

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 requester has a
8 right to inspect it, the requester identifies the record with reasonable specificity, and the requester pays
9 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 if:

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

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

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

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

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

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

27 (6) If the judicial branch receives a request for access to a record that contains both information that
28 the requester is entitled to inspect and information that the requester is not entitled to inspect, it shall
29 allow access to the information in the record that the requester is entitled to inspect, and shall deny
30 access to the information in the record the requester is not entitled to inspect.

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

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

35 (9)(A) Non-public information in a public record. The person filing a public record shall omit or redact
36 non-public information. The person filing the record shall certify that, upon information and belief, all non-
37 public information has been omitted or redacted from the public record. The person filing a private,

38 protected or sealed, safeguarded, juvenile court legal, or juvenile court social record shall identify the
39 classification of the record at the top of the first page of a classified document or in a statement
40 accompanying the record.

41 ~~(9)(B) If a person believes that a record qualifies as a non-public record, the person may file with the~~
42 ~~record a motion to classify the record as private, protected or sealed. Under Rule 4-202.04, the clerk shall~~
43 ~~deny access to the record until the motion is decided. Unless filed with a motion to classify as private,~~
44 ~~protected or sealed, public records, even with non-public information, will be accessible. A party may~~
45 ~~move or a non-party interested in a record may petition to classify a record as private, protected, sealed,~~
46 ~~safeguarded, juvenile court legal, or juvenile court social or to redact non-public information from a public~~
47 ~~record.~~

48 (9)(C) If the following non-public information is required in a public record, only the designated
49 information shall be included:

50 (9)(C)(i) social security number: last four digits;

51 (9)(C)(ii) financial or other account number: last four digits;

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

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

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

55 (9)(C)(vi) minor's name: initials.

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

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