

NEWS RELEASE

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Supreme Court of Pennsylvania Approves New Electronic Public Access Policy

HARRISBURG, November 30, 2006 — The Supreme Court of Pennsylvania today announced a new Public Access Policy Governing Electronic Case Records of the Unified Judicial System. The policy standardizes the availability of computer-generated case information while safeguarding the safety and privacy of citizens.

The new policy takes effect Jan. 1, 2007, following formal public notice in the Pennsylvania Bulletin scheduled for Saturday, Dec. 2, 2006. The extraordinary amount of new information available with automation, particularly the recently completed Common Pleas Criminal Court Case Management System, prompted the development of the uniform statewide policy.

“Pennsylvania’s Judiciary is committed to making the courts as open and accessible as possible to the Commonwealth’s citizens and ensuring the integrity of information,” Chief Justice of Pennsylvania Ralph J. Cappy said. “The court’s approval of this new policy underscores that commitment.

“It is exciting that automation statewide of data from court records affords for greater access to court information from homes, libraries, or wherever a computer is located,” the chief justice added. “By the same token, we are mindful of the damage that unscrupulous use of computer information can cause citizens, so we have worked hard to listen to every view regarding electronic accessibility and tried to responsibly accommodate their views. As with everything in the electronic age, this policy will always be a work in progress and we will actively monitor technological developments that may afford even greater accessibility in the future.”

Because the new policy deals only with electronic case records, it will not change the practice of making case records open for public inspection and photocopying at court offices, unless otherwise sealed by a court or restricted pursuant to law. The new policy covers what and how electronic case records will be available to the public and how requests for access to those records are to be handled. In addition, fees for accessing the records and other related issues also are addressed.

The newly adopted policy is the culmination of several years of study by, and public comment to, an AOPC committee that crafted the policy the Supreme Court has approved. Businesses, public-interest groups, the media and government officials are among those who responded to multiple requests for input since a draft policy first was published for comment in September 2005.

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“Given the serious access, privacy and security issues at stake, I wish to thank members of the public who helped to shape its provisions; the committee for devoting a great deal of time and effort in developing this policy; and Court Administrator of Pennsylvania Zygmunt A. Pines for his leadership in prioritizing an issue of such significance to the Unified Judicial System,” Chief Justice Cappy said. “This policy widens public access to court records in a way never before seen while maintaining appropriate boundaries for the protection of individuals who come into the court system.”

Pennsylvania is just one of many states, and the federal courts, that have grappled with the complex issues associated with public access to electronic case records. The new policy represents an equitable balance between providing public access to electronic case records while protecting the privacy and safety of Pennsylvania’s citizens.

Electronic case record information is available through the Pennsylvania Judiciary’s Web site. The new policy covers all electronic case record information maintained in the Pennsylvania Appellate Court Management System, Common Pleas Criminal Court Case Management System or Magisterial District Judge System.

Under the new policy, the types of information that will not be accessible to the public in an electronic record will include: social security numbers; operator license numbers; victim information; informant information; and juror information.

Any request for electronic case record information concerning multiple magisterial district judge courts or multiple judicial districts must be made to the Administrative Office of the Pennsylvania Courts, which must initially respond to the request within 10 days.

AOPC staff will continue to evaluate the policy as the technological and legal landscape changes. Future staff attention is expected to turn to such issues as the creation of sensitive data information forms that litigants would be required to complete when filing any document with a court, and other initiatives that strike an appropriate balance for public access.

An explanatory report, a matrix distilling public-comment issues and the committee’s response to those issues, along with a copy of the policy itself, will be posted on Saturday, December 2 in the Public Access area of the Pennsylvania Judiciary Web site at: www.courts.state.pa.us

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