

Section 2.00 STATEMENT OF GENERAL POLICY

- A. This policy covers all electronic case records.
- B. The public may inspect and obtain electronic case record except as provided by law or as set forth in this policy.
- C. A court or office may not adopt for electronic case records a more restrictive access policy or provide greater access than that provided for in this policy.

COMMENTARY

For the reasons stated in the Introduction, paragraph A sets forth that this policy covers electronic case records as defined in Section 1.00.

The language of subsection C is suggested in the CCJ/COSCA Guidelines, which provide “[i]f a state adopts a policy, in the interest of statewide uniformity the state should consider adding a subsection...to prevent local courts from adopting different policies...This not only promotes consistency and predictability across courts, it also furthers equal access to courts and court records.”⁹¹ The Committee opines it is essential for the Unified Judicial System to have this provision in the policy to prevent various courts and offices from enacting individual policies governing electronic case records.

The Committee also notes that subsection C applies to fees in that the level of fees may be a means of restricting access. Therefore, a court or office charged with fulfilling public access requests must comply with the fee schedule provisions contained in Section 5.00 of this policy.

⁹¹ *CCJ/COSCA Guidelines*, pp. 24-25.