

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
AUTHORIZING STORAGE OF) Administrative Order
DIGITAL CASE FILE RECORDS) No. 2019 - 141
IN THE ONBASE CONSOLIDATION)
PROGRAM)
_____)

Advances in electronic record storage technology now allow court document custodians to maintain their electronic records in virtual record repositories offsite of the custodians' physical facilities. The Administrative Office of the Courts (AOC) supports and maintains a central document repository that meets the technical and other requirements established in the Arizona Code of Judicial Administration, including § 1-504: Electronic Reproduction and Imaging of Court Records; § 1-506: Filing and Management of Electronic Court Documents; and § 1-507: Protection of Electronic Case Records in Paperless Court Operations.

The AOC central document repository manages electronic records for almost all municipal and justice courts that digitally image their case files. In the superior court, where most case records are subject to permanent retention, the clerks in each county are managing local electronic document repositories themselves or are storing their digital records on servers managed by their county information technology departments. The superior court in all counties, other than Maricopa and Pima Counties, transfer digital filings to the AOC through a periodic batch process for purposes of disaster recovery and to facilitate automated record access by judges, attorneys, litigants, and the public.

The AOC OnBase Consolidation Program (OBC) has the capacity to store electronic documents on behalf of superior court clerks who choose to participate in the program. Under this program, the AOC will assume responsibility for maintaining, upgrading, and enhancing electronic document repositories. The Program will allow for near real-time access to new case filings and will eliminate incompatibilities between the current infrastructure of locally-managed repositories and the statewide record access applications managed by AOC. Participating clerks will also avoid the cost of complying with on-going technical and staff training, and credentialing requirements associated with maintaining their own document storage systems.

A.R.S. § 12-282(A) requires that each superior court clerk "keep custody in the clerk's county and shall take charge of and safely keep and dispose of according to court rules all records which may be filed or deposited in custody." Clerks who participate in the OBC Program will continue to maintain custody locally of all paper case files and will continue to be the official custodians of all electronic case files.

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

IT IS ORDERED that superior court clerks are authorized to store their digital case file records with the OBC Program as their primary electronic record storage repository.

IT IS FURTHER ORDERED that clerks participating in the OBC Program shall continue to be responsible for approving remote electronic access to their digital records by other government agencies and public purpose organizations. Participating clerks shall provide a copy of all record access agreements they have executed and any future access agreements they execute, pursuant to ACJA § 1-606, to assist the AOC with managing document security.

IT IS FURTHER ORDERED that participating clerks shall continue to maintain in their custody all paper case files and other physical records that have not been imaged.

IT IS FURTHER ORDERED that clerks participating in the OBC Program shall make both paper and electronic case records available to the public in their respective counties in accordance Supreme Court Rule 123, and the Superior Court Record Retention and Disposition Schedule, ACJA § 3-402.

Dated this 18th day of October, 2019.

ROBERT BRUTINEL
Chief Justice