

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  
11       personal 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  
16       that requested the study;

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

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

21       (2)(I) exhibits, but the judge may regulate or deny access to ensure the  
22       integrity of 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  
25       Council, including the following, in courts other than the juvenile court; an  
26       index may contain any 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  
37 email address of an adult person or business entity other than a party or a  
38 victim or witness of a crime;

39 (2)(M) name, address, telephone number, email address, date of birth, and  
40 last four digits of the following: driver's license number; social security  
41 number; or account number of a party;

42 (2)(N) name, business address, business telephone number, and business  
43 email address of a lawyer appearing in a case;

44 (2)(O) name, business address, business telephone number, and business  
45 email 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,  
48 number of hours worked per pay period, dates of employment, and relevant  
49 qualifications of a current or former court personnel;

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

53 (2)(S) opinions, including concurring and dissenting opinions, and orders  
54 entered in 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  
57 permission to 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  
61 on the 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  
64 them;

65 (2)(AA) record of formal discipline of current or former court personnel or of  
66 a person regulated by the judicial branch if the disciplinary action has been  
67 completed, and all time periods for administrative appeal have expired, and  
68 the disciplinary action was sustained;

69 (2)(BB) record of a request for a record;

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

72 (2)(DD) rules of the Supreme Court and Judicial Council;

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

76 (2)(FF) statistical data derived from public and non-public records but that  
77 disclose only public data;

78 (2)(GG) Notwithstanding subsections (6) and (7), if a petition, indictment, or  
79 information is filed charging a person 14 years of age or older with a felony or  
80 an offense that would be a felony if committed by an adult, the petition,  
81 indictment or information, the adjudication order, the disposition order, and the

82 delinquency history summary of the person are public records. The  
83 delinquency history summary shall contain the name of the person, a listing of  
84 the offenses for which the person was adjudged to be within the jurisdiction of  
85 the juvenile court, and the disposition of the court in each of those offenses.

86 (3) The following court records are sealed:

87 (3)(A) records in the following actions:

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

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

92 (3)(B) expunged records;

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

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

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

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

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

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

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

103 (4) The following court records are private:

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

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

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

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

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

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

115 (4)(B)(i) Title 30, Husband and Wife, including a Qualified Domestic  
116 Relations Order, except that an action for consortium due to personal injury  
117 under Section 30-2-11 is public;

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

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

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

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

123 (4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction  
124 and Enforcement Act;

125 (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;

126 (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and

127 (4)(B)(ix) an action to modify or enforce a judgment in any of the actions in  
128 this subparagraph (B);

129 (4)(C) aggregate records other than public aggregate records under  
130 subsection (2);

131 (4)(D) alternative dispute resolution records;

132 (4)(E) applications for accommodation under the Americans with  
133 Disabilities Act;

134 (4)(F) citation, but an abstract of a citation that redacts all non-public  
135 information is public;

136 (4)(G) judgment information statement;

137 (4)(H) judicial review of final agency action under Utah Code Section 62A-  
138 4a-1009;

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

143 (4)(J) the following personal identifying information about a person other  
144 than a party or a victim or witness of a crime: residential address, personal  
145 email address, personal telephone number; date of birth, driver's license  
146 number, social security number, account description and number, password,  
147 identification number, maiden name, mother's maiden name, and similar  
148 personal identifying information;

149 (4)(K) medical, psychiatric, or psychological records;

150 (4)(L) name of a minor, except that the name of a minor party is public in  
151 the following district and justice court proceedings:

152 (4)(L)(i) name change of a minor;

153 (4)(L)(ii) guardianship or conservatorship for a minor;

154 (4)(L)(iii) felony, misdemeanor or infraction;

155 (4)(L)(iv) child protective orders; and

156 (4)(L)(v) custody orders and decrees;

157 (4)(M) personnel file of a current or former court personnel or applicant for  
158 employment;

159 (4)(N) photograph, film or video of a crime victim;

160 (4)(O) record of a court hearing closed to the public or of a child's  
161 testimony taken under URCrP 15.5:

162 (4)(O)(i) permanently if the hearing is not traditionally open to the public  
163 and public access does not play a significant positive role in the process; or

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

167 (4)(P) record submitted by a senior judge or court commissioner regarding  
168 performance evaluation and certification;

169 (4)(Q) record submitted for in camera review until its public availability is  
170 determined;

171 (4)(R) reports of investigations by Child Protective Services;

172 (4)(S) victim impact statements;

173 (4)(T) name of a prospective juror summoned to attend court, unless  
174 classified by the judge as safeguarded to protect the personal safety of the  
175 prospective juror or the prospective juror's family;

176 (4)(U) records filed pursuant to Rules 52 - 59 of the Utah Rules of  
177 Appellate Procedure, except briefs filed pursuant to court order;

178 (4)(V) records in a proceeding under Rule 60 of the Utah Rules of  
179 Appellate Procedure;

180 (4)(W) an addendum to an appellate brief filed in a case involving:

181 (4)(W)(i) adoption;

182 (4)(W)(ii) termination of parental rights;

183 (4)(W)(iii) abuse, neglect and dependency;

184 (4)(W)(iv) substantiation under Section 78A-6-323; or

185 (4)(W)(v) protective orders or dating violence protective orders;

186 (4)(X) other records as ordered by the court under Rule 4-202.04.

187 (5) The following court records are protected:

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

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

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

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

198 (5)(E) budget recommendations, legislative proposals, and policy  
199 statements, that if disclosed would reveal the court’s contemplated policies or  
200 contemplated courses of action;

201 (5)(F) court security plans;

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

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

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

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

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

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

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

- 214 (5)(J)(iv) concern the security of a court facility;
- 215 (5)(K) record identifying property under consideration for sale or acquisition  
216 by the court or its appraised or estimated value unless the information has  
217 been disclosed to someone not under a duty of confidentiality to the courts;
- 218 (5)(L) record that would reveal the contents of settlement negotiations  
219 other than the final settlement agreement;
- 220 (5)(M) record the disclosure of which would impair governmental  
221 procurement or give an unfair advantage to any person;
- 222 (5)(N) record the disclosure of which would interfere with supervision of an  
223 offender's incarceration, probation or parole;
- 224 (5)(O) record the disclosure of which would jeopardize life, safety or  
225 property;
- 226 (5)(P) strategy about collective bargaining or pending litigation;
- 227 (5)(Q) test questions and answers;
- 228 (5)(R) trade secrets as defined in Utah Code Section 13-24-2;
- 229 (5)(S) record of a Children's Justice Center investigative interview before  
230 the conclusion of any legal proceedings;
- 231 (5)(T) presentence investigation report; and
- 232 (5)(U) other records as ordered by the court under Rule 4-202.04.
- 233 (6) The following are juvenile court social records:
- 234 (6)(A) correspondence relating to juvenile social records;
- 235 (6)(B) custody evaluations, parent-time evaluations, parental fitness  
236 evaluations, substance abuse evaluations, domestic violence evaluations;
- 237 (6)(C) medical, psychological, psychiatric evaluations;
- 238 (6)(D) pre-disposition and social summary reports;
- 239 (6)(E) probation agency and institutional reports or evaluations;
- 240 (6)(F) referral reports;

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

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

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

244 (7)(A) accounting records;

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

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

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

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

250 (7)(F) referral and offense histories

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

253 (8) The following are safeguarded records:

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

258 (8)(B) upon request, location information, contact information and identity  
259 information other than name of a party or the party's child after showing by  
260 affidavit that the health, safety, or liberty of the party or child would be  
261 jeopardized by disclosure in a proceeding under Title 78B, Chapter 13, Utah  
262 Uniform Child Custody Jurisdiction and Enforcement Act or Title 78B, Chapter  
263 14, Uniform Interstate Family Support Act or Title 78B, Chapter 15, Utah  
264 Uniform Parentage Act;

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

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

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

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

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