

EXPLANATORY REPORT

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

The Administrative Office of Pennsylvania Courts is proposing amendments to Sections 1.00, 3.00, 3.10, 6.00, and 7.00 of the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) to incorporate electronic case record information residing in the Guardianship Tracking System (GTS). The amendments are detailed below.

Section 1.00 has been amended to include a definition for GTS that is the Guardianship Tracking System. GTS is a statewide application for courts to manage guardianship cases and track guardian compliance with annual reporting, and an online means of filing required reports by Pennsylvania guardians. The definitions for “electronic case records” and “office” were also amended to include GTS. In addition, the office of the clerk of the orphans’ court division has been added to the list of entities that are not included in the definition of “public”.

Section 3.00 has been amended to provide that information maintained in GTS is not accessible by the public, except for aggregate, statistical, and/or other data that does not identify an incapacitated person, as determined by AOPC. This amendment is consistent with the provisions in the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (Case Records Policy)* regarding individual cases, and serves to enhance the public’s trust and confidence in the courts. Given the extensive financial, medical, and related sensitive information provided to a court in guardianship matters, these records are generally inaccessible pursuant to the *Case Records Public Policy* and other relevant legal authority. See e.g., 20 Pa.C.S. § 5511(a) and *In re Estate of DuPont*, 2 A.3d 516 (Pa. 2010) (Proceedings related to the appointment of guardianship for incapacitated persons shall be closed to the public upon request of the alleged incapacitated person or his/her counsel). The amendments also include a reorganization of Section 3.00 for clarity.

The abbreviation of “IRB” appearing in Section 3.10(B)(2)(e) was replaced with “relevant Institutional Review Board”.

Section 6.00(C) has been amended to clarify that requests to correct an alleged error in an electronic case record in GTS must be submitted to, and responded by, the clerk of the orphans’ court division. The term “clerk of the orphans’ court division” includes any office performing the duties of clerk of the orphans’ court division (i.e., Office of Judicial Records).

In addition, Section 7.00 has been amended to include that a copy of the Policy shall be continuously available for public access in every court or office using GTS.