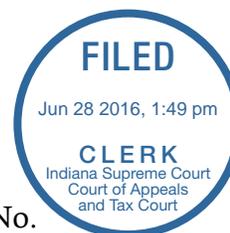


In the  
**Indiana Supreme Court**



IN THE MATTER OF THE REQUEST  
BY THE INDIANA PUBLIC  
DEFENDER COUNCIL FOR RELEASE  
OF BULK DATA OR COMPILED  
INFORMATION EXCLUDED FROM  
PUBLIC ACCESS

Supreme Court Case No.  
94S00-1604-MS-168

ORDER GRANTING THE INDIANA PUBLIC DEFENDER COUNCIL'S REQUEST  
UNDER ADMINISTRATIVE RULE 9(F)(4) FOR RELEASE OF BULK DATA  
OR COMPILED INFORMATION THAT INCLUDES INFORMATION EXCLUDED FROM  
PUBLIC ACCESS UNDER ADMINISTRATIVE RULE 9

The Indiana Public Defender Council (IPDC) has filed a Verified Request for Bulk Data/Compiled Information under Administrative Rule 9(F)(4). This request seeks to obtain specific data that is excluded from public access under Administrative Rule 9 contained in the Odyssey and QUEST Case Management Systems of Indiana courts exercising juvenile jurisdiction. IPDC seeks data from 2014 and 2015 Juvenile Delinquency and Juvenile Status cases as detailed in Attachment 1 of its application. IPDC's request does not include the name, social security number, date of birth, or address of affected individuals. All of the data sought will be de-identified by Court Technology for cases in the Odyssey Case Management System and by individual courts that use QUEST. In each instance, IPDC receives a compilation created in response to its requested data points.

All data contained in Juvenile Delinquency and Status Case Records is excluded from public access. The purpose of IPDC's request is for governmental research and evaluation to study and analyze the involvement of juveniles with the juvenile justice system.

IPDC's request is made in support of a project, funded by a grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), to develop and implement a statewide comprehensive plan to improve the quality of indigent juvenile defense.

Indiana has a substantial interest in promotion of improvements to the juvenile justice system in Indiana. As a result, the Court desires to cooperate to the fullest extent possible with successful completion of the IPDC's project while balancing and protecting the privacy rights and interests of individuals whose data will be examined.

Access to bulk or compiled case records excluded from public access may be granted by this Court only under specific circumstances under Administrative Rule 9(F)(4)(c). Under Administrative Rule 9(F)(4)(a)(v), a request for bulk distribution or compiled information that includes information excluded from public access must provide for individual notice to all persons affected by the release of the information unless, upon prior notice to the Indiana Attorney General and a reasonable opportunity to respond, such individual notice requirement is waived by this Court.

IPDC requested the Court to waive the requirement for provision of individual notice to all persons affected by the release of the information. The Indiana Attorney General has filed a Response as provided for under Administrative Rule 9(F)(4)(a)(v) and does not oppose the requested waiver.

The Court finds that the request involves a significant number of individual case files and notice, if required, would result in notifying a large number of individuals. Although IPDC will receive only de-identified case record data, it has advised the Court that it will only use the received data in its Secure Data Room in a network zone protected by an additional firewall with a tightly controlled access list. Analytical work on the data will only occur in this facility by credentialed employees or agents who may not bring or remove materials to or from the room.

All security for the data will comply with or exceed standards of the National Institute for Standards and Technology (NIST) 800-53 R4. Upon completion of the study, but no later than May 1, 2017, unless an extension of time is granted due to federal requirements concerning data retention or other reasonable basis, IPDC will securely wipe any sections of computer hard drives on which the requested data is stored.

Accordingly, the Court finds that IPDC has shown by clear and convincing evidence that it has satisfied the requirements of Admin. R. 9(F)(4)(a)(i), (ii), (iii), and (iv), and the public interest will be served by allowing access.

The Court further finds the information sought by IPDC is consistent with the purposes of this rule, resources are available to prepare the information, and fulfilling the request is an appropriate use of public resources.

After consideration of the request for waiver of individual notice to individuals affected by release of the information excluded from public access, the Court finds by clear and convincing evidence that the purposes for which the information is sought substantially outweighs the privacy interests protected by this rule. Accordingly, due to the highly secure manner for the protection of the data, the Court waives the requirement of individual notice to all parties affected by release of the sought information to which public access is prohibited or restricted.

An order granting a request under this subsection may specify particular conditions or requirements for use of the information, including without limitation:

1. The confidential information will not be sold or otherwise distributed, directly or indirectly, to third parties; provided, however, that the results of IPDC's analysis and conclusions from its research may be utilized in the publication of scholarly article(s) or reports;
2. The confidential information will not be used directly or indirectly to sell a product or service to an individual or the general public;
3. The confidential information will not be copied or duplicated other than for the stated research;
4. Access to the storage media containing the confidential data will be limited and, as appropriate, kept and stored in the secure data facility when not being used; and
5. The requesting party must pay the reasonable costs of responding the request as determined by the Court.

The Court finds that these conditions shall apply to the data sought by IPDC.

The Court hereby grants the IPDC request for Bulk Data/Compiled Information under Administrative Rule 9(F)(4) and the Division shall provide data to IPDC, to the extent discussed herein, from the case records contained in the Odyssey Case Management System and records concerning cases on INcite from IYAS.

IPDC may contact courts with juvenile jurisdiction using the QUEST Case Management System and ask for the confidential data for its study as approved herein. Courts contacted for such data shall determine whether to provide the data as provided under Admin. R. 9(F)(2)(c) but must ensure that any data is transmitted, received, and used in complete accordance with the same security protocols and standards as specified in this order for data from the Odyssey Case Management System. Transfers of non-Odyssey data to IPDC shall only occur after the sufficiency of the security methods has been demonstrated through testing. If access is granted to QUEST case record data, then IPDC may also receive data related to those cases from IYAS on INcite.

IT IS, THEREFORE, ORDERED that the Division of State Court Administration provide IPDC the data described in this order following the execution of a Confidential Bulk Data/Compiled Information User Agreement.

Done at Indianapolis, Indiana, on 6/28/2016.



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Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.