

Supreme Court

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

ORDER

Rule 1 of the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information is hereby amended as follows:

- 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 or scanned and filed into the Judiciary’s case management system at the clerk’s office. 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 non-public information filed with the courts throughout the Judiciary.

Rule 2 of the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information is hereby amended as follows:

- 2. *Application.* These Public Access Rules shall apply to all electronic documents filed in the Judiciary’s Electronic Filing System or scanned and filed into the Judiciary’s case management system at the clerk’s office. Access to electronic documents shall be in accordance with Section 5 herein.

Rule 4(a) of the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information is hereby amended as follows:

- 4. *Non-public Filings.* Categories of non-public filings as set forth in state or federal law include, but are not limited to, the following:

- a. Case Types.

* * *

13. Complaints for a Civil Protective Order when a juvenile is a party in the case per G.L. 1956 § 8-10-3(g) and § 38-2-2(4)(C);

14. Civil marijuana cases per G.L. 1956 § 8-8.2-21 and § 21-28-4.01(c)(2)(ix); and

154. Any other case or portions thereof which have been sealed through an order of the court.

Rule 4(b) of the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information is hereby amended as follows:

- b. Documents. **These documents shall be checked off by the Registered User as “confidential” in the EFS 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.**

* * *

6. Pretrial services records per G.L. 1956 § 12-13-24-; and

7. Driver’s abstracts per G.L. 1956 § 27-49-3.1.

Rule 4(c) of the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information is hereby amended as follows:

- c. Information. It is the filing party’s ~~Registered User’s~~ responsibility to ensure that personal or otherwise non-public information is redacted and submitted to the court in accordance with Article X, Rule 8 of the Supreme Court Rules Governing Electronic Filing.

* * *

5. 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:

* * *

e. Driver’s license numbers; and

* * *

6. Juror names and other identifying information relating to jurors, including home addresses; and -

* * *

Rule 4(d) of the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information is hereby amended as follows:

- d. Protection of Non-public Information in Cases Filed Prior to Electronic Filing. Cases filed with any court before the implementation of electronic filing may contain Non-public Documents or information ~~in the Public file~~ which would be deemed non-public under these Public Access Rules. Cases filed prior to the conversion to electronic filing will be scanned and converted to electronic form upon the filing of a new pleading or if the matter is scheduled for hearing before a court. If a case file is closed or dormant, the file will not be converted to electronic format and will remain in paper form unless and until some action is taken in the case.
 1. For active pending cases, Any party or attorney may file ~~submit a petition~~ Motion to Protect Non-Public Information in a Case Filed Prior to Electronic Filing in the specific case with the respective ~~to the hearing~~ court seeking to designate portions of the Public file as non-public in accordance with these Public Access Rules. The court shall ~~hear~~ consider the motion said petition after ~~service and~~ notice by the filing party petitioner to all ~~interested parties~~ in the case and any individual to whom the subject records pertain if not a named party. Such motion shall be freely granted and, in cases in which the motion is denied, there shall be a hearing. An order denying any motion to designate portions of a file as non-public shall include the reasons serving as the basis for the denial.
 2. When a closed or pending case that has been dormant for one (1) year or more is to be scanned and converted to electronic format in accordance with subsection (a) above, the clerk shall send a notice to the attorneys of record at their current address as verified by the Clerk of the Supreme Court and parties, to the extent a current address may be available, before the file is scanned. The notice shall advise the attorneys and parties that the subject case file is to be converted to electronic format and that the attorneys and parties may wish to review the file's contents and may submit a Motion to Protect Non-Public Information in a Case Filed Prior to Electronic Filing in accordance with subparagraph (1) of this rule. The clerks shall allow fifteen (15) days from the mailing of the notice.

3. The most current version of the Motion to Protect Non-Public Information in a Case Filed Prior to Electronic Filing is located on the Rhode Island Judiciary's website at www.courts.ri.gov under Public Resources, Forms.

Rule 5(a)(7) of the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information is hereby amended as follows:

7. ~~Redacted medical records that do not contain any Personal Identifying Information shall be deemed Public Documents in the court file.~~

Rule 5(c)(1) of the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information is hereby amended as follows:

1. *Policy.* To allow limited Remote Access to the Database through the Public Access Portal. Non-public case types shall not be remotely accessible.

Entered as an Order of this Court this 29th day of **January 2016**.

_____/s/
Suttell, C. J.

_____/s/
Goldberg, J.

_____/s/
Flaherty, J.

_____/s/
Robinson, J.

_____/s/
Indeglia, J.