



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

NEWS RELEASE

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AOPC Seeks Input on Public Access Policy for Magisterial District Court Case Records

HARRISBURG, March 31, 2008 – The AOPC is seeking comment on a proposed public access policy concerning official paper case records of the magisterial district courts.

Court Administrator of Pennsylvania Zygmunt A. Pines said the policy is designed to establish a careful balance between providing public access to the paper case records of the magisterial district courts while safeguarding citizens' privacy and safety.

The proposed policy covers how requests for access are to be handled, establishment of fees, four narrow exemptions governing access to case record information, and other pertinent recommendations.

At the direction of the State Court Administrator, a working group comprised of magisterial district judges, district court administrators, representatives of the clerks of courts and prothonotaries, as well as AOPC/Supreme Court committee staff was convened and charged with revisiting the original public access policy on magisterial district court records, adopted in 1994. In addition to considering all relevant legal and administrative considerations, the group also looked to the work of other state and federal courts on the subject.

The explanatory report to the proposed policy recommends that, first and foremost, the fields for social security and financial account numbers be removed entirely from Magisterial District Judge System (MDJS) forms. This measure is intended to protect the privacy of individuals whose personal information is recorded in court documents in the future. Recognizing that there may be instances where inclusion of this information on MDJS forms will be necessary, the working group suggested a number of alternative solutions to avoid the need for manual redaction by county-funded staff of these personal identifiers from documents filed with the court. These alternatives include: truncation of social security and financial account numbers to the last four digits; redesign of the forms to include a "public inspection" copy; and a requirement that litigants in some matters provide this information to the court on a separate sheet of paper that would not be accessible to the public.

"Balancing the public's right of access to official records with an individual's privacy interests is an important public policy issue," Pines said. "This proposed policy is one more step in the Unified Judicial System's continual effort to achieve that balance."

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This proposal marks the latest step taken by the Unified Judicial System to develop comprehensive public access policies and practices for court records. The Supreme Court adopted an *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* on January 1, 2007, which governs access to the case record information maintained in the UJS' three automated statewide case management systems – the Pennsylvania Appellate Court Management System (PACMS), the Common Pleas Criminal Court Case Management System (CPCMS), and the Magisterial District Judge System (MDJS). In addition, the Supreme Court also promulgated Rule of Judicial Administration 509, effective July 1, 2007, that sets forth procedures for access to the financial records of the Unified Judicial System.

The formal notice of this proposed policy appeared in the Pennsylvania Bulletin on Saturday, March 29. The AOPC will seek comment for a 60-day period, which ends on May 28. The policy and explanatory report are available for inspection on an interactive area of the Pennsylvania Judiciary's Web Site, <http://www.courts.state.pa.us/index/PublicAccessPolicy/Default.asp>, where visitors can also register comments regarding the proposal.

Following the public comment period, the AOPC will submit a policy proposal to the Supreme Court of Pennsylvania for its consideration.

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