



TO:  
Rule 28 Distribution  
David K Byers  
Hon. Richard E. Gordon  
Jennifer A Greene

**ATTACHMENT\***

**RULES OF THE SUPREME COURT**

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**Rule 123. Access to the Judicial Records of the State of Arizona**

**(a) Authority and Scope of Rule.** [No change in text.]

**(b) Definitions.**

(1) - (9) [No change in text.]

(10) High-Level Administrative Positions. In the superior, justice, and municipal courts, “high-level administrative positions” means court administrators, chief probation officers, and juvenile court directors. In the appellate courts, it means the clerks of the court and the administrative director.

~~(10)~~ (11) Information. [No change in text.]

~~(11)~~ (12) Judge. [No change in text.]

~~(12)~~ (13) Law. [No change in text.]

~~(13)~~ (14) Presiding Judge. [No change in text.]

~~(14)~~ (15) Private Organization Serving a Public Purpose. [No change in text.]

~~(15)~~ (16) Public. [No change in text.]

~~(16)~~ (17) Record. [No change in text.]

(18) Records Maintained for Human Resources Purposes. “Records maintained for human resources purposes” means records relating to employees and volunteers such as the official personnel file, and records of employee benefits, investigations, EEOC complaints, reclassifications, supervisors’ working files, employee relations guidance, counseling notes, and similar matters.

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\* Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

~~(17)~~ (19) *Remote Electronic Access*. [No change in text.]

~~(18)~~ (20) *Sensitive Data*. [No change in text.]

**(c) General Provisions.** [No change in text.]

**(d) Access to Case Records.** [No change in text.]

**(e) Access to Administrative Records**

(1) *Employee Records*. Records maintained for human resources purposes concerning individuals who are employees or who perform volunteer services are closed except for the following information:

(A) ~~Full~~ full name of individual;

(B) ~~Date~~ date of employment;

(C) ~~Current~~ current and previous job titles and descriptions, and effective dates of employment;

(D) ~~Name~~ name, location and phone number of court and/or office to which the individual has been assigned;

(E) ~~Current~~ current and previous salaries and dates of each change;

(F) ~~Name~~ name of current or last known supervisor;

(G) ~~Information~~ information authorized to be released by the individual to the public unless prohibited by law.

(H) records concerning employee misconduct or discipline, but only on a showing of good cause for release of a record as determined in the process provided in paragraph (f)(5) of this rule; such records may be accessed by court personnel for official purposes and by an employee who is the subject of the discipline, to the extent such access is permitted or required by applicable personnel policies.

(2) *Applicant Records*. Unless otherwise provided by law, ~~records concerning applicants for employment or volunteer services are the~~ names and resumes of final candidates for high-level administrative positions shall be open to the public, after the names, home addresses, telephone numbers, and other contact information ~~social~~

~~security numbers, and all other personally identifying information have been redacted, except that the names of applicants who are final candidates shall be disclosed. All other records concerning applicants for employment or volunteer services are closed.~~

(3) - (4) [No change in text.]

(5) *Procurement Records.* Procurement and bid records are open to the public except as provided herein:

(A) Sealed Bids. [No change in text.]

(B) Invitation for Bid. Bid records submitted under ~~Rule 18 of the Judicial Branch Procurement Code~~ section (H) of ACJA § 1-402: Procurement Code for the Judicial Branch or equivalent rules shall remain closed to the public after opening until a contract is signed, except that the amount of each bid and the name of each bidder shall be recorded and available for public inspection.

(C) Competitive Sealed Proposals and Requests for Qualifications. Records containing competitive sealed proposals and requests for qualification submissions under ~~Rules 26 or 35 of the Judicial Branch Procurement Code~~ section (I) or (J) of ACJA § 1-402: Procurement Code for the Judicial Branch or equivalent rules, shall remain closed to the public after opening until a contract is signed, except that the name of each bidder shall be publicly read and recorded.

(D) Trade Secrets. [No change in text.]

(6) - (14) [No change in text.]

~~(15) *Employee Discipline Records.* All records concerning employee misconduct or discipline are closed except on a showing of good cause for release of a record as determined in the process provided in paragraph (f)(5) of this rule. These records may be accessed by court personnel for official purposes and by an employee who is the subject of the discipline, to the extent such access is permitted or required by applicable personnel policies.~~

(f) - (j) [No change in text.]