

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  
11 identifying 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  
16 requested the study;

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

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

21 (2)(I) exhibits, but the judge may regulate or deny access to ensure the integrity of  
22 the 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) publications of the administrative office of the courts;

56 (2)(V) record in which the judicial branch determines or states an opinion on the  
57 rights of the state, a political subdivision, the public, or a person;

58 (2)(W) record of the receipt or expenditure of public funds;

59 (2)(X) record or minutes of an open meeting or hearing and the transcript of them;

60 (2)(Y) record of formal discipline of current or former court personnel or of a person  
61 regulated by the judicial branch if the disciplinary action has been completed, and all

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

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

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

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

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

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

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

81 (3) The following court records are sealed:

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

83 (3)(B) expunged records;

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

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

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

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

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

91 (3)(H) record of a Children's Justice Center investigative interview after the  
92 conclusion of any legal proceedings; and

- 93 (3)(I) other records as ordered by the court under Rule 4-202.04.
- 94 (4) The following court records are private:
- 95 (4)(A) adoption records until sealed;
- 96 (4)(B) aggregate records other than public aggregate records under subsection (2);
- 97 (4)(C) alternative dispute resolution records;
- 98 (4)(D) applications for accommodation under the Americans with Disabilities Act;
- 99 (4)(E) citation, but an abstract of a citation that redacts all non-public information is  
100 public;
- 101 (4)(F) custody evaluations;
- 102 (4)(G) eligibility for benefits or services or the determination of the benefit level;
- 103 (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)(K) the following personal identifying information about a party: driver's license  
107 number, social security number, account description and number, password,  
108 identification number, maiden name and mother's maiden name, and similar personal  
109 identifying information;
- 110 (4)(L) the following personal identifying information about a person other than a  
111 party: residential address, personal email address, personal telephone number; date of  
112 birth, driver's license number, social security number, account description and number,  
113 password, identification number, maiden name, mother's maiden name, and similar  
114 personal identifying information;
- 115 (4)(M) guardianship cases and conservatorship cases, except the order of  
116 appointment and letter of appointment, which are public;
- 117 (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)(P) personnel file of a current or former court personnel or applicant for  
124 employment;
- 125 (4)(Q) photograph, film or video of a crime victim or of the petitioner in a cohabitant  
126 abuse action or civil stalking action;
- 127 (4)(R) presentence investigation report;
- 128 (4)(S) record classified as private or controlled by a governmental entity and shared  
129 with the court under the Government Records Access and Management Act;
- 130 (4)(T) non-public record provided by a governmental entity of a state or the United  
131 States;
- 132 (4)(U) record regarding the character or competence of an individual;
- 133 (4)(V) record containing information the disclosure of which constitutes an  
134 unwarranted invasion of personal privacy;
- 135 (4)(W) record involving the commitment of a person under Title 62A, Chapter 15,  
136 Substance Abuse and Mental Health Act;
- 137 (4)(X) record of a court hearing closed to the public or of a child's testimony taken  
138 under URCrP 15.5:
- 139 (4)(X)(i) permanently if the hearing is not traditionally open to the public and public  
140 access does not play a significant positive role in the process; or
- 141 (4)(X)(ii) if the hearing is traditionally open to the public, until the judge determines it  
142 is possible to release the record without prejudice to the interests that justified the  
143 closure;
- 144 (4)(Y) record of a delinquency proceeding against an insurer under Utah Code  
145 Section 31a-27-203;
- 146 (4)(Z) record submitted by a senior judge or court commissioner regarding judicial  
147 performance evaluation and certification~~other than records showing whether the judge~~  
148 ~~has met a standard of performance~~;
- 149 (4)(AA) record submitted for in camera review until its public availability is  
150 determined;
- 151 (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 63G-2-309;

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

192 (5)(U) record of a Children's Justice Center investigative interview before the  
193 conclusion of any legal proceedings; and

194 (5)(V) other records as ordered by the court under Rule 4-202.04

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

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

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

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

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

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

202 (6)(F) referral reports;

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

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

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

206 (7)(A) accounting records;

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

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

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

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

212 (7)(F) referral and offense histories

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

Although not effective until April 1, 2011, amendments approved by the Judicial Council on November 22, 2010 have been incorporated into this rule.