

1 **Rule 4-202.02. Records Classification.**

2

3 **Intent:**

4 To classify court records as public or non-public.

5

6 **Applicability:**

7 This rule applies to the judicial branch.

8

9 **Statement of the Rule:**

10 (1) **Presumption of Public Court Records.** Court records are public unless otherwise  
11 classified by this rule.

12

13 (2) **Public Court Records.** Public court records include but are not limited to:

14

15 (2)(A) abstract of a citation that redacts all non-public information;

16

17 (2)(B) aggregate records without non-public information and without personal identifying  
18 information;

19

20 (2)(C) appellate filings, including briefs;

21

22 (2)(D) arrest warrants, but a court may restrict access before service;

23

24 (2)(E) audit reports;

25

26 (2)(F) case files;

27

28 (2)(G) committee reports after release by the Judicial Council or the court that requested  
29 the study;

30

31 (2)(H) contracts entered into by the judicial branch and records of compliance with the  
32 terms of a contract;

33

34 (2)(I) drafts that were never finalized but were relied upon in carrying out an action or  
35 policy;

36

37 (2)(J) exhibits, but the judge may regulate or deny access to ensure the integrity of the  
38 exhibit, a fair trial or interests favoring closure;

39

40 (2)(K) financial records;

41

42 (2)(L) indexes approved by the Management Committee of the Judicial Council,  
43 including the following, in courts other than the juvenile court; an index may contain any  
44 other index information:

45

46 (2)(L)(i) amount in controversy;

47

48 (2)(L)(ii) attorney name;

49

- 50 (2)(L)(iii) licensed paralegal practitioner name;  
51  
52 (2)(L)(iv) case number;  
53  
54 (2)(L)(v) case status;  
55  
56 (2)(L)(vi) civil case type or criminal violation;  
57  
58 (2)(L)(vii) civil judgment or criminal disposition;  
59  
60 (2)(L)(viii) daily calendar;  
61  
62 (2)(L)(ix) file date;  
63  
64 (2)(L)(x) party name;  
65  
66 (2)(M) name, business address, business telephone number, and business email  
67 address of an adult person or business entity other than a party or a victim or witness of  
68 a crime;  
69  
70 (2)(N) name, address, telephone number, email address, date of birth, and last four  
71 digits of the following: driver's license number; social security number; or account  
72 number of a party;  
73  
74 (2)(O) name, business address, business telephone number, and business email  
75 address of a lawyer or licensed paralegal practitioner appearing in a case;  
76  
77 (2)(P) name, business address, business telephone number, and business email  
78 address of court personnel other than judges;  
79  
80 (2)(Q) name, business address, and business telephone number of judges;  
81  
82 (2)(R) name, gender, gross salary and benefits, job title and description, number of  
83 hours worked per pay period, dates of employment, and relevant qualifications of a  
84 current or former court personnel;  
85  
86 (2)(S) unless classified by the judge as private or safeguarded to protect the personal  
87 safety of the juror or the juror's family, the name of a juror empaneled to try a case, but  
88 only 10 days after the jury is discharged;  
89  
90 (2)(T) opinions, including concurring and dissenting opinions, and orders entered in open  
91 hearings;  
92  
93 (2)(U) order or decision classifying a record as not public;  
94  
95 (2)(V) private record if the subject of the record has given written permission to make the  
96 record public;  
97  
98 (2)(W) probation progress/violation reports;  
99  
100 (2)(X) publications of the administrative office of the courts;

- 101  
102 (2)(Y) record in which the judicial branch determines or states an opinion on the rights of  
103 the state, a political subdivision, the public, or a person;  
104  
105 (2)(Z) record of the receipt or expenditure of public funds;  
106  
107 (2)(AA) record or minutes of an open meeting or hearing and the transcript of them;  
108  
109 (2)(BB) record of formal discipline of current or former court personnel or of a person  
110 regulated by the judicial branch if the disciplinary action has been completed, and all  
111 time periods for administrative appeal have expired, and the disciplinary action was  
112 sustained;  
113  
114 (2)(CC) record of a request for a record;  
115  
116 (2)(DD) reports used by the judiciary if all of the data in the report is public or the Judicial  
117 Council designates the report as a public record;  
118  
119 (2)(EE) rules of the Supreme Court and Judicial Council;  
120  
121 (2)(FF) search warrants, the application and all affidavits or other recorded testimony on  
122 which a warrant is based are public after they are unsealed under Utah Rule of Criminal  
123 Procedure 40;  
124  
125 (2)(GG) statistical data derived from public and non-public records but that disclose only  
126 public data; and  
127  
128 (2)(HH) notwithstanding subsections (6) and (7), if a petition, indictment, or information is  
129 filed charging a person 14 years of age or older with a felony or an offense that would be  
130 a felony if committed by an adult, the petition, indictment or information, the adjudication  
131 order, the disposition order, and the delinquency history summary of the person are  
132 public records. The delinquency history summary shall contain the name of the person, a  
133 listing of the offenses for which the person was adjudged to be within the jurisdiction of  
134 the juvenile court, and the disposition of the court in each of those offenses.

135  
136 **(3) Sealed Court Records.** The following court records are sealed:

- 137  
138 (3)(A) records in the following actions:  
139  
140 (3)(A)(i) Title 78B, Chapter 6, Part 1 – Utah Adoption Act six months after the  
141 conclusion of proceedings, which are private until sealed;  
142  
143 (3)(A)(ii) Title 78B, Chapter 15, Part 8 – Gestational Agreement, six months after  
144 the conclusion of proceedings, which are private until sealed;  
145  
146 (3)(A)(iii) Section 76-7-304.5 – Consent required for abortions performed on  
147 minors; and  
148  
149 (3)(A)(iv) Section 78B-8-402 – Actions for disease testing;  
150  
151 (3)(B) expunged records;

- 152  
153 (3)(C) orders authorizing installation of pen register or trap and trace device under Utah  
154 Code Section 77-23a-15;  
155  
156 (3)(D) records showing the identity of a confidential informant;  
157  
158 (3)(E) records relating to the possession of a financial institution by the commissioner of  
159 financial institutions under Utah Code Section 7-2-6;  
160  
161 (3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;  
162  
163 (3)(G) records designated as sealed by rule of the Supreme Court;  
164  
165 (3)(H) record of a Children's Justice Center investigative interview after the conclusion of  
166 any legal proceedings;  
167  
168 (3)(I) on appeal, any record previously designated as sealed by another court; and  
169  
170 (3)(J) other records as ordered by the court under Rule 4-202.04.  
171

172 **(4) Private Court Records.** The following court records are private:

173  
174 (4)(A) records in the following actions:

175  
176 (4)(A)(i) Section ~~62A-15-631~~26B-5-332, Involuntary commitment under court  
177 order;

178  
179 (4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System  
180 database;

181  
182 (4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are  
183 sealed;

184  
185 (4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records  
186 are sealed; ~~and~~

187  
188 (4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court  
189 restitution judgment; ~~and-~~

190  
191 (4)(A)(vi) Section 26B-8-111, Sex designation changes, and name changes  
192 combined with sex designation changes for both minors and adults, except that:

193  
194 (4)(A)(vi)(a) the case history is public for minors; and

195  
196 (4)(A)(vi)(b) the case history and record of public hearings are public for  
197 adults.

198  
199 (4)(B) records in the following actions, except that the case history, judgments, orders,  
200 decrees, letters of appointment, and the record of public hearings are public records:  
201

- 202 (4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations  
203 orders, except that an action for consortium due to personal injury under Section  
204 30-2-11 is public;  
205  
206 ~~(4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;~~  
207  
208 (4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their  
209 Property;  
210  
211 (4)(B)(~~iii~~) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;  
212  
213 (4)(B)(~~i~~) Title 78B, Chapter 12, Utah Child Support Act;  
214  
215 (4)(B)(~~vi~~) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and  
216 Enforcement Act;  
217  
218 (4)(B)(~~vii~~) Title 78B, Chapter 14, Uniform Interstate Family Support Act;  
219  
220 (4)(B)(~~viii~~) Title 78B, Chapter 15, Utah Uniform Parentage Act; and  
221  
222 (4)(B)(~~viii~~) an action to modify or enforce a judgment in any of the actions in this  
223 subparagraph (B);  
224  
225 (4)(C) records related to determinations of indigency;  
226  
227 (4)(D) an affidavit supporting a motion to waive fees;  
228  
229 (4)(E) aggregate records other than public aggregate records under subsection (2);  
230  
231 (4)(F) alternative dispute resolution records;  
232  
233 (4)(G) applications for accommodation under the Americans with Disabilities Act;  
234  
235 (4)(H) jail booking sheets;  
236  
237 (4)(I) citation, but an abstract of a citation that redacts all non-public information is public;  
238  
239 (4)(J) judgment information statement;  
240  
241 (4)(K) judicial review of final agency action under Utah Code Section ~~62A-4a-100980-2-~~  
242 707;  
243  
244 (4)(L) the following personal identifying information about a party: driver's license  
245 number, social security number, account description and number, password,  
246 identification number, maiden name and mother's maiden name, and similar personal  
247 identifying information;  
248  
249 (4)(M) the following personal identifying information about a person other than a party or  
250 a victim or witness of a crime: residential address, personal email address, personal  
251 telephone number; date of birth, driver's license number, social security number,

252 account description and number, password, identification number, maiden name,  
253 mother's maiden name, and similar personal identifying information;  
254  
255 (4)(N) medical, psychiatric, or psychological records;  
256  
257 (4)(O) name of a minor, except that the name of a minor party is public in the following  
258 district and justice court proceedings:  
259  
260 (4)(O)(i) name change of a minor, unless the name change is combined with a  
261 sex designation change;  
262  
263 (4)(O)(ii) guardianship or conservatorship for a minor;  
264  
265 (4)(O)(iii) felony, misdemeanor, or infraction when the minor is a party;  
266  
267 (4)(O)(iv) protective orders and stalking injunctions; and  
268  
269 (4)(O)(v) custody orders and decrees;  
270  
271 (4)(P) nonresident violator notice of noncompliance;  
272  
273 (4)(Q) personnel file of a current or former court personnel or applicant for employment;  
274  
275 (4)(R) photograph, film, or video of a crime victim;  
276  
277 (4)(S) record of a court hearing closed to the public or of a child's testimony taken under  
278 URCrP 15.5:  
279  
280 (4)(S)(i) permanently if the hearing is not traditionally open to the public and  
281 public access does not play a significant positive role in the process; or  
282  
283 (4)(S)(ii) if the hearing is traditionally open to the public, until the judge  
284 determines it is possible to release the record without prejudice to the interests  
285 that justified the closure;  
286  
287 (4)(T) record submitted by a senior judge or court commissioner regarding performance  
288 evaluation and certification;  
289  
290 (4)(U) record submitted for in camera review until its public availability is determined;  
291  
292 (4)(V) reports of investigations by Child Protective Services;  
293  
294 (4)(W) statement in support of petition to determine competency;  
295  
296 (4)(X) victim impact statements;  
297  
298 (4)(Y) name of a prospective juror summoned to attend court, unless classified by the  
299 judge as safeguarded to protect the personal safety of the prospective juror or the  
300 prospective juror's family;  
301

302 (4)(Z) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure,  
 303 except briefs filed pursuant to court order;

304  
 305 (4)(AA) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;  
 306 ~~and~~

307  
 308 (4)(BB) records related to Court Commissioner Conduct Committee and Council actions  
 309 under Rule 3-201.02, other than a public censure by the Council, and

310  
 311 (4)(~~CCBB~~) other records as ordered by the court under Rule 4-202.04.

312  
 313 **(5) Protected Court Records.** The following court records are protected:

314  
 315 (5)(A) attorney's work product, including the mental impressions or legal theories of an  
 316 attorney or other representative of the courts concerning litigation, privileged  
 317 communication between the courts and an attorney representing, retained, or employed  
 318 by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-  
 319 judicial, or administrative proceeding;

320  
 321 (5)(B) records that are subject to the attorney client privilege;

322  
 323 (5)(C) bids or proposals until the deadline for submitting them has closed;

324  
 325 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation  
 326 before issuance of the final recommendations in these areas;

327  
 328 (5)(E) budget recommendations, legislative proposals, and policy statements, that if  
 329 disclosed would reveal the court's contemplated policies or contemplated courses of  
 330 action;

331  
 332 (5)(F) court security plans;

333  
 334 (5)(G) investigation and analysis of loss covered by the risk management fund;

335  
 336 (5)(H) memorandum prepared by staff for a member of any body charged by law with  
 337 performing a judicial function and used in the decision-making process;

338  
 339 (5)(I) confidential business records under Utah Code Section 63G-2-309;

340  
 341 (5)(J) record created or maintained for civil, criminal, or administrative enforcement  
 342 purposes, audit or discipline purposes, or licensing, certification or registration purposes,  
 343 if the record reasonably could be expected to:

344  
 345 (5)(J)(i) interfere with an investigation;

346  
 347 (5)(J)(ii) interfere with a fair hearing or trial;

348  
 349 (5)(J)(iii) disclose the identity of a confidential source; or

350  
 351 (5)(J)(iv) concern the security of a court facility;

352

- 353 (5)(K) record identifying property under consideration for sale or acquisition by the court  
354 or its appraised or estimated value unless the information has been disclosed to  
355 someone not under a duty of confidentiality to the courts;  
356  
357 (5)(L) record that would reveal the contents of settlement negotiations other than the  
358 final settlement agreement;  
359  
360 (5)(M) record the disclosure of which would impair governmental procurement or give an  
361 unfair advantage to any person;  
362  
363 (5)(N) record the disclosure of which would interfere with supervision of an offender's  
364 incarceration, probation, or parole;  
365  
366 (5)(O) record the disclosure of which would jeopardize life, safety, or property;  
367  
368 (5)(P) strategy about collective bargaining or pending litigation;  
369  
370 (5)(Q) test questions and answers;  
371  
372 (5)(R) trade secrets as defined in Utah Code Section 13-24-2;  
373  
374 (5)(S) record of a Children's Justice Center investigative interview before the conclusion  
375 of any legal proceedings;  
376  
377 (5)(T) presentence investigation report;  
378  
379 (5)(U) except for those filed with the court, records maintained and prepared by juvenile  
380 probation; and  
381  
382 (5)(V) other records as ordered by the court under Rule 4-202.04.  
383

384 **(6) Juvenile Court Social Records.** The following are juvenile court social records:

- 385  
386 (6)(A) correspondence relating to juvenile social records;  
387  
388 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations,  
389 substance abuse evaluations, domestic violence evaluations;  
390  
391 (6)(C) medical, psychological, psychiatric evaluations;  
392  
393 (6)(D) pre-disposition and social summary reports;  
394  
395 (6)(E) probation agency and institutional reports or evaluations;  
396  
397 (6)(F) referral reports;  
398  
399 (6)(G) report of preliminary inquiries; and  
400  
401 (6)(H) treatment or service plans.  
402

403 **(7) Juvenile Court Legal Records.** The following are juvenile court legal records:

- 404  
405 (7)(A) accounting records;  
406  
407 (7)(B) discovery filed with the court;  
408  
409 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,  
410 findings, orders, decrees;  
411  
412 (7)(D) name of a party or minor;  
413  
414 (7)(E) record of a court hearing;  
415  
416 (7)(F) referral and offense histories  
417  
418 (7)(G) and any other juvenile court record regarding a minor that is not designated as a  
419 social record.  
420

421 **(8) Safeguarded Court Records.** The following court records are safeguarded:  
422

423 (8)(A) upon request, location information, contact information, and identity information,  
424 other than the name of a petitioner and other persons to be protected, in an action filed  
425 under Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;  
426

427 (8)(B) upon request, location information, contact information and identity information,  
428 other than the name of a party or the party's child, after showing by affidavit that the  
429 health, safety, or liberty of the party or child would be jeopardized by disclosure in a  
430 proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and  
431 Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title  
432 78B, Chapter 15, Utah Uniform Parentage Act;  
433

434 (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or  
435 (8)(B), location information, contact information and identity information, other than the  
436 name of a party or the party's child, in a proceeding under Title 30, Husband and Wife.  
437

438 (8)(~~DC~~) location information, contact information, and identity information of prospective  
439 jurors on the master jury list or the qualified jury list;  
440

441 (8)(~~ED~~) location information, contact information, and identity information other than  
442 name of a prospective juror summoned to attend court;  
443

444 (8)(~~FE~~) the following information about a victim or witness of a crime:  
445

446 (8)(~~FE~~)(i) business and personal address, email address, telephone number, and  
447 similar information from which the person can be located or contacted;  
448

449 (8)(~~FE~~)(ii) date of birth, driver's license number, social security number, account  
450 description and number, password, identification number, maiden name,  
451 mother's maiden name, and similar personal identifying information.  
452

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