



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

News for Immediate Release

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PA Supreme Court issues new public access policy for appellate and trial court case records

HARRISBURG — The Pennsylvania Supreme Court has adopted a [new public access policy](#) that, for the first time, establishes uniform standards for all appellate and trial courts in responding to requests from the public for case records. The policy includes how requests for access are to be handled, establishes a limit on copying fees and delineates what information will be safeguarded.

The policy was initially published in draft form for public comment in 2015, and responses were considered and changes were made. The new policy goes into effect in January 2018, although courts, attorneys and parties may begin preparing for the transition now.

“This new policy simplifies and unifies the process by which the public may access case records in trial and appellate courts statewide, but it does so while safeguarding the privacy and safety of citizens,” said Chief Justice of Pennsylvania Thomas G. Saylor. “It reflects the judiciary’s long commitment to making court records open and accessible to the public.

“The policy is built upon the principle that court records are open for inspection by the public while maintaining appropriate boundaries for the protection of individuals who come into the court system. In the internet age, courts are mindful of the damage that can be caused to citizens by dissemination of highly sensitive, private information that may be found in a court file.”

The policy provides four different ways of safeguarding sensitive information:

1. **Certain types of information** - cannot be included in court filings, but instead must be identified to the court on a separate form, called a Confidential Information Form (CIF), and attached to the filing.
 - As an alternative to filing that CIF, a court may require a party to file two versions of every document with the court – both a redacted (without sensitive information) and unredacted version (which includes sensitive information).
 - Only the redacted version will be available to the public.
 - Social Security numbers are an example of information which falls under this section of the policy.
2. **Certain documents** - must be filed with a Confidential Document Form (CDF).

- Any document filed with this form will not be accessible to the public; however, the CDF or a copy of it will be accessible.
 - Financial documents are examples of documents falling under this section of the policy.
3. **Certain cases** - are not accessible to the public because there is no method to ensure that all of the sensitive information contained in the case file can be redacted before permitting public access.
- This policy adds two types of cases to those already protected under existing legal authority: cases pertaining to birth records and cases filed in incapacity proceedings. However, for these cases, the docket and court orders and opinions or final decrees will remain available for public inspection.
4. **Certain information is only accessible at the courthouse and not online**
- Family court records, except for dockets, court orders and opinions, are an example of information which falls under this section of the policy.

Parties and their attorneys will be responsible for safeguarding information in the documents they file with the courts. Courts may impose appropriate sanctions upon a party or attorney for failing to comply with the new policy.

The policy is the result of a multi-year review by a group led by co-chairs Commonwealth Court Judge Renée Cohn Jubelirer and Montgomery County Court of Common Pleas Judge Lois E. Murphy, who were the original visionaries for the project. The work group included judges, court administrators, appellate court prothonotaries, county filing office personnel, representatives from the Pennsylvania Bar Association, the Supreme Court's rules committees and staff of the Administrative Office of Pennsylvania Courts.

The most current public access policy for the state's magisterial district courts was adopted in 2010. Electronic case records are governed by a separate policy which was effective in January 2007 and updated in 2013.

Each court is required to have a copy of the policy available for public inspection.

Throughout 2017 the AOPC will work with judges, court staff, lawyers' organizations and others with business before the courts to educate them about the new requirements.

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Media contact: [Jim Koval](#), 717-231-3324

