WASHINGTON
COURTS

February 27, 2025

TO: Data Dissemination Committee

FROM: Kevin Cottingham, AOC Data Dissemination Administrator

RE: Washington State Center for Court Research and Minority & Justice Commission Request for Master Jury Source List

The Washington State Minority and Justice Commission, in conjunction with AOC's Washington State Center for Court Research, are requesting access to information contained within the Master Jury Source List held by AOC in order to perform research supporting the Pierce County Jury Compensation Pilot Program.

The rule governing access to the Master Jury Source List is admittedly quite brief. In its entirety, the rule states "Master jury source list information, other than name and address, is presumed to be private. Upon a showing of good cause, the court may permit a petitioner to have access to relevant information from the list. The court may require that the information not be disclosed to other persons." The requestors are only seeking access to address information contained in the list, which seems to be quite clearly public information based on the rule.

That said, the requestor is before the DDC because one county interpreted the rule differently and denied the request for their portion of the Master Jury Source List. Assuming their interpretation is correct and the Master Jury Source List is not publicly accessible, GR 31(f)(1) provides a different avenue for the requestor to obtain access to the records.

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 inquiry. In order to grant such requests, the court or the Administrator for the Courts must:

> *(A) Consider: (i) the extent to which access will result in efficiencies in the operation of the judiciary; (ii) the extent to which access will fulfill a legislative mandate; (iii) the extent to which access will result in efficiencies in other*

parts of the justice system; and (iv) the risks created by permitting the access.

(B) Determine, in its discretion, that filling the request will not violate this rule.

(C) Determine the minimum access to restricted court records necessary for the purpose is provided to the requestor.

(D) Assure that prior to the release of court records under section (f) (1), the requestor has executed a dissemination contract that includes terms and conditions which: (i) require the requester to specify provisions for the secure protection of any data that is confidential; (ii) prohibit the disclosure of data in any form which identifies an individual; (iii) prohibit the copying, duplication, or dissemination of information or data provided other than for the stated purpose; and (iv) maintain a log of any distribution of court records which will be open and available for audit by the court or the Administrator of the Courts. Any audit should verify that the court records are being appropriately used and in a manner consistent with this rule.

AOC has carefully considered the present request. The request is in line with the stated goals of the judiciary, as espoused in the Supreme Court's 2020 open letter to the legal community,[1] and even more closely related to General Rule 37, which explicitly states that its purpose is to "eliminate the unfair exclusion of potential jurors based on race or ethnicity". Risks are relatively low here, as AOC believes much of the information to be public based on GR 31(k) (and to take this further, the list itself is generated largely through the use of public Secretary of State voter roll data). The recipients here are all AOC employees whose regular work involves the handling of confidential data in order to perform research. All have signed confidentiality agreements, which is standard practice at AOC.

AOC does not believe that filling this request would violate the rule, and believes that the request present is for the minimum access necessary to accomplish the requestors' stated goals. Requestors are merely asking for address information, and not other information in the Master Jury Source List. Finally, as with all requests for bulk court data, the requestors will sign a data sharing agreement that fulfills the standard criteria listed in GR 31(f)(1)(D).

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[1] Open Letter from Wash. State Sup. Ct. to Members of Judiciary & Legal Cmty. 1 (June 4, 2020), https://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20News/Judiciary%20Legal%20Community%20SIGNED%20060420.pdf