



Supreme Court

STATE OF ARIZONA

NOËL K. DESSAINT
CLERK OF THE COURT

402 ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007-3231

KATHLEEN E. KEMPLEY
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June 6, 2005

RE: RULE 123, ARIZONA RULES OF THE SUPREME COURT
Arizona Supreme Court No. R-03-0012

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on June 1, 2005, in regard to the above-referenced cause:

ORDERED: Petition to Amend Rule 123, Rules of the Supreme Court = ADOPTED as modified, effective December 1, 2005.

Noel K Dessaint, Clerk

TO:

Sheldon H Weisberg, Chairperson, Committee to Study Public Access to
Electronic Ct Records

Jerry G Landau, Maricopa County Attorney's Office

David K Byers, Director, Administrative Office of the Courts

Dennis Metrick, Director, Maricopa County Justice Court Services

Michael K Jeanes, Clerk, Maricopa County Superior Court

Denise I Lundin, Clerk, Cochise County Superior Court

P Michael Drake, President, Pima County Bar Association

Lexis-Nexis

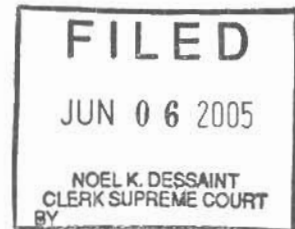
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IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-03-0012



ORDER AMENDING
RULE 123, RULES OF THE SUPREME COURT,
AND PROMULGATING NEW
RULE 5(f), ARIZONA RULES OF CIVIL PROCEDURE, AND
RULE 1.8, ARIZONA RULES OF CRIMINAL PROCEDURE

IT IS ORDERED that Rule 123, Rules of the Supreme Court, be amended, and new Rules 5(f), Arizona Rules of Civil Procedure and 1.8, Arizona Rules of Criminal Procedure be promulgated, in accordance with the attachments hereto,* effective as of December 1, 2005.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 6th day of June, 2005.

For the Court:


RUTH V. MCGREGOR
Vice Chief Justice

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

RULES OF THE SUPREME COURT

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

* * *

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

(b) Definitions.

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

(13) Sensitive Data. "Sensitive data" means social security number, bank account number, credit card number, other financial account number, a juvenile victim's name, and a victim's address and telephone number or other locating information.

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

(d) Access to Case Records.

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

(4) Sensitive Data Form. The clerk shall maintain the sensitive data form as a confidential record. In the discretion of the clerk, this record may be maintained either in paper or electronic format. If the sensitive data form is maintained electronically, the clerk is authorized to destroy the paper version of the form. The sensitive data form shall be accessible by the public only on a showing of good cause pursuant to the process set forth in subsection (f). Good cause may include access by a media representative for purposes of researching a news story.

(e) Access to Administrative Records.

All administrative records are open to the public except as provided herein:

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

(8) Remote Electronic Access Logs. Records maintained by any court which show that a user of a remote electronic access system has accessed a particular court record are closed. Remote electronic access logs shall be accessible by the public only on a showing of good cause pursuant to the process set forth in subsection (f) of this rule.

(9) Attorney and Judicial Work Product. [No change in text.]

(910) *Juror Records*. [No change in text.]

(~~1011~~) *Proprietary and Licensed Material*. [No change in text.]

(~~1112~~) *Copyrighted Documents and Materials*. [No change in text.]

(13) *Judicial branch training materials and records*. Evaluation materials and records generated by participants in judicial education programs such as test scores, educational assessments, practical exercise worksheets, and similar materials are closed.

(f) Access to Records in Paper Medium. [No change in text.]

(g) Access to Audiotape, Videotape, Microfilm, Computer or Electronic Based Records.

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

(5) *Remote Electronic Access to Records and Cost; Limitations on Remote Access.*

(A)-(C) [No change in text.]

(D) Any on-line electronic access shall be conditioned upon the user's agreement to access the information only as instructed by the court, to not attempt any unauthorized access, and to consent to monitoring by the court of all use of the system. The court will also notify users that it will not be liable for inaccurate or untimely information, ~~or~~ for misinterpretation or misuse of the data, and that viewers' disclosure of such information to third parties is done at their own risk. Viewers must also be instructed to rely only on the official version of the case file, available at the court house. Such agreement and notices shall be provided to the users by prominently displaying them on any court Web site offering case information in any manner the court deems appropriate. The court may deny access to users for failure to comply with such requirements.

(E) [No change in text.]

(F) The presiding judge of each court may establish limitations on remote electronic access based on the needs of the court, limitations on technology and equipment, staff resources and funding. Court Web sites offering case information should also offer a glossary or other online resources that will facilitate viewers' understanding of the case information offered.

(G) The following records and data elements are not open to public inspection by remote electronic means:

- (i) presentence reports;
- (ii) criminal case exhibits, unless attached to a motion or other filing;
- (iii) petitions for an order of protection or injunction against harassment;
- (iv) a juvenile victim's name, and a victim's address and telephone number or other locating information; and
- (v) documents, docket and calendar information on unserved orders of protection or injunctions against harassment.

The court may offer this information by remote electronic means to parties and attorneys of record in their own cases. In addition, parties' residential addresses should not be displayed on Web sites offering basic individual case information extracted from case records. However, parties' residential addresses need not be redacted from case records before they are made accessible online.

(H) In cases filed before January 1, 2007, case documents filed by parties shall not be posted to a court's publicly-accessible Web site, except that this provision shall not apply to the electronic posting of the Arizona Traffic Ticket and Complaint form in traffic and boating cases. In cases filed on or after January 1, 2007, non-confidential case documents filed in criminal, civil or tax cases may be displayed on Web sites in accordance with the provisions of this rule. In domestic relations, juvenile, and probate cases, only court-generated records such as appellate opinions, judgments, orders, notices, calendars, dockets, or minute entries may be posted to a court's publicly-accessible Web site; provided, however, that the court shall not place sensitive data in such court-generated records except upon a finding of good cause. The Clerk of the Court shall be immune from suit for any conduct relating to the electronic posting of case documents containing sensitive data that a party or parties have failed to redact.

~~(G)~~(I) All courts and clerks of court shall employ appropriate security measures, procedures, devices and software to protect assets and records and to prevent unauthorized access. Any court Web site offering case information shall be designed to permit users to access only one case at a time and to prevent viewing or downloading data in bulk.

~~(H)~~(J) [No change in text.]

(6) *Correcting Data Errors; Administrative Review.*

(A) An individual seeking to correct a data error or omission in an electronic court record shall be entitled to apply for relief with the court in which the original record was filed. If the record was filed in a superior court, the request should be made with the clerk of the superior court. If the record was filed in a justice court,

the request should be made with the justice of the peace. If the record was filed in a municipal court, the request should be made to the presiding municipal court judge.

(B) If the request is denied, the individual may then apply for administrative review of that decision by the presiding superior court judge. The request for administrative review must be filed in writing with the custodian who denied the request within ten business days of a denial. The custodian shall forward the request for review, a statement of the reason for denial and all relevant documentation to the presiding superior court judge or a designee within three business days of the request for review. The presiding superior court judge shall issue a decision as soon as practicable considering the nature of the request and the needs of the applicant, but not more than ten business days from the date the written request for review was received.

(C) Any party aggrieved by the decision of the presiding judge may seek review by filing a special action in the court of appeals pursuant to the Rules of Procedure for Special Actions.

(h) Inspection and Photocopying. [No change in text.]

ARIZONA RULES OF CIVIL PROCEDURE

II. COMMENCEMENT OF ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS AND ORDERS; DUTIES OF COUNSEL

* * *

Rule 5. Service and filing of pleadings and other papers

* * *

Rule 5(f). Sensitive Data

(1) Filing Sensitive Data.

(A) Filings by Parties. Before filing any paper containing sensitive data with the court, the filing party shall omit or otherwise redact the sensitive data unless it is specifically requested by the court or required by statute. If the sensitive data is specifically required by the court or by statute, the filer shall record the requested information on a separate sensitive data form which shall be maintained by the clerk as a confidential record. Unless the court orders otherwise, any further written reference to a sensitive data element shall thereafter be made by referring to its corresponding item number on the sensitive data form or other means, rather than by inserting the actual data into the document being filed with the court.

(B) Court Records. The court shall not place sensitive data in court-generated records such as judgments, orders, notices, calendars, dockets, or minute entries, except upon a finding of good cause.

(C) Supplementation of Sensitive Data Form. Whenever new information is needed to supplement the record in a case, the parties shall file an updated sensitive data form, reflecting all previously disclosed sensitive data plus any additional sensitive data required to be filed in the case.

(2) Sensitive Data Defined. For purposes of this rule, "sensitive data" means social security number, bank account number, credit card number, other financial account number, a juvenile victim's name, and a victim's address and telephone number or other locating information.

(3) Sensitive Data Form. The sensitive data form shall be in substantially the following form:

Name: _____
Address: _____
Telephone: _____
Bar No.: _____

IN THE _____ COURT OF THE STATE OF ARIZONA
COUNTY OF _____

_____))
Petitioner/Plaintiff))
))
vs.))
_____))
Respondent/Defendant))
_____))

Case No. _____

CONFIDENTIAL
SENSITIVE DATA FORM

A. Social Security Numbers:

	<u>Name</u>	<u>Social Security Number</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____

B. Financial Account Numbers

	<u>Financial Institution</u>	<u>Type of Account</u>	<u>Name(s) of Account Owner</u>	<u>Account #</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

C. Juvenile Victim's Name/Contact Information (applicable to crime victims under age 18):

	<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
1.	_____	_____	_____
2.	_____	_____	_____

D. Victim's Residential Address (the name of a crime victim who is not a juvenile is not deemed "sensitive" and therefore is not made confidential by Rule 123, Rules of the Supreme Court; however, the victim's residential address and telephone number are deemed "sensitive"):

	<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

* * *

ARIZONA RULES OF CRIMINAL PROCEDURE

I. GENERAL PROVISIONS

RULE 1. SCOPE, PURPOSE AND CONSTRUCTION, COMPUTATION OF TIME, DEFINITIONS, SIZE OF PAPER, AND OTHER GENERAL PROVISIONS

* * *

Rule 1.8. Sensitive Data

(1) Filing Sensitive Data.

(A) Filings of Parties. Before filing any paper containing sensitive data with the court, the filing party shall omit or otherwise redact the sensitive data unless it is specifically requested by the court or is required by statute. If the sensitive data is specifically required by the court or by statute, the filer shall record the requested information on a separate sensitive data form which shall be maintained by the clerk as a confidential record. Unless the court orders otherwise, any further written reference to a sensitive data element shall thereafter be made by referring to its corresponding item number on the sensitive data form or other means, rather than by inserting the actual data into the document being filed with the court.

(B) Court Records. The court shall not place sensitive data in court-generated records such as judgments, orders, notices, calendars, dockets, or minute entries, except upon a finding of good cause.

(C) Supplementation of Sensitive Data Form. Whenever new information is needed to supplement the record in a case, the parties shall file an updated sensitive data form, reflecting all previously disclosed sensitive data plus any additional sensitive data required to be filed in the case.

(2) Sensitive Data Defined. For purposes of this rule, "sensitive data" means social security number, bank account number, credit card number, other financial account number, a juvenile victim's name, and a victim's address and telephone number or other locating information.

(3) Sensitive Data Form. The sensitive data form shall be in substantially the following form:

Name: _____
Address: _____
Telephone: _____
Bar No.: _____

IN THE _____ COURT OF THE STATE OF ARIZONA
COUNTY OF _____

_____,)
Petitioner/Plaintiff)
)
vs.)
)
Respondent/Defendant)
)

Case No. _____

CONFIDENTIAL
SENSITIVE DATA FORM

A. Social Security Numbers:

	<u>Name</u>	<u>Social Security Number</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____

B. Financial Account Numbers

	<u>Financial Institution</u>	<u>Type of Account</u>	<u>Name(s) of Account Owner</u>	<u>Account #</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

C. Juvenile Victim's Name/Contact Information (applicable to crime victims under age 18):

	<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
1.	_____	_____	_____
2.	_____	_____	_____

D. Victim's Residential Address (the name of a crime victim who is not a juvenile is not deemed "sensitive" and therefore is not made confidential by Rule 123, Rules of the Supreme Court; however, the victim's residential address and telephone number are deemed "sensitive"):

	<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

* * *