

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) probation violation reports;

56 ~~(2)(U)~~ (2)(V) publications of the administrative office of the courts;

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

59 ~~(2)(W)~~ (2)(X) record of the receipt or expenditure of public funds;

60 ~~(2)(X)~~ (2)(Y) record or minutes of an open meeting or hearing and the transcript of
61 them;

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

66 ~~(2)(Z)~~ (2)(AA) record of a request for a record;

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

69 ~~(2)(BB)~~ (2)(CC) rules of the Supreme Court and Judicial Council;

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

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

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

83 (3) The following court records are sealed:

84 (3)(A) ~~adoption~~ records in the following actions:

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

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

89 (3)(B) expunged records;

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

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

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

123 ~~(4)(B)~~ (4)(C) aggregate records other than public aggregate records under
124 subsection (2);

125 ~~(4)(C)~~ (4)(D) alternative dispute resolution records;

126 ~~(4)(D)~~ (4)(E) applications for accommodation under the Americans with Disabilities
127 Act;

128 ~~(4)(E)~~ (4)(F) citation, but an abstract of a citation that redacts all non-public
129 information is public;

130 ~~(4)(F)~~ custody evaluations;

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

132 ~~(4)(H)~~ home studies;

133 ~~(4)(I)~~ (4)(G) judgment information statement;

134 ~~(4)(J)~~ (4)(H) judicial review of final agency action under Utah Code Section 62A-4a-
135 1009;

136 ~~(4)(K)~~ (4)(I) the following personal identifying information about a party: driver's
137 license number, social security number, account description and number, password,
138 identification number, maiden name and mother's maiden name, and similar personal
139 identifying information;

140 ~~(4)(L)~~ (4)(J) the following personal identifying information about a person other than
141 a party: residential address, personal email address, personal telephone number; date
142 of birth, driver's license number, social security number, account description and
143 number, password, identification number, maiden name, mother's maiden name, and
144 similar personal identifying information;

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

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

148 ~~(4)(O)~~ (4)(L) name of a minor, except that the name of a minor party is public in the
149 following district and justice court proceedings:

150 ~~(4)(O)(i)~~ (4)(L)(i) name change of a minor;

151 ~~(4)(O)(ii)~~ (4)(L)(ii) guardianship or conservatorship for a minor; and

152 ~~(4)(O)(iii)~~ (4)(L)(iii) felony, misdemeanor or infraction;

153 ~~(4)(P)-(4)(M)~~ personnel file of a current or former court personnel or applicant for
154 employment;

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

157 ~~(4)(R)-(4)(O)~~ presentence investigation report;

158 ~~(4)(S) record classified as private or controlled by a governmental entity and shared~~
159 ~~with the court under the Government Records Access and Management Act;~~

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

162 ~~(4)(U) record regarding the character or competence of an individual;~~

163 ~~(4)(V) record containing information the disclosure of which constitutes an~~
164 ~~unwarranted invasion of personal privacy;~~

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

167 ~~(4)(X)-(4)(P)~~ record of a court hearing closed to the public or of a child's testimony
168 taken under URCrP 15.5:

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

171 ~~(4)(X)(ii)-(4)(P)(ii)~~ if the hearing is traditionally open to the public, until the judge
172 determines it is possible to release the record without prejudice to the interests that
173 justified the closure;

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

176 ~~(4)(Z)-(4)(Q)~~ record submitted by a senior judge or court commissioner regarding
177 performance evaluation and certification;

178 ~~(4)(AA)-(4)(R)~~ record submitted for in camera review until its public availability is
179 determined;

180 (4)(S) reports of investigations by Child Protective Services;

181 (4)(T) victim impact statements;

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

183 (5) The following court records are protected:

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

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

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

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

195 (5)(E) court security plans;

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

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

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

200 (5)(I) confidential business records under Utah Code Section 63G-2-309;

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

203 ~~(5)(K)-(5)(J)~~ record created or maintained for civil, criminal, or administrative
204 enforcement purposes, audit or discipline purposes, or licensing, certification or
205 registration purposes, if the record reasonably could be expected to:

206 ~~(5)(K)(i)-(5)(J)(i)~~ interfere with an investigation;

207 ~~(5)(K)(ii)-(5)(J)(ii)~~ interfere with a fair hearing or trial; ~~or~~

208 ~~(5)(K)(iii)-(5)(J)(iii)~~ disclose the identity of a confidential source; or

209 ~~(5)(J)(iv)~~ concern the security of a court facility;

210 ~~(5)(L)-(5)(K)~~ record identifying property under consideration for sale or acquisition by
211 the court or its appraised or estimated value unless the information has been disclosed
212 to someone not under a duty of confidentiality to the courts;

213 ~~(5)(M)-(5)(L)~~ record that would reveal the contents of settlement negotiations other
214 than the final settlement agreement;

215 ~~(5)(N)~~ (5)(M) record the disclosure of which would impair governmental procurement
216 or give an unfair advantage to any person;

217 ~~(5)(O)~~ (5)(N) record the disclosure of which would interfere with supervision of an
218 offender's incarceration, probation or parole;

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

220 ~~(5)(Q)~~ (5)(P) search warrants and search warrant affidavits before the filing of the
221 return;

222 ~~(5)(R)~~ (5)(Q) strategy about collective bargaining or pending litigation;

223 ~~(5)(S)~~ (5)(R) test questions and answers;

224 ~~(5)(T)~~ (5)(S) trade secrets as defined in Utah Code Section 13-24-2;

225 ~~(5)(U)~~ (5)(T) record of a Children's Justice Center investigative interview before the
226 conclusion of any legal proceedings; and

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

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

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

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

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

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

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

235 (6)(F) referral reports;

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

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

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

239 (7)(A) accounting records;

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

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

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

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

245 (7)(F) referral and offense histories

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