

Rule 127. Confidential Information and Confidential Documents. Certification.

- (a) Unless public access is otherwise constrained by applicable authority, any attorney or any unrepresented party who files a document pursuant to these rules shall comply with the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (“Public Access Policy”). In accordance with the Policy, the filing shall include a certification of compliance with the Policy and, as necessary, a Confidential Information Form[, **unless otherwise specified by rule or order of court,**] or a Confidential Document Form.
- (b) Unless an appellate court orders otherwise, case records or documents that are sealed by a court, government unit, or other tribunal shall remain sealed on appeal.

[Official Note] Comment:

Paragraph (a)—“Applicable authority” includes but is not limited to statute, procedural rule, or court order. *The Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (“Public Access Policy”) can be found at <https://www.pacourts.us/public-records>. Sections 7.0(D) and 8.0(D) of the Public Access Policy provide that the certification shall be in substantially the following form:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Appropriate forms can be found at <https://www.pacourts.us/public-records>. **[Pursuant to Section 7.0(C) of the Policy, a court may adopt a rule or order that permits, in lieu of a Confidential Information Form, the filing of a document in two versions, that is, a “Redacted Version” and an “Unredacted Version.”]** For certification of the Reproduced Record and Supplemental Reproduced Record in compliance with the Public Access Policy, see Pa.R.A.P. 2152, 2156, 2171, and accompanying notes.

Paragraph (b)—Once a document is sealed, it shall remain sealed on appeal unless the appellate court orders, either *sua sponte* or on application, that the case record or document be opened.

Rule 1931. Transmission of the Record.

- (a) **[Time for transmission.] Time for Transmission.**
- (1) **[General rule.] General Rule.** Except as otherwise prescribed by this rule or if an extension has been granted pursuant to Pa.R.A.P. 1925(b)(2), the record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the appellate court within 60 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the record shall be transmitted as provided by Pa.R.A.P. 1122 or by Pa.R.A.P. 1322, as the case may be. The appellate court may shorten or extend the time prescribed by this subparagraph for a class or classes of cases.
- (2) **[Children's fast track appeals.] Children's Fast Track Appeals.** In a children's fast track appeal, the record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the appellate court within 30 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the record shall be transmitted as provided by Pa.R.A.P. 1122 or by Pa.R.A.P. 1322, as the case may be.
- (b) **[Duty of trial court.] Duty of Trial Court.** After a notice of appeal has been filed, the judge who entered the order appealed from shall comply with Pa.R.A.P. 1925, shall cause the official court reporter to comply with Pa.R.A.P. 1922 or shall otherwise settle a statement of the evidence or proceedings as prescribed by this chapter, and shall take any other action necessary to enable the clerk to assemble and transmit the record as prescribed by this rule.
- (c) **[Duty of clerk to transmit the record.] Duty of Clerk to Transmit the Record.** When the record is complete for purposes of the appeal, the clerk of the trial court shall transmit it to the prothonotary of the appellate court. The clerk of the trial court shall number the documents comprising the record and shall transmit with the record a list of the documents correspondingly numbered and identified with sufficient specificity to allow the parties on appeal to identify each document and whether it is marked as confidential, so as to determine whether the record on appeal is complete. Any Confidential Information Forms **[and the "Unredacted Version" of any pleadings, documents, or other legal papers where a "Redacted Version" was also filed]** shall be separated either physically

or electronically and transmitted to the appellate court. Whatever is confidential shall be labeled as such. If any case records or documents were sealed in the lower court, the list of documents comprising the record shall specifically identify such records or documents as having been sealed in the lower court. Documents of unusual bulk or weight and physical exhibits other than documents shall not be transmitted by the clerk unless he or she is directed to do so by a party or by the prothonotary of the appellate court. A party must make advance arrangements with the clerk for the transportation and receipt of exhibits of unusual bulk or weight. Transmission of the record is effected when the clerk of the trial court mails or otherwise forwards the record to the prothonotary of the appellate court. The clerk of the trial court shall indicate, by endorsement on the face of the record or otherwise, the date upon which the record is transmitted to the appellate court.

- (d) **[Service of the list of record documents.] Service of the List of Record Documents.** The clerk of the trial court shall, at the time of the transmittal of the record to the appellate court, mail a copy of the list of record documents to all counsel of record, or if unrepresented by counsel, to the parties at the address they have provided to the clerk. The clerk shall note on the docket the giving of such notice.
- (e) **[Multiple appeals.] Multiple Appeals.** Where more than one appeal is taken from the same order, it shall be sufficient to transmit a single record, without duplication.
- (f) **[Inconsistency between list of record documents and documents actually transmitted.] Inconsistency Between List of Record Documents and Documents Actually Transmitted.** If the clerk of the trial court fails to transmit to the appellate court all of the documents identified in the list of record documents, such failure shall be deemed a breakdown in processes of the court. Any omission shall be corrected promptly pursuant to Pa.R.A.P. 1926 and shall not be the basis for any penalty against a party.

[Official Note] Comment: Pa.R.A.P.1926 provides the means to resolve any disagreement between the parties as to what should be included in the record on appeal.

Paragraph (c) – On January 1, 2022, the Case Records Public Access Policy of the Unified Judicial System was amended to require the filing of the Confidential Information Form and eliminate the filing of “Redacted Versions” and “Unredacted Versions” of pleadings, documents, or other legal papers. Section 9.0(H) of the amended Policy continues to protect “Unredacted Versions” that were filed under

the prior version of the Policy. For any “Unredacted Version,” the clerk of the trial court should continue to comply with the requirements of paragraph (c) when transmitting the record to the appellate court.