

### **Section 3.10 REQUESTS FOR BULK DISTRIBUTION OF ELECTRONIC CASE RECORDS**

- A. A request for bulk distribution of electronic case records shall be permitted for data that is not excluded from public access as set forth in this policy.
  
- B. A request for bulk distribution of electronic case records not publicly accessible under Section 3.00 of this Policy may be fulfilled where: the information released does not identify specific individuals; the release of the information will not present a risk to personal security or privacy; and the information is being requested for a scholarly, journalistic, governmental-related, research or case preparation purpose.
  - 1. Requests of this type will be reviewed on a case-by-case basis.
  
  - 2. In addition to the request form, the requestor shall submit in writing:
    - (a) the purpose/reason for the request;
    - (b) identification of the information sought;
    - (c) explanation of the steps that the requestor will take to ensure that the information provided will be secure and protected; and
    - (d) certification that the information will not be used except for the stated purposes.

### **COMMENTARY**

In the judgment of the Committee, the number of electronic case records that may be requested by the public should not be limited. AOPC's practice has been to fulfill requests for bulk distribution of electronic MDJS case records regardless of the number of records involved. In addition, the Committee's recommendation and analysis on this issue closely mirrors the CCJ/COSCA Guidelines, which permit the release of bulk distribution of court records.<sup>204</sup> In addition, the Committee notes that several states, including California,<sup>205</sup> Indiana,<sup>206</sup> and Minnesota<sup>207</sup> permit the release of bulk data. Some states such as Kansas<sup>208</sup> and Colorado<sup>209</sup>

---

<sup>204</sup> See CCJ/COSCA Guidelines, pp. 34, 35, and 39.

<sup>205</sup> See CAL. CT. R. 2073(f) which provides that "a court may provide bulk distribution of only its electronic calendar, register of actions and index. 'Bulk distribution' means distribution of all, or a significant subset, of the court's electronic records."

<sup>206</sup> IND. ADMIN. R. 9(F) permits the release of bulk or compiled data.

<sup>207</sup> MN ST ACCESS TO REC RULE 8(3) (WEST 2006).

<sup>208</sup> Kansas Rules Relating to District Courts Rule 196(e) "Bulk and Compiled Information Distribution – Information in bulk or compiled format will not be available."

<sup>209</sup> Colo. CJD. 05-01 provides in Section 4.30 that bulk data will not be released to individuals, government agencies or private entities. Bulk data being the entire database or that subset of the entire database that remains after the extraction of all data that is confidential under law. However, Section 4.40 provides that requests for compiled data for non-confidential data will be

(in part) do not permit the release of bulk data. Moreover, the RTKA provides that “[a] policy or regulation may not include any of the following: a limitation on the number of public records which may be requested or made available for inspection or duplication.”<sup>210</sup> Therefore, the Committee recommends that requests for bulk distribution of electronic case records continue to be fulfilled.

With regard to these requests, the Committee believes that the Judicial Automation Department may in the future implement in the Court's automated systems (PACMS, CPCMS, and MDJS) various "canned" reports which a user can produce for requestors in response to a request. However, until the development of these "canned" reports or in a situation where the request cannot be fulfilled with one of these "canned" reports, the requestor should be referred to the AOPC.

A request for bulk distribution of electronic case records is defined as a request for all, or a subset, of electronic case records. Bulk distribution of electronic case record information shall be permitted for data that are publicly accessible as specified in the policy (e.g., date of birth, a party's address limited to city, state and ZIP code).

In addition, a request for bulk distribution of information/data not publicly accessible may be permitted where: the information released does not identify specific individuals; the release of the information will not present a risk to personal security or privacy; and the information is being requested for a scholarly, journalistic, governmental-related, research or case preparation purpose.

The court, office or record custodian will review requests for this type of information/data on a case-by-case basis. For example, a requestor may want to know the offense location of all rapes for a given year in Pennsylvania, but he does not want any personal information about the victims (such as name, social security number, etc) because he is conducting a study to see if most rapes occur in apartment buildings, single-family structures, or in public areas (such as malls or parking lots). This request could be fulfilled if the information released does not identify any of the victims; there is no risk to the personal security or privacy of the victims involved; and the information is being requested for a scholarly, journalistic, governmental-related, research or case preparation purpose.

For requests of non-releasable information, the requestor shall in addition to the request form, submit in writing:

- the purpose/reason for the request;
- identification of the information sought;
- explanation of the steps that the requestor will take to ensure that the information provided will be secure and protected; and
- certification that the information will not be used except for the stated purposes.

---

entertained. There are numerous criteria that will be used to determine if the request will be granted. Compiled data is defined as data that is derived from the selection, aggregation or reformulation of specific data elements within the database.”

<sup>210</sup> PA. STAT. ANN. tit. 65, § 66.8(c)(1) (West 2006).

This section addresses requests for large volumes of data available from the statewide automation case management systems (PACMS, CPCMS, and MDJS) including incremental data files used to update previously received bulk distributions.<sup>211</sup>

---

<sup>211</sup> After receipt of the initial bulk data transfer, requestors receive additional data sets (increments) periodically that allow them to update their current file.