

1 **Rule 4-202.02. Records classification.**

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3 Intent:

4 To classify court records as public or non-public.

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6 Applicability:

7 This rule applies to the judicial branch.

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9 Statement of the Rule:

10 (1) Court records are public unless otherwise classified by this rule.

11 (2) Public court records include but are not limited to:

12 (2)(A) abstract of a citation that redacts all non-public information;

13 (2)(B) aggregate records without non-public information and without personal identifying
14 information;

15 (2)(C) appellate filings, including briefs;

16 (2)(D) arrest warrants, but a court may restrict access before service;

17 (2)(E) audit reports;

18 (2)(F) case files;

19 (2)(G) committee reports after release by the Judicial Council or the court that requested the study;

20 (2)(H) contracts entered into by the judicial branch and records of compliance with the terms of a
21 contract;

22 (2)(I) drafts that were never finalized but were relied upon in carrying out an action or policy;

23 (2)(J) exhibits, but the judge may regulate or deny access to ensure the integrity of the exhibit, a
24 fair trial or interests favoring closure;

25 (2)(K) financial records;

26 (2)(L) indexes approved by the Management Committee of the Judicial Council, including the
27 following, in courts other than the juvenile court; an index may contain any other index
28 information:

29 (2)(L)(i) amount in controversy;

30 (2)(L)(ii) attorney name;

31 (2)(L)(iii) case number;

32 (2)(K)(iv) case status;

33 (2)(L)(v) civil case type or criminal violation;

34 (2)(L)(vi) civil judgment or criminal disposition;

35 (2)(L)(vii) daily calendar;

36 (2)(L)(viii) file date;

37 (2)(L) party name;

38 (2)(M) name, business address, business telephone number, and business email address of an adult
39 person or business entity other than a party or a victim or witness of a crime;

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

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

44 (2)(P) name, business address, business telephone number, and business email address of court

- 45 personnel other than judges;
46 (2)(Q) name, business address, and business telephone number of judges;
47 (2)(R) name, gender, gross salary and benefits, job title and description, number of hours worked
48 per pay period, dates of employment, and relevant qualifications of a current or former court
49 personnel;
50 (2)(S) unless classified by the judge as private or safeguarded to protect the personal safety of the
51 juror or the juror's family, the name of a juror empanelled to try a case, but only 10 days after the
52 jury is discharged;
53 (2)(T) opinions, including concurring and dissenting opinions, and orders entered in open
54 hearings;
55 (2)(U) order or decision classifying a record as not public;
56 (2)(V) private record if the subject of the record has given written permission to make the record
57 public;
58 (2)(W) probation progress/violation reports;
59 (2)(X) publications of the administrative office of the courts;
60 (2)(Y) record in which the judicial branch determines or states an opinion on the rights of the state,
61 a political subdivision, the public, or a person;
62 (2)(Z) record of the receipt or expenditure of public funds;
63 (2)(AA) record or minutes of an open meeting or hearing and the transcript of them;
64 (2)(BB) record of formal discipline of current or former court personnel or of a person regulated by
65 the judicial branch if the disciplinary action has been completed, and all time periods for
66 administrative appeal have expired, and the disciplinary action was sustained;
67 (2)(CC) record of a request for a record;
68 (2)(DD) reports used by the judiciary if all of the data in the report is public or the Judicial Council
69 designates the report as a public record;
70 (2)(EE) rules of the Supreme Court and Judicial Council;
71 (2)(FF) search warrants, the application and all affidavits or other recorded testimony on which a
72 warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40; and
73 (2)(GG) statistical data derived from public and non-public records but that disclose only public
74 data.
75 (2)(HH) Notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed
76 charging a person 14 years of age or older with a felony or an offense that would be a felony if
77 committed by an adult, the petition, indictment or information, the adjudication order, the
78 disposition order, and the delinquency history summary of the person are public records. The
79 delinquency history summary shall contain the name of the person, a listing of the offenses for
80 which the person was adjudged to be within the jurisdiction of the juvenile court, and the
81 disposition of the court in each of those offenses.
82 (2)(II) Notwithstanding subsection (3)(A)(i), adoption records become public on the one
83 hundredth anniversary of the date the final decree of adoption was entered.
84 (3) The following court records are sealed:
85 (3)(A) records in the following actions:
86 (3)(A)(i) Title 78B, Chapter 6, Part 1, Utah Adoption Act six months after the conclusion of
87 proceedings, which are private until sealed;
88 (3)(A)(ii) Title 78B, Chapter 15, Part 8, Gestational Agreement, six months after the conclusion of

- 89 proceedings, which are private until sealed; and-
- 90 (3)(A)(iii) Title 76, Chapter 7, Part 304.5, Consent required for abortions performed on minors;
- 91 **(3)(A)(iv) Title 78B, Chapter 8, Part 402, actions for disease testing;** and
- 92 (3)(B) expunged records;
- 93 (3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code
- 94 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 commissioner of financial
- 97 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 conclusion of any
- 101 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) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are sealed; and
- 107 (4)(A)(iii) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records are sealed; and
- 108 (4)(B) records in the following actions, except that the case history; judgments, orders and decrees;
- 109 letters of appointment; and the record of public hearings are public records:
- 110 (4)(B)(i) Title 30, Husband and Wife, except that an action for consortium due to personal injury
- 111 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 Property;
- 114 (4)(B)(iv) Title 78B, Chapter 7, Protective Orders;
- 115 (4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;
- 116 (4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act;
- 117 (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
- 118 (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
- 119 (4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this subparagraph (B);
- 120 (4)(C) an affidavit supporting a motion to waive fees;
- 121 (4)(D) aggregate records other than public aggregate records under subsection (2);
- 122 (4)(E) alternative dispute resolution records;
- 123 (4)(F) applications for accommodation under the Americans with Disabilities Act;
- 124 (4)(G) citation, but an abstract of a citation that redacts all non-public information is public;
- 125 (4)(H) judgment information statement;
- 126 (4)(I) judicial review of final agency action under Utah Code Section 62A-4a-1009;
- 127 (4)(J) the following personal identifying information about a party: driver's license number, social
- 128 security number, account description and number, password, identification number, and similar
- 129 personal identifying information;
- 130 (4)(K) the following personal identifying information about a person other than a party or a victim
- 131 or witness of a crime: residential address, personal email address, personal telephone number; date
- 132 of birth, driver's license number, social security number, account description and number,

- 133 password, identification number, and similar personal identifying information;
134 (4)(L) medical, psychiatric, or psychological records;
135 (4)(M) name of a minor, except that the name of a minor party is public in the following district
136 and justice court proceedings:
137 (4)(M)(i) name change of a minor;
138 (4)(M)(ii) guardianship or conservatorship for a minor;
139 (4)(M)(iii) felony, misdemeanor or infraction;
140 (4)(M)(iv) child protective orders; and
141 (4)(M)(v) custody orders and decrees;
142 (4)(N) notices from the U.S. Bankruptcy Court;
143 (4)(O) personnel file of a current or former court personnel or applicant for employment;
144 (4)(P) photograph, film or video of a crime victim;
145 (4)(Q) record of a court hearing closed to the public or of a child's testimony taken under URCrP
146 15.5:
147 (4)(Q)(i) permanently if the hearing is not traditionally open to the public and public access does
148 not play a significant positive role in the process; or
149 (4)(Q)(ii) if the hearing is traditionally open to the public, until the judge determines it is possible
150 to release the record without prejudice to the interests that justified the closure;
151 (4)(R) record submitted by a senior judge or court commissioner regarding performance
152 evaluation and certification;
153 (4)(S) record submitted for in camera review until its public availability is determined;
154 (4)(T) reports of investigations by Child Protective Services;
155 (4)(U) victim impact statements;
156 (4)(V) name of a prospective juror summoned to attend court, unless classified by the judge as
157 safeguarded to protect the personal safety of the prospective juror or the prospective juror's
158 family;
159 (4)(W) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except
160 briefs filed pursuant to court order;
161 (4)(X) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;
162 (4)(Y) an addendum to an appellate brief filed in a case involving:
163 (4)(Y)(i) adoption;
164 (4)(Y)(ii) termination of parental rights;
165 (4)(Y)(iii) abuse, neglect and dependency;
166 (4)(Y)(iv) substantiation under Section 78A-6-323; or
167 (4)(Y)(v) protective orders or dating violence protective orders;
168 (4)(Z) other records as ordered by the court under Rule 4-202.04.
169 (5) The following court records are protected:
170 (5)(A) attorney's work product, including the mental impressions or legal theories of an attorney
171 or other representative of the courts concerning litigation, privileged communication between the
172 courts and an attorney representing, retained, or employed by the courts, and records prepared
173 solely in anticipation of litigation or a judicial, quasi-judicial, or administrative proceeding;
174 (5)(B) records that are subject to the attorney client privilege;
175 (5)(C) bids or proposals until the deadline for submitting them has closed;
176 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation before issuance

- 177 of the final recommendations in these areas;
- 178 (5)(E) budget recommendations, legislative proposals, and policy statements, that if disclosed
- 179 would reveal the court's contemplated policies or contemplated courses of action;
- 180 (5)(F) court security plans;
- 181 (5)(G) investigation and analysis of loss covered by the risk management fund;
- 182 (5)(H) memorandum prepared by staff for a member of any body charged by law with performing
- 183 a judicial function and used in the decision-making process;
- 184 (5)(I) confidential business records under Utah Code Section 63G-2-309;
- 185 (5)(J) record created or maintained for civil, criminal, or administrative enforcement purposes,
- 186 audit or discipline purposes, or licensing, certification or registration purposes, if the record
- 187 reasonably could be expected to:
- 188 (5)(J)(i) interfere with an investigation;
- 189 (5)(J)(ii) interfere with a fair hearing or trial;
- 190 (5)(J)(iii) disclose the identity of a confidential source; or
- 191 (5)(J)(iv) concern the security of a court facility;
- 192 (5)(K) record identifying property under consideration for sale or acquisition by the court or its
- 193 appraised or estimated value unless the information has been disclosed to someone not under a
- 194 duty of confidentiality to the courts;
- 195 (5)(L) record that would reveal the contents of settlement negotiations other than the final
- 196 settlement agreement;
- 197 (5)(M) record the disclosure of which would impair governmental procurement or give an unfair
- 198 advantage to any person;
- 199 (5)(N) record the disclosure of which would interfere with supervision of an offender's
- 200 incarceration, probation or parole;
- 201 (5)(O) record the disclosure of which would jeopardize life, safety or property;
- 202 (5)(P) strategy about collective bargaining or pending litigation;
- 203 (5)(Q) test questions and answers;
- 204 (5)(R) trade secrets as defined in Utah Code Section 13-24-2;
- 205 (5)(S) record of a Children's Justice Center investigative interview before the conclusion of any
- 206 legal proceedings;
- 207 (5)(T) presentence investigation report;
- 208 (5)(U) except for those filed with the court, records maintained and prepared by juvenile
- 209 probation; and
- 210 (5)(V) other records as ordered by the court under Rule 4-202.04.
- 211 (6) The following are juvenile court social records:
- 212 (6)(A) correspondence relating to juvenile social records;
- 213 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse
- 214 evaluations, domestic violence evaluations;
- 215 (6)(C) mediation disposition notices;
- 216 (6)(D) medical, psychological, psychiatric evaluations;
- 217 (6)(E) pre-disposition and social summary reports;
- 218 (6)(F) probation agency and institutional reports or evaluations;
- 219 (6)(G) referral reports;
- 220 (6)(H) report of preliminary inquiries; and

- 221 (6)(I) treatment or service plans.
222 (7) The following are juvenile court legal records:
223 (7)(A) accounting records;
224 (7)(B) discovery filed with the court;
225 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders,
226 decrees;
227 (7)(D) name of a party or minor;
228 (7)(E) record of a court hearing;
229 (7)(F) referral and offense histories
230 (7)(G) and any other juvenile court record regarding a minor that is not designated as a social
231 record.
232 (8) The following are safeguarded records:
233 (8)(A) upon request, location information, contact information and identity information other than
234 name of a petitioner and other persons to be protected in an action filed under Title 77, Chapter 3a,
235 Stalking Injunctions or Title 78B, Chapter 7, Protective Orders;
236 (8)(B) upon request, location information, contact information and identity information other than
237 name of a party or the party's child after showing by affidavit that the health, safety, or liberty of
238 the party or child would be jeopardized by disclosure in a proceeding under Title 78B, Chapter 13,
239 Utah Uniform Child Custody Jurisdiction and Enforcement Act or Title 78B, Chapter 14, Uniform
240 Interstate Family Support Act or Title 78B, Chapter 15, Utah Uniform Parentage Act;
241 (8)(C) location information, contact information and identity information of prospective jurors on
242 the master jury list or the qualified jury list;
243 (8)(D) location information, contact information and identity information other than name of a
244 prospective juror summoned to attend court;
245 (8)(E) except as required by Utah Code section 78-6-304(4), the following information about a
246 victim or witness of a crime:
247 (8)(E)(i) business and personal address, email address, telephone number and similar information
248 from which the person can be located or contacted;
249 (8)(E)(ii) date of birth, driver's license number, social security number, account description and
250 number, password, identification number, and similar personal identifying information.