

1 **Rule 4-202.04. Request to access a record associated with a case; request to**
2 **classify a record associated with a case.**

3 Intent:

4 To establish the process for accessing a court record associated with a case.

5 Applicability:

6 This rule applies to court records associated with a case.

7 Statement of the Rule:

8 (1) A request to access a public court record shall be presented in writing to the clerk
9 of the court unless the clerk waives the requirement. A request to access a non-public
10 court record to which a person is authorized access shall be presented in writing to the
11 clerk of the court. A written request shall contain the requester's name, mailing address,
12 daytime telephone number and a description of the record requested. If the record is a
13 non-public record, the person making the request shall present identification.

14 (2)(A) If a written request to access a court record is denied by the clerk of court, the
15 person making the request may file a motion to access the record.

16 (2)(B) A person not authorized to access a non-public court record may file a motion
17 to access the record. If the court allows access, the court may impose any reasonable
18 conditions to protect the interests favoring closure.

19 (2)(C) A person with an interest in a court record may file a motion to classify the
20 record as private, protected or sealed. The court shall deny access to the record until
21 the order is entered. The court may classify the record as private, protected or sealed if
22 it:

23 (2)(C)(i) is so classified under Rule 4-202.02;

24 (2)(C)(ii) is classified as private, controlled or protected by a governmental entity and
25 shared with the court under the Government Records Access and Management Act;

26 (2)(C)(iii) is a record regarding the character or competence of an individual; or

27 (2)(C)(iv) is a record containing information the disclosure of which constitutes an
28 unwarranted invasion of personal privacy.

29 (2)(D) Motions shall be filed under Utah Rule of Civil Procedure 7 and served under
30 Utah Rule of Civil Procedure 5. The person filing the motion shall serve any
31 representative of the press who has requested notice in the case. The court shall

32 conduct a closure hearing when a motion to close a record is contested, when the press
33 has requested notice of closure motions in the particular case or when the judge
34 decides public interest in the record warrants a hearing.

35 (3) In deciding whether to allow access to a court record or whether to classify a
36 court record as private, protected or sealed, the court may consider any relevant factor,
37 interest or policy presented by the parties, including but not limited to the interests
38 described in Rule 4-202. In ruling on a motion under this rule the judge shall:

39 (3)(A) make findings and conclusions about specific records;

40 (3)(B) identify and balance the interests favoring opening and closing the record; and

41 (3)(C) if the record is ordered closed, determine there are no reasonable alternatives
42 to closure sufficient to protect the interests favoring closure.

43 (4) A request under this rule is governed also by Rule 4-202.06. A motion under this
44 rule is not governed by Rule 4-202.06 or Rule 4-202.07.

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