

1 [Suggested Changes]

2
3 **General Rule of Court 31**

4
5 **ACCESS TO COURT RECORDS**

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7 **(a) Policy and Purpose.** It is the policy of the courts/judiciary to facilitate access to
8 court records as provided by Article I, Section 10 of the Washington State Constitution.
9 Access to court records is not absolute and shall be consistent with reasonable
10 expectations of personal privacy as provided by article 1, Section 7 of the Washington
11 State Constitution and shall not unduly burden the business of the courts.

12
13 **(b) Scope.** This rule applies to all court records, regardless of the physical form of the
14 court record, the method of recording the court record or the method of storage of the
15 court record. Judicial Administrative records are not within the scope of this rule.
16 Access to judicial administrative records is governed by GR 31A. Court records are
17 further governed by GR 15 and 22.

18
19 **(c) Definitions.**

20
21 (1) "Access" means the ability to view or obtain a copy of a court record.

22
23 (2) "Administrative record" ~~means any record pertaining to the management,~~
24 ~~supervision or administration of the judicial branch, including any court, board, or~~
25 ~~committee appointed by or under the direction of any court or other entity within the~~
26 ~~judicial branch, or the office of any county clerk.~~ is defined in GR 31A.

27
28 (3) "Bulk distribution" means distribution of all, or a significant subset, of the
29 information in court records, as is and without modification.

30
31 (4) "Court record" includes, but is not limited to: (i) Any document, information,
32 exhibit, or other thing that is maintained by a court in connection with a judicial
33 proceeding, and (ii) Any index, calendar, docket, register of actions, official record of the
34 proceedings, order, decree, judgment, minute, and any information in a case
35 management system created or prepared by the court that is related to a judicial
36 proceeding. Court record does not include ~~data maintained by or for a judge pertaining~~
37 ~~to a particular case or party, such as personal notes and communications, memoranda,~~
38 ~~drafts, or other working papers; or information gathered, maintained, or stored by a~~
39 ~~government agency or other entity to which the court has access but which is not~~
40 ~~entered into the record.~~ chambers records as defined in GR 31A.

41
42 (5) "Criminal justice agencies" are government agencies that perform criminal
43 justice functions pursuant to statute or executive order and that allocate a substantial
44 part of their annual budget to those functions.

1 (6) "Dissemination contract" means an agreement between a court record provider
2 and any person or entity, except a Washington State court (Supreme Court, court of
3 appeals, superior court, district court or municipal court), that is provided court records.
4 The essential elements of a dissemination contract shall be promulgated by the JIS
5 Committee.
6

7 (7) "Judicial Information System (JIS) Committee" is the committee with oversight of
8 the statewide judicial information system. The judicial information system is the
9 automated, centralized, statewide information system that serves the state courts.
10

11 (8) "Judge" means a judicial officer as defined in the Code of Judicial Conduct (CJC)
12 Application of the Code of Judicial Conduct Section (A).
13

14 (9) "Public" includes an individual, partnership, joint venture, public or private
15 corporation, association, federal, state, or local governmental entity or agency, however
16 constituted, or any other organization or group of persons, however organized.
17

18 (10) "Public purpose agency" means governmental agencies included in the
19 definition of "agency" in RCW 42.17.020 and other non-profit organizations whose
20 principal function is to provide services to the public.
21

22 **(d) Access.**
23

24 (1) The public shall have access to all court records except as restricted by federal
25 law, state law, court rule, court order, or case law.
26

27 (2) Each court by action of a majority of the judges may from time to time make and
28 amend local rules governing access to court records not inconsistent with this rule.
29

30 (3) A fee may not be charged to view court records at the courthouse.
31

32 **(e) Personal Identifiers Omitted or Redacted from Court Records**
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34 (1) Except as otherwise provided in GR 22, parties shall not include, and if present
35 shall redact, the following personal identifiers from all documents filed with the court,
36 whether filed electronically or in paper, unless necessary or otherwise ordered by the
37 Court.
38

39 (A) Social Security Numbers. If the Social Security Number of an individual must
40 be included in a document, only the last four digits of that number shall be used.
41

42 (B) Financial Account Numbers. If financial account numbers are relevant, only
43 the last four digits shall be recited in the document.
44

45 (C) Driver's License Numbers.
46

1 (2) The responsibility for redacting these personal identifiers rests solely with
2 counsel and the parties. The Court or the Clerk will not review each pleading for
3 compliance with this rule. If a pleading is filed without redaction, the opposing party or
4 identified person may move the Court to order redaction. The court may award the
5 prevailing party reasonable expenses, including attorney fees and court costs, incurred
6 in making or opposing the motion.

7
8 COMMENT

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10 This rule does not require any party, attorney, clerk, or judicial officer
11 to redact information from a court record that was filed prior to the
12 adoption of this rule.

13
14 **(f) Distribution of Court Records Not Publicly Accessible**

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16 (1) A public purpose agency may request court records not publicly accessible for
17 scholarly, governmental, or research purposes where the identification of specific
18 individuals is ancillary to the purpose of the inquiry. In order to grant such requests, the
19 court or the Administrator for the Courts must:

20
21 (A) Consider: (i) the extent to which access will result in efficiencies in the
22 operation of the judiciary; (ii) the extent to which access will fulfill a legislative mandate;
23 (iii) the extent to which access will result in efficiencies in other parts of the justice
24 system; and (iv) the risks created by permitting the access.

25
26 (B) Determine, in its discretion, that filling the request will not violate this rule.

27
28 (C) Determine the minimum access to restricted court records necessary for the
29 purpose is provided to the requestor.

30
31 (D) Assure that prior to the release of court records under section (f) (1), the
32 requestor has executed a dissemination contract that includes terms and conditions
33 which: (i) require the requester to specify provisions for the secure protection of any
34 data that is confidential; (ii) prohibit the disclosure of data in any form which identifies an
35 individual; (iii) prohibit the copying, duplication, or dissemination of information or data
36 provided other than for the stated purpose; and (iv) maintain a log of any distribution of
37 court records which will be open and available for audit by the court or the Administrator
38 of the Courts. Any audit should verify that the court records are being appropriately
39 used and in a manner consistent with this rule.

40
41 (2) Courts, court employees, clerks and clerk employees, and the Commission on
42 Judicial Conduct may access and use court records only for the purpose of conducting
43 official court business.

44
45 (3) Criminal justice agencies may request court records not publicly accessible.

1 (A) The provider of court records shall approve the access level and permitted
2 use for classes of criminal justice agencies including, but not limited to, law
3 enforcement, prosecutors, and corrections. An agency that is not included in a
4 class may request access.

5
6 (B) Agencies requesting access under this section of the rule shall identify the
7 court records requested and the proposed use for the court records.

8
9 (C) Access by criminal justice agencies shall be governed by a dissemination
10 contract. The contract shall: (i) specify the data to which access is granted; (ii) specify
11 the uses which the agency will make of the data; and (iii) include the agency's
12 agreement that its employees will access the data only for the uses specified.

13
14 **(g) Bulk Distribution of Court Records**

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16 (1) A dissemination contract and disclaimer approved by the JIS Committee for
17 JIS records or a dissemination contract and disclaimer approved by the court clerk for
18 local records must accompany all bulk distribution of court records.

19
20 (2) A request for bulk distribution of court records may be denied if providing the
21 information will create an undue burden on court or court clerk operations because of
22 the amount of equipment, materials, staff time, computer time or other resources
23 required to satisfy the request.

24
25 (3) The use of court records, distributed in bulk form, for the purpose of
26 commercial solicitation of individuals named in the court records is prohibited.

27
28 **(h) Appeals.** Appeals of denials of access to JIS records maintained at state level
29 shall be governed by the rules and policies established by the JIS Committee.

30
31 **(i) Notice.** The Administrator for the Courts shall develop a method to notify the
32 public of access to court records and the restrictions on access.

33
34 **(j) Access to Juror Information.** Individual juror information, other than name, is
35 presumed to be private. After the conclusion of a jury trial, the attorney for a party, or
36 party pro se, or member of the public, may petition the trial court for access to individual
37 juror information under the control of court. Upon a showing of good cause, the court
38 may permit the petitioner to have access to relevant information. The court may require
39 that juror information not be disclosed to other persons.

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41 **(k) Access to Master Jury Source List.** Master jury source list information, other
42 than name and address, is presumed to be private. Upon a showing of good cause, the
43 court may permit a petitioner to have access to relevant information from the list. The
44 court may require that the information not be disclosed to other persons.