

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of: )  
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POLICIES FOR MANAGEMENT OF ) Administrative Order  
ELECTRONIC COURT RECORDS AND ) No. 2016 - 58  
DATA NOT OPEN TO THE PUBLIC )  
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The Arizona Judicial Branch is committed to open government while balancing countervailing interests of confidentiality, privacy, or the best interests of the state. Supreme Court Rule 123 governs public access to court records. Under Rule 123, case records are open to the public except records deemed not accessible in accordance with provisions of Rule 123, by statute, case law, administrative order, or other provision of law.

As the Arizona Judicial Branch automates its records, statewide electronic records and data management policies are essential to ensure that all records not open to the public are properly identified and protected from public access in accordance with law, court rules, or court orders.

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

IT IS ORDERED that the following policies shall govern court case management system (CMS) entries for electronic case records and data designated as not open to the public:

- a. Unless otherwise specifically prohibited by court order or rule, a publicly-accessible register of actions or docket shall reflect all documents received or generated by the clerk or court in a particular court proceeding regardless of whether a document itself is open to the public.
- b. Where a case caption or document title fails to protect from public access information deemed confidential, or information that is otherwise restricted by law, the clerk may enter or a court may order the entry of a more generic case caption or document title into the CMS.
- c. A court or clerk that generates or receives a document that is known to contain, or that is marked as containing confidential information, shall enter the document in the CMS in a manner that ensures:
  - i. the document is not open to the public; and
  - ii. the existence of the document is reflected in the publicly-accessible register of actions or docket, but not the document itself.

- d. The court or clerk who receives a document subject to a request to keep the document or contents within the document from public access shall not publicly display the document or its contents until a court rules on the request.
- e. Systems that derive information from the CMS, such as eFiling and eAccess systems, also must accurately reflect documents open to the public.

Dated this 13th day of July, 2016.

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SCOTT BALES  
Chief Justice