finalized for this submission may be accessed through the IRB electronic submission management system at the following link: [IRB16-0921](#).

Additional review is not required. However, any changes to the protocol that may alter this determination must be submitted for review via a modification (by selecting the Create Modification activity in the ESTR system) to determine whether the research activity continues to meet the criteria for exemption.

The IRB made the following determinations:

- Research Information Security Level: The research is classified, using Harvard's Data Security Policy, as Level 2 Data.

Please contact me at (617) 496-7658 or kduevel@fas.harvard.edu with any questions.

Sincerely,

Katrin Duevel, PhD
Research Compliance Specialist

6. 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](#)
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- [ACCESS TO AND USE OF DATA BY COURTS](#)
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- [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 maintained by the Administrative Office of the Courts (AOC), such as 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 has been approved ~~and are promulgated~~ by the Judicial Information System Committee (JIS Committee), pursuant to JISCR 12 and JISCR 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 for 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 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 reportsreports” 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, 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.~~

3.2. ~~“Index reports” are reports containing bulk court data with set data elements.~~

4.3. ~~“Compiled aggregate numbers” are JIS reports containing only total numerical quantities without case level data elements.~~

5.4. ~~“Routine summary reports” are JIS reports automatically generated by courts, county clerk’s 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. ~~The “data Data dissemination manageradministrator” is the individual designated within the Office of the Administrator forAdministrative Office of the Courts and within each individual court or county clerk’s office, and is assigned the responsibility for-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 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 forAdministrative 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 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. 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 United States Congress and by the Washington State 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 the county 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;
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 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.

IV. JIS PRIVACY AND CONFIDENTIALITY POLICIES

- A. Information in JIS records which is sealed, exempted, or otherwise restricted by law, including -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

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 JABS, 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 and any other users receiving access from their office have 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 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.

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](#)
 - [DEFINITIONS](#)
 - [ACCESS TO JIS LEGAL RECORDS](#)
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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), such as 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 has been approved by the Judicial Information System Committee (JIS Committee), pursuant to 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 "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 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 clerk’s 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 Administrative Office of the Courts and within each individual court or county clerk’s office, and 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 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 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 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 the county 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 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.

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 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 staff, county clerk's office staff, and anyone receiving access from a court or a county clerk's office, including prosecutors and public defenders with access to JABS, 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 and any other users receiving access from their office have 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 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 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

JUDGE WYNNE'S PROPOSED CHANGES TO DD POLICY SECTION III.G.

G. Index Report.

1. 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: **In addition, the following data is confidential information:**

- a.. ~~filing date;~~ social security numbers;
- b.. ~~case caption;~~ financial account numbers;
- c.. ~~party name and relationship to case (e.g., plaintiff, defendant);~~ driver's license numbers;
- d.. ~~cause of action or charge;~~ date of birth of a minor child;
- e. ~~case number or designation;~~ party's telephone number;
- f. . ~~case outcome;~~ witness address and phone number; and
- g. ~~disposition date.~~ abstract driving record as defined in RCW 46.52.13, and;
- h. party's address**

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

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 ~~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.)~~

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 residence address, as this policy does not apply to documents filed with local courts or county clerk's offices.

5. A local court or county clerk's office is not precluded by this policy from providing the residence address of a party to a state agency to meet requirements of law or court rules.

6. A local court or clerk's office is not precluded from providing a party's residence address to a collection agency for the purpose of collection of legal financial obligations imposed by a court.