

1 Rule 4-202.09. Miscellaneous.

2 Intent:

3 To set forth miscellaneous provisions for ~~this Article~~ these rules.

4 Applicability:

5 This rule applies to ~~all courts of record and not of record and to the Administrative Office of~~  
6 ~~the Courts~~ the judicial branch.

7 Statement of the Rule:

8 (1) The judicial branch shall provide a person with a certified copy of a record if the  
9 requester has a right to inspect it, the requester identifies the record with reasonable specificity,  
10 and the requester pays the ~~lawful~~ fees.

11 (2)(A) The judicial branch is not required to create a record in response to a request.

12 (2)(B) Upon request, the judicial branch shall provide a record in a particular format if:

13 (2)(B)(i) it is able to do so without unreasonably interfering with its duties and  
14 responsibilities; and

15 (2)(B)(ii) the requester agrees to pay the additional costs, if any, actually incurred in  
16 providing the record in the requested format.

17 (2)(C) The judicial branch need not fulfill a person's records request if the request  
18 unreasonably duplicates prior records requests from that person.

19 (3) If a person requests copies of more than 50 pages of records, and if the records are  
20 contained in files that do not contain records that are exempt from disclosure, the judicial branch  
21 may provide the requester with the facilities for copying the requested records and require that  
22 the requester make the copies, or allow the requester to provide his own copying facilities and  
23 personnel to make the copies at the judicial branch's offices and waive the fees for copying the  
24 records.

25 (4) The judicial branch may not use the ~~physical form, electronic or otherwise~~, in which a  
26 record is stored to deny or unreasonably hinder the rights of persons to inspect and receive copies  
27 of a record.

28 (5) Subpoenas and other methods of discovery under state or federal statutes or rules of ~~civil,~~  
29 ~~criminal, administrative, or legislative~~ procedure are not records requests under ~~this Article~~ these  
30 rules. Compliance with ~~civil, criminal, administrative, and legislative~~ discovery shall be  
31 governed by the applicable statutes and rules of procedure.

1 (6) If the judicial branch receives a request for access to a record that contains both  
2 information that the requester is entitled to inspect and information that the requester is not  
3 entitled to inspect, it shall allow access to the information in the record that the requester is  
4 entitled to inspect, and shall deny access to the information in the record the requester is not  
5 entitled to inspect.

6 ~~(7) Records may not be removed from court premises without court order. Inspection and~~  
7 ~~copying of records may occur only in those places designated at each court location. If necessary~~  
8 ~~to ensure the security of court records, or to comply with multiple requests to review the same~~  
9 ~~record, the court clerk may set reasonable time and place restrictions as to when and where the~~  
10 ~~record may be inspected. Rule 4-205 shall further govern the security and inspection of court~~  
11 ~~records.~~

12 ~~(8) Court records are not the official records for individual cumulative histories, such as~~  
13 ~~driver's license records, criminal identification or tax liens. Although such information may be~~  
14 ~~provided by the courts, the courts do not assume any responsibility for the manner in which~~  
15 ~~individuals may use this information.~~

16 ~~(9)(7)~~ The Administrative Office shall create and adopt a schedule governing the retention,  
17 ~~microfilming~~ and destruction of all court records.

18 (8) The courts will use their best efforts to ensure that access to court records is properly  
19 regulated, but assumes no responsibility for accuracy or completeness or for use outside the  
20 court.

21 (9) A person filing a record may redact non-public information and sensitive information if  
22 the information is not necessary to the case. If the information is necessary, the person may move  
23 to classify the record in whole or in part as private, protected or sealed.

24 (10) A vendor or governmental agency that provides a court information technology support  
25 to gather, store, or make accessible court records is bound by rules 4-202 through 4-202.10.