

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 requester has a right  
8 to inspect it, the requester identifies the record with reasonable specificity, and the requester pays the fees.

9 (2)(A) The judicial branch is not required to create a record in response to a request.

10 (2)(B) Upon request, the judicial branch shall provide a record in a particular format if:

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

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

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

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

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

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

26 (6) If the judicial branch receives a request for access to a record that contains both information that the  
27 requester is entitled to inspect and information that the requester is not entitled to inspect, it shall allow  
28 access to the information in the record that the requester is entitled to inspect, and shall deny access to the  
29 information in the record the requester is not entitled to inspect.

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

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

34 (9)(A) Non-public information in a public record. The person filing a public record shall omit or redact  
35 non-public information. The person filing the record shall certify that, upon information and belief, all non-  
36 public information has been omitted or redacted from the public record. The person filing a private,  
37 protected, sealed, safeguarded, juvenile court legal, or juvenile court social record shall identify the  
38 classification of the record at the top of the first page of a classified document or in a statement  
39 accompanying the record.

40 (9)(B) A party may move or a non-party interested in a record may petition to classify a record as  
41 private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social or to redact non-public  
42 information from a public record.

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

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

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

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

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

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

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

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

53 (10)(A) Notwithstanding Rule 4-202.02, except as otherwise ordered by the court and except as  
54 provided in subsections (B) and (C), if a case involves a tax on property or its use under Title 59, Chapter 2,  
55 Property Tax Act, Chapter 3, Tax Equivalent Property Act, or Chapter 4, Privilege Tax, all records shall be  
56 classified as public records under Rule 4-202.02.

57 (10)(B) Except as provided in subsection (C), all records in a case that involves a tax on property or its  
58 use under Title 59, Chapter 2, Property Tax Act, Chapter 3, Tax Equivalent Property Act, or Chapter 4,  
59 Privilege Tax, shall be protected if the case also involves commercial information as that term is defined by  
60 Utah Code § 59-1-404.

61 (10)(C) For a case described in subsection (B):

62 (10)(C)(i) if a request for a specific record, or access to all records in a case, is made to the court and  
63 notice is given to the taxpayer, such record or records shall be released within 14 days after notice is given  
64 to the taxpayer, except for specific records ordered by the court to be classified as sealed, private,  
65 protected, or safeguarded pursuant to a motion made under Rule 4-202.04(3);

66 (10)(C)(ii) thirty days after the issuance of a non-appealable final order by the court, all records shall be  
67 public unless the court orders specific records to be classified as sealed, private, protected, or safeguarded  
68 pursuant to a motion made under Rule 4-202.04(3).

69 (10)(C)(iii) The public shall have access to the case history, notwithstanding the limitations in this rule  
70 applicable to the underlying records.

71

72