

Appellate E-filing Public and Non-Public Document Classification

[Pursuant to Rule 11\(g\) of the Utah Rules of Appellate Procedure](#), any portion of a record properly designated as sealed in the district court remains sealed on appeal.

If a filing contains non-public information and records, [Rule 21\(h\) of the Utah Rules of Appellate Procedure](#) requires the filer to submit a non-public version and a public version with all non-public information redacted.

Classifying a Public Record as Private

If a person believes that a court record or filing qualifies as a non-public record, the person may file a motion to classify the record as private, protected or sealed with the record or filing.

Under Rule 4-202.04, the clerk shall deny access to the record until the motion is decided. Unless filed with a motion to classify as private, protected or sealed, public records even with non-public information will be accessible. UCJA Rule 4-202.09(9)(B).

Classifying a Public Record as Private in E-filing

- 1) The record/filing to be classified as non-public must be electronically filed with a **Motion to Classify Document**.
 - Be sure to check the “Sealed” or “Non-public” box when uploading the document
- 2) The motion to classify must be e-filed as a **Motion to Classify** document type. It should not be filed as a Motion only. Filing it as a Motion only will not protect the information in the associated record/filing.
- 3) When the record/filing to be classified as non-public and the Motion to Classify Document are electronically filed, the filing is automatically filed as a private document.
- 4) After judicial review, an order granting or denying the motion to classify will be entered.
- 5) If the order is denied, judicial support staff will change the classification of the document or case from private to public.
- 6) If the order is granted, judicial support staff will classify the document or case as requested in the Motion to Classify. If the order is to classify the document as private, no change will be made; if the order is to classify the document as sealed, the document will be classified as sealed. (*Note: no one may access a sealed court record except by order of the court.*)