

**Supreme Court**

In re: Rhode Island Judiciary Rules of :  
Practice Governing Public Access to :  
Electronic Case Information

**ORDER**

In anticipation of the introduction of electronic filing in each court within the unified judicial system, the Court hereby adopts the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information. These Rules of Practice shall become effective upon the respective implementation of electronic filing in each court within the unified judicial system.

Entered as an Order of this Court this 7th day of *May 2014*.

\_\_\_\_\_/s/\_\_\_\_\_  
Suttell, C.J.

\_\_\_\_\_/s/\_\_\_\_\_  
Goldberg, J.

\_\_\_\_\_/s/\_\_\_\_\_  
Flaherty, J.

\_\_\_\_\_/s/\_\_\_\_\_  
Robinson, J.

\_\_\_\_\_/s/\_\_\_\_\_  
Indeglia, J.

**Rhode Island Judiciary**  
**Rules of Practice Governing Public Access to Electronic Case Information**

1. Purpose. These Rules of Practice Governing Public Access to Electronic Case Information (Public Access Rules) are intended to address access to electronic case information that is filed in the Rhode Island Judiciary's (Judiciary) Electronic Filing System. The Public Access Rules seek to harmonize the Judiciary's obligation to make case information available and accessible while also protecting the privacy of personal and/or otherwise confidential information filed with the courts throughout the Judiciary.
2. Application. These Public Access Rules shall apply to all electronic documents filed in the Judiciary's Electronic Filing System. Access to electronic documents shall be in accordance with Section 5 herein.
3. Definitions.
  - a. Case Management System (CMS). An electronic document repository database maintained and managed by the Judiciary and administered by the respective courts to track information used to manage the courts' caseload, such as case numbers, party names and identifiers, attorneys for parties, titles of all documents filed in a case, and all scheduled events in a case.
  - b. Database. The Database is an electronic collection of court records which is accessible through the Public Access Portal and is displayed as a register of actions or Docket.
  - c. Docket. Listing of parties, case events, document filings, or other activities in a case set forth in chronological order.
  - d. Electronic Access. Access to electronic case information through a computer and the Internet, either from terminals located within a courthouse or a computer at a remote location.
  - e. Electronic Case Information. Any document, information, data, or other item created, collected, received, or maintained by a court in connection with a particular case that is readable through the use of an electronic device. This definition does not encompass data maintained by or for a judge or court pertaining to a particular case or party, such as personal notes and communications, memoranda, drafts, or other working papers; or information gathered, maintained, or stored by a government agency or other entity to which the court has access but which is not entered into the docket of the case.
  - f. Electronic Document. The electronic form of pleadings, notices, motions, orders, exhibits, briefs, judgments, writs of execution, and other papers filed with a court.

- g. Electronic Filing System (EFS). An approved Judiciary-wide system for the filing and service of pleadings, motions, and other documents or information via electronic means such as the Internet, a court-authorized remote service provider, or through other remote means to and from the Judiciary's CMS.
- h. Public. An individual, group, agency, business, or non-profit entity, organization, or association. The term also incorporates print or electronic media organizations. A government agency for which there is no existing policy defining the agency's access to court records is also included in this definition.
- i. Public Document. An electronic document filed in the EFS that does not contain any confidential information.
- j. Public Access. The process whereby a member of the public may inspect and/or copy electronic case information maintained by a court.
- k. Public Access Portal. Point of entry for public users, made available on the Judiciary's website, to remotely access electronic case information from the Judiciary's Database.
- l. Registered User. An individual or entity with an assigned username and password authorized by the Judiciary to access and utilize the EFS.
- m. Remote Access. Process by which the inspection of case information maintained by a court is accomplished by electronic means from a physical location other than a courthouse.

4. Confidentiality.

- a. Case Types. Certain case types that are required by federal or state law, court rule, court order, or case law to be kept confidential shall not be publicly accessible. These case types include, but are not limited to, the following:
  - 1. Juvenile case files per G.L. 1956 § 8-10-21, G.L. 1956 § 14-1-5, G.L. 1956 § 14-5-7(c), G.L. 1956 § 23-4.7-6, and G.L. 1956 § 38-2-2(4)(C);
  - 2. Child custody case files per G.L. 1956 § 15-14.1-21 and G.L. 1956 § 38-2-2(4)(C);
  - 3. Adoption case files per G.L. 1956 § 8-10-21, G.L. 1956 § 14-1-5, and G.L. 1956 § 38-2-2(4)(C);
  - 4. Termination of parental rights case files per G.L. 1956 § 15-7-7(f);
  - 5. Mental health certification cases per G.L. 1956 § 40.1-5-26;

6. Paternity case files per G.L. 1956 § 15-8-17;
  7. Sealed cases of acquitted or otherwise exonerated individuals per G.L. 1956 §§ 12-1-12(a) and 12-1-12.1(c);
  8. Expunged or otherwise sealed case information per G.L. 1956 § 3-8-12; G.L. 1956 § 12-1.3-4 (c); G.L. 1956 § 12-10-12;
  9. Cases initiated under the Insurance Rehabilitation and Liquidation Act per G.L. 1956 § 27-14.3-15;
  10. Civil violations for possession of one (1) ounce or less of marijuana per G.L. 1956 § 21-28-4.01(c)(ix);
  11. Any other case or portions thereof which have been sealed through an order of the court.
- b. Documents. Certain documents that are designated as confidential by federal or state law, court rule, court order, or case law shall not be submitted to any court through the EFS as public documents. **These documents shall be submitted as “confidential” in their entirety and need not be submitted in a public form in accordance with Article X, Rule 8 of the Supreme Court Rules Governing Electronic Filing.**

Confidential documents include, but are not limited to, the following:

1. All medical records, including, but not limited to, mental health records per G.L. 1956 §§ 5-37.3-4(c) and 5-37.3- 6.1(f), G.L. 1956 § 9-19-39(d), G.L. 1956 § 11-37-17(b), G.L. 1956 § 40.1-5-26, and G.L. 1956 § 40.1-5.3-15;
  - a. Access to medical records. A person or entity not a party to the case who can demonstrate a sufficient need for access to confidential medical records contained in a court file may request such access by submitting a motion to the court before which the matter is pending. See G.L. 1956 § 5-37.3-4(c)(1). The motion shall be heard in the usual manner and the reasons for granting or denying the request for access shall be set forth in an order. A court which allows access to a confidential medical record contained in a case file shall ensure that only information germane to the subject action is released and shall further ensure that all otherwise confidential information is sufficiently redacted in accordance with Article X, Rule 8 of the Supreme Court Rules Governing Electronic Filing and these Public Access Rules. Redacted medical records released by the court in accordance with this section shall be Public Documents in the court file.

2. Records of the Department of Children, Youth, and Families per G.L. 1956 §§ 42-72-8(b)(13) and 42-72-8(f);
  3. Statement of Assets, Liabilities, Income and Expenses submitted in Family Court and Workers' Compensation Court - G.L. 1956 § 38-2-2(4)(A)(I)(b);
  4. Tax returns - G.L. 1956 § 38-2-2(4)(O);
  5. Pay stubs, except for wage and salary information about public employee - G.L. 1956 §§ 38-2-2(4)(A)(I)(b);
  6. Pretrial services records per G.L. 1956 § 12-13-24.
- c. Information. Certain categories of information that are designated as confidential by federal or state law, court rule, court order, or case law shall not be submitted to any court through the EFS as part of a public document. **It is the filing party's responsibility to ensure that personal or otherwise confidential information is redacted and/or submitted confidentially to the court in accordance with Article X, Rule 8 of the Supreme Court Rules Governing Electronic Filing.**

Categories of confidential information include, but are not limited to, the following:

1. Name and address of juvenile in criminal and civil cases per G.L. 1956 § 38-2-2(4)(C);
2. Identifying information pertaining to crime victims and/or confidential informants per G.L. 1956 § 38-2-2(4)(C);
3. Victim of child molestation sexual assault per G.L. 1956 § 11-37-8.5 and Rule 3.3 of the Superior Court Rules of Practice;
4. Personal identifying information, see generally, G.L. 1956 §§ 8-15-9 and 8-15-9.1 and G.L. 1956 §§ 38-2-2(4)(A)(I)(b) and 38-2-2(4)(X), including:
  - a. Dates of birth;
  - b. Home addresses and telephone numbers;
  - c. Social security and employer identification numbers;
  - d. Financial account numbers. Numbers that identify specific assets such as loans, bank accounts, mortgages, investment accounts, credit card numbers, personal identification numbers, etc.;

- e. Financial account statements. Statements that identify specific assets such as loans, bank accounts, mortgages, investment accounts, credit card numbers, personal identification numbers, etc.;
  - f. Driver's license numbers;
  - g. Other personal identification numbers, such as passport numbers, state identification numbers, etc.;
5. Juror names and other identifying information relating to jurors.
- d. Protection of Confidential Information in Cases Filed Prior to Electronic Filing. Cases filed with any court before the implementation of electronic filing may contain confidential documents or information in the public file. Any party or attorney may submit a motion to the hearing court seeking to designate portions of the public file as confidential in accordance with these Rules of Practice. Such motion shall be freely granted. An order denying any motion to designate portions of a file as confidential shall include the reasons serving as the basis for the denial.
5. Access to Case Information
- a. Courthouse Access.
- 1. *Policy.* Each court shall make computer terminals available in the respective clerks' offices in each of the courthouses for use by anyone who wishes to review electronic documents filed in the Judiciary's EFS during regular business hours.
  - 2. *Content.*
    - a. *Public Access.* Members of the Public shall have access to all public electronic case information. This access does not include access to sealed cases or documents, or confidential case types, documents, or information as defined in these Public Access Rules.
    - b. *Attorneys.* Attorneys who have entered an appearance in a case shall have electronic access at a courthouse to all documents and information about a case in which they are representing a party. This access does not include access to sealed cases or documents. Attorneys shall have no greater access than the Public to information about cases in which they are not directly involved.
    - c. *Parties and Self-represented Litigants.* Parties to a case and self-represented litigants shall have electronic access at a courthouse to all

documents and information about a case in which they are named as a party. This access does not include access to sealed cases or documents. Parties and self-represented litigants shall have no greater access than the Public to information about cases in which they are not directly involved.

- d. *State Agencies.* State agencies and employees thereof authorized by the Judiciary to access electronic case information shall have access to public electronic case information at a courthouse. This access does not include access to sealed cases or documents, or confidential case types, documents or information as defined in these Public Access Rules.
3. *Fees.* No fees shall be charged for the viewing of electronic documents on a computer terminal provided by the Judiciary at one of its courthouses. There may be fees associated with the printing and/or certifying of documents.

b. Remote Public Access.

1. *Policy.* To allow limited Remote Access to the Database through the Public Access Portal.
2. *Content.*
  - a. *The Public, Self-represented Litigants and Parties.* Remote public access to electronic case information will not be immediately available to the Public, parties, and self-represented litigants but may be made available in the future at which point these Public Access Rules will be amended accordingly.
  - b. *Attorneys.* Attorneys who have entered an appearance on behalf of a client in a case shall have remote electronic access to all documents and information about a case in which they are representing a party. Upon termination of representation, or if an attorney's client is no longer a party to a pending case, an attorneys' remote electronic access to the subject case shall be terminated. For all other cases in which they are not directly involved, attorneys shall have remote access to the register of actions or Docket but shall not have remote access to other electronic case information.
  - c. *State Agencies.* State agencies and employees thereof authorized by the Judiciary to access electronic case information shall have remote electronic access to public electronic case information. This access may not include access to sealed cases or documents, or confidential documents or information as defined in these Public Access Rules.

4. *Username and Passwords.* Attorneys and State Agencies must register with the Rhode Island Supreme Court, Judicial Technology Center, for a username and password in order to utilize remote access.
5. *Fees.* There shall be no fees charged for remote access to the foregoing information.