

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

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

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

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

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

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

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

30       (6) If the judicial branch receives a request for access to a record that contains both  
31 information that the requester is entitled to inspect and information that the requester is

32 not entitled to inspect, it shall allow access to the information in the record that the  
33 requester is entitled to inspect, and shall deny access to the information in the record  
34 the requester is not entitled to inspect.

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

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

40 (9)(A) Non-public information in a public record. The person filing a public record  
41 shall omit or redact non-public information. The person filing the record shall certify that,  
42 upon information and belief, all non-public information has been omitted or redacted  
43 from the public record. The person filing a private, protected or sealed record shall  
44 identify the classification of the record at the top of the first page of a classified  
45 document or in a statement accompanying the record.

46 (9)(B) If a person believes that a record qualifies as a non-public record, the person  
47 may file with the record a motion to classify the record as private, protected or sealed.  
48 Under Rule 4-202.04, the clerk shall deny access to the record until the motion is  
49 decided. Unless filed with a motion to classify as private, protected or sealed, public  
50 records, even with non-public information, will be accessible. A party may move or a  
51 non-party may petition to redact non-public information from a public record.

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

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

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

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

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

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

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

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

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

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