

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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|-----------------------------|---|-----------------------|
| In the Matter of:           | ) |                       |
|                             | ) |                       |
| ARIZONA CODE OF JUDICIAL    | ) | Administrative Order  |
| ADMINISTRATION § 1-604:     | ) | <u>No. 2009 - 132</u> |
| REMOTE ELECTRONIC ACCESS TO | ) |                       |
| CASE RECORDS                | ) |                       |
| <hr/>                       | ) |                       |

The above-captioned provision having come before the Arizona Judicial Council on December 16, 2009, and having been approved and recommended for adoption,

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the above-captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration, effective January 1, 2010.

Dated this 23rd day of December, 2009.

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REBECCA WHITE BERCH  
Chief Justice

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 1: Judicial Branch Administration**  
**Chapter 6: Records**  
**Section 1-604: Remote Electronic Access to Case Records**

**A. Purpose.** Rule 123, Rules of the Supreme Court of Arizona (“Rule 123”) authorizes courts to provide remote electronic access to case records. This code section sets forth the procedure for providing that access. The public’s right of access to all non-sealed, non-confidential case records at a court facility, whether in paper or electronic format, shall not be limited by this section.

**B. Definitions.** In addition to the definitions found in Rule 123, the following definitions apply to this section.

“Authentication” means the security measures designed to verify a person’s identity or authority to receive a specific category of remote electronic access to case records pursuant to Rule 123, Rules of the Supreme Court of Arizona.

“Registration” means the act of enrolling to receive remote electronic access to case records.

**C. Remote Electronic Access to Case Records.**

1. Access. Remote electronic access to case records in the judiciary is governed by Rule 123, this section, and all other applicable rules and laws.

2. Registration and Authentication.

a. Registration is required for remote electronic access to case records other than the records identified in Rule 123(g)(1)(D)(ii). The following information must be provided by the potential registrant:

(1) Attorneys, including attorney arbitrators, must provide their name; address; e-mail address; telephone number; date of birth; bar number or pro hoc vice number; bar number state; firm or agency name; credit card type, number, security code, and expiration date; username and password; and any additional information as determined by the supreme court.

(2) Parties, non-attorney arbitrators, and general public users must provide their name; address; e-mail address; telephone number; date of birth; either Arizona driver license number or nonoperating identification license number; credit card type, number, security code, and expiration date; username and password; and any additional information as determined by the supreme court.

b. Authentication of a potential registrant for remote electronic access to case records is required. Authentication shall be carried out by the court submitting the potential registrant’s name and Arizona driver license number or nonoperating identification

- license number to the Arizona Motor Vehicle Division (MVD), or by providing another acceptable form of identification, as determined by the supreme court, when both an Arizona driver license and nonoperating identification license are unavailable.
- c. All information provided by a potential user for authentication and registration shall be closed to the public.
  - d. Remote access by government entities or public purpose organizations shall be governed by Rule 123(g)(1)(B).
3. User Agreement. All users shall accept a User Agreement in a form determined by the supreme court before remote electronic access to case records is granted.
4. Fees and Revenue for Remote Electronic Access.
- a. The fee to print case records from a public terminal at a court facility shall be the same as for a copy of a paper record as provided in A.R.S. §§ 12-119.01, 12-120.31, 12-284, 22-281, and 22-404.
  - b. In accordance with Rule 123(g), the Arizona Judicial Council (“Council”) shall periodically make recommendations to the supreme court with regard to the establishment of fees and disbursement of revenue generated for remote electronic access to case records.
    - (1) The Commission on Technology shall make recommendations to the Council on all matters pertaining to the establishment of fees and disbursement of revenue.
    - (2) Recommended fees for remote electronic access to case records shall be in an amount that allows development, implementation, maintenance, and enhancement of the remote electronic access to case records system.
    - (3) To assist the Council in recommending fees and disbursing revenue, upon request, a court shall submit the percentage of cost and comparable dollar amount incurred by the court associated with the supreme court’s remote electronic access to case records system.
  - c. Any revenue generated by the fees for remote electronic access to case records shall be disbursed to each court that incurs the cost of operating a system for remote electronic access to case records based on the volume of requests for records of those courts. Monies received under this paragraph shall be deposited as described below:
    - (1) A division of the court of appeals shall deposit all monies received under this paragraph pursuant to A.R.S. § 12-120.31.
    - (2) A superior court shall send all monies received under this paragraph to the county treasurer for deposit in the clerk’s document storage and retrieval conversion fund established by A.R.S. § 12-284.01.

- (3) A justice court shall send all monies received under this paragraph to the county treasurer for deposit in an account designated for improving access to justice court records, as provided in A.R.S. § 22-284.
- (4) A municipal court shall send all monies received under this paragraph to the city treasurer for deposit in an account designated for improving access to municipal court records, as provided in A.R.S. § 22-408.