AMENDED POLICY WITH TRACKED CHANGES

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
- ACCESS TO AND USE OF DATA BY COURTS
- 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 maintained by the Administrative Office of the Courts (AOC), that include the Judicial Information System (JIS), the Superior Court Management Information System (SCOMIS), the Appellate Court System (ACORDS) and Odyssey. It also includes data collected by AOC from other court case management systems~~-~~. The policy is approved ~~and are promulgated~~ by the Judicial Information System Committee (JIS Committee), pursuant to Judicial Information System Committee Rule (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 states: "Justice in all cases shall be administered openly, and without unnecessary delay," as well as the privacy protections of Article I, § 7, and General Rule (GR) 31.

C. ~~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 the county clerks' offices.

DRAFT

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 clerks' offices, or the AOC during the course of daily business.

D. Data Dissemination Management

1. "**Data dissemination**" is the reporting or other release of information derived from JIS records.
2. 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 that 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 clerks' 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.)*~~

F. Well Identified Person

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

III. ACCESS TO JIS ~~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

DRAFT

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.)*~~

DRAFT

D. Court and county clerk data dissemination ~~managers~~ administrators will restrict the public 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~~. A court or county clerk may disseminate a report or data summarizing an individual's case history.

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

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

~~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.~~

DRAFT

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. In addition, the following data is confidential information:

   ~~1~~a. ~~filing date;~~social security numbers;
   ~~2~~b. ~~case caption;~~financial account numbers;
   ~~3~~c. ~~party name and relationship to case (e.g., plaintiff, defendant);~~driver's license numbers;
   ~~4~~d. ~~cause of action or charge;~~dates of birth of a minor child;
   ~~5~~e. ~~case number or designation;~~ party addresses and telephone numbers;
   ~~6~~f. ~~case outcome;~~ witness and victim addresses and phone numbers;
   ~~7~~g. ~~disposition date.~~abstract driving records as defined in RCW 46.52.130; and
   h. well identified person addresses and phone numbers.

COMMENT

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

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

2. No screen or report in a JIS system shall be made available for public dissemination if it contains confidential information, as defined in this section, notwithstanding any other provision of this policy.

DRAFT

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

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 residential address, as this policy does not apply to documents filed with local courts or county clerks' offices.

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

6. A local court or county clerk's office is not precluded from providing the address of a party or well identified person for the purpose of conducting the court's or the county clerk's business

H. Financial Data.

1. Requests to courts or county clerks' offices will be handled by that individual office in the same manner as all other requests for court data.
2. Requests to the AOC for statewide financial court data or for an individual court's data will be handled in the following manner:
   a. Requestor will provide as much detail as possible regarding the specific financial information being requested. Explanations may include such information as specific codes, accounting or non-accounting needs, statewide aggregate, court aggregate or case-by-case data, and court levels.
   b. The AOC will review the request and submit any clarifications to the requestor. Communications may need to take place between the AOC staff and the requestor so the parties know what is being asked for and what can be provided. The time taken for clarifications and meetings will be in addition to any time estimates given for compiling the data. Further,

DRAFT

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, by statutory authority, or for research requests described in Section IV.C.

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

C. A data dissemination ~~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~~ requestor agrees to maintain the confidentiality required by these policies. In such instances, the ~~requester~~ requestor 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~~ requestor to explain provisions for the secure protection of any data that is confidential, using physical locks, computer passwords and/or encryption; 2) prohibit the disclosure of data in any form which identifies an individual; 3) prohibit the copying or duplication of information or data provided other than for the stated research, evaluative, or statistical purpose. *(Amended June 6, 1997.)*

DRAFT

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 courts, the county clerks' offices, and the Administrative Office of the Courts can make no representations regarding the identity of any persons whose names appear in the report, and ~~that the court makes~~can make no representations as to the accuracy and completeness of the data except for court purposes. Courts, county clerks' offices, or their associations may apply to the JIS Data Dissemination Committee (DDC) for an exemption to the disclaimer for specific routine summary reports that are generated in such a manner that makes the accompaniment difficult. The exemption request should include an explanation as to why producing the disclaimer is difficult for that particular report.

VII. ACCESS TO AND USE OF DATA BY COURTS

The ~~Courts~~courts, the county clerks' offices, and their employees may access and use JIS records only for the purpose of conducting official court business. Such access and use shall be governed by appropriate security policies and procedures. Each year, all court staff, county clerk staff, and anyone receiving access from a court or a county clerk's office, including prosecutors and public

DRAFT

defenders with access to the Judicial Access Browser System (JABS), will sign a confidentiality agreement by January 31. The courts and the county clerks' offices will then submit a Statement of Compliance to the AOC by March 31 confirming that their staff and any other users receiving access from their office have executed the agreements. This requirement does not apply to subscribers to portals (i.e. Odyssey Portal or comparable systems) which furnish access to court data, provided that the subscription or user agreement for such systems includes conditions establishing confidentiality and limitations on the dissemination of court data obtained through such systems.

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

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 a~~n~~ ~~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~~ ,the courts, the county clerks' offices, and the JISC will consider such criteria as:

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

The courts, the county clerks' offices, and the 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~~a 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.

DRAFT

~~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