WASHINGTON
COURTS

November 16, 2021

TO: Data Dissemination Committee

FROM: Kevin Cottingham, AOC Data Dissemination Administrator

RE: Request from American Equity & Justice Group

The American Equity & Justice Group has placed a request with the Administrative Office of the Courts for bulk Superior Court adult criminal case data, most of which presents no issues.[1]

One proposed use of the data, however, does present some logistical issues, and is an issue of first impression on which AOC would appreciate DDC input. AEJG proposes to use the data in a "hackathon", which would entail granting access to the data to participants to allow them to digitally manipulate the data, looking for correlations and trends. As this data will be provided with individually identifying information, Section 5.4 of the DDC-approved data dissemination contract presents an issue. This clause prohibits AEJG from "disclos[ing] of the data provided under this Agreement in any form which identifies an individual," and Section 6 spells out criteria for AEJG to fulfill if disclosure is necessary. AEJG must:

1. Secure the written agreement of any such person or entity to comply with all terms of this Agreement as if they were Requestor named herein;
2. Submit such written agreement to the AOC with a request for its written consent; and
3. Not disclose any of the AOC Data until the AOC has provided such written consent.

Depending on the scale, this could present issues for AOC, as AEJG will need to provide a list of applicants and their signatures to AOC before such an event for AOC approval, and AOC will need to manually review each application. Because the data being provided is public, and because AEJG already has provided a confidentiality

[1] Some data requested will not be granted—namely, JUVIS number and driver's license number—due to restrictions in the Data Dissemination Policy and statutes.

agreement to used by participants, AOC seeks DDC input on how to proceed, and suggests three possible avenues:

1. The DDC allow for a modification of the approved standard contract, allowing participants to sign a confidentiality agreement without requiring AOC approval for every participant, and allowing AEJG to provide the AOC data, without modifications, to participants.
2. The DDC allow for a modification of the approved standard contract, allowing participants to sign a confidentiality agreement without requiring AOC approval for every participant, but requiring AEJG to provide the AOC data to participants with some modifications, such as removing personal identifiers.
3. Disallow such a modification and require AOC approval for every participant.