

**STATE AND FEDERAL POLICY  
ON ELECTRONIC ACCESS TO COURT RECORDS**

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## ***“State and Federal Policies on Electronic Access to Court Records” Summary Report***

The following report includes an overview of the current status of electronic access to court records by the 49 states (excluding Maryland), the District of Columbia, and the Federal Judiciary, and detailed information on the specific policies and practices of 13 individual states.

Research shows that 17% of all the states (9 states) employ some type of dial-up access program to obtain court records, while 31% (16 states) offer limited-to-substantial free or inexpensive web access to court records. Most states that provide electronic access to court records exclude statutory, court or rule-based “confidential” information, such as: juvenile records, Social Security numbers, financial records and medical history.

A little more than half the states (52% - 26 states) offer little or no electronic access to court records. While some of these states are only at the stage of analyzing the issues related to electronic access to court records, others do offer web access in certain jurisdictions.

Current findings indicate that states do not differentiate between paper and electronic records and are striving for greater availability to court record information on the Internet. Most states commented that technical and financial barriers prevented open electronic access to court records, not privacy concerns.

Exhibit A of this report provides an overview of the federal court policy on electronic access to court records, as well as a list of specific states that currently allow the public to access records electronically. The selected states are: Arizona, California, Colorado, Connecticut, Florida, Massachusetts, New Jersey, New Mexico, North Carolina, Oregon, Tennessee, Virginia, and Washington.

Exhibit B of this report lists all of the states and shows the extent to which electronic access to court records exists in each state.

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**STATE: ARIZONA**

**Policy on Electronic Access**

Current court rules authorize on-line, remote electronic access to certain court records. Current rules apparently contemplated only direct dial-up access—not widespread internet access. Ad hoc committee recommended widespread internet access to most courts.

**Confidential Information**

Ad hoc committee recommended that exclusions include: social security numbers, financial account numbers, credit/debit card numbers, domestic, juvenile, mental health, and probate matters. Ad hoc committee also recommended restricting bulk commercial requests.

**Civil Record**

Subject to exclusions noted, ad hoc committee recommended general access to most civil case materials.

**Criminal Record**

Subject to exclusions noted, ad hoc committee recommended general access to most criminal case materials.

**Fee**

Yes, authorized by current court rules.

**Other**

**Task Force**

Yes

**STATE: CALIFORNIA**

<b>Policy on Electronic Access</b>	Current court rules encourage courts to permit electronic access through the internet and through public, off-site terminals. Recent statewide court rules have been submitted for public comment that would provide for uniform system of electronic access.
<b>Confidential Information</b>	Current rules exclude family, child support, juvenile, mental health, probate, or criminal matters. Proposed rule excludes same types of matters. Proposed rules do not foreclose bulk, commercial requests, but leave such decisions to each individual court.
<b>Civil Record</b>	Current rules provide that available civil information should be accessible only by case name or number.
<b>Criminal Record</b>	Not available.
<b>Fee</b>	Authorized by proposed court rule.
<b>Other</b>	
<b>Task Force</b>	Yes.

**STATE: COLORADO**

<b>Policy on Electronic Access</b>	Fee-based internet access to state's ICON system (Integrated Colorado On-Line Network) at <a href="http://www.CoCourts.com">www.CoCourts.com</a> . State website offers real-time internet access to certain civil, civil water, small claims, domestic, felony, misdemeanor.
<b>Confidential Information</b>	Excludes probation matters, personal financial information (e.g., social security numbers, account records/numbers), juvenile, mental health, sealed files, information related to victims of crime, and draft opinions, notes and/or internal court memos.
<b>Civil Record</b>	Subject to exclusions noted, case information can be searched by name or case number (civil, civil water, small claims, and domestic).
<b>Criminal Record</b>	Subject to exclusions noted, case information can be searched by name or case number (felony, misdemeanor, and traffic).
<b>Fee</b>	Yes, \$5/search.
<b>Other</b>	
<b>Task Force</b>	

**STATE: CONNECTICUT**

<b>Policy on Electronic Access</b>	Fee-based dial-up and free internet access to limited civil and family matters. System is known as the "Judicial Information System". State also maintains certain public access terminals in each courthouse.
<b>Confidential Information</b>	No access to personal financial information (e.g., social security number), or sealed matters.
<b>Civil Record</b>	Limited civil and family matters. Can search by party name, case#, calendar/docket reference. Can use system to check disposition/status, but cannot view content of individual pleadings.
<b>Criminal Record</b>	Not accessible.
<b>Fee</b>	Monthly and usage fees for dial-up access; no fee for internet access.
<b>Other</b>	
<b>Task Force</b>	Several court-directed initiatives involving electronic access are underway.

**STATE: FLORIDA**

<b>Policy on Electronic Access</b>	Electronic access authorized by statute. No statewide uniformity, but some local clerks have made certain public records available through the internet. Court workgroup has recently issued its report regarding recommended changes and need for statewide access.
<b>Confidential Information</b>	Court rule authorizes disclosure of public records except those portions containing: examination questions administered by a state agency and active criminal intelligence information (including confidential informant and law enforcement investigative techniques).
<b>Civil Record</b>	Certain limited information is, or will soon be available in various jurisdictions. See e.g., Palm Beach County at <a href="http://www.co.palm-beach.fl.us/jisweb/civis.htm">www.co.palm-beach.fl.us/jisweb/civis.htm</a> .
<b>Criminal Record</b>	Certain limited information available in various jurisdictions. See e.g., 20th Jud. Circuit at <a href="http://cjis.cjis20.org/default.asp">cjis.cjis20.org/default.asp</a> .
<b>Fee</b>	Yes, authorized by court rule.
<b>Other</b>	Court opinions, certain briefs/orders available at <a href="http://www.flcourts.org">www.flcourts.org</a> .
<b>Task Force</b>	Yes.



## **STATE: MASSACHUSETTS**

### **Policy on Electronic Access**

A dial-up access system for a fee (not specified) exists in the Superior (trial) Courts, the Appeals Court and the Supreme Judicial Court. They use a proprietary system called, "Forecourt." It is available only to lawyers and court personnel. The state is working toward a fee system for the web.

Paper and electronic records available only on a court-by-court basis in the courthouses. No central repository exists for court records.

### **Confidential Information**

Massachusetts does not define the "record" differently for access purposes and there is technically no difference between the paper "record" and the electronic "record." All records are public unless subject to the statutes, rules and regulations which prohibit publication of information, such as: children's services, paternity and adoption matters, medical histories, certain family court issues and financial statements, all juvenile records and many criminal records.

A task force recommends that the following categories of information available on paper, be excluded from the web: party street and e-mail addresses, party telephone and fax numbers, Social Security and other identifying numbers for any person.

### **Civil Record**

No distinction between criminal, general civil, family and probate dockets so far as electronic access is concerned. Categories not available on a paper basis will not be available electronically. Civil business is wide open, subject only to impoundment orders and matters restricted by statute or court rule.

### **Criminal Record**

Complaints and indictments accessible to public.

Excluded: prior convictions, police reports, and places of incarceration.

Sealed records - when defendant is found not guilty, or no bill is returned by the grand jury, or there has been no finding of probable cause.

<b>Fee</b>	A fee is being considered for public access to electronic records but no decision has yet been made.
<b>Other</b>	<p>Dissemination of docket information will be the first phase. Docket information includes: case caption, party names/roles, docket number, trial court department, division, court location, subject of the case, names of lawyers, addresses and telephone numbers, docket entries, calendar of next events, judge assigned or judges who have acted on the case).</p> <p>Electronic access to actual documents (e.g. complaints, motions and affidavits) would be the second phase of dissemination. Eventual goal is to have all documents on the web.</p> <p><u>Concerns:</u></p> <ol style="list-style-type: none"> <li>1) Unproven documents.</li> <li>2) Invasive use by marketers, admissions officers, housing, employment.</li> <li>3) Fingerprint or other identity protections.</li> </ol> <p><u>Search:</u></p> <p>Cases will be searchable by party names, judge, docket number, calendar event date, subject and name of lawyer.</p> <p>Databases will not be searchable by any identification number personal to a party such as telephone number or address.</p>
<b>Task Force</b>	Yes.

## **STATE: NEW JERSEY**

### **Policy on Electronic Access**

Electronic access is obtained by calling an 800 number associated with the Judiciary computer and entering a Remote-ID number, then a User-ID and password to access the Inquiry system.

### **Confidential Information**

Confidential: Personnel and pension records, medical records, social security numbers.

Excluded info: No actual text of docketed documents; impounded cases; Supreme Court case information.

### **Civil Record**

The Court Records Inquiry System makes available case & judgment information on the “Civil Automated Case Management System” (ACMS) and the “Family Automated Case Tracking System” (FACTS).

ACMS is the caseload management & record keeping system for the:

Superior Court: Law Division – Civil & Special Civil Parts  
Chancery Division – General Equity & Foreclosure  
Appellate Division  
Superior Court Civil Judgment & Order Docket  
Archival Management Information System for cases no longer active w/ACMS

Subscribers can look up information by docket number, judgment number or party name. Available case information includes: complete listing of documents filed, orders entered, proceedings scheduled, motion dispositions, lists of parties & their status (e.g. active, defaulted, settled), and attorneys.

FACTS is a caseload management & record keeping system to support the Superior Court Family Part & Family Probation services. It includes the following case types: Juvenile/Family Crisis, Adoptions, Child Placement, Non-Dissolution, Guardianship, Juvenile Delinquency, Dissolution, Abuse & Neglect, Domestic Violence, & Juvenile Probation Tracking and Supervision.

***\*Only FACTS DISSOLUTION case info will be offered for electronic access at this time.***

<b>Criminal Record</b>	No criminal information is accessible through the Inquiry system yet.
<b>Fee</b>	Initial fee of \$500 to set-up a collateral account with the court. Balance of \$300 must remain in account. User fee: \$1.00 per minute
<b>Other</b>	The Inquiry System provides access to the same information, which can be found through the public access terminals at the courthouses. Use of the terminals is free.
<b>Task Force</b>	Yes.

**STATE: NEW MEXICO**

<b>Policy on Electronic Access</b>	Electronic access is available to the public through internet websites.
<b>Confidential Information</b>	Medical & treatment records, juvenile records, adoption records, substance abuse treatments
<b>Civil Record</b>	<p>The website, <a href="http://www.technet.nm.net/menu/metro-ct.htm">www.technet.nm.net/menu/metro-ct.htm</a>, provides a “case look-up” system of the Second and Fifth District courts by inputting information into a field or a combination of fields (e.g. name, date of birth, filing date, social security number, driver’s license state).</p> <p>A user name &amp; password are required for background, civil case or general inquiries. User can view “index information.” User can also download codes and descriptions to decipher dockets.</p>
<b>Criminal Record</b>	<p>The website, <a href="http://www.metrocourt.state.nm.us">www.metrocourt.state.nm.us</a>, provides information on criminal court dockets.</p> <p>No user name or password is required.</p> <p>User can view: names, aliases, crimes committed.</p>
<b>Fee</b>	Technet charges a dial-up access charge of \$37.03 (set-up fee) and then \$10-40 per month for usage (depends on the number of hours logged).
<b>Other</b>	<p>The state is organizing a “Criminal Justice Information Management Team” composed of about 6 agencies, including:</p> <p>District Attorney’s office, Public Defender’s Office, Public Safety, Judiciary Committee.</p>
<b>Task Force</b>	Yes.

## **STATE: NORTH CAROLINA**

### **Policy on Electronic Access**

North Carolina maintains 2 mainframe applications called, "VCAP," – for civil and criminal information. The public can access the mainframes from the clerk's office in each county.

The public can also access court records via an internet website.

### **Confidential Information**

Confidential: Juvenile records, drug/alcohol related proceedings.

Excluded: Social security numbers, home addresses.

### **Civil Record**

The "VCAP" system allows for statewide inquiry into estates, special proceedings and all civil actions.

Public can view "index information" – party names, issue, docket/case number, and some judgments from special proceedings cases.

### **Criminal Record**

The public has access to statewide district court, superior court and misdemeanor criminal records.

Public can view the information by each county.

The internet site, [www.aoc.state.nc.us](http://www.aoc.state.nc.us), provides access to a statewide criminal calendar for the district and superior courts. The user can view name, charge and court date.

The site also provides access to a "criminal index query." The query search produces names, dates of birth, trial dates, courtroom numbers, and case/citation numbers.

### **Fee**

None.

### **Other**

### **Task Force**

**STATE: OREGON**

**Policy on Electronic Access**

Oregon has a subscription based website that provides access to the same court information as can be found via paper means.

**Confidential Information**

Juvenile records, social security numbers, medical history/treatment, financial records.

**Civil Record**

The subscription based, "Oregon Judicial Information Network," (OJIN) provides access to the same civil and criminal information that can be retrieved from the public access terminals.

**Criminal Record**

URL: [www.OJD.state.or.us/ojin](http://www.OJD.state.or.us/ojin)

Since the OJIN system resides on a network of 18 computers that can be accessed through this OJIN OnLine service, the public can view, download and print standard case mgmt info: case class/type, parties, attorneys, summaries of charges & documents, register of actions, and any other court record stored in the courthouses.

**Fee**

1 time set-up fee of \$275 + resource utilization fee of \$8/hour.

Access can be free for government agencies and nonprofit groups.

**Other**

**Task Force**

**STATE: TENNESSEE**

**Policy on Electronic Access**

Tennessee has limited access to case information on its webpage. There is no home electronic access to court records, other than what is provided on its website. The clerk's office provides electronic information via e-mail, CD-ROM, or Diskette. The Administrative Office of the Court decides how case records are made available to the public. The Clerk's Office is the central repository. Tennessee does not have any policies to address misuse of information.

**Confidential Information**

Social Security numbers are kept confidential, but home telephone numbers and home addresses are available. Disclaimers are usually included on felony judgment cases.

**Civil Record**

Any information, not under seal by the State or the Court, is available to the public.

**Criminal Record**

Any information, not under seal by the State or the Court, is available to the public. There are no specific protections to criminal records, unless indicated in a statute.

**Fee**

There is no fee charged for small requests for information. The court will typically charge a fee for large document requests, such as a request for multiple background checks.

**Other**

**Task Force**

Yes. The Court is currently in the process of examining their policies on electronic access.



## **STATE: VIRGINIA**

### **Policy on Electronic Access**

Virginia has an open record policy on public access to court documents. Records are an abstract of the case with entries made by the clerk of the court. Records are not identical copies of the actual documents. There is a central repository in the Supreme Court's main database. The Supreme Court makes the rules regarding electronic access to court documents. Virginia uses its disclaimer to address any misuse.

### **Confidential Information**

Confidential: Social Security numbers

Excluded: Street addresses (not city and state); Birth Year (not month and day); Juvenile records and adoption proceedings.

"Optional" information is entered at the discretion of the court. A disclaimer is provided once a user enters into the system, which states that there is no implied warranty to the accuracy of the information contained.

### **Civil Record**

Any information, not under seal by the State or the Court, is available. The Supreme Court makes the rules.

### **Criminal Record**

Criminal Justice agencies and the Department of Motor Vehicles are able to get all necessary information regarding a person's social security number and date of birth, if authorized by the state. Official repository for criminal case history is the state police department.

### **Fee**

No fee to dial-up users. Anyone with internet service can use the system. No subscription is necessary.

### **Other**

### **Task Force**

No subcommittee is currently working on the state's policies to electronic records, but the system is continually evolving and changing.

## **STATE: WASHINGTON**

<b>Policy on Electronic Access</b>	Washington has an electronic system called, "State Case Management." The system contains information pertaining to the status of the case. The system does not show an actual copy of the documents or pleading, only an abstract of such documents. The system is a statewide case system with a central repository in the Supreme Court. The Supreme Court makes the rules on electronic access policies. Misuse is addressed under the state's data dissemination policy.
<b>Confidential Information</b>	Excluded (unless otherwise permitted by law): Social Security numbers, addresses, home phone numbers, credit card information, and all other identifying information
<b>Civil Record</b>	Any information, not under seal by the State or by the Court, is available. The Court will not include paternity case records or adoption case records.
<b>Criminal Record</b>	Excluded: The Court will not include juvenile records.
<b>Fee</b>	State laws allow for a fee to be charged to dial-up users. Records are available via free public terminals at the courthouses.
<b>Other</b>	
<b>Task Force</b>	Yes. Currently, there is a task force looking at the state's policies to create a more efficient and uniform policy.

## **EXHIBIT A**

## **FEDERAL COURT**

### **Policy on Electronic Access**

The Federal Courts have a case index, which is a part of a PACER (Public Access to Court Electronic Records) system.

The system allows access through the internet, for district (criminal and civil matters), bankruptcy and appellate court matters. Registration is required, and then a person receives a Logon name and number. No central repository exists. Records are electronically available on a court by court basis. The Legislature gives the Judicial Conference Committee the power to make the rules and guidelines for electronic information.

The majority of bankruptcy courts and some district courts have an electronic filing system in addition to PACER.

### **Confidential Information**

Generally, Social Security numbers and disclaimers are not included.

### **Civil Record**

Some courts provide imaging of civil documents and docket entries, while others only have docket entries. No nationwide policy exists.

### **Criminal Record**

Some courts provide imaging of criminal documents and docket entries, while others only have docket entries. No nationwide policy exists.

### **Fee**

\$.07 per page fee charged.

### **Other**

### **Task Force**

Yes. A task force is currently in the process of developing a nationwide policy. The policy will be submitted to the Judicial Conference Committee in September 2001.

