

ELECTRONIC CASE RECORD PUBLIC ACCESS POLICY
OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

Section 1.00 DEFINITIONS

- A. “CPCMS” means the Common Pleas Criminal Court Case Management System.
- B. “Custodian” is the person, or designee, responsible for the safekeeping of electronic case records held by any court or office and for processing public requests for access to electronic case records.
- C. “Electronic Case Record” means information or data created, collected, received, produced or maintained by a court or office in connection with a particular case that exists in the PACMS, CPCMS, or MDJS and that appears on web docket sheets or is provided in response to bulk distribution requests, regardless of format. This definition does not include images of documents filed with, received, produced or maintained by a court or office which are stored in PACMS, CPCMS or MDJS and any other automated system maintained by the Administrative Office of Pennsylvania Courts.
- D. “MDJS” means the Magisterial District Judge Automated System.
- E. “Office” is any entity that is using one of the following automated systems: Pennsylvania Appellate Court Case Management System (PACMS); Common Pleas Criminal Court Case Management System (CPCMS); or Magisterial District Judge Automated System (MDJS).”
- F. “PACMS” means the Pennsylvania Appellate Court Case Management System.
- G. “Party” means one by or against whom a civil or criminal action is brought.
- H. “Public” includes any person, business, non-profit entity, organization or association.

“Public” does not include:

- 1. Unified Judicial System officials or employees, including employees of the office of the clerk of courts, prothonotary, and any other office performing similar functions;
- 2. people or entities, private or governmental, who assist the Unified Judicial System or related offices in providing court services; and

3. any federal, state, or local governmental agency or an employee or official of such an agency when acting in his/her official capacity.
- I. "Public Access" means that the public may inspect and obtain electronic case records, except as provided by law or as set forth in this policy.
- J. "Request for Bulk Distribution of Electronic Case Records" means any request, regardless of the format the information is requested to be received in, for all or a subset of electronic case records.
- K. "UJS" means the Unified Judicial System of Pennsylvania.
- L. "Web Docket Sheets" are internet available representations of data that have been entered into a Unified Judicial System supported case management system for the purpose of recording filings, subsequent actions and events on a court case, and miscellaneous docketed items.

Section 2.00 STATEMENT OF GENERAL POLICY

- A. This policy covers all electronic case records.
- B. The public may inspect and obtain electronic case records except as provided by law or as set forth in this policy.
- C. A court or office may not adopt for electronic case records a more restrictive access policy or provide greater access than that provided for in this policy.

Section 3.00 ELECTRONIC CASE RECORD INFORMATION EXCLUDED FROM PUBLIC ACCESS

The following information in an electronic case record is not accessible by the public:

- A. social security numbers;
- B. operator license numbers;
- C. victim information including name, address and other contact information;
- D. informant information including name, address and other contact information;
- E. juror information including name, address and other contact information;
- F. a party's street address, except the city, state, and ZIP code may be released;

- G. witness information including name, address and other contact information;
- H. SID (state identification) numbers;
- I. financial institution account numbers, credit card numbers, PINS or passwords used to secure accounts;
- J. notes, drafts, and work products related to court administration or any office that is the primary custodian of an electronic case record;
- K. information sealed or protected pursuant to court order;
- L. information to which access is otherwise restricted by federal law, state law, or state court rule; and
- M. 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 with the approval of the Chief Justice.

Section 3.10 REQUESTS FOR BULK DISTRIBUTION OF ELECTRONIC CASE RECORDS

- A. A request for bulk distribution of electronic case records shall be permitted for data that is not excluded from public access as set forth in this policy.
- B. A request for bulk distribution of electronic case records not publicly accessible under Section 3.00 of this Policy may be fulfilled where: the information released does not identify specific individuals; the release of the information will not present a risk to personal security or privacy; and the information is being requested for a scholarly, journalistic, governmental-related, research or case preparation purpose.
 - 1. Requests of this type will be reviewed on a case-by-case basis.
 - 2. In addition to the request form, the requestor shall submit in writing:
 - (a) the purpose/reason for the request;
 - (b) identification of the information sought;
 - (c) explanation of the steps that the requestor will take to ensure that the information provided will be secure and protected;
 - (d) certification that the information will not be used except for the stated purposes; and
 - (e) whether IRB approval has been received, if applicable.

Section 3.20 REQUESTS FOR ELECTRONIC CASE RECORD INFORMATION FROM ANOTHER COURT OR OFFICE

Any request for electronic case record information from another court should be referred to the proper record custodian in the court or office where the electronic case record information originated. Any request for electronic case record information concerning multiple magisterial district judge courts or judicial districts should be referred to the Administrative Office of the Pennsylvania Courts.

Section 4.00 RESPONDING TO A REQUEST FOR ACCESS TO ELECTRONIC CASE RECORDS

- A. Within 10 business days of receipt of a written request for electronic case record access, the respective court or office shall respond in one of the following manners:
 - 1. fulfill the request, or if there are applicable fees and costs that must be paid by the requestor, notify requestor that the information is available upon payment of the same;
 - 2. notify the requestor in writing that the requestor has not complied with the provisions of this policy;
 - 3. notify the requestor in writing that the information cannot be provided; or
 - 4. notify the requestor in writing that the request has been received and the expected date that the information will be available. If the information will not be available within 30 business days, the court or office shall notify the Administrative Office of Pennsylvania Courts and the requestor simultaneously.
- B. If the court or office cannot respond to the request as set forth in subsection A, the court or office shall concurrently give written notice of the same to the requestor and Administrative Office of Pennsylvania Courts.

Section 5.00 FEES

- A. Reasonable fees may be imposed for providing public access to electronic case records pursuant to this policy.
- B. A fee schedule shall be in writing and publicly posted.
- C. A fee schedule in any judicial district, including any changes thereto, shall not become effective and enforceable until:

1. a copy of the proposed fee schedule is submitted by the president judge to the Administrative Office of Pennsylvania Courts; and
2. the Administrative Office of Pennsylvania Courts has approved the proposed fee schedule.

SECTION 6.00 CORRECTING DATA ERRORS

- A. A party to a case, or the party's attorney, seeking to correct a data error in an electronic case record shall submit a written request for correction to the court in which the record was filed.
- B. A request to correct an alleged error contained in an electronic case record of the Supreme Court, Superior Court or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court.
- C. A request to correct an alleged error contained in an electronic case record of the Court of Common Pleas, Philadelphia Municipal Court or a Magisterial District Court shall be submitted and processed as set forth below.
 1. The request shall be made on a form designed and published by the Administrative Office of Pennsylvania Courts.
 2. The request shall be submitted to the clerk of courts if the alleged error appears in an electronic case record of the Court of Common Pleas or Philadelphia Municipal Court. The requestor shall also provide copies of the form to all parties to the case, the District Court Administrator and the Administrative Office of Pennsylvania Courts.
 3. The request shall be submitted to the Magisterial District Court if the alleged error appears in an electronic case record of the Magisterial District Court. The requestor shall also provide copies of the form to all parties to the case, the District Court Administrator and the Administrative Office of Pennsylvania Courts.
 4. The requestor shall set forth on the request form with specificity the information that is alleged to be in error and shall provide sufficient facts including supporting documentation that corroborates the requestor's contention that the information in question is in error.
 5. Within 10 business days of receipt of a request, the clerk of courts or Magisterial District Court shall respond in writing to the requestor, all parties to the case, and Administrative Office of Pennsylvania Courts, in one of the following manners:

- a. the request does not contain sufficient information and facts to adequately determine what information is alleged to be error; accordingly, the request form is being returned to the requestor; and no further action will be taken on this matter unless the requestor resubmits the request with additional information and facts.
 - b. the request does not concern an electronic case record that is covered by this policy; accordingly, the request form is being returned to the requestor; no further action will be taken on this matter.
 - c. it has been determined that an error does exist in the electronic case record and that the information in question has been corrected.
 - d. it has been determined that an error does not exist in the electronic case record.
 - e. the request has been received and an additional period not exceeding 30 business days is necessary to complete the review of this matter.
6. A requestor has the right to seek review of a final decision under subsection 5(a)-(d) rendered by a clerk of courts or a Magisterial District Court within 10 business days of notification of that decision.
- a. The request for review shall be submitted to the District Court Administrator on a form that is designed and published by the Administrative Office of Pennsylvania Courts.
 - b. If the request for review concerns a Magisterial District Court's decision, it shall be reviewed by the judge assigned by the President Judge.
 - c. If the request for review concerns a clerk of courts' decision, it shall be reviewed by the judge who presided over the case from which the electronic case record alleged to be in error was derived.

SECTION 7.00 CONTINUOUS AVAILABILITY OF POLICY

A copy of this policy shall be continuously available for public access in every court or office that is using the PACMS, CPCMS, and/or MDJS.

Effective January 1, 2013