

FINAL REPORT OF THE TASK FORCE ON ACCESS TO INDIANA COURT RECORDS

Organization and History

The Indiana Supreme Court Task Force on Access to Public Records was formed as an extension of the Supreme Court Records Management Committee (“RMC”) following a recommendation made at the RMC meeting on September 27, 2002. The Committee created the Task Force to explore the issues related to public access to court records and to recommend to the Court a comprehensive policy, particularly in view of the opportunity for such a policy to be incorporated in the initial planning and implementation of Indiana's new statewide case management system being developed by the Judicial Technology and Automation Committee (“JTAC”).

All members of the RMC were eligible to participate as Task Force members, and many chose to work on the Task Force. In addition, various other entities representing a wide array of legal and community interests were invited to designate representatives to serve as additional members. The Task Force first met on January 24, 2003, and continued to meet in day-long meetings held on a bi-weekly basis for fifteen meetings. The final meeting of the Task Force was September 19, 2003. Staff support and participation in the deliberations and work of the Task Force have been provided by Ron Miller, Director of Trial Court Management; John Newman, Director, Information Management Section; Thomas Jones, Records Manager; and Debbie Guthrie-Jones, Administrative Support. Actively participating members of the Task Force have included:

Lynne Arrowsmith, Staff Attorney, Indiana Coalition Against Domestic Violence
Tammy Baitz, Hamilton County Circuit Court Clerk (RMC member)
Hon. Christopher Burnham, Judge, Morgan Superior Court
Hon. Brent E. Dickson, Justice, Indiana Supreme Court (Chair, RMC)
Doug Essex, Asst. Chief Deputy, Office of Indiana Public Defender
John Carr, III, Ayres, Carr, & Sullivan (RMC member)
Ken Falk, Legal Director, Indiana Civil Liberties Union
James Flynn, Project Manager, Marion County Justice Agency
Hon. Barbara Arnold Harcourt, Judge, Rush Circuit Court (RMC member)
Wendell Hudson, Assignment Editor, WTWO-TV, representing the Indiana
Associated Press Broadcasters
Hon. Ken Johnson, Judge, Marion Superior Court (RMC member)
Steve Johnson, Executive Director, Indiana Prosecuting Attorneys Council (RMC
member)
Lilia Judson, Exec. Director of State Court Administration (RMC member)
Stephen Key, General Counsel, Hoosier State Press Association
Hon. J. Douglas Knight, Judge, Vanderburgh Superior Court (RMC member)
Nan Nidlinger, Adams County Circuit Court Clerk,

Jane Ann Runyon, Jay County Circuit Court Clerk
Gary Damon Secrest, Chief Counsel for Appeals, Office of the Attorney General
David Schanker, Chief of Staff, Clerk of the Indiana Supreme Court, Court of Appeals and Tax Court
Hon. Richard Striegel, Judge, Floyd Superior Court (RMC member)
Hon. Kim Van Valer Shilts, Judge, Johnson Superior Court (RMC member)
Tess Woods, Board President, Indiana Victim Assistance Network

In addition, the following persons attended some meetings of the Task Force, but were unable to participate more fully.

Laura Berry, Executive Director, Indiana Coalition Against Domestic Violence
Brian Bishop, Clerk of the Indiana Supreme Court, Court of Appeals and Tax Court (RMC member)
Hon. Bruce Embry, Senior Judge and former Judge, Miami Circuit Court (RMC member)
Ruth Hibbard, Clinton County Circuit Court Clerk and President, Association of Clerks of Circuit Courts of Indiana
Rebecca McClure, Asst. Executive Director, Indiana Prosecuting Attorney's Council
Hon. Steve Nation, Judge, Hamilton Superior Court (RMC member)
Hon. Jeffery R. Smith, Judge, Carroll Superior Court (RMC member)

Three of the Task Force members, Justice Dickson, Judge Burnham, and James Flynn, attended a national conference on privacy and public access to court records held at William & Mary Law School in Williamsburg, Virginia, in the fall of 2002, prior to the formation of the Task Force. All Task Force members were provided with copies of many of the materials from this conference plus additional resource materials compiled by John Newman, Ron Miller, and Justice Dickson.

Many of the individual Task Force members also consulted with their own constituencies, in some cases including legal advisors, and shared these perspectives with the Task Force. In addition to the members attending, a substantial portion of one of the Task Force meetings was devoted to a presentation by Professor Fred Cate of Indiana University, and another was dedicated to a presentation made by Kurt Snyder, Director and Counsel of Trial Court Technology, of the case management system under development by JTAC. The Task Force also received special submissions, proposals, or concerns from David Remondini, Counsel to Chief Justice and from Jane Seigel, Executive Director, Indiana Judicial Center. Many of the Task Force meetings were attended by representatives of commercial providers of electronic information and other interested parties who wished to observe the work of the Task Force. Individual members of the Task Force provided important additional source materials that were distributed for consideration by all Task Force members.

Methodology

The Task Force decided that it would initially refer to the Guidelines for Public Access to Court Records developed by the National Center for State Courts and the Justice Management Institute, on behalf of the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA), under grants from the State Justice Institute. The Guidelines were crafted over eighteen months by a sixteen-member Project Advisory Committee supplemented by extensive outside participation including extensive public comments and a public hearing in Washington, D.C. The resulting Guidelines were endorsed by the Conference of Chief Justices and the Conference of State Court Administrators on August 1, 2002. The Indiana Task Force used these CCJ/COSCA Guidelines as a template to guide the structure of the development of an Indiana policy, and to guide its inquiry and deliberations. The CCJ/COSCA Guidelines appear at TAB 2 of this report, and at TAB 3 is a redline comparison showing how the proposed Indiana Rule differs from the CCJ/COSCA Guidelines and commentary.

The first several meetings of the Task Force consisted of a section-by-section review and discussion of the CCJ/COSCA Guidelines and commentary along with other supplemental materials. Next, subcommittees were formed to review and propose adoption or modification of the CCJ/COSCA Guidelines for Indiana. Each subcommittee's proposals were then fully debated by the full Task Force as policy choices and language for the Indiana Rule was preliminarily developed and adopted.

In addition to the Supreme Court's inherent authority, a provision of the Indiana Access to Public Records Act, Indiana Code 5-14-3-4(a)(8), expressly authorizes the Supreme Court by rule to designate which court records shall be confidential. The existing Administrative Rule 9 declares 15 categories of court records as confidential. Most of these are records otherwise designated as confidential by statute or court rule. Pursuant to the statutory provision and the inherent authority of the Indiana Supreme Court, the Task Force decided that it would propose to the Supreme Court a new, replacement Administrative Rule 9 to comprehensively address the issues of public access and privacy of Indiana court records especially in light of court records being maintained and distributed in electronic format. Early in its deliberations, the Task Force began to emphasize the following recurrent themes and objectives:

- The new rule should be a comprehensive single source containing or identifying all provisions governing access to and privacy of court records.
- The rule should be user-friendly, comprehensible and helpful to non-lawyers, and contain a minimum of legalese.

The Task Force members concentrated on the policy issues and the language of the black letter provisions, delegating the initial drafting of the Indiana Commentary to Ron Miller, for later consideration by the Task Force. When the Task Force finalized the black letter provisions, it then reviewed, revised, and finalized the proposed

accompanying commentary. The Task Force understands that its final product represented its recommendations to the Indiana Supreme Court, and that the Court would likely publish the proposed rule and seek further public comment before final action.

Specific Section-by-Section Considerations

Section (A).

This section establishes the scope and purpose of the rule. The scope of the rule is intentionally limited only to court records and as such does not apply to records that are created or maintained by other non-judicial agencies or entities, even if those records are accessible by a court case management system. This concept was important given the intent of JTAC to interface the case management system with numerous other state agencies that may have specific rules for the handling of their own records. This section also incorporates other necessary procedure, evidence, and appellate rules in the event a dispute over access to records arises. This section establishes an effective date for the rule and provides that clerks and courts need not retroactively redact any records filed prior to the effective date of the rule in recognition of the fact that filings prior to the effective date may contain some information that under the rule provisions will be considered confidential or not publicly accessible. This was extremely important to the clerk members of the Task Force who felt that, absent some effective date, a clerical nightmare might ensue as every file and every record present in the clerk's office would require review prior to allowing any access to insure that all confidential or other information not publicly accessible had been removed.

Aspirationally, the rule seeks to promote the public's ability to access court records while at the same time balance the need for public safety, individual privacy, and the need to maintain the integrity of the judicial system. The purpose section of the proposed rule tracks very closely with the CCJ/COSCA Guidelines, with appropriate modifications for Indiana practice.

Section (B).

This section establishes the principle that all persons have access to records under this rule, and provides for certain categories of enhanced access to court records for judges and clerks or their staff, entities that assist the court in providing court services, public agencies having access provided by statute, rule, or court order, and the parties to a case and their legal counsel. The Task Force reasoned that while the general rule was for open records access, because there would be some exceptions limiting public access, allowances should be made for judges and clerks and their staff, the parties, and selected other users to have a recognized level of enhanced access that might include records or data that would not otherwise be publicly accessible.

The concept of this rule section was found in the CCJ/COSCA Guidelines; however, the CCJ/COSCA version was judged by the Task Force to be overly

complicated in its use of “public” and “non-public”. The proposed version of this rule assumes that everyone falls within the public definition, and then adds the enhancements for those certain categories of individuals such as court personnel and attorneys.

Section (C).

This section attempts to define key terms used in the policy including “court record”, “case record”, “administrative record”, “court”, “clerk of court”, “public access”, “remote access”, “bulk distribution”, and “compiled information.” This section proved to be more difficult than was originally anticipated, due to the complexity of records and data maintained by courts and clerks. The Task Force and the definitions sub-committee reviewed several proposals for definitions of terms, many of which were several pages in length. These definitions were considered by the Task Force to be extremely important as the foundation upon which the remaining rule provisions would be based. As the definitions sub-committee labored over trying to define terms with specificity, it became clear to the Task Force as a whole that the complexity of some of the terms defied an inclusive list of examples, and resulted in several of the terms being defined in more general terms. Ultimately, the Task Force reached consensus on each individual term as found in the present proposal. This process consumed numerous hours both in sub-committee meetings and in the Task Force meetings, with a result that all of the definitions and the terminology fit Indiana practice.

The CCJ/COSCA Guidelines addressed this section by simply defining what was considered a “court record” and what was not a “court record”. For our purposes, the Task Force believed it was better to include some more explicit definitions of other terms for clarity. The Task Force also believed it was beneficial to split the term “court record” into two subcategories: “case record” and “administrative record” so different levels of treatment and handling could be established for those records pertaining directly to a case and to those records which a court might maintain through its administrative and managerial functions. Following the example of the CCJ/COSCA Guidelines, the Task Force's proposed rule does not cover the following: information exchanged between parties but not officially entered into the court record; activity occurring on a case, such as ADR, that occurred outside the judicial sphere; court responsibilities aside from handling cases, such as managing a detention facility; and irrelevant information that is filed by a party just to make it public. The Task Force believed it addressed these points that warranted coverage through improvements in the definitions and by splitting court records into sub-categories of case records and administrative records.

Similarly, the proposed rule, like the CCJ/COSCA Guidelines, do not address the issue of which record, the electronic or a paper form record, were the “official” record of the court. The Task Force also avoided directly addressing this issue, and instead relied on the notion of court records as “medium neutral” and existing court rules to add some definition to this point.

Section (D).

This section establishes the general access rule, which makes all records accessible unless the records fall into specific exclusions or are otherwise sealed by a court. The Task Force felt that it was very important as a matter of general policy that all records be publicly accessible unless there was a strong specific reason that a particular record or type of record should not be publicly accessible. The proposed rule tracks very closely with the CCJ/COSCA Guidelines, except for an additional provision that explicitly applies the provisions of the proposed rule to all court records, regardless of the manner in which those records were created, stored, or otherwise maintained.

Despite the general policy that records be accessible, the Task Force extensively debated the provision that requires a publicly accessible indication that a record was not publicly available. It was ultimately determined by the Task Force that having some public indication is important to identify records or information restricted from public access. Records that are generally confidential by law or by the provisions of this rule, such as juvenile records, are exempted from this requirement and need not contain any publicly accessible indication of their existence.

Like the CCJ/COSCA Guidelines, the proposed rule does not address many expungement or record sealing situations, nor did the Guidelines address records that might only be available for a limited or fixed period of time. The Guidelines also did not address any policy directive toward tracking or logging who has accessed court records. The Task Force discussed and incorporated into the draft rule handling of records that are excluded from public access. The Task Force also had a very strong consensus that no logging of record access should be made or required because to do so would have a chilling effect on public access.

Section (E).

This section urges courts to make at least minimal amounts of information available electronically and through remote means. At a minimum, courts are encouraged to provide litigant/party indexes, listings of new cases, CCS entries, calendars / dockets, and judgments/orders/decrees. The CCJ/COSCA Guidelines would presumptively make records that are available in electronic form available to the public through remote access. While the Task Force liked this aspirational approach, it did not want to place requirements on courts or clerk offices to begin making records available by remote access if they did not already have that capability. Again, this point was very important to the trial court judges and clerks who foresaw that having a requirement to make records available through remote means would in many instances place a burden on their local infrastructure. The Task Force agreed that making this a permissive provision was the best approach, and appropriate changes were made in wording to comport with Indiana practice. The Task Force hopes that with the permissive approach of this rule, as well as with advancing technology, court records from across the state will soon be accessible remotely, providing the benefits of public access to everyone, without creating a burdensome situation for individual courts or clerk offices. The Task Force commentary to this rule promotes the notion of courts providing constant public access

through remote access; however, the Task Force also recognized that many courts have neither that capability nor the ability to reliably provide 24/7 service to the public. Rather than make a requirement for 24/7 service, the Task Force opted to put this language into the commentary that would accompany the black letter rule.

Section (F).

This section comprehensively addresses requests which may be made for bulk record distribution, defined as “all or a significant subset of the information in court records in electronic form, as is, and without modification or compilation”, as well as requests which may be made for compiled information, defined as “information derived from the selection, aggregation or reformulation of some of all or a subset of all the information from more than one individual court record.” The CCJ/COSCA Guidelines divided bulk records and compiled records into two sections, and dealt with both in a fairly cursory fashion.

These two topics involved some of the most involved and some of the lengthiest discussion among the Task Force. The members of the Task Force were divided on whether to permit bulk or compiled distribution of records, and the resulting proposed rule, authorizing only discretionary access to bulk or compiled records (but not as a matter of entitlement), represents the majority view of the Task Force after considerable deliberation. The Task Force learned that, among the very few states that have adopted a court record public access policy, several have declined to permit bulk or compiled records, and instead limit access to one case record at a time. Included among those states that do not permit bulk access are Colorado, New Hampshire, and New Jersey. Several other states do not permit bulk access pending litigation, including New York and Rhode Island. A few states do permit bulk access, including Arizona, Maryland, Pennsylvania, Utah, and Wisconsin, although some of these states also place some restrictions on the types of data transferred as well as placing some conditions or restrictions on the vendor receiving the bulk data. Several Task Force members, as well as some staff from the Division of State Court Administration, expressed serious reservation about permitting bulk record transfer, due to the fact that the court loses control of the records once they have been transferred. In addition, while fulfilling a bulk records request, it is possible that records which are otherwise sealed or expunged in the future might be included in the bulk transfer. Finally, members of the Task Force expressed concern that if the bulk records requestor did not do periodic updates, records that were expunged, or were corrected by the court at some point would not be updated on the bulk requestor’s system, as well as on any other system to which the bulk requestor might have transferred data. This has the potential of leaving erroneous information in the public domain beyond the control of the court system.

Members of the Task Force who were in favor of allowing bulk and compiled records requests pointed to the fact that in our current system record copies might also become outdated. Indiana University Professor Fred Cate spoke to the Task Force and encouraged adoption of provisions that would allow bulk and compiled record transfer under the theory that bulk records transfer to vendors such as LexisNexis and other

commercial information providers actually reduces the pressure on the court system to answer requests, and because, as competitive businesses, such companies have a vested interest in making sure that data is correct and accessible. One additional concern was raised in that, even if bulk record transfers are not permitted, it is possible for programs to be written to sequentially access every record in the database one at a time, which may have a detrimental effect on the public access system by bogging it down with large data transfers.

In an attempt to address the concerns of many of the Task Force members, Section F is fairly lengthy and addresses a specific procedure to be followed to make requests for bulk or compiled information, which goes far beyond the two or three paragraphs devoted to each in the CCJ/COSCA Guidelines. Specifically, the Task Force incorporated a request procedure that involves the Division of State Court Administration, so that the public would not have to deal with conflicting interpretations of the rule provisions at the local level. Further, by having a centralized point of contact, the public access to these types of records is handled more uniformly and can also be utilized even when the requested records involve more than one jurisdiction.

Subsection (F)(4) recognizes certain categories of requests for bulk or compiled information that may warrant access to information otherwise excluded from public access, and establishes a procedure for handling such requests. The disclosure of such information is limited, however, to only the last four digits of a Social Security Number, or the zip code of an address, and the year of a birth date. To accommodate issues of national security and criminal investigations, the Court is authorized to permit further disclosure upon a finding of exceptional circumstances.

Section (F) departed significantly from the CCJ/COSCA Guidelines, but results from careful consideration by the Task Force. The Task Force believed it was customizing this section both to fulfill the broad policy emphasis of open records and to maintain as much control and accuracy in information as possible.

The CCJ/COSCA Guidelines specifically do not address what steps might be taken to keep bulk record requests “in sync” with the court’s system, nor do they address the potential need for regulation or supervision of bulk records requestors. Both of these topics were intensely debated by the Task Force in arriving at the draft language and commentary of this rule section.

Section (G).

This section enumerates records that are presently restricted from public access by statute or court rule, as well as records and data elements that the Task Force believed to be important enough to include in this rule. The Task Force also believed that additional information should be kept confidential and not be publicly accessible: social security numbers; addresses, phone numbers, dates of birth and other identifying information for witnesses or victims; residential addresses and phone numbers for judicial officials or court staff; account numbers and PIN numbers; orders of expungement or sealing in criminal or juvenile proceedings; and personal notes, deliberative material of judges, phone logs, internet logs, minutes of judge’s meetings, e-mail and written

correspondence, and information contained in PDA's, organizers or personal calendars of judges and court staff.

The proposed new exclusions (those not already declared confidential by statute or court rule) were debated at great length by the Task Force. Some of the Task Force members, particularly members of the media were interested in crafting the rule in such a way that a particular medium, such as e-mail, was not generally excluded from public access. A substantial majority of the Task Force members, however, believed that e-mail was the equivalent of in-person conversations, telephone calls, and written mail, and should be immune from public scrutiny. Among the reasons given were efficacy (because an overwhelming percentage of e-mails and other personal communications solely contain confidential judicial work product, deliberations, or internal personnel matters not subject to public access), operational efficiency (not requiring personnel to leave their posts to attend to incidental personal matters), practicability (avoiding in camera proceedings in which each item of e-mail and other communications would be subjected to analysis to determine its private versus its public content, and redacted accordingly), and fairness to the privacy interests of personnel. Also of concern is that our current retention schedules do not specify records such as e-mail, and the issue was raised that if things like e-mail were to be made publicly accessible, then a policy would need to be implemented preserving e-mail for a period of time. The trial court judges and clerks on the Task Force also expressed a concern that at a time when many judges and clerks are just beginning to utilize tools such as e-mail, a blanket policy of making those messages public might chill advancements and utilization. In the end, the Task Force recognized that the interest of judicial accountability would be somewhat enhanced by full public access, and concluded that this interest was substantially outweighed by the many considerations favoring confidentiality.

Section (H).

This section sets forth the process by which a person affected by the release of information in a court record may seek to have the information excluded from public access. The CCJ/COSCA Guidelines did not address this topic with any level of specificity; however, the Task Force felt that this area, as well as Section (I), were very important to how parties and the public would interact with courts.

This section relies heavily on a balancing test to be used by the trial court judge in determining whether the potential harm outweighs the general principle of open and accessible court records. This section was very thoroughly debated and fine-tuned by the Task Force. The trial court judges on the Task Force were very careful to ensure that judges were not given too much latitude in reaching a decision on whether to prohibit access to public records, for fear that inconsistent application of the rules around the state could lead to frustration among members of the public. Care was also taken to refine the standards by which requests would be reviewed, the extent to which a trial court judge would need to explain their ruling on the request, and the particular showing that a requestor would need to make to be successful in their request. The judges were greatly concerned that "nuisance" requests could severely interfere with their court operations,

yet, it was also recognized by the Task Force that judges should not arbitrarily ignore these types of requests.

For consistency, decisions that have the effect of prohibiting access to bulk or compiled records was placed with the Supreme Court. As in the general provisions concerning bulk access to records, the Task Force members believed that for consistent application of the rules throughout the state, decisions involving more than one court's jurisdiction would be better addressed on a centralized basis. Despite the detailed procedures outlined in this section, an individual trial court's decision to seal all or a portion of the record or the proceeding is not limited by this section of the rule.

Like the CCJ/COSCA Guidelines, the proposed rule does not address what level of access is permitted during the time a court is considering a request to remove a record or information from public access. The Task Force considered whether some court records should be protected from public access until after trial, or pending a ruling, but concluded that no general rule was needed because trial courts may already exclude public access to specific matters in individual cases as may be necessary to ensure a fair trial.

Section (I).

This section sets forth the process by which a person who wishes to gain access to information excluded from public access may do so. Similar to Section (H), this section requires the trial court judge to balance the interests in releasing the information with the interests of keeping the information excluded from public access. Much like section (H), the provisions of Section (I) were extensively debated by the Task Force to ensure that the standards established and the threshold set for a judge making a determination were exactly as the Task Force thought appropriate. The Task Force was concerned that, when appropriate under special circumstances, persons (including those not parties to a case such as members of the media) would have an opportunity to seek and upon a proper showing receive access to records that were otherwise not publicly available. The Task Force was also concerned with "nuisance" requests for access to records that would have the effect of interfering with a court's operations. In all, this section as well as Section (H) were revised three different times to include precise wording and procedures that met with the approval of all the Task Force members.

The CCJ/COSCA Guidelines suggest designating a custodian of records to respond uniformly to requests and to address denial of requests. The Guidelines also recommend providing a policy by which individuals who do not have the means for electronic access could obtain electronic access at a court facility or through some other court sponsored means. The Task Force considered both of these points in drafting the current proposed rule provisions. Through the process developed for bulk and compiled records access, the Task Force essentially designated the Supreme Court (or its designee) as the central source of providing access or denying requests. Although the Division of State Court Administration is not a true "custodian" of the records, the Task Force felt that having a state level entity such as the Division assisting in the implementation of this policy addressed these concerns about uniformity.

Section (J).

This section reaffirms the assumption that publicly accessible records should be available in the courthouse during regular business hours, and to the extent possible, electronic access should be provided during times established by the local courts. As an aspirational goal, the Task Force hoped that courts would strive to provide around-the-clock access to court records, but the Task Force recognized that different courts have differing levels of technological ability, and so this section of the rule is permissive when considering electronic and remote access.

Section (K).

This section requires courts that enter into contracts with vendors to provide information technology services include in those contracts some basic provisions for respecting the court's ownership of the information, providing educational support to the public, and preventing a vendor from unilaterally disseminating bulk or compiled information without the court's permission. This provision puts a burden on courts to include certain provisions in their contracts with vendors, which in turn are required to perform certain functions within the record keeping and access arena. This section was also extensively debated as to how much the vendor would be held to educating the public and assisting with the implementation of these rules. Ultimately, the wording of this section places the burden on the courts to include appropriate contract language in their individual contracts with vendors.

The comments to the CCJ/COSCA Guidelines note some areas which are not addressed, including the level of control a court would exercise over its vendor, how vendors will comply with provisions, and how timely information will be assured. The Task Force determined through its discussions that individual courts or counties should remain free to work with their designated vendors, and that because it was in the best interests of all associated with the court records to ensure their accuracy and accessibility, no additional provisions would be required.

Section (L).

This section provides immunity for court and clerk employees and officials, as well as contractors and sub-contractors who may inadvertently release confidential information. This section tracks existing statutory immunity provided to government employees who handle confidential materials. Several members of the Task Force felt that this was an important provision to add to our proposed rule to make the rule as comprehensive as possible. The Task Force as a whole agreed that this was a worthwhile addition to our proposal.

Deleted Section

The CCJ/COSCA Guidelines contemplate the inclusion of a section covering fee restrictions and/or setting fees for enhanced access to records. The Task Force debated this issue at length and ultimately concluded that a fee section is a matter of judicial administrative and fiscal policy and exceeded the scope of privacy and public access.

The Task Force understands that some Indiana counties have already adopted systems for public electronic access that involve user fees. Current review of this aspect of electronic access under Trial Rule 77 requires only that the fee be “reasonable”. Fees range from a monthly subscription for full access to all records (Doxpop), to a nominal annual fee and a per-record charge for each record accessed (Marion County/Civicnet). In all instances of electronic access involving fees, the county general fund receives a modest sum of money from all of the proceeds generated from that county.

Conclusion

The Task Force on Access to Public Records respectfully recommends the adoption of the following proposed new Indiana Administrative Rule 9, including commentary, by the Indiana Supreme Court. The Division of State Court Administration will also propose additional rule amendments to existing Trial Rules and Administrative Rules to ensure that no inconsistencies exist between this proposed Administrative Rule 9 and other rules.

Respectfully submitted,

Ronnie L. Miller,
Director, Trial Court Management