

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)(B) aggregate records without non-public information and without personal identifying
11 information;

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

13 (2)(D) audit reports;

14 (2)(E) case files;

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

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

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

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

23 (2)(J) financial records;

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

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

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

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

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

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

61 (2)(Z) record of formal discipline of current or former court personnel or of a person
62 regulated by the judicial branch if the disciplinary action has been completed, and all
63 time periods for administrative appeal have expired, and the disciplinary action was
64 sustained;

65 (2)(AA) record of a request for a record;

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

68 (2)(CC) rules of the Supreme Court and Judicial Council;

69 (2)(DD) search warrants, the application and all affidavits or other recorded testimony
70 on which a warrant is based are public after they are unsealed under Utah Rule of
71 Criminal Procedure 40;

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

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

82 (3) The following court records are sealed:

83 (3)(A) records in the following actions:

84 (3)(A)(i) Title 78B, Chapter 6, Part 1, Utah Adoption Act six months after the conclusion
85 of proceedings, which are private until sealed;

86 (3)(A)(ii) Title 78B, Chapter 15, Part 8, Gestational Agreement, six months after the
87 conclusion of proceedings, which are private until sealed; and

88 (3)(B) expunged records;

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

- 91 (3)(D) records showing the identity of a confidential informant;
- 92 (3)(E) records relating to the possession of a financial institution by the commissioner of
93 financial institutions under Utah Code Section 7-2-6;
- 94 (3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;
- 95 (3)(G) records designated as sealed by rule of the Supreme Court;
- 96 (3)(H) record of a Children's Justice Center investigative interview after the conclusion
97 of any legal proceedings; and
- 98 (3)(I) other records as ordered by the court under Rule 4-202.04.
- 99 (4) The following court records are private:
- 100 (4)(A) records in the following actions:
- 101 (4)(A)(i) Section 62A-15-631, Involuntary commitment under court order;
- 102 (4)(A)(ii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are sealed;
103 and
- 104 (4)(A) (iii) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records are
105 sealed; and
- 106 (4)(B) records in the following actions, except that the case history; judgments, orders
107 and decrees; letters of appointment; and the record of public hearings are public
108 records:
- 109 (4)(B)(i) Title 30, Husband and Wife, except that an action for consortium due to
110 personal injury under Section 30-2-11 is public;
- 111 (4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;
- 112 (4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their Property;
- 113 (4)(B)(iv) Title 78B, Chapter 7, Protective Orders;
- 114 (4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;
- 115 (4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
116 Enforcement Act;
- 117 (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
- 118 (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
- 119 (4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this
120 subparagraph (B);

- 121 (4)(C) aggregate records other than public aggregate records under subsection (2);
122 (4)(D) alternative dispute resolution records;
123 (4)(E) applications for accommodation under the Americans with Disabilities Act;
124 (4)(F) citation, but an abstract of a citation that redacts all non-public information is
125 public;
126 (4)(G) judgment information statement;
127 (4)(H) judicial review of final agency action under Utah Code Section 62A-4a-1009;
128 (4)(I) the following personal identifying information about a party: driver's license
129 number, social security number, account description and number, password,
130 identification number, maiden name and mother's maiden name, and similar personal
131 identifying information;
132 (4)(J) the following personal identifying information about a person other than a party:
133 residential address, personal email address, personal telephone number; date of birth,
134 driver's license number, social security number, account description and number,
135 password, identification number, maiden name, mother's maiden name, and similar
136 personal identifying information;
137 (4)(K) medical, psychiatric, or psychological records;
138 (4)(L) name of a minor, except that the name of a minor party is public in the following
139 district and justice court proceedings:
140 (4)(L)(i) name change of a minor;
141 (4)(L)(ii) guardianship or conservatorship for a minor; ~~and~~
142 (4)(L)(iii) felony, misdemeanor or infraction;
143 (4)(L)(iv) child protective orders; and
144 (4)(L)(v) custody orders and decrees;
145 (4)(M) personnel file of a current or former court personnel or applicant for employment;
146 (4)(N) photograph, film or video of a crime victim;
147 ~~(4)(O) presentence investigation report;~~
148 ~~(4)(P)~~ (4)(O) record of a court hearing closed to the public or of a child's testimony taken
149 under URCrP 15.5:

150 ~~(4)(P)(i)~~ ~~(4)(O)(i)~~ permanently if the hearing is not traditionally open to the public and
151 public access does not play a significant positive role in the process; or
152 ~~(4)(P)(ii)~~ ~~(4)(O)(ii)~~ if the hearing is traditionally open to the public, until the judge
153 determines it is possible to release the record without prejudice to the interests that
154 justified the closure;

155 ~~(4)(Q)~~ ~~(4)(P)~~ record submitted by a senior judge or court commissioner regarding
156 performance evaluation and certification;

157 ~~(4)(R)~~ ~~(4)(Q)~~ record submitted for in camera review until its public availability is
158 determined;

159 ~~(4)(S)~~ ~~(4)(R)~~ reports of investigations by Child Protective Services;

160 ~~(4)(T)~~ ~~(4)(S)~~ victim impact statements;

161 ~~(4)(U)~~ ~~(4)(T)~~ other records as ordered by the court under Rule 4-202.04.

162 (5) The following court records are protected:

163 (5)(A) attorney's work product, including the mental impressions or legal theories of an
164 attorney or other representative of the courts concerning litigation, privileged
165 communication between the courts and an attorney representing, retained, or employed
166 by the courts, and records prepared solely in anticipation of litigation ~~and not subject to~~
167 discovery or a judicial, quasi-judicial, or administrative proceeding;

168 (5)(B) records that are subject to the attorney client privilege;

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

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

172 ~~(5)(D)~~ ~~(5)(E)~~ budget recommendations, legislative proposals, and policy statements,
173 that if disclosed would reveal the court's contemplated policies or contemplated courses
174 of action;

175 ~~(5)(E)~~ ~~(5)(F)~~ court security plans;

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

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

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

- 180 (5)(I) confidential business records under Utah Code Section 63G-2-309;
- 181 (5)(J) record created or maintained for civil, criminal, or administrative enforcement
- 182 purposes, audit or discipline purposes, or licensing, certification or registration
- 183 purposes, if the record reasonably could be expected to:
- 184 (5)(J)(i) interfere with an investigation;
- 185 (5)(J)(ii) interfere with a fair hearing or trial;
- 186 (5)(J)(iii) disclose the identity of a confidential source; or
- 187 (5)(J)(iv) concern the security of a court facility;
- 188 (5)(K) record identifying property under consideration for sale or acquisition by the court
- 189 or its appraised or estimated value unless the information has been disclosed to
- 190 someone not under a duty of confidentiality to the courts;
- 191 (5)(L) record that would reveal the contents of settlement negotiations other than the
- 192 final settlement agreement;
- 193 (5)(M) record the disclosure of which would impair governmental procurement or give
- 194 an unfair advantage to any person;
- 195 (5)(N) record the disclosure of which would interfere with supervision of an offender's
- 196 incarceration, probation or parole;
- 197 (5)(O) record the disclosure of which would jeopardize life, safety or property;
- 198 (5)(P) search warrants and search warrant affidavits before the filing of the return;
- 199 (5)(Q) strategy about collective bargaining or pending litigation;
- 200 (5)(R) test questions and answers;
- 201 (5)(S) trade secrets as defined in Utah Code Section 13-24-2;
- 202 (5)(T) record of a Children's Justice Center investigative interview before the conclusion
- 203 of any legal proceedings;
- 204 [\(5\)\(U\) presentence investigation report](#); and
- 205 ~~(5)(U)~~ ~~(5)(V)~~ other records as ordered by the court under Rule 4-202.04.
- 206 (6) The following are juvenile court social records:
- 207 (6)(A) correspondence relating to juvenile social records;
- 208 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations,
- 209 substance abuse evaluations, domestic violence evaluations;

- 210 (6)(C) medical, psychological, psychiatric evaluations;
- 211 (6)(D) pre-disposition and social summary reports;
- 212 (6)(E) probation agency and institutional reports or evaluations;
- 213 (6)(F) referral reports;
- 214 (6)(G) report of preliminary inquiries; and
- 215 (6)(H) treatment or service plans.
- 216 (7) The following are juvenile court legal records:
 - 217 (7)(A) accounting records;
 - 218 (7)(B) discovery filed with the court;
 - 219 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,
220 findings, orders, decrees;
 - 221 (7)(D) name of a party or minor;
 - 222 (7)(E) record of a court hearing;
 - 223 (7)(F) referral and offense histories
 - 224 (7)(G) and any other juvenile court record regarding a minor that is not designated as a
225 social record.
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