WASHINGTON COURTS

October 26, 2018

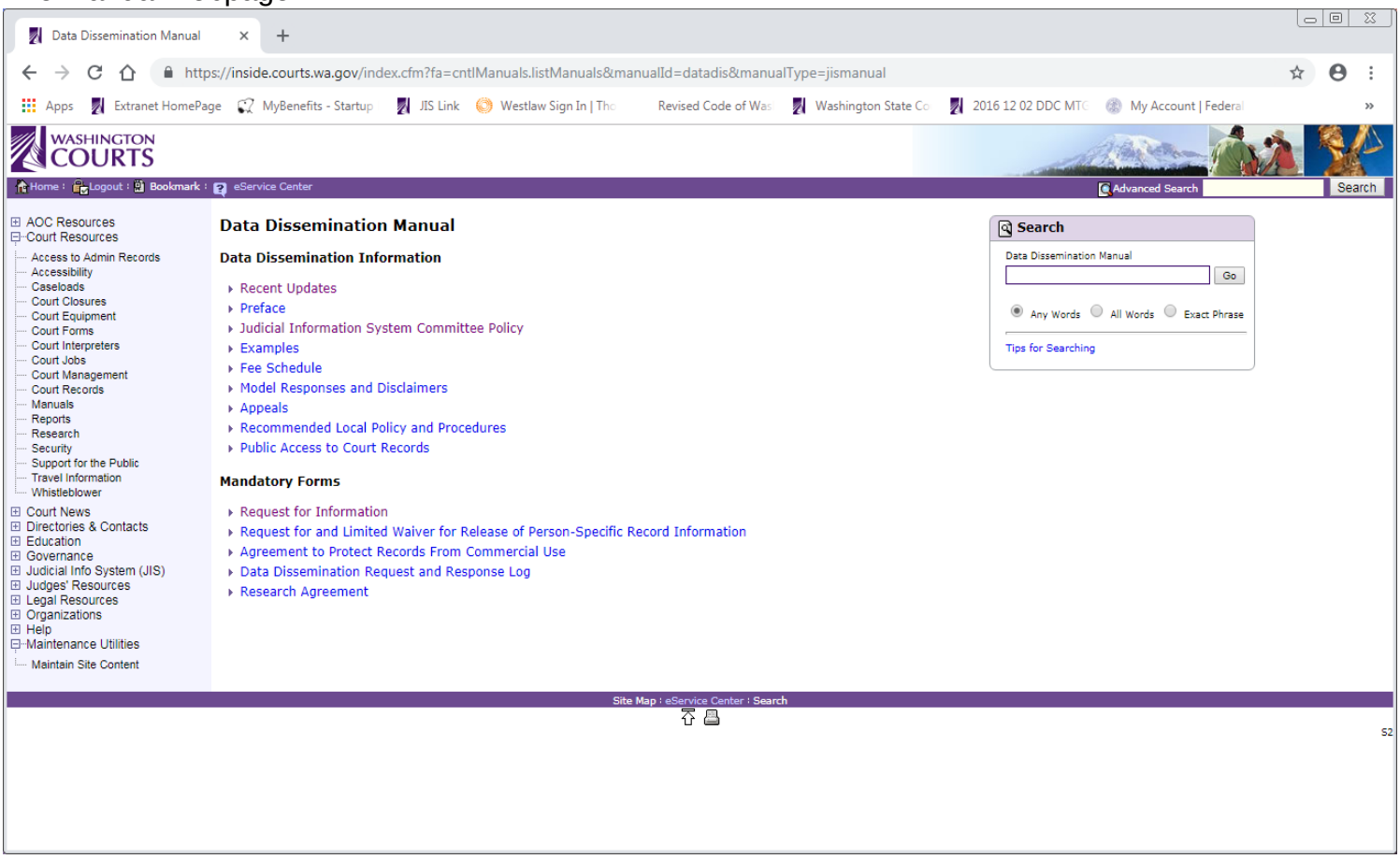
TO: JISC Data Dissemination Committee

FROM: Stephanie Happold, AOC Data Dissemination Administrator

RE: Updates to the Data Dissemination Manual

The Data Dissemination Manual was originally drafted by the Data Dissemination Committee and is available to the courts/county clerks on inside courts. Due to the recent changes to the JISC Data Dissemination Policy, the Data Dissemination Manual will need to be updated. AOC staff provided basic edits as a starting point.

The manual webpage:



Preface

~~This handbook was developed by t~~The Judicial Information System Committee (JISC) Data Dissemination ~~Committee~~ Subcommittee created this handbook to assist local courts and the ~~Office of the Administrator for the Courts~~Administrative Office of the Courts (AOC) ~~(OAC) to develop their responses to~~in developing their own processes for responding to requests for court information ~~obtained from the Judicial Information System (JIS)~~contained in the case management systems used by many state courts and maintained by AOC.

Although there is little definitive law related to the release of electronic Judicial Information System (JIS) data, this handbook conservatively assumes that statutes and case law governing release of non-court data offer reasonable guidance.

The JISC Data Dissemination Policy (Policy) was developed on the following conceptual basis:

- Judicial Information System Committee Rule (JISCR) 12 and JISCR 15(d) establish the authority for the Policy. ~~Judicial~~ Court case records are outside the provisions of the Federal Freedom of Information Act, ~~and~~ the Washington Public Disclosure Act, and court rule GR 31.1. Access to these records is governed by court rules, statutes, case law, and ~~common law access rights, JISC rules, and~~ JIS and local policies.

- ~~The Policy addresses JIS records, but local courts are encouraged to adopt a policy that allows the Policy to govern non-JIS records in each court's jurisdiction.~~

- The public has the same right of access to electronic case records that they have to hard copy records. However, ~~except that~~ the Policy limits access and dissemination of several data variables contained in the case management systems such as juvenile offender records, addresses, phone numbers, and dates of birth for minors~~the contact information and other personal identifiers that may appear on JIS-Link screens. Privacy of person-specific information within large databases where compiled reports may be developed must be specially protected~~.

- The Policy adopts law and policy that govern similar records in other agencies when records within the JIS reflect or parallel records in other agencies (such as the Department of Licensing or the Washington State Patrol). Records not available for release by other agencies will not be released by the JIS.

Commented [HS1]: Is this last sentence still correct?

- Requests for information cannot be allowed to interfere with the ongoing business of the court.

- ~~JISCR 15 establishes the authority for the Policy. Where state law, case law, or~~

~~public policy are not definitive, the Policy reflects the position most protective of individual privacy while legal precedents develop.~~

- The Policy ~~is not intended to~~does not apply to documents filed with the local courts and county clerks' offices. r~~outine information requests like case file check-outs, cause number look-up, or criminal record checks by criminal justice agencies.~~

- ~~RCW~~ Chapter 2.68 RCW authorizes the ~~JIS Committee~~JISC to establish fees for access to ~~JIS~~ Judicial Information System (JIS) data available under the Policy.

Some key points to reference as courts/county clerks respond to data dissemination requests ~~are as follows~~:

1. JIS data is shared local/state ownership. Access and fees are governed by the JISCRs and the Policy.

2. The prosecuting attorney or city attorney is each court's/clerk's/administrator's legal advisor ~~unless there is an Attorney General's clarification or opinion on the question~~.

3. Just because the information is present in the JIS does not mean it ~~has~~ can~~to~~ be compiled and ~~then~~ released.

4. Courts can run any report for internal management/court administration needs. If the requestor is an individual judge (not the presiding judge or court administrator), or when the use is not clear, the decision about whether the report is a court or administrative report can be deferred to the presiding judge.

5. Many requests will require that the courts go back to the requestor to clarify what data is being sought and for what purpose before a decision can be made to release the data.

6. Court staff should NEVER interpret data.

7. Court staff are all under separate obligations to retain timely and accurate data regardless of the Public Disclosure Act or the JISC Rules and Policy.

~~8. Just because data is electronic and easier to sort, the public has no more right to it than when it was manual; there are growing indications that privacy rights must be protected.~~

~~9.~~8. ~~Even though each individual record is public, it does not follow that electronic or staff searches among multiple records is public.~~

~~10.~~9. Social Security Numbers are not recorded in the JIS. If ~~, if~~ they exist they

should ~~, should~~ not be released. ~~The burden of proof as to whether a requestor should have them is on the requestor.~~

~~11.~~10. ~~If limited jurisdiction court staff have reason to be concerned over a requestor's access to data (including case files), they can, under ARLJ 9(e), trigger judicial review and/or notice to case parties.~~ The rules governing dissemination of court data may be expected to evolve over time as the boundary between privacy interests and the public's right to know becomes more clearly delineated.

Examples

The following examples~~, with the rationale and response presented,~~ were developed by the Data Dissemination ~~Administrative~~ Committee to illustrate the application of the JISC Data Dissemination Policy (Policy) to everyday situations in the courts. The analysis and suggested responses are~~, of course,~~ always subject to further review and discussion.

1. **A bank wants a list of all those who are debtors to them in court judgments.**

   Rationale:
   When the bank is the creditor, a list of judgment cases, the originating court case numbers, and the names of debtors can be printed and provided. ~~. This is simply an index report.~~ If the bank wants ~~the list limited to those cases in which money is still owed or wants~~ additional information on payment history~~,~~ and amounts owed, ~~addresses of debtors,~~ etc., this information is also allowed under the Data Dissemination Policy but with additional requirements laid out in Section III.H. ~~this goes beyond the index report and is not allowed in a compiled report. (See Data Dissemination Policy, Section III.B.6.)~~

   Response:
   A subset of the judgment index is allowed.

2. **A private citizen requests a list of trials heard by Judge "X."**

   Rationale:
   When acting as officers of the court ~~(rather than as litigants)~~, judges and attorneys have no particular privacy interest. Therefore, a search of the database for all instances in which a judge is mentioned and listing any publicly accessible data ~~of the index report~~ elements ~~(name, relationship to case, case caption, case number, date of filing, case outcome, and disposition date)~~ for each of those cases is allowed. ~~Except for reports sorted by case resolution and resolution type, reports based on information not in the index are not allowed. (See Data Dissemination Policy, Sections III.A.1, III.B.6.)~~

   Response:
   A list of cases ~~by any index criteria~~ in which Judge "X" appeared is allowed.

3. **A newspaper wants a list of trials where attorney "Z" appeared.**

Commented [HS1]: Are these examples still relevant? What additional examples are needed?

Commented [HS2]: Should the examples still be set up as rationale/response?

Commented [HS3]: Still needed?

Rationale:
The rationale for this request is exactly the same as the response to the previous question concerning judges. Attorneys, when functioning as officers of the court, have no privacy interest. ~~(See Data Dissemination Policy, Section III.A.1.)~~

Response:
A list of cases in which attorney "Z" appeared is allowed.

4. **A rental agency wants a list of all persons on whom an unlawful detainer has been filed.**

Rationale:
This is a request is allowed by the Policy.~~for an index report by name.~~ When giving reports by name, the standard JIS Name Disclaimer should be included. (See Model Responses & Disclaimers, Paragraph 4. ~~Also, see Data Dissemination Policy, Sections III.B.6, V.B.~~)

Commented [HS4]: Still needed?

Response:
A responsive data report can be provided. ~~subset of the case index by cause of action and respondent name is allowed.~~ Include the Name Disclaimer (See Model Responses & Disclaimers, Paragraph 4.)

5. **A caller wants to know when John Doe made a payment on his case.**

Rationale:
Generally, case accounting information is available to requestors. A~~n index~~ list of cases by name may be produced if the requestor does not have a case number. The requestor may then ask for case specific accounting data. ~~(See Data Dissemination Policy, Sections III.B.3, III.B.6. Also, see the annotation to Section IV.B in the annotated Data Dissemination Policy in your Handbook.)~~

Child support records are confidential under RCW 26.23.120, and release of payment information is not allowed.

Response:
Payment information may be available on a case-by-case basis.

6. **An employer wants to know what record John Doe has in the court.**

Rationale:
~~An index~~A-report of publicly accessible data (for example: name, relationship to

case, case number, cause of action, date of filing, case outcome, and disposition date) for a given name is allowed. When giving reports by name, the standard JIS Name Disclaimer should be included. (See Model Responses & Disclaimers, Paragraph 4.) ~~An index report allows the requestor to do an individual case search of all cases associated with a particular name. (See Data Dissemination Policy, Section III.B.6.)~~

Also, employers often have a release signed by the potential employee authorizing the court to release information on the subject to the holder of the release. When the employer has such a release, the court can provide additional information on the subject, such as a DCH, as well as the index report described in the preceding paragraph. ~~(See Data Dissemination Policy, Sections III.B.4, V.B.)~~

Response:
A subset of the case index is allowed. Include the Name Disclaimer (See Model Responses & Disclaimers, Paragraph 4.)

7. **A title company wants a list of all new judgments filed in the last six months.**

Rationale:
This is a request for an index report where judgment is the case type and filed date is within the last six months. ~~(See Data Dissemination Policy, Section III.B.6.)~~

Response:
Provide a standard index report.

8. **A newspaper wants a list of pending decisions by judge.**

Rationale:
This ~~is a routine report already produced. Therefore, it~~ can be provided to any requestor. ~~even though it goes beyond normal data dissemination criteria. (See Data Dissemination Policy, Section III.B.2.)~~

Response:
Provide copies of the ~~routine~~ report.

9. **A researcher wants a list of all trials in 1994.**

Rationale:
Searching case activity is ~~not generally~~ allowed. With a properly executed ~~Research~~ data ~~Agreement~~agreement, and subject to a court's time and availability to develop the report, the report may be allowed. ~~(See Data Dissemination Policy, Section IV.C.)~~

Response:
With available resources and a ~~Research~~ data ~~Agreement~~agreement, a list of cases with specified activity is allowed. ~~Include the Research Agreement response (See Model Responses & Disclaimers, Paragraph 6.)~~

~~The Mandatory Research Agreement Form is set forth in this Handbook, in the Mandatory Forms section.~~

10. A citizen wants to know how many times Jane Doe has filed and dropped petitions for protection orders.

Rationale:
~~An index~~A report with publicly accessible data elements- (for example:name, relationship to case, case number, cause of action, date of filing, case outcome, and disposition date) for a given name is allowed. When giving reports by name, the standard JIS Name Disclaimer should be included (See Model Responses & Disclaimers, Paragraph 4.) An index report allows the requestor to do an individual case search of all cases associated with a particular name. ~~(See Data Dissemination Policy, Section III.B.6.)~~

Response:
A ~~subset of the index~~ report, including the case caption and resolution information, is allowed.

11. Someone wants a client list for three different attorneys.

Rationale:
An attorney, as an officer of the court, has no privacy interest with respect to the names of clients the attorney represents in open court proceedings. That is information related to the business of the courts. We can search for cases based on the fact that an attorney appeared in the case. We could then provide the names of the parties to that case as part of the index report criteria. It would probably be necessary for the requestor to do some research regarding which litigant the attorney represented. ~~(See Data Dissemination Policy, Section III.A.1.)~~

Response:

A list of cases in which a given attorney appeared is allowed~~; such a list can show any of the index criteria~~.

12. A business wants the case numbers of all divorces with children granted in the last year.

Rationale:
This request calls for ~~an index~~a report using the criteria of cause of action and case outcome. "With children" is a cause of action available on the index, as is case outcome. ~~(See Data Dissemination Policy, Section III.B.6.)~~

Response:
An index of dissolution cases with a case outcome is allowed by the index subset "with children."

13. A newspaper wants a list of all protection orders against John Doe.

Rationale:
~~Neither an individual case history (ICH) or an individual order history (IOH) may be distributed to the requestor.~~ These ~~are~~ compiled reports are disclosable under the Policy.~~, and under the provisions of the Data Dissemination Policy, compiled reports receive certain confidentiality protections. (See Data Dissemination Policy, Section III.B.5.)~~

Response:
A subset of the index by cause of action, name, and relationship to the case is allowed; include the standard JIS Name Disclaimer. (See Model Responses & Disclaimers, Paragraph 4.) ~~The requestor would then have to review the hardcopy files to determine if a protection order was issued in any of the cases.~~

14. A mother whose 13-year-old is being pursued by John Doe wants to know his record, address, age, and marital status.

Rationale:
An index report (name, relationship to case, case number, cause of action, date of filing, case outcome, and disposition date) for a given name is allowed. When giving reports by name, the standard JIS Name Disclaimer should be included (See Model Responses & Disclaimers, Paragraph 4.) An index report allows the requestor to do an individual case search of all cases associated with a particular name. Addresses contained in JIS are not disclosable. Not all cases will contain personal identification information such as ~~address,~~ age~~,~~ and marital status. ~~(See~~

~~Data Dissemination Policy, Section III.B.6.)~~

Response:
Offer an index report on the name given, include the standard JIS Name Disclaimer (See Model Responses & Disclaimers, Paragraph 4.)

15. A military recruiting office wants a record check on Jane Doe, and Jane Doe's Waiver of Privacy form is attached.

Rationale:
Compiled information about an individual, in the form of a DCH, may be given to a requestor~~ with a waiver from that individual~~. The Judicial Application Browser System (JABS) has a public DCH that can be disseminated to any requestor. ~~In addition, that same information may be provided to law enforcement agencies and agencies which enforce professional standards of conduct, as defined in the Data Dissemination Policy. Agencies which have been certified by the WSP to receive criminal history information pursuant to RCW 10.97.030(5)(b) are among those entitled to compiled criminal history information even without a waiver. A list of those agencies is set forth in the JIS Data Dissemination Administrator's Handbook. (See Data Dissemination Policy, Sections III.B.4, III.B.5.a.)~~

Response:
~~A record check across all databases is allowable with a written waiver of privacy from the subject. A copy of the written waiver should be retained by the court.~~Disseminating a public DCH is allowed.

16. A university researcher wants a list of all cases with filed parenting plans for research on the effectiveness of such plans.

Rationale:
~~Searching case activity is not generally allowed.~~ With a properly executed Research Agreement, and subject to time and availability to develop the report, the report may be allowed. ~~(See Data Dissemination Policy, Section IV.C.)~~

Response:
With available resources and a Research Agreement, a list of cases with specified activity is allowed. Include the Research Agreements response (See Model Responses & Disclaimers, Paragraph 6.)

17. The IRS wants case financial histories on a list of 12 persons.

Rationale:
Case financial information is available to anyone, including the IRS, except for child support payment information, which is confidential. If the IRS has the case numbers involved, copies of the appropriate account receivable information could be provided. If the IRS does not have the case numbers, but only the case names, then finding the information for them will be more difficult. ~~(See Data Dissemination Policy, Sections III.B.3, III.B.6. Also, see the annotation to Section IV.B in the annotated Data Dissemination Policy in your Handbook.)~~

Response:
Providing case financial histories to the IRS is allowed. If the IRS does not have the case numbers, then an index report using the name given could be run for them (and using any other index criteria they might have to narrow the report.) But then the IRS would have to review the actual files to determine if they had the correct case, and then request copies of the payment records once they knew the case numbers.

Fee Schedule

1. **Fees**

Court Rule JISCR 15(g) states that "[t]he requestor shall bear the cost of honoring the request for information in accordance with section (d)."
Court Rule JISCR 15(d) states that "[t]he Administrator for the Courts shall promulgate policies and procedures for handling applications for computer-based information. These policies and procedures shall be subject to the approval of the Judicial Information System Committee."
Based on JISCR 15, AOC established the~~The~~ following cost recovery fees using AOC staff time performing each function. AOC recommends discussing with your legal counsel before using the cost recovery fees for all requests ~~shall be applied to all information requests~~ that require generation of a report from JIS, or creating internal fees based on the local jurisdiction's employee time performing each function.
This fee schedule does ~~It does~~ not include printed copies of electronic documents such as dockets or screen prints.

Administrative Fee*	$50~~25~~.00/report
Data Warehouse Evaluation/Research/Programming* **	$~~40~~55.00/hour
Data Reporting Evaluation/Research* **	$54.00/hour
JIS System Run Time**	$~~10~~12.00/min. or portion thereof
Materials:	$ 1.00/page
	$12.00/diskette
	~~$40.00/tape~~

*** To be included when re-running existing reports.**
**** Charged per minute or portion thereof, minimum 2 minutes. For non-JIS courts, a different "run time" standard and fee may need to be set locally**
***** No programming fee for re-runs of existing reports**
~~* Two minute minimum; for non-JIS courts, a different "run time" standard and fee may need to be set locally.~~

2. **Measuring JIS System Run Time**

All inquiry-based data dissemination requests will be executed overnight in batch mode on JIS. The request results will be sent to the JIS Centralized Print Facility along with the JIS System Run Time for the request. The JIS System Run Time will be on a separate last page of the output.

For requests that are repeatedly executed on a regular basis, an average JIS System Run Time based on at least three executions of the request will be used in lieu of the actual JIS System Run Time for each execution. This is necessary since JIS System Run Time may fluctuate depending upon how busy the JIS computer is at the time of execution. An average will result in the same fee per execution and simplify billing.

There is a two minute minimum for JIS System Run Time. At $~~10~~12.00 per minute, each execution of a request will be charged at least $~~20~~24.00 for JIS System Run Time.

3. Administrative Fee
   If a requestor submits a request for a report that was generated for another request, AOC provides that report and only charges for the administrative fee.

~~**3. Transmittal to JIS Revolving Fund**~~

~~4.~~

~~5. Transmit JIS Run Time revenue to the "JIS Revolving Fund" under the Tran Codes and BARS Code listed below. DISCIS and JRS Receipting have been programmed to accommodate this transaction.~~

~~6.~~

~~**Tran Code:**~~	~~1543~~	~~Fee-Data Dissemination/State~~
~~**BAR Code:**~~	~~386.97~~	~~State~~

~~7.~~

~~8.~~

~~**9. Locally Retained Fees**~~

~~10.~~

~~11. All fees other than JIS Run Time fees are retained locally under the Tran Code and BARS Code appropriate to your jurisdiction listed below.~~

~~12.~~

~~**Tran Code:**~~	~~1542~~	~~Fee-Data Dissemination/Local~~
~~**BAR Codes:**~~	~~341.32~~	~~County (district courts)~~
	~~341.34~~	~~County (superior courts)~~

~~**13.**~~

Example of Fee Calculation

Program #	~~B93#041~~		
Job #	~~1890~~		

Formatted: Level 1, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.5", List tab

Formatted: Level 1, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.5", List tab

Formatted: Level 1, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.5", List tab

Formatted: Level 1, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.5", List tab

Formatted: Level 1, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.5", List tab

Run Date	13-May-~~93~~ 18		
Run Time	1.47	(Minutes)	
Pages	~~35~~		
Disks			
Programmer Time	1.25	(Hrs., in 1/4 hr increments)	
Administrative Fee*	$ ~~25~~50.00	Flat Fee	$ ~~25~~50.00
Mainframe Run Time**	$ ~~600.00~~12.00/ min	~~Hour~~ min	$ ~~20~~24.00
Programmer Time***	$ 55~~40~~.00	Hour	$ ~~50~~110.00
Materials:			
Paper	$1.00	Page	$ ~~35.00~~
Diskette	$ 12.00	Diskette	0
~~Tape~~	~~$ 40.00~~	~~Tape~~	~~0~~
TOTAL			**$ ~~130~~184.00**

* Includes ~~re-runs~~requests for ~~of~~ existing reports
** Charged per minute or portion thereof, minimum 2 minutes
*** No programming fee for re-runs of existing reports

Model Responses & Disclaimers

These are paragraphs suggested for inclusion in letters of approval/denial of a request.

1. Liability Disclaimer

Include in all approved responses as per the JISC Data Dissemination Policy: Neither the court nor the clerk makes any representation as to the accuracy and completeness of the data except for court purposes.

Official Disclaimer:
The AOC, the Washington Courts, and the Washington State County Clerks:
- Do not warrant that the data provided is accurate or complete;
- Do not guarantee that the data is in its most current form;
- Make no representations regarding the identity of any person whose name is included in the data provided; and
- Do not assume any liability resulting from the release or use of the data.

2. Approval/Caution

Include when data may be skewed due to archiving and/or the court is concerned over validity of the data:

This report has been compiled as per your request of _____ (date). ~~Please be aware that JIS data may be archived or moved off-line. Consequently, o~~Our response is accurate based on information ~~still~~ in our database, but may contain inadvertent input errors of omission or commission. Record verification and/or research in the case file is needed before any definitive conclusions can be drawn. The report is intended as a research tool only; the clerk cannot be held responsible for the detailed accuracy of its contents.

3. Denial Statement/Appeal Notice

Include when denying a data dissemination request:
Your request for information from the Judicial Information System has been denied for the following reason(s): (List reasons.)

You may appeal this decision to:

Chair, JISC Data Dissemination Committee
c/o AOC Data Dissemination Administrator
Office of the Administrator for the Courts

PO Box 41170
Olympia WA 98504-1170

The Data Dissemination Committee will hear appeals during its regularly scheduled meetings. The requestor is required to appear or call-in to the meetings to present the appeal and answer questions from the Committee.~~Chair, Judicial Information System Committee~~
~~c/o Director, Information Systems Division~~
~~Office of the Administrator for the Courts~~
~~PO Box 41170~~
~~Olympia WA 98504-1170~~

4. Name Disclaimer

Include the following response when names are provided within a report:
The names provided in this report cannot be associated with any particular individual(s) without individual case research.

5. Extensive File Research

Use the following response when a requestor may be researching many case files (if appropriate to the court):

The clerk's office normally limits the viewing of case files to five at a time and fifteen in one day per customer. If you intend to perform extensive file research, you should contact the File Access Supervisor, (name/telephone number), in advance to make special arrangements.

6. Research Agreements

Use the following response with Research Agreements:

Dissemination of this data is restricted, subject to the terms of the Research Agreement with _____ County.

7. Cost Estimate

Use the following form to calculate cost estimates. (See P.2. of Fee Schedule):

Program #		
Job #		
Run Date		

Run Time		(Minutes)
Pages		
Disks		
Programmer Time		(Hrs, in 1/4 hr increments)
Administrative Fee*	$~~25~~50.00	Flat Fee
Data Warehouse Evaluation/Research/Programming ***~~Mainframe Run Time***~~	$55.00 ~~$ 600.00~~	Hour
Data Reporting Evaluation/Research* **	$54.00	Hour
JIS System Run Time** ~~Programmer Time***~~	$12.00/min. or portion thereof ~~$40.00~~	~~Hour~~ Minute
Materials:		
Paper	$ 1.00	Page
Diskette	$12.00	Disk
~~Tape~~	~~$40.00~~	~~Tape~~
TOTAL		

*** To be included when re-running existing reports.**
**** Charged per minute or portion thereof, minimum 2 minutes. For non-JIS courts, a different "run time" standard and fee may need to be set locally**
***** No programming fee for re-runs of existing reports**
~~* Includes re-runs of existing reports~~
~~** Charged per minute or portion thereof, minimum 2 minutes~~
~~*** No programming fee for re-runs of existing reports~~

Appeals

If a ~~Request for Information~~request for JIS information is denied by AOC or ~~is denied~~ by a court/county clerk JIS Data Dissemination Administrator, the requestor ~~may wish to~~can appeal the decision.

The requestor may appeal the decision to:

Chair, ~~Judicial Information System~~JISC Data Dissemination Committee
c/o ~~Director, Information Systems Division~~AOC Data Dissemination Administrator
Office of the Administrator for the Courts
PO Box 41170
Olympia WA 98504-1170

The Data Dissemination Committee will hear appeals during its regularly scheduled meetings. The requestor is required to appear or call-in to the meetings to present the appeal and answer questions from the Committee.
~~Results of JIS appeals will be periodically disseminated to all Data Dissemination Administrators.~~

Recommended Local Policy & Procedures

The Judicial Information System Committee Data Dissemination Policy (Policy) specifically covers records contained in the Judicial Information System (JIS). Local courts are encouraged to develop and formally adopt a written policy that guides data dissemination from local court record systems as well.

Examples of local court records systems that may be subject to local policy are:

- File folder check-out systems
- record access logs
- data dissemination logs
- local document imaging systems
- custom indexes of documents and/or case events
- special management databases or reports
- personnel systems

~~A recommended approach is to extend the Policy to cover non- JIS records in each court's jurisdiction. Advantages include simplicity and consistency of court data dissemination practice throughout the state.~~ Suggestions for developing a local data dissemination policy include:

- Start by reviewing the Policy and procedures.

- ~~Be sure to include language indicating that your court adopts the Policy for all other non-JIS records of your court.~~

- ~~Add to your policy that "borrowing from" PDA means that file access logs and the data dissemination logs are not public information.~~

- Specify how much time your court can spend on data dissemination without "unduly disrupting the ongoing business of the court," and document the amount of time spent. This is your protection for denying requests because of limited resources.

- Designate a Data Dissemination Administrator, and take it seriously. Consistency is very important.

- Include a description of how your Data Dissemination Administrator will define "management report for administrative purposes" from a single judge request and what the approval cycle is for management report requests.

Local Procedures

The following procedures will be followed for the release of public information by local courts or the ~~OAC~~ AOC to any person who requests information, hereinafter referred to as Data Dissemination.

1. **Request**
   The request shall be made using the Request for Information form. The form must be completed, signed, and dated. Persons must attest to the accuracy of the information provided by them on the request form.

2. **Log of Requests**
   All requests and responses will be logged. Such administrative logs ~~shall not be disclosed as public information~~are disclosable under court rule GR 31.1.~~ Copies of actual reports shall not be retained. (See the Data Dissemination Request and Response Log in the Mandatory Forms section.)~~

3. **Evaluation of Request**
   The person designated as the court's Data Dissemination Administrator will evaluate the request using criteria based on JISCR 15(f) and the Policy to determine whether the request is to be accepted or denied.

4. **Sizing and Fee Estimation**
   The local Data Dissemination Administrator will translate the request into terms usable by a programmer to produce the desired information.

   All reports will be roughly "sized" by the Data Dissemination Administrator or a programmer before being run to advise the requestor of approximate fees. Fees estimated for each request are based on the JIS Data Dissemination Fee Schedule. Questions or problems will be discussed with the Data Dissemination Administrator.

5. **Fee Waiver**
   Fees may be waived for requests that are for court-related business or if the data is needed to satisfy a legislative mandate.
   ~~Fees for the request may be waived in writing at the discretion of the Data Dissemination Administrator based on good cause. Examples of good cause include, but are not limited to:~~

   - ~~Requestor's inability to pay interferes with the public right to know;~~
   - ~~Request will promote delivery of justice to Washington State citizens;~~
   - ~~Request will also be useful to the court system; or~~
   - ~~Requestor's inability to pay will result in an injustice.~~

~~5.~~6. **Denial of Request**
   If the request is denied, the Data Dissemination Administrator will send the

requestor written notification of this decision ~~within 30 days of receipt of the request~~. The notification will include the reason(s) for the denial and a summary of the appeal process. (See the Model Responses section.)

~~6.~~7. Approval of Request

If the request is approved, the Data Dissemination Administrator will ~~send~~ notify the requestor ~~a letter of approval within 30 days of receipt of the request~~. If requested, the notification should include the ~~The letter specifies the~~ estimated cost of the request and the time frame for completing the request. ~~The letter also specifies the liabilities and responsibilities for use of the requested information as well as a statement concerning the limitations of information. (See the Model Responses & Disclaimers section.)~~

If the request is by a bona fide research organization, a research agreement will be executed pursuant to the Policy. ~~the requestor will be sent a Research Agreement within 30 days of receipt of the request.~~ The Research Agreement specifies the estimated cost of the request and the time frame for completing the request after receipt of the signed Research Agreement from the requestor. This Agreement will also specify liabilities and responsibilities for use of the requested information as well as a statement concerning the limitations of information. (See the Research Agreement in the Mandatory Forms section.)

Commented [HS1]: Mandatory Forms section still needed?

If the requestor is seeking information compiled about themselves, then the requestor will be sent, within 30 days of receipt of the request, a Waiver for Release of Person- Specific JIS Information authorizing the release of information by the requestor.

~~7.~~8. Execution of Request

Upon approval of the request (and requestor's agreement to estimated costs, if any), the Data Dissemination Administrator will assign the execution of the request to a person within their office. That person will record the time spent to develop the request and the mainframe resources used by the request. The Data Dissemination Administrator will then use all fee-related information to determine the actual cost for the request.

~~**8. Verification of Information**~~

~~9. The program logic and results for all requests must be reviewed by a person other than the programmer to assure the program and results reasonably fulfill the request.~~

~~10.~~9. Response to Requestor

The requested information and an invoice of the fees for the request will be sent to the requestor. The invoice will specify that payment is due within ~~15~~ 30days of the invoice date.

~~11.~~10. Liability Statement

A ~~liability~~ disclaimer statement that was approved by the JISC Data Dissemination Committee shall be included with each report. ~~(See response #1 in the Model Responses & Disclaimers section.)~~

~~12.~~11. Processing of Payment

The court shall process payments. Evaluation and research components of the fees will be retained locally. ~~The JIS Mainframe Resource component shall be forwarded to the JIS revolving fund (BARS Account).~~

~~13.~~12. Appeals

Appeals of the court's decision shall be made to:

Chair, ~~Judicial Information System Committee~~ JISC Data Dissemination Committee
c/o ~~Director, Information Systems Division~~ AOC Data Dissemination Administrator
Office of the Administrator for the Courts
P.O. Box 41170
Olympia, Washington 98504-1170
(See the Appeals section).

~~**Judicial Information System Committee, c/o Director**,~~
~~Information Systems Division,~~
~~Office of the Administrator for the Courts,~~
~~P.O. Box 41170,~~
~~Olympia, Washington 98504-1170~~
~~(see the Appeals section).~~

Request for and Limited Waiver for Release of Person-Specific Record Information

Part I: To which court is this request for information directed?

Court: _____

Date: _____

What information is being requested? (Please be specific): _____

_____

_____

_____

_____

Part II: To whom shall the report be sent?

Requestor: _____

Representing: _____

Professional License No.: _____

Address: _____

City/State/Zip Code: _____

Area Code/Telephone No.: _____

Part III: On whom is the record information requested? (At a minimum, this must include a full name, and date of birth or driver's license number.)

Subject's Full Name: _____
(First Name) (Middle Name) (Last Name)

Date of Birth: _____

Driver's License No.: _____

Subject's Address: _____

City/State/Zip Code: _____

Part IV: Waiver of Privacy Protection from the person on whom information is requested:

I hereby authorize the release of the above-specified information that may be found in the record search of documents within the files of the court to whom this form is presented. Further, I hold harmless all parties who have provided this information at my request. The report will be provided solely to the person named in Part II. To review a copy of this report, I will obtain it from the person to whom the report is sent.

Signature: _____

(Note: Signature must be notarized.)

State of Washington)
) ss.
County of _____)

On the ____ day of _____, before me, a Notary Public for the State of Washington, appeared _____, known to me or proved that s/he is the person signing the within instrument, and that s/he signed the same of her/his own free act for the purposes stated herein.

_____
Notary Public for the State of Washington,

Residing at: _____

My Commission expires: _____

Print Name: _____

State of Washington
Office of the Administrator for the Courts

Agreement to Protect Records From Commercial Use

The report you have requested contains names associated with cases. The Judicial Information System (JIS) Data Dissemination Policy prohibits the use of names obtained from the JIS for contact ~~or commercial purposes~~for commercial solicitation.

The report you have requested cannot be released until the following agreement has been submitted.

I hereby agree that the names of individuals provided me in this data shall not be used for any commercial ~~purpose~~ solicitation by myself or by any organization I represent, and I will protect the list of individuals from access by anyone who may use the list for purposes of contacting the individuals named therein or otherwise personally affecting them in the furtherance of any profit-seeking activity.

I declare, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

Name: _____

Address: _____

_____

_____

Telephone: ( ) _____

Signature: _____

ID Verification (Driver's License #): _____

_____
Notary Public in and for the State of Washington,
residing at _____
My commission expires _____

Data Dissemination Request and Response Log

County: _____ Court: _____

Data Administrator: _____ Telephone No.: _____

No.	Date Received	Requestor	Date Req.	Assigned To	Req. No.	Response Date	Date Paid	Amount

Data Dissemination Request and Response Log

Page No. _____

No.	Date Received	Requestor	Date Req.	Assigned To	Req. No.	Response Date	Date Paid	Amount

State of Washington
Office of the Administrator for the Courts

Commented [HS1]: Replace with other agreement discussed in agenda item #6

Research Agreement

THIS AGREEMENT is entered into this _____ day of _____, _____ between the Office of the Administrator for the Courts (OAC), and _____ _____ (Researcher).

WHEREAS, the Researcher has submitted a written request to the OAC dated _____, _____, a copy of which is attached hereto and incorporated by reference as part of this Agreement, and

WHEREAS, the OAC has determined that the Researcher's written request clearly specifies the information and/or data sought and the research, evaluative, or statistical purpose for which the information and/or data will be used,

IT IS THEREFORE AGREED AS FOLLOWS:

1. The OAC will supply the following items of information and/or data to the Researcher:
   _____
   _____
   _____
   _____.

2. The Researcher will explain the provisions that will be taken to securely protect any data that is confidential (physical locks, computer passwords and/or encryption): _____
   _____
   _____
   _____.

3. The Researcher will:
   a. use the information and/or data provided only for the research, evaluative, or statistical purposes described in the above-mentioned written request and for no other purpose;
   b. limit access to the information and/or data to the Researcher and those of the Researcher's employees whose responsibilities cannot be accomplished without such access;
   c. so far as possible, replace the name and address of any record subject with an alphanumeric or other appropriate code;
   d. immediately notify the OAC of any material changes in the purposes or objectives of its proposed research or in the manner in which the information and/or data will be used.
   e. prohibit the disclosure of data in any form which identifies an individual; and
   f. prohibit the copying or duplication of information or data provided other than for the stated research, evaluative, or statistical purpose.

4. The Researcher will not:
   a. disclose any of the information and/or data in a form which is identifiable to an individual in any project report or in any other manner whatsoever; and
   b. make copies of any of the information and/or data provided other than that necessary for research, evaluative, or statistical purposes.

5. In the event the Researcher deems it necessary, for the purposes consistent with this Agreement, to disclose the information and/or data to any other person or entity, including but not limited to associates, collaborators, and/or subcontractors, the Researcher shall:
   a. secure the written agreement of any such person or entity to comply with all terms of this Agreement as if they were the Researcher named herein;

b. submit such written agreement to the OAC with a request for its written consent; and
c. shall not disclose any of the information and/or data until the OAC has provided such written consent.

6. The Researcher further agrees that the OAC shall have the right, at any time, to monitor, audit, and/or review the activities and policies of the Researcher (or any person or entity granted access to information and/or data under Paragraph 4, above) in order to assure compliance with this Agreement.

7. In the event the Researcher fails to comply with any term of this Agreement, the OAC shall have the right to take such action, as it deems appropriate including termination of this Agreement. If the OAC terminates this Agreement, the Researcher (or any person or entity granted access to the information and/or data) shall return all information and/or data to the OAC including all originals, copies, extracts, or other forms and/or formats. The confidentiality provisions contained herein will survive upon termination of this Agreement.

8. The Researcher will defend, protect, and hold harmless the OAC or any of its employees from any claims, damages, or other liability arising as a result of disclosure by the Researcher of any information received pursuant to this Agreement or for acts of the Researcher which are libelous or slanderous or violate a right of confidentiality.

9. The Researcher will provide the OAC with a copy of the Researcher's final report within thirty (30) days of the completion of that report.

IN WITNESS WHEREOF the parties have signed their names hereto this _____ day of _____, _____.

Office of the Administrator for the Courts	**Researcher**
_____	_____
By: Name	Name
_____	_____
Title	Title

.....

FOR JUVENILE RECORDS ONLY

State of Washington)
) ss.
County of _____)

On the ____ day of _____, _____, before me, a Notary Public for the State of Washington, appeared _____, known to me or proved that s/he is the person signing the within instrument, and that s/he signed the same of her/his own free act for juvenile records per RCW 13.50.010(8).

_____
Notary Public for the State of Washington,
Residing at: _____
My Commission expires: _____
Print Name: _____