



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

## NEWS RELEASE

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*New Rule Formalizes long-held policy*

### **Supreme Court of Pennsylvania Adopts Policy Governing Public Access to Its Financial Records**

**HARRISBURG, May 14, 2007** - The Pennsylvania Judiciary's long-standing practice of providing open, public access to its financial and related administrative records was formalized today under an order issued by the Supreme Court of Pennsylvania.

The order creates a new Rule of Judicial Administration that establishes a systematic process for requesting and accessing state court system records that deal with the use of public funds, including the purchase of services, supplies or equipment. The rule takes effect July 1, 2007.

"We have a continuing interest in making both case information and financial records available to Pennsylvania's citizens," Chief Justice of Pennsylvania Ralph J. Cappy said. "For decades we have followed a policy that has made those records readily available for review. Members of the media, especially, have routinely inspected these records and have periodically noted our commitment to accessibility. Today, we simply formalize an important principle that we have consistently applied in practice."

Chief Justice Cappy noted that in addition to this new rule governing accessibility to financial records, the Supreme Court adopted a broad policy that took effect Jan. 1, 2007 governing accessibility to Pennsylvania's increasing numbers of electronically-maintained court case records.

"Pennsylvania's Judiciary is an established national leader in automating court processes, and among the resulting benefits of automation is wider, electronic accessibility to court case information," Chief Justice Cappy said. "We are proud to be able to make criminal and appellate court case information readily available through the Internet and promise that those initiatives will not be our last."

"By the same token, in this age of identity theft, we are mindful that data contained in case information, financial or administrative records are liable to misuse or may enable breaches in various forms of personal security. With that in mind, we are constantly reviewing the impact of our efforts to expand records' accessibility, studying other states' and jurisdictions' experiences, and trying to apply what we learn to expand safe, secure accessibility. This new rule, and the policy adopted earlier this year, both are intended to make our commitments clear and structure the means of ensuring that our commitments are fulfilled."

"The new rule strikes a reasonable balance between formally establishing a uniform method for handling access to most financial records and further instilling a sense of accountability to the taxpayers of Pennsylvania."

Among the new rule's provisions, all of which have been in place informally prior to the rule's adoption:

- Citizens may seek access to various financial records via written request in a variety of ways, including by e-mail and fax. (Experience indicates that oral requests are difficult to administer and difficult to precisely identify information sought.)
- Citizens may not be asked the purpose of their request or intended use of the information sought, though dialogue with a requester is often helpful to establish precisely what records are sought.
- Information about accessing information available will be posted on a clearly accessible page on the Unified Judicial Systems Web page ([www.courts.state.pa.us](http://www.courts.state.pa.us)).
- Only reasonable costs may be charged for duplication and transmission of records.
- Time standards for various actions by the Administrative Office of Pennsylvania Courts are established, as is an appeal process if for some reason a request for information is denied.
- The AOPC is not required to compile new records or reorganize existing records in response to a request.

There are some practical exceptions to the new disclosure rule. They include: any record restricted by federal or state law or a court order; social security numbers and home telephone numbers or similar personal identifiers; credit card numbers and anything determined to pose a possible security threat.

Establishing the new rule underscores the Pennsylvania Judiciary's ongoing commitment to continuing to promote public trust and confidence in the state court system, efforts which have been exemplified by various directives of the state Supreme Court, including:

- The January 2007 policy to facilitate access to electronic case records, a product of an extensive review process that included publication of a draft policy for public comment and a public hearing thereafter for additional comment.
- The systematic statewide compilation of statistics to provide a reference point for complex medical malpractice litigation cases, one of the most difficult public policy issues of the past decade. The data is posted and routinely updated on the Pennsylvania Judiciary's Web site and has added to the store of useful information for state health care policy makers.
- An historic order less than two years ago that removed a long-standing veil of confidentiality regarding the lawyer disciplinary process in the Commonwealth.
- A recent effort to broaden the Court's reach for people interested in serving on judicial advisory boards and committees by inviting eligible parties to submit applications available on the Judiciary's Web site.

**IN THE SUPREME COURT OF PENNSYLVANIA**

**IN RE: Promulgation of Rule of**  
**Judicial Administration 509** : **No. 303**  
**Governing Access to Financial** : **Judicial Administration**  
**Records** : **Docket No. 1**

**ORDER**

**PER CURIAM:**

**AND NOW**, this 14<sup>th</sup> day of May, 2007, Pennsylvania Rule of Judicial Administration 509 is promulgated to read as attached hereto.

Whereas prior distribution and publication of this rule would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration. Pa.R.J.A. 103(a)(3).

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 2007.

**RULE OF JUDICIAL ADMINISTRATION.**  
**Rule 509. Access to Financial Records.**

**(a) General Policy.** Financial records of the Unified Judicial System in the possession or control of the Administrative Office of Pennsylvania Courts are presumed to be open to any member of the public for inspection or copying during established business hours. The term “financial records” is defined as any account, contract, invoice or equivalent dealing with: 1) the receipt or disbursement of funds appropriated to the system; or 2) acquisition, use or disposal of services, supplies, materials, equipment or property secured through funds appropriated to the system.

*Note: The powers and duties of the Court Administrator of Pennsylvania and Administrative Office of Pennsylvania Courts related to purchasing and financial activities are established under Rules 504 and 505.*

**(b) Accessibility.** All financial records are accessible to the public except the following:

- (1) any part of a record setting forth information to which access is otherwise restricted by federal law, state law, court rule, court order or court policy;
- (2) any part of a record setting forth a person’s social security number, home address, home telephone number, date of birth, operator’s license number, e-mail address, or other personal information;
- (3) any part of a record setting forth financial institution account numbers, credit card numbers, personal identification numbers (PINs) and passwords used to secure accounts;
- (4) any part of a record setting forth information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania.

**(c) Procedure for Requesting Access.**

- (1) A request to inspect or obtain copies of records accessible pursuant to this rule shall be made in writing to the AOPC records

manager, as designated by the Court Administrator of Pennsylvania. A written request may be submitted in person, by mail, by e-mail, by facsimile, or, to the extent provided, any other electronic means, on a form provided by the Administrative Office.

*Note: Information related to procedures applicable to written requests may be found on the UJS website, located at [www.courts.state.pa.us](http://www.courts.state.pa.us).*

(2) A request should identify or describe the records sought with sufficient specificity to enable the AOPC records manager to ascertain which records are being requested. A request need not include any explanation of the requester's reason for requesting or intended use of the records.

(3) The Administrative Office shall not be required to create financial records which do not currently exist or to compile, maintain, format or organize such records in a manner in which the Administrative Office does not currently compile, maintain, format or organize the records.

(4) Within 10 business days of receipt of a written request, the AOPC records manager shall respond in one of the following manners:

(i) fulfill the request, or if there are applicable fees and costs that must be paid by the requester, notify requester that the information is available upon payment of same;

(ii) notify the requester in writing that the requester has not complied with provisions in this rule and specifically identify the reason(s) why;

(iii) notify the requester in writing that the information cannot be provided and specifically identify the reason(s) why;

(iv) notify the requester in writing that the request has been received and the expected date that the information will be available, not to exceed 30 business days.

*Note: This rule contemplates that bona fide reasons may impede the Administrative Office's ability to fulfill a records request within 10 business days (e.g., extensive redaction required of personal identifiers; retrieval of a record(s) stored in a remote location may be required; timely response cannot be accomplished due to staffing limitations; or the extent or*

*nature of the request precludes a response within the requisite time period).*

(5) If the AOPC records manager denies a written request for access, the denial may be appealed in writing to the Court Administrator of Pennsylvania or designee. The Court Administrator or designee shall make a determination and forward it in writing to the requester. This remedy need not be exhausted before other relief is sought. Any further appeal shall be subject to Chapter 15, Judicial Review of Governmental Determinations, of the Pennsylvania Rules of Appellate Procedure.

**(d) Fees.**

(1) The Administrative Office may charge reasonable costs incurred in providing public access to records pursuant to this rule. Such costs may include, but are not limited to, postage, photocopying, copying onto electronic media, transmission by facsimile or other electronic means, and other means of duplication.

(2) Prior to granting a request for access in accordance with this rule, the Administrative Office may require a requester to prepay an estimate of the fees associated with the request, if the fees are expected to exceed \$100.