

1 **Rule 4-202.02. Records classification.**

2 Intent:

3 To classify court records as public or non-public.

4 Applicability:

5 This rule applies to the judicial branch.

6 Statement of the Rule:

7 (1) Court records are public unless otherwise classified by this rule.

8 (2) Public court records include but are not limited to:

9 (2)(A) abstract of a citation that redacts all non-public information;

10 ~~(2)(A)~~ ~~(2)(B)~~ aggregate records without non-public information and without personal
11 identifying information;

12 ~~(2)(B)~~ ~~(2)(C)~~ arrest warrants, but a court may restrict access before service;

13 ~~(2)(C)~~ ~~(2)(D)~~ audit reports;

14 ~~(2)(D)~~ ~~(2)(E)~~ case files;

15 ~~(2)(E)~~ ~~(2)(F)~~ committee reports after release by the Judicial Council or the court that
16 requested the study;

17 ~~(2)(F)~~ ~~(2)(G)~~ contracts entered into by the judicial branch and records of compliance
18 with the terms of a contract;

19 ~~(2)(G)~~ ~~(2)(H)~~ drafts that were never finalized but were relied upon in carrying out an
20 action or policy;

21 ~~(2)(H)~~ ~~(2)(I)~~ exhibits, but the judge may regulate or deny access to ensure the
22 integrity of the exhibit, a fair trial or interests favoring closure;

23 ~~(2)(I)~~ ~~(2)(J)~~ financial records;

24 ~~(2)(J)~~ ~~(2)(K)~~ indexes approved by the Management Committee of the Judicial
25 Council, including the following, in courts other than the juvenile court; an index may
26 contain any other index information:

27 ~~(2)(J)(i)~~ ~~(2)(K)(i)~~ amount in controversy;

28 ~~(2)(J)(ii)~~ ~~(2)(K)(ii)~~ attorney name;

29 ~~(2)(J)(iii)~~ ~~(2)(K)(iii)~~ case number;

30 ~~(2)(J)(iv)~~ ~~(2)(K)(iv)~~ case status;

31 ~~(2)(J)(v)~~ ~~(2)(K)(v)~~ civil case type or criminal violation;

- 32 ~~(2)(J)(vi)~~ ~~(2)(K)(vi)~~ civil judgment or criminal disposition;
- 33 ~~(2)(J)(vii)~~ ~~(2)(K)(vii)~~ daily calendar;
- 34 ~~(2)(J)(viii)~~ ~~(2)(K)(viii)~~ file date;
- 35 ~~(2)(J)(ix)~~ ~~(2)(K)(ix)~~ party name;
- 36 ~~(2)(K)~~ ~~(2)(L)~~ name of ~~a person~~ an adult other than a party, but the name of a juror or
37 prospective juror is private until released by the judge;
- 38 ~~(2)(L)~~ ~~(2)(M)~~ name, address, telephone number, email address, date of birth, and
39 last four digits of the following: driver's license number; ~~and last four digits of a~~ social
40 security number; or account number of a party;
- 41 ~~(2)(M)~~ ~~(2)(N)~~ name, business address, business telephone number, and business
42 email address of a lawyer appearing in a case;
- 43 ~~(2)(N)~~ ~~(2)(O)~~ name, business address, business telephone number, and business
44 email address of court personnel other than judges;
- 45 ~~(2)(O)~~ ~~(2)(P)~~ name, business address, and business telephone number of judges;
- 46 ~~(2)(P)~~ ~~(2)(Q)~~ name, gender, gross salary and benefits, job title and description,
47 number of hours worked per pay period, dates of employment, and relevant
48 qualifications of a current or former court personnel;
- 49 ~~(2)(Q)~~ ~~(2)(R)~~ opinions, including concurring and dissenting opinions, and orders
50 entered in open hearings;
- 51 ~~(2)(R)~~ ~~(2)(S)~~ order or decision classifying a record as not public;
- 52 ~~(2)(S)~~ ~~(2)(T)~~ private record if the subject of the record has given written permission
53 to make the record public;
- 54 ~~(2)(T)~~ ~~(2)(U)~~ publications of the administrative office of the courts;
- 55 ~~(2)(U)~~ ~~(2)(V)~~ record in which the judicial branch determines or states an opinion on
56 the rights of the state, a political subdivision, the public, or a person;
- 57 ~~(2)(V)~~ ~~(2)(W)~~ record of the receipt or expenditure of public funds;
- 58 ~~(2)(W)~~ ~~(2)(X)~~ record or minutes of an open meeting or hearing and the transcript of
59 them;
- 60 ~~(2)(X)~~ ~~(2)(Y)~~ record of formal discipline of current or former court personnel or of a
61 person regulated by the judicial branch if the disciplinary action has been completed,

62 and all time periods for administrative appeal have expired, and the disciplinary action
63 was sustained;

64 ~~(2)(Y)~~ (2)(Z) record of a request for a record;

65 ~~(2)(Z)~~ (2)(AA) reports used by the judiciary if all of the data in the report is public or
66 the Judicial Council designates the report as a public record;

67 ~~(2)(AA)~~ (2)(BB) rules of the Supreme Court and Judicial Council;

68 ~~(2)(BB)~~ (2)(CC) search warrants, ~~and search warrant affidavits after filing of the~~
69 ~~return, but a court may restrict access before trial~~ the application and all affidavits or
70 other recorded testimony on which a warrant is based are public after they are unsealed
71 under Utah Rule of Criminal Procedure 40;

72 ~~(2)(CC)~~ (2)(DD) statistical data derived from public and non-public records but that
73 disclose only public data;

74 ~~(2)(DD)~~ (2)(EE) Notwithstanding subsections (6) and (7), if a petition, indictment, or
75 information is filed charging a person 14 years of age or older with a felony or an
76 offense that would be a felony if committed by an adult, the petition, indictment or
77 information, the adjudication order, the disposition order, and the delinquency history
78 summary of the person are public records. The delinquency history summary shall
79 contain the name of the person, a listing of the offenses for which the person was
80 adjudged to be within the jurisdiction of the juvenile court, and the disposition of the
81 court in each of those offenses.

82 (3) The following court records are sealed:

83 (3)(A) adoption records, which are private until sealed;

84 (3)(B) expunged records;

85 (3)(C) orders authorizing installation of pen register or trap and trace device under
86 Utah Code Section 77-23a-15;

87 (3)(D) records showing the identity of a confidential informant;

88 (3)(E) records relating to the possession of a financial institution by the
89 commissioner of financial institutions under Utah Code Section 7-2-6;

90 (3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;

91 (3)(G) records designated as sealed by rule of the Supreme Court; and

92 (3)(H) other records as ordered by the court under Rule 4-202.04.

93 (4) The following court records are private:

94 (4)(A) adoption records until sealed;

95 (4)(B) aggregate records other than public aggregate records under subsection (2);

96 (4)(C) alternative dispute resolution records;

97 (4)(D) applications for accommodation under the Americans with Disabilities Act;

98 (4)(E) citation, but an abstract of a citation that redacts all non-public information is
99 public;

100 ~~(4)(E)~~ (4)(F) custody evaluations;

101 ~~(4)(F)~~ (4)(G) eligibility for benefits or services or the determination of the benefit
102 level;

103 ~~(4)(G)~~ (4)(H) home studies;

104 (4)(I) judgment information statement;

105 (4)(J) judicial review of final agency action under Utah Code Section 62A-4a-1009;

106 ~~(4)(H)~~ (4)(K) the following personal identifying information about a party: email
107 address, telephone number, driver's license number, social security number, account
108 description and number, password, identification number, maiden name and mother's
109 maiden name, and similar personal identifying information;

110 ~~(4)(I)~~ (4)(L) the following personal identifying information about a person other than a
111 party: address, email address, telephone number; date of birth, driver's license number,
112 social security number, account description and number, password, identification
113 number, maiden name, and mother's maiden name, and similar personal identifying
114 information;

115 ~~(4)(L)~~ (4)(M) guardianship cases and conservatorship cases, except the order of
116 appointment and letter of appointment, which are public;

117 ~~(4)(K)~~ (4)(N) medical, psychiatric, or psychological records;

118 (4)(O) name of a minor, except that the name of a minor party is public in the
119 following district and justice court proceedings:

120 (4)(O)(i) name change of a minor;

121 (4)(O)(ii) guardianship or conservatorship for a minor; and

122 (4)(O)(iii) felony, misdemeanor or infraction;

123 ~~(4)(L)~~-~~(4)(P)~~ personnel file of a current or former court personnel or applicant for
124 employment;

125 ~~(4)(M)~~-~~(4)(Q)~~ photograph, film or video of a crime victim or of the petitioner in a
126 cohabitant abuse action or civil stalking action;

127 ~~(4)(N)~~-~~(4)(R)~~ presentence investigation report;

128 ~~(4)(O)~~-~~(4)(S)~~ record classified as private or controlled by a governmental entity and
129 shared with the court under Utah Code Section 63-2-206;

130 ~~(4)(P)~~-~~(4)(T)~~ non-public record provided by a governmental entity of a state or the
131 United States;

132 ~~(4)(Q)~~-~~(4)(U)~~ record regarding the character or competence of an individual;

133 ~~(4)(R)~~-~~(4)(V)~~ record containing information the disclosure of which constitutes an
134 unwarranted invasion of personal privacy;

135 ~~(4)(S)~~-~~(4)(W)~~ record involving the commitment of a person under Title 62A, Chapter
136 15, Substance Abuse and Mental Health Act;

137 ~~(4)(T)~~-~~(4)(X)~~ record of a court hearing closed to the public or of a child's testimony
138 taken under URCrP 15.5;

139 ~~(4)(T)(i)~~-~~(4)(X)(i)~~ permanently if the hearing is not traditionally open to the public and
140 public access does not play a significant positive role in the process; or

141 ~~(4)(T)(ii)~~-~~(4)(X)(ii)~~ if the hearing is traditionally open to the public, until the judge
142 determines it is possible to release the record without prejudice to the interests that
143 justified the closure;

144 ~~(4)(U)~~-~~(4)(Y)~~ record of a delinquency proceeding against an insurer under Utah Code
145 Section 31a-27-203;

146 ~~(4)(V)~~-~~(4)(Z)~~ record submitted by a judge regarding judicial performance evaluation
147 and certification other than records showing whether the judge has met a standard of
148 performance;

149 ~~(4)(W)~~-~~(4)(AA)~~ record submitted for in camera review until its public availability is
150 determined;

151 ~~(4)(X)~~-~~(4)(BB)~~ other records as ordered by the court under Rule 4-202.04.

152 (5) The following court records are protected:

153 (5)(A) attorney's work product, including the mental impressions or legal theories of
154 an attorney or other representative of the courts concerning litigation, privileged
155 communication between the courts and an attorney representing, retained, or employed
156 by the courts, and records prepared solely in anticipation of litigation and not subject to
157 discovery;

158 (5)(B) bids or proposals until the deadline for submitting them has closed;

159 (5)(C) budget analyses, revenue estimates, and fiscal notes of proposed legislation
160 before issuance of the final recommendations in these areas;

161 (5)(D) budget recommendations, legislative proposals, and policy statements, that if
162 disclosed would reveal the court's contemplated policies or contemplated courses of
163 action;

164 (5)(E) court security plans;

165 (5)(F) investigation and analysis of loss covered by the risk management fund;

166 (5)(G) investigative subpoenas under Utah Code Section 77-22-2;

167 (5)(H) memorandum prepared by staff for a member of any body charged by law
168 with performing a judicial function and used in the decision-making process;

169 (5)(I) confidential business records under Utah Code Section 63-2-308;

170 (5)(J) a record classified as protected by a governmental entity and shared with the
171 court under Utah Code Section 63-2-206;

172 (5)(K) record created or maintained for civil, criminal, or administrative enforcement
173 purposes, audit or discipline purposes, or licensing, certification or registration
174 purposes, if the record reasonably could be expected to:

175 (5)(K)(i) interfere with an investigation;

176 (5)(K)(ii) interfere with a fair hearing or trial; or

177 (5)(K)(ii) disclose the identity of a confidential source;

178 (5)(L) record identifying property under consideration for sale or acquisition by the
179 court or its appraised or estimated value unless the information has been disclosed to
180 someone not under a duty of confidentiality to the courts;

181 (5)(M) record that would reveal the contents of settlement negotiations other than
182 the final settlement agreement;

183 (5)(N) record the disclosure of which would impair governmental procurement or
184 give an unfair advantage to any person;

185 (5)(O) record the disclosure of which would interfere with supervision of an
186 offender's incarceration, probation or parole;

187 (5)(P) record the disclosure of which would jeopardize life, safety or property;

188 (5)(Q) search warrants and search warrant affidavits before the filing of the return;

189 (5)(R) strategy about collective bargaining or pending litigation;

190 (5)(S) test questions and answers;

191 (5)(T) trade secrets as defined in Utah Code Section 13-24-2; and

192 (5)(U) other records as ordered by the court under Rule 4-202.04

193 (6) The following are juvenile court social records:

194 (6)(A) correspondence relating to juvenile social records;

195 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations,
196 substance abuse evaluations, domestic violence evaluations;

197 (6)(C) medical, psychological, psychiatric evaluations;

198 (6)(D) pre-disposition and social summary reports;

199 (6)(E) probation agency and institutional reports or evaluations;

200 (6)(F) referral reports;

201 (6)(G) report of preliminary inquiries; and

202 (6)(H) treatment or service plans.

203 (7) The following are juvenile court legal records:

204 (7)(A) accounting records;

205 (7)(B) discovery filed with the court;

206 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,
207 findings, orders, decrees;

208 (7)(D) name of a party or minor;

209 (7)(E) record of a court hearing;

210 (7)(F) referral and offense histories

211 (7)(G) and any other juvenile court record regarding a minor that is not designated
212 as a social record.

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