

**POLICY ON PUBLIC ACCESS TO INFORMATION
COMPILED FROM COURT RECORDS
SEVENTEENTH JUDICIAL CIRCUIT
WINNEBAGO AND BOONE COUNTIES**

SECTION 1.00 – PUBLIC POLICY

The purpose of this policy is to provide guidance to individuals and entities seeking access to information compiled from official court records, and to provide a decision-making framework for court and circuit court clerk personnel responding to such requests.

SECTION 2.00 – DEFINITIONS

Section 2.01 – DEFINITION OF “OFFICIAL COURT RECORD”

(a) “Official Court record” includes:

- (1) any document, information, or other thing that is collected, received, or maintained by a court or clerk of court in connection with a court case; and
- (2) any index, calendar, register of action, order, decree, judgment, minute, and any information in a case management system created by or prepared by the court or clerk of court that is related to a court case.

(b) “Official Court record” does not include:

- (1) information gathered, maintained or stored by a governmental agency or other entity to which the court has access but which does not become part of the court record as defined in section 2.01(a)(1).

Section 2.02 – DEFINITION OF “COMPILED INFORMATION”

(a) “Compiled information” is defined as information that is derived from the selection, aggregation or manipulation by the court of the information from more than one individual official court record, including statistical reports, and information that is not already available in an existing record or report. Dissemination of compiled information in electronic form is not permitted except where explicitly provided by court rule, order, or law.

SECTION 3.00 – COURT INFORMATION COMMITTEE

A Court Information Committee is hereby created. The Committee shall consist of three members; the Circuit Court Clerk or his or her designee, the Court Administrator and the Chief Judge or his or her designee. The purpose of the Court Information Committee is to consider and respond to requests for compiled information.

SECTION 4.00 – ACCESS TO COMPILED INFORMATION FROM OFFICIAL COURT RECORDS

- (a) Compiled information may be requested by any individual or entity for scholarly, journalistic, civic or governmental purposes or for the preparation of a case. The request shall
 - (1) identify what information is sought;
 - (2) explain provisions for the secure protection of any data that is confidential (for example using physical locks, computer passwords and/or encryption); and
 - (3) state the scholarly, journalistic, civic or governmental purpose for which the information is intended.
- (b) Requests for compiled information shall be submitted in writing to the Court Information Committee (hereinafter “the Committee”). The Committee shall issue a written response to the request within thirty (30) calendar days.
- (c) Requests for compiled information in 2010 may be submitted to the Information Committee but no action shall be required by the committee in order to facilitate the conversion to and implementation of the JSI information system.

SECTION 5:00 – INFORMATION FROM OFFICIAL COURT RECORDS TO BE EXCLUDED FROM COMPILED INFORMATION

The following information in an official court record is not accessible to the public:

- (a) Information that is not to be accessible to the public pursuant to federal law.
- (b) Information that is not to be accessible to the public pursuant to state law.
- (c) Financial information that provides identifying account numbers on specific assets, liabilities, accounts, credit cards, first five digits of social security number, or P.I.N. numbers of individuals or business entities.
- (d) Proprietary business information such as trade secrets, customer lists, financial information, or business tax returns.
- (e) Information reviewed in camera and made confidential by a court order.
- (f) Information in the official court record relating to a proceeding to which the public does not have access pursuant to law or a court order.
- (g) Notes, drafts and work products prepared by a judge or for a judge by court staff or individuals working for the judge related to cases before the court.
- (h) Notes, drafts and work products related to court administration and clerk of court information.

- (j) Information constituting trade secrets, copyrighted or patented material or which is otherwise owned by the state or local government and whose release would infringe on the government's proprietary interest.

SECTION 6.00 – FACTORS TO BE CONSIDERED

- (a) In granting or denying a request for compiled information, the Committee shall consider and balance the following factors:
 - (1) the volume of the information requested;
 - (2) the amount of computer programming time required to fulfill the request;
 - (3) the amount of computer run time required to fulfill the request;
 - (4) the availability of staff at the time of the request;
 - (5) whether the request makes the most effective use of court, circuit court clerk and county staff;
 - (6) whether the request protects individual privacy rights and interests;
 - (7) whether the request protects proprietary business information;
 - (8) whether the request avoids risk of harm to individuals;
 - (9) whether the request affects the security and integrity of the data;
 - (10) whether the request unduly burdens the ongoing business of the Court; and
 - (11) whether the requestor has previously misused requested information.

SECTION 7:00 – REQUIREMENTS WHEN REQUEST IS GRANTED

If the request is granted, the requestor agrees that:

- (a) the data will not be sold or otherwise distributed, directly or indirectly, to third parties, except for journalistic purposes;
- (b) the information will not be used directly or indirectly to sell a product or service to an individual or the general public, except for journalistic purposes; and
- (c) there will be no copying or duplicating of information or data provided other than for the stated scholarly, journalistic, civic or governmental purpose.

SECTION 8:00 –FEES FOR ACCESS

Although the court allows free access to public court information, the court may charge a fee for access to compiled information. To the extent that public access to information is provided exclusively through a vendor, the court will endeavor to ensure that any fee imposed by the vendor for the cost of providing access is reasonable.

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