

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 or a victim or witness of
38 a crime;

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) unless classified by the judge as private or safeguarded to protect the
51 personal safety of the juror or the juror's family, the name of a juror empaneled to try a
52 case, but only 10 days after the jury is discharged;

53 (2)(S) opinions, including concurring and dissenting opinions, and orders entered in
54 open hearings;

55 (2)(T) order or decision classifying a record as not public;

56 (2)(U) private record if the subject of the record has given written permission to
57 make the record public;

58 (2)(V) probation progress/violation reports;

59 (2)(W) publications of the administrative office of the courts;

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

62 (2)(Y) record of the receipt or expenditure of public funds;

- 63 (2)(Z) record or minutes of an open meeting or hearing and the transcript of them;
- 64 (2)(AA) record of formal discipline of current or former court personnel or of a person
65 regulated by the judicial branch if the disciplinary action has been completed, and all
66 time periods for administrative appeal have expired, and the disciplinary action was
67 sustained;
- 68 (2)(BB) record of a request for a record;
- 69 (2)(CC) reports used by the judiciary if all of the data in the report is public or the
70 Judicial Council designates the report as a public record;
- 71 (2)(DD) rules of the Supreme Court and Judicial Council;
- 72 (2)(EE) search warrants, the application and all affidavits or other recorded
73 testimony on which a warrant is based are public after they are unsealed under Utah
74 Rule of Criminal Procedure 40;
- 75 (2)(FF) statistical data derived from public and non-public records but that disclose
76 only public data;
- 77 (2)(GG) Notwithstanding subsections (6) and (7), if a petition, indictment, or
78 information is filed charging a person 14 years of age or older with a felony or an
79 offense that would be a felony if committed by an adult, the petition, indictment or
80 information, the adjudication order, the disposition order, and the delinquency history
81 summary of the person are public records. The delinquency history summary shall
82 contain the name of the person, a listing of the offenses for which the person was
83 adjudged to be within the jurisdiction of the juvenile court, and the disposition of the
84 court in each of those offenses.
- 85 (3) The following court records are sealed:
- 86 (3)(A) records in the following actions:
- 87 (3)(A)(i) Title 78B, Chapter 6, Part 1, Utah Adoption Act six months after the
88 conclusion of proceedings, which are private until sealed;
- 89 (3)(A)(ii) Title 78B, Chapter 15, Part 8, Gestational Agreement, six months after the
90 conclusion of proceedings, which are private until sealed; and
- 91 (3)(A)(iii) Title 76, Chapter 7, Part 3, Consent required for abortions performed on
92 minors;
- 93 (3)(B) expunged records;

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

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

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

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

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

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

103 (3)(I) other records as ordered by the court under Rule 4-202.04.

104 (4) The following court records are private:

105 (4)(A) records in the following actions:

106 (4)(A)(i) Section 62A-15-631, Involuntary commitment under court order;

107 (4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System
108 database;

109 (4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are
110 sealed;

111 (4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records are
112 sealed; and

113 (4)(B) records in the following actions, except that the case history; judgments,
114 orders and decrees; letters of appointment; and the record of public hearings are public
115 records:

116 (4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations orders,
117 except that an action for consortium due to personal injury under Section 30-2-11 is
118 public;

119 (4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;

120 (4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their
121 Property;

122 (4)(B)(iv) Title 78B, Chapter 7, Protective Orders;

123 (4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;

- 124 (4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
125 Enforcement Act;
- 126 (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
- 127 (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
- 128 (4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this
129 subparagraph (B);
- 130 (4)(C) affidavits supporting a motion to waive fees;
- 131 (4)(D) aggregate records other than public aggregate records under subsection (2);
- 132 (4)(~~D~~E) alternative dispute resolution records;
- 133 (4)(~~E~~F) applications for accommodation under the Americans with Disabilities Act;
- 134 (4)(~~F~~G) citation, but an abstract of a citation that redacts all non-public information is
135 public;
- 136 (4)(~~G~~H) judgment information statement;
- 137 (4)(~~H~~I) judicial review of final agency action under Utah Code Section 62A-4a-1009;
- 138 (4)(~~I~~J) the following personal identifying information about a party: driver's license
139 number, social security number, account description and number, password,
140 identification number, maiden name and mother's maiden name, and similar personal
141 identifying information;
- 142 (4)(~~J~~K) the following personal identifying information about a person other than a
143 party or a victim or witness of a crime: residential address, personal email address,
144 personal telephone number; date of birth, driver's license number, social security
145 number, account description and number, password, identification number, maiden
146 name, mother's maiden name, and similar personal identifying information;
- 147 (4)(~~K~~L) medical, psychiatric, or psychological records;
- 148 (4)(~~L~~M) 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)(~~L~~M)(i) name change of a minor;
- 151 (4)(~~L~~M)(ii) guardianship or conservatorship for a minor;
- 152 (4)(~~L~~M)(iii) felony, misdemeanor or infraction;
- 153 (4)(~~L~~M)(iv) child protective orders; and
- 154 (4)(~~L~~M)(v) custody orders and decrees;

155 (4)(~~MN~~) personnel file of a current or former court personnel or applicant for
156 employment;

157 (4)(~~NO~~) photograph, film or video of a crime victim;

158 (4)(~~OP~~) record of a court hearing closed to the public or of a child's testimony taken
159 under URCrP 15.5:

160 (4)(~~OP~~)(i) permanently if the hearing is not traditionally open to the public and public
161 access does not play a significant positive role in the process; or

162 (4)(~~OP~~)(ii) if the hearing is traditionally open to the public, until the judge determines
163 it is possible to release the record without prejudice to the interests that justified the
164 closure;

165 (4)(~~PQ~~) record submitted by a senior judge or court commissioner regarding
166 performance evaluation and certification;

167 (4)(~~QR~~) record submitted for in camera review until its public availability is
168 determined;

169 (4)(~~RS~~) reports of investigations by Child Protective Services;

170 (4)(~~SI~~) victim impact statements;

171 (4)(~~TU~~) name of a prospective juror summoned to attend court, unless classified by
172 the judge as safeguarded to protect the personal safety of the prospective juror or the
173 prospective juror's family;

174 (4)(~~UV~~) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate
175 Procedure, except briefs filed pursuant to court order;

176 (4)(~~VW~~) records in a proceeding under Rule 60 of the Utah Rules of Appellate
177 Procedure;

178 (4)(~~WX~~) an addendum to an appellate brief filed in a case involving:

179 (4)(~~WX~~)(i) adoption;

180 (4)(~~WX~~)(ii) termination of parental rights;

181 (4)(~~WX~~)(iii) abuse, neglect and dependency;

182 (4)(~~WX~~)(iv) substantiation under Section 78A-6-323; or

183 (4)(~~WX~~)(v) protective orders or dating violence protective orders;

184 (4)(~~XY~~) other records as ordered by the court under Rule 4-202.04.

185 (5) The following court records are protected:

186 (5)(A) attorney's work product, including the mental impressions or legal theories of
187 an attorney or other representative of the courts concerning litigation, privileged
188 communication between the courts and an attorney representing, retained, or employed
189 by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-
190 judicial, or administrative proceeding;

191 (5)(B) records that are subject to the attorney client privilege;

192 (5)(C) bids or proposals until the deadline for submitting them has closed;

193 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation
194 before issuance of the final recommendations in these areas;

195 (5)(E) budget recommendations, legislative proposals, and policy statements, that if
196 disclosed would reveal the court's contemplated policies or contemplated courses of
197 action;

198 (5)(F) court security plans;

199 (5)(G) investigation and analysis of loss covered by the risk management fund;

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

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

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

206 (5)(J)(i) interfere with an investigation;

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

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

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

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

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

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

- 217 (5)(N) record the disclosure of which would interfere with supervision of an
218 offender's incarceration, probation or parole;
- 219 (5)(O) record the disclosure of which would jeopardize life, safety or property;
- 220 (5)(P) strategy about collective bargaining or pending litigation;
- 221 (5)(Q) test questions and answers;
- 222 (5)(R) trade secrets as defined in Utah Code Section 13-24-2;
- 223 (5)(S) record of a Children's Justice Center investigative interview before the
224 conclusion of any legal proceedings;
- 225 (5)(T) presentence investigation report; and
- 226 (5)(U) other records as ordered by the court under Rule 4-202.04.
- 227 (6) The following are juvenile court social records:
- 228 (6)(A) correspondence relating to juvenile social records;
- 229 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations,
230 substance abuse evaluations, domestic violence evaluations;
- 231 (6)(C) medical, psychological, psychiatric evaluations;
- 232 (6)(D) pre-disposition and social summary reports;
- 233 (6)(E) probation agency and institutional reports or evaluations;
- 234 (6)(F) referral reports;
- 235 (6)(G) report of preliminary inquiries; and
- 236 (6)(H) treatment or service plans.
- 237 (7) The following are juvenile court legal records:
- 238 (7)(A) accounting records;
- 239 (7)(B) discovery filed with the court;
- 240 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,
241 findings, orders, decrees;
- 242 (7)(D) name of a party or minor;
- 243 (7)(E) record of a court hearing;
- 244 (7)(F) referral and offense histories
- 245 (7)(G) and any other juvenile court record regarding a minor that is not designated
246 as a social record.
- 247 (8) The following are safeguarded records:

248 (8)(A) upon request, location information, contact information and identity
249 information other than name of a petitioner and other persons to be protected in an
250 action filed under Title 77, Chapter 3a, Stalking Injunctions or Title 78B, Chapter 7,
251 Protective Orders;

252 (8)(B) upon request, location information, contact information and identity
253 information other than name of a party or the party's child after showing by affidavit that
254 the health, safety, or liberty of the party or child would be jeopardized by disclosure in a
255 proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
256 Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or
257 Title 78B, Chapter 15, Utah Uniform Parentage Act;

258 (8)(C) location information, contact information and identity information of
259 prospective jurors on the master jury list or the qualified jury list;

260 (8)(D) location information, contact information and identity information other than
261 name of a prospective juror summoned to attend court;

262 (8)(E) the following information about a victim or witness of a crime:

263 (8)(E)(i) business and personal address, email address, telephone number and
264 similar information from which the person can be located or contacted;

265 (8)(E)(ii) date of birth, driver's license number, social security number, account
266 description and number, password, identification number, maiden name, mother's
267 maiden name, and similar personal identifying information.