

1 Rule 4-202.04. Request to access a record associated with a case; request to classify a record
2 associated with a case.

3 Intent:

4 To establish the process for accessing a court record associated with a case.

5 Applicability:

6 This rule applies to court records associated with a case.

7 Statement of the Rule:

8 (1) A request to access a public court record shall be presented in writing to the clerk of the
9 court unless the clerk waives the requirement. A request to access a non-public court record to
10 which a person is authorized access shall be presented in writing to the clerk of the court. A
11 written request shall contain the requester's name, mailing address, daytime telephone number
12 and a description of the record requested. If the record is a non-public record, the person making
13 the request shall present identification.

14 (2)(A) If a written request to access a court record is denied by the clerk of court, the person
15 making the request may file a motion to access the record.

16 (2)(B) A person not authorized to access a non-public court record may file a motion to
17 access the record. If the court allows access, the court may impose any reasonable conditions to
18 protect the interests favoring closure.

19 (2)(C) A person with an interest in a court record may file a motion to classify the record as
20 private, protected or sealed. The court shall deny access to the record until the order is entered.

21 (2)(D) Motions shall be filed under Utah Rule of Civil Procedure 7 and served under Utah
22 Rule of Civil Procedure 5. The person filing the motion shall serve any representative of the
23 press who has requested notice in the case. The court shall conduct a closure hearing when a
24 motion to close a record is contested, when the press has requested notice of closure motions in
25 the particular case or when the judge decides public interest in the record warrants a hearing.

26 (3) In deciding whether to allow access to a court record or whether to classify a court record
27 as private, protected or sealed, the court may consider any relevant factor, interest or policy
28 presented by the parties, including but not limited to the interests described in Rule 4-202. In
29 ruling on a motion under this rule the judge shall:

30 (3)(A) make findings and conclusions about specific records;

31 (3)(B) identify and balance the interests favoring opening and closing the record; and

32 (3)(C) if the record is ordered closed, determine there are no reasonable alternatives to
33 closure sufficient to protect the interests favoring closure.

34 (4) A request under this rule is governed also by Rule 4-202.06. A motion under this rule is
35 not governed by Rule 4-202.06 or Rule 4-202.07.