

1 **Rule 4-202.09. Miscellaneous.**

2 Intent:

3 To set forth miscellaneous provisions for these rules.

4 Applicability:

5 This rule applies to the judicial branch.

6 Statement of the Rule:

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

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

11 (2)(B) Upon request, the judicial branch shall provide a record in a particular format
12 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
20 are contained in files that do not contain records that are exempt from disclosure, the
21 judicial branch may provide the requester with the facilities for copying the requested
22 records and require that the requester make the copies, or allow the requester to
23 provide his own copying facilities and personnel to make the copies at the judicial
24 branch's offices and waive the fees for copying the records.

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

27 (5) Subpoenas and other methods of discovery under state or federal statutes or
28 rules of procedure are not records requests under these rules. Compliance with
29 discovery shall be governed by the applicable statutes and rules of procedure.

30 (6) If the judicial branch receives a request for access to a record that contains both
31 information that the requester is entitled to inspect and information that the requester is

32 not entitled to inspect, it shall allow access to the information in the record that the
33 requester is entitled to inspect, and shall deny access to the information in the record
34 the requester is not entitled to inspect.

35 (7) The Administrative Office shall create and adopt a schedule governing the
36 retention and destruction of all court records.

37 (8) The courts will use their best efforts to ensure that access to court records is
38 properly regulated, but assume no responsibility for accuracy or completeness or for
39 use outside the court.

40 ~~(9)(A) A person filing a record may redact non-public information and sensitive~~
41 ~~information if the information is not necessary to the case. If the information is~~
42 ~~necessary, the person may move to classify the record in whole or in part as private,~~
43 ~~protected or sealed.~~ Non-public information in a public record. The person filing a public
44 record shall omit or redact non-public information. The person filing the record shall
45 certify that, upon information and belief, all non-public information has been omitted or
46 redacted from the public record.

47 (9)(B) If a person believes that a record qualifies as a non-public record, the person
48 may file with the record a motion to classify the record as private, protected or sealed.
49 Under Rule 4-202.04, the clerk shall deny access to the record until the motion is
50 decided. Unless filed with a motion to classify as private, protected or sealed, public
51 records, even with non-public information, will be accessible. A party may move or a
52 non-party may petition to redact non-public information from a public record.

53 (9)(B) If the following non-public information is required in a public record, only the
54 designated information shall be included:

55 (9)(B)(i) social security number: last four digits;

56 (9)(B)(ii) financial or other account number: last four digits;

57 (9)(B)(iii) driver's license number: state of issuance and last four digits;

58 (9)(B)(iv) address of a non-party: city, state and zip code;

59 (9)(B)(v) email address or phone number of a non-party: omit; and

60 (9)(B)(vi) minor's name: initials.

61 (9)(C) If it is necessary to provide the court with private personal identifying
62 information, it must be provided on a cover sheet or other severable document, which is
63 classified as private.

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

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