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 the Constitution of the State of Washington, court rules, statutes, case law, ~~common law access rights, JISC rules, and~~ 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.

- 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~~

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~~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, RCW, 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/clerks 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/clerks 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/clerks should NEVER interpret data for outside requestors.

7. Court staff/clerks 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

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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/clerk 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.