

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-16-0008
RULE 123, RULES OF THE SUPREME)
COURT)
) **FILED: 09/02/2016**
)
)
)
_____)

ORDER

AMENDING RULE 123, RULES OF THE ARIZONA SUPREME COURT OF ARIZONA

A petition having been filed proposing to amend Rule 123 of the Rules of the Arizona Supreme Court, and no comments having been received, upon consideration,

IT IS ORDERED that Rule 123(g), Rules of the Arizona Supreme Court, be amended in accordance with the attachment hereto, effective January 1, 2017.

DATED this 2nd day of September, 2016.

_____/s/_____
SCOTT BALES
Chief Justice

Arizona Supreme Court No. R-16-0008

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TO:

Kay Radwanski

Marcus Reinkensmeyer

Rule 28 Distribution List

ATTACHMENT¹

RULES OF THE SUPREME COURT OF ARIZONA

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

(a) through (f) [no changes]

(g) Remote Electronic Access to Case Records

(1) through (4) [no changes]

(5) Courts or clerks of court must post a prominent disclosure on the court's public access website stating that the availability of case management system data and case records is subject to the court's records retention schedule.

~~(6) Removing case records from online access.~~

~~(A) Courts or clerks of court must remove case management system data and case records from online display according to ~~one~~ the applicable records retention schedule ~~period is met~~ provided in Ariz. Code Jud. Admin. § 3-402 or § 4-302.~~

~~(B) For cases scheduled to be retained more than 25 years, courts or clerks of court may remove case management system data and case records from online display after 25 years, provided the data and records are then retained through an electronically preserved method. In place of records, the court or clerk of court shall display a notice online which directs the viewer to contact the court or clerk for access to the case record.~~

~~(6)~~ (7) The clerk of the court, court, court agency, or their employees shall be immune from suit for any conduct relating to the electronic posting of case documents in accordance with this rule.

~~(7)~~ (8) Data or information that would disclose that a user of a remote electronic access system has accessed a particular court record is closed. Record access information shall be accessible by the public only on a showing of good cause pursuant to the process set forth in paragraph (f) of this rule.

~~(8)~~ (9) This paragraph (g) shall not limit the public's right of access to records, whether in paper or electronic format, at a court-designated facility.

(h) through (j) [no changes]

¹ Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike-through~~.