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 [BM1]: yes

Commented [HS2]: Are these examples still relevant? What additional examples are needed?

Commented [HS3]: Should the examples still be set up as rationale/response?

Commented [BM4]: This language needs to be updated. There are no "judgment cases" any longer.

Commented [HS5]: 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 [BM6]: yes

Commented [HS7]: 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.

Commented [BM8]: Maybe we should talk about this sentence. If this info is filed in a public case, then the info is publicly available. Does this statute apply to court records?

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.)~~

Commented [BM9]: this language needs to be updated. In the new systems judgement is not a case type.

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 Agreementagreement, 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.)~~

Commented [BM10]: This is tricky. We may not know the requestor is a researcher. The list cases with a trial is a report we would readily provide with or without a data agreement.

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.

Commented [BM11]: Not sure what this example means? we don't have attorney client lists

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.