

# Public Access Policies of the Unified Judicial System of Pennsylvania

## New District Court Administrator Orientation April 10, 2024

# Why Is This Important To You?

**Many records for people convicted of murder, rape and more are being hidden from the public in Pa.**

*Published: May. 24, 2022, 5:15 a.m.*

*By Joshua Vaughn*

County court clerks across Pa. are locking away information about criminal convictions because of a misapplication of the state's Clean Slate Law, say experts and a sponsor of the law.

If you looked up Jacob Vannaken's criminal record, you would never know the former jail guard had been charged with felony sexual assault of an incarcerated woman in his care.

He admitted sexually touching her in Franklin County court, but was struck a deal to plead guilty to the lesser charge of misdemeanor simple assault. That allowed Vannaken, 29, to avoid a felony conviction and the state's sex offender registry.

And, because of an unintended consequence of Pennsylvania's 2018 Clean Slate law, it also has effectively closed all of his court and conviction records from the public.....

# Why Is This Important To You?

Case 1:22-cv-00361-SHR Document 1 Filed 03/11/22 Page 1 of 34

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|                                   |   |                             |
|-----------------------------------|---|-----------------------------|
| YORK DAILY RECORD,                | : | Case No.                    |
| THE YORK DISPATCH,                | : |                             |
| THE PHILADELPHIA INQUIRER         | : |                             |
| d/b/a/ SPOTLIGHT PA,              | : |                             |
| LNP MEDIA GROUP, INC., and        | : |                             |
| WITF,                             | : | <i>Electronically filed</i> |
| Plaintiffs,                       | : |                             |
|                                   | : |                             |
| v.                                | : | COMPLAINT                   |
|                                   | : |                             |
| DANIEL J. BYRNES, in his official | : |                             |
| capacity as Clerk of Court for    | : |                             |
| York County, Pennsylvania,        | : |                             |
| Defendant.                        | : | 42 U.S.C. § 1983            |
|                                   | : | PRELIMINARY AND             |
|                                   | : | PERMANENT INJUNCTIVE        |
|                                   | : | RELIEF REQUESTED            |

**COMPLAINT ALLEGING VIOLATION OF CIVIL RIGHTS PURSUANT  
TO 42 U.S.C. § 1983 AND SEEKING DECLARATORY AND INJUNCTIVE  
RELIEF**

Paula Knudsen Burke  
PA Attorney ID: 87607  
*Counsel of Record*  
Sasha Dudding\*\*  
REPORTERS COMMITTEE FOR  
FREEDOM OF THE PRESS  
PO Box 1328  
Lancaster, PA 17608  
(717) 370-6884  
pknudsen@rcfp.org  
\*\* *Pro hac vice* admission forthcoming  
*Counsel for Plaintiffs*

## Overview

- Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania (web docket sheets and bulk access via AOPC).
- Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (access at court facility).

# Electronic Case Record Policy

- In general, the Electronic Case Record Public Access Policy of the Unified Judicial System governs what information appears on the public web docket sheets and is accessible in bulk by the public.
- The only impact to your court is if a person believes the web docket sheet has incorrect information, Section 6.00 of the Policy provides that a written request should be sent to your court setting forth the alleged error. You decide if there is an error.



## Case Records Public Access Policy

- **Effective January 6, 2018** – appellate and trial courts case records.
- **Effective July 1, 2018**- courts of limited jurisdiction case records.
- Applies to all records filed on or after that date.
- Not applicable to Register of Wills.

# Case Records Public Access Policy

The Policy governs:

- how records will be accessible by the public.
- how requests for access are to be handled.
- applicable fees.
- how parties/counsel must file documents that are sensitive or contain information deemed confidential as defined in the Policy.
- We will focus on those responsibilities parties and attorneys have to safeguard the information and documents in “their cases.”

## Section 7.0 – Confidential Information

- The following information is confidential and shall not be included in any document filed with a court or custodian, except on Confidential Information Form (CIF).



## Section 7.0 – Confidential Information

- Social Security Numbers.
- Financial Account Numbers, except last four digits of active account subject of case.
- Driver License and State Identification (SID) Numbers.
- Minor's name and date of birth, except when charged as adult.
- Abuse victim's address and other contact information in family court actions as defined by Rule 1931(a) of the Pennsylvania Rules of Civil Procedure.



## Section 7.0 Confidential Information

- This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority

Examples:

- juvenile cases
- adoption cases

## Section 7.0 Confidential Information

- Parties and attorneys are:
  - Solely responsible for complying with the Policy.
  - Required to certify their compliance to the court.

The following certification shall accompany each filing or can be inserted in the filing itself:

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.

## Section 7.0 Confidential Information

- A court or custodian is not required to review filings for compliance.
- A party's or attorney's failure to comply with the Policy will not affect access to case records that are otherwise accessible.
- Court may upon request or own initiative, with or without a hearing, order the filed noncompliant document redacted, amended, or both.
- Since January 6, 2022, all parties and their attorneys must safeguard Section 7.0 using a CIF.



## Section 8.0 – Confidential Documents

- Certain types of documents that routinely contain confidential types of information shall be filed as Confidential Documents, accompanied by a Confidential Document Form.
- These documents shall become part of the case record but shall not be released to the public, either at the counter or remotely while the Confidential Document Form is accessible to the public.

## Section 8.0 – Confidential Documents

- Financial Source Documents, defined in Section 1.0 as including “Tax returns and schedules; W-2 forms and schedules including 1099 forms or similar documents; wage stubs, earning statements, or other similar documents; credit card statements; financial institution statements; check registers; checks or equivalent; and loan application documents.”
- Medical/Psychological Records, defined in Section 1.0 as including “records relating to the past, present, or future physical or mental health or condition of an individual.”

## Section 8.0 – Confidential Documents

- Minor's Educational Records.
- Children and Youth Services Records.
- Marital Property Inventory and Pre-Trial Statement (Pa.R.Civ.P. 1920.33).
- Income and Expense Statements (Pa.R.Civ.P. 1910.27(c)).
- Agreements between the parties (23 Pa.C.S. § 3105).

# Section 8.0 – Confidential Documents

**CONFIDENTIAL  
DOCUMENT FORM**



*Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*  
204 Pa. Code § 213.81  
[www.pacourts.us/public-records](http://www.pacourts.us/public-records)

(Party name as displayed in case caption) \_\_\_\_\_ Docket/Case No. \_\_\_\_\_  
Vs. \_\_\_\_\_  
(Party name as displayed in case caption) \_\_\_\_\_ Court \_\_\_\_\_

This form is associated with the pleading titled \_\_\_\_\_, dated \_\_\_\_\_.

Pursuant to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, the Confidential Document Form shall accompany a filing where a confidential document is required by law, ordered by the court, or is otherwise necessary to effect the disposition of a matter. This form shall be accessible to the public, however the documents attached shall not be publicly accessible, except as ordered by a court. The documents attached will be available to the parties, counsel of record, the court, and the custodian. Please only attach documents necessary for the purposes of this case. Complete the entire form and check all that apply. This form and any additional pages must be served on all unrepresented parties and counsel of record.

| Type of Confidential Document  | Paragraph, page, etc. where the confidential document is referenced in the filing: |
|--|--|
| Financial Source Documents   |  |
| Tax Returns and schedules  |  |
| W-2 forms and schedules including 1099 forms or similar documents                        |  |
| Wage stubs, earnings statements, or other similar documents                              |  |
| Credit card statements   |  |
| Financial institution statements (e.g., investment/bank statements)                      |  |
| Check registers  |  |
| Checks or equivalent   |  |
| Loan application documents   |  |
| Minors' educational records  |  |
| Medical/Psychological records  |  |
| Children and Youth Services' records   |  |
| Marital Property Inventory and Pre-Trial Statement as provided in Pa. R. Civ. P. 1920.33 |  |
| Income and Expense Statement as provided in Pa. R. Civ. P. 1910.27(c)                    |  |
| Agreements between the parties as used in 23 Pa. C.S. § 3105                             |  |

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.

Signature of Attorney or Unrepresented Party \_\_\_\_\_ Date \_\_\_\_\_  
Name: \_\_\_\_\_ Attorney Number: (if applicable) \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

Rev. 1/2022

## Section 8.0 – Confidential Documents

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

Example: juvenile cases



## Section 8.0 Confidential Documents

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## Section 8.0 Confidential Documents

- A court or custodian is not required to review filed documents for compliance.
- A party's or attorney's failure to comply with the Policy will not affect access to case records that are otherwise accessible.
- Court may, upon request or its own initiative, with or without hearing, order that a noncompliant document be sealed.

## Other Policy Provisions

- Section 2.0 – Statement of General Policy.
- Section 3.0 - Access to Case Records.
- Section 4.0 – Requesting Access to Case Records.
- Section 5.0 – Responding to Requests for Access to Case Records.
- Section 6.0 – Fees.
- Section 9.0 – Limits to Access to Court Facility.
- Section 10.0 – Limits to Remote Access.
- Section 11.0 – Correcting Clerical Errors.

# Certification of Compliance

**CERTIFICATE OF COMPLIANCE**

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.

Submitted by: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Attorney No. (if applicable): \_\_\_\_\_

Rev. 7/2018

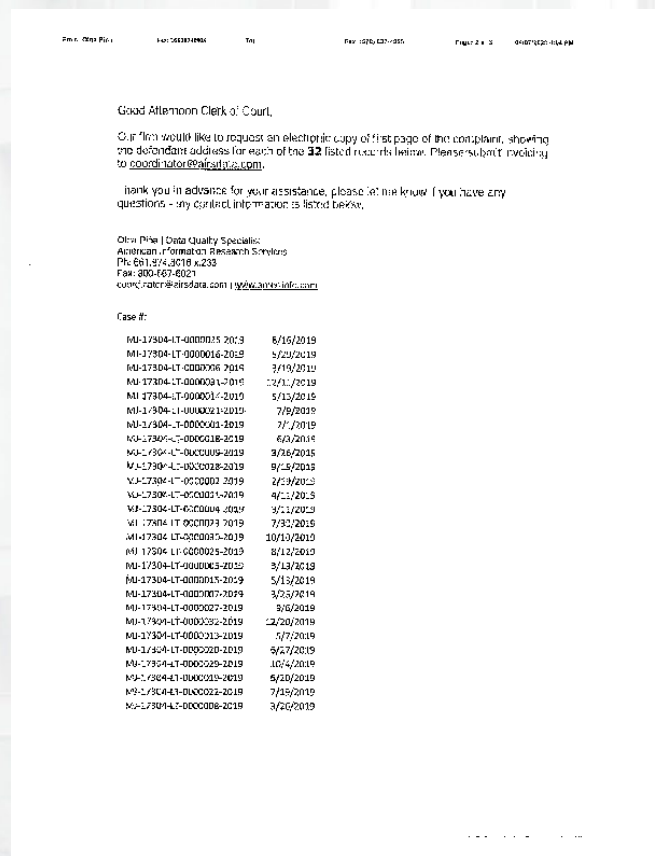
# Most Frequently Asked Questions

## Clean Slate

- For criminal and summary cases, we are often asked: why can I not find this case and/or offense in the records? Clean Slate is often the answer. Under Clean Slate I and II, 65 million offenses, over 43 million cases have been granted “limited access” status, meaning they are removed from public view. This is approximately 2/3 of all offenses in CPCMS and MDJS.
- Partial Limited Access Cases - the red-band designation of limited access offense (as opposed to limited access case) means only that access is restricted for certain aspects of the file, not the entire file (absent a court order to that effect). Some documents in the file may pertain to multiple charges, both limited access and not restricted. Those documents would still be subject to public access, but only after redaction of the limited-access information they contain.



# Frequently Asked Questions - AIRS Request for Bulk Access to Physical Files



# Frequently Asked Questions

## Transcripts and Court Proceedings

- Safeguarding confidential information in a transcript falls within the purview of Pa.R.J.A. 4014, not under this Policy.
- Safeguarding confidential information and documents that are exhibits or entered into evidence at a court proceeding falls within the purview of Pa.R.J.A. 5102, not under this Policy.

# Most Frequently Asked Questions

## Minor Victims Info and Who is the Public

- Concern court closing the entire file and/or most of it with the prohibition against disclosing the names of minor victims of sexual assault or any records revealing the minor victims' names. See 42 Pa.C.S. §5988.
- Both the Public Access Policies apply to the public which does not include parties and their attorneys. See Section 1.0.

## Closing

The policies, explanatory reports, videos, FAQs, posters, one-page handouts, and other Policy related materials are posted at:

<http://www.pacourts.us/public-records>

# Presenter

## **Kimberly B. Warner, Esq.**

- Supervising Legal Counsel, Administrative Office of Pennsylvania Courts – [Kimberly.Warner@pacourts.us](mailto:Kimberly.Warner@pacourts.us)  
/717-231-3294



# Questions?

