

1 Rule 4-202.05. Request to access an administrative record; research; request to classify an
2 administrative record; request to create an index.

3 Intent:

4 To establish the process for accessing an administrative court record, aggregate records and
5 court records for the purpose of research.

6 Applicability:

7 This rule applies to court records associated with the administration of the judiciary,
8 aggregate records and indexes, and requests to access non-public records for the purpose of
9 research.

10 Statement of the Rule:

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

17 (2)(A) A request to access a private or protected court record, including aggregate records, to
18 which the person is not authorized access shall be presented in writing to the state court
19 administrator. The request shall contain the requester's name, mailing address, daytime
20 telephone number, a description of the record and a statement of facts, authority and argument in
21 support of the request. If the state court administrator allows access, the state court administrator
22 may impose any reasonable conditions to protect the interests favoring closure. The person
23 making the request shall sign an agreement to be bound by the conditions.

24 (2)(B) Before allowing access to a private or protected record to someone not authorized
25 access, the state court administrator shall mail notice of the request for access to any person
26 whose interests are protected by closure and allow 10 business days for that person to submit a
27 statement of facts, authority and argument in support of closure.

28 (2)(C)(i) The state court administrator may disclose non-public court records, including
29 records associated with a case other than sealed records, for research purposes without the notice
30 required in this rule if the state court administrator decides that the research is bona fide and

1 cannot reasonably be completed without disclosure of the records, and the interests favoring the
2 research outweigh the interests favoring closure.

3 (2)(C)(ii) If the state court administrator discloses non-public court records for research
4 purposes, the researcher shall sign a written statement acknowledging that violating the
5 agreement may be grounds for criminal prosecution under Utah Code Section 63-2-801. The
6 agreement may include any reasonable condition to protect the interests favoring closure,
7 including an agreement to:

8 (2)(C)(ii)(a) maintain the integrity, confidentiality and security of the records;

9 (2)(C)(ii)(b) return or destroy records from which a person can be identified as soon as the
10 research has been completed;

11 (2)(C)(ii)(c) not disclose the record, except for the purpose of auditing or evaluating the
12 research and the auditor or evaluator agrees not to disclose the record;

13 (2)(C)(ii)(d) use the record only for the described research;

14 (2)(C)(ii)(e) indemnify the courts for any damages awarded as a result of injury caused by
15 the research; and

16 (2)(C)(ii)(f) if the research involves human subjects, comply with state and federal laws
17 regulating research involving human subjects.

18 (2)(C)(iii) A request to access a court record under this rule is also governed by Rule 4-
19 202.06 and Rule 4-202.07.

20 (3) A request to classify a court record as private or protected shall be presented in writing to
21 the state court administrator. The request shall contain the relief sought and a statement of facts,
22 authority and argument in support of the request. The state court administrator may deny access
23 to the record until the determination is entered.

24 (4) In deciding whether to allow access to a court record or whether to classify a court record
25 as private or protected, the decision maker may consider any relevant factor, interest or policy
26 presented by the parties, including but not limited to the interests described in Rule 4-202.

27 (5) A request to identify a data element as an index shall be presented in writing to the state
28 court administrator. The request shall contain the relief sought and a statement of facts, authority
29 and argument in support of the request. The state court administrator shall present the request to
30 the Management Committee, which shall consider the request in the same manner as provided
31 for appeals in Rule 4-202.07.