

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 ~~of~~ minutes or transcript of an open meeting ~~of~~

108
109 (2)(BB) official audio record, minutes, or transcript of an open hearing ~~and the transcript~~
110 ~~of them~~;

111
112 (2)(~~CCBB~~) record of formal discipline of current or former court personnel or of a person
113 regulated by the judicial branch if the disciplinary action has been completed, and all
114 time periods for administrative appeal have expired, and the disciplinary action was
115 sustained;

116
117 (2)(~~DDGG~~) record of a request for a record;

118
119 (2)(~~EEDD~~) reports used by the judiciary if all of the data in the report is public or the
120 Judicial Council designates the report as a public record;

121
122 (2)(~~FFEE~~) rules of the Supreme Court and Judicial Council;

123
124 (2)(~~GGFF~~) search warrants, the application and all affidavits or other recorded testimony
125 on which a warrant is based are public after they are unsealed under Utah Rule of
126 Criminal Procedure 40;

127
128 (2)(~~HHGG~~) statistical data derived from public and non-public records but that disclose
129 only public data; and

130
131 (2)(~~IHHH~~) notwithstanding subsections (6) and (7), if a petition, indictment, or information
132 is filed charging a person 14 years of age or older with a felony or an offense that would
133 be a felony if committed by an adult, the petition, indictment or information, the
134 adjudication order, the disposition order, and the delinquency history summary of the
135 person are public records. The delinquency history summary shall contain the name of
136 the person, a listing of the offenses for which the person was adjudged to be within the
137 jurisdiction of the juvenile court, and the disposition of the court in each of those
138 offenses.

139
140 **(3) Sealed Court Records.** The following court records are sealed:

141
142 (3)(A) records in the following actions:

143
144 (3)(A)(i) Title 78B, Chapter 6, Part 1 – Utah Adoption Act six months after the
145 conclusion of proceedings, which are private until sealed;

146
147 (3)(A)(ii) Title 78B, Chapter 15, Part 8 – Gestational Agreement, six months after
148 the conclusion of proceedings, which are private until sealed;

149
150 (3)(A)(iii) Section 76-7-304.5 – Consent required for abortions performed on
151 minors; and

- 152
153 (3)(A)(iv) Section 78B-8-402 – Actions for disease testing;
154
155 (3)(B) expunged records;
156
157 (3)(C) orders authorizing installation of pen register or trap and trace device under Utah
158 Code Section 77-23a-15;
159
160 (3)(D) records showing the identity of a confidential informant;
161
162 (3)(E) records relating to the possession of a financial institution by the commissioner of
163 financial institutions under Utah Code Section 7-2-6;
164
165 (3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;
166
167 (3)(G) records designated as sealed by rule of the Supreme Court;
168
169 (3)(H) record of a Children's Justice Center investigative interview after the conclusion of
170 any legal proceedings;
171
172 (3)(I) on appeal, any record previously designated as sealed by another court;
173
174 (3)(J) video record of a court proceeding, other than security video; and
175
176 (3)(~~K~~) other records as ordered by the court under Rule 4-202.04.

177
178 **(4) Private Court Records.** The following court records are private:
179

180 (4)(A) records in the following actions:

- 181
182 (4)(A)(i) Section 26B-5-332, Involuntary commitment under court order;
183
184 (4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System
185 database;
186
187 (4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are
188 sealed;
189
190 (4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records
191 are sealed;
192
193 (4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court
194 restitution judgment; and
195
196 (4)(A)(vi) Section 26B-8-111, Sex designation changes, and name changes
197 combined with sex designation changes for both minors and adults, except that:
198
199 (4)(A)(vi)(a) the case history is public for minors; and
200
201 (4)(A)(vi)(b) the case history and record of public hearings are public for
202 adults.

- 203
204 (4)(B) records in the following actions, except that the case history, judgments, orders,
205 decrees, letters of appointment, and the record of public hearings are public records:
206
207 (4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations
208 orders, except that an action for consortium due to personal injury under Section
209 30-2-11 is public;
210
211 (4)(B)(ii) Title 75, Chapter 5, Protection of Persons Under Disability and their
212 Property;
213
214 (4)(B)(iii) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
215
216 (4)(B)(iv) Title 78B, Chapter 12, Utah Child Support Act;
217
218 (4)(B)(v) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
219 Enforcement Act;
220
221 (4)(B)(vi) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
222
223 (4)(B)(vii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
224
225 (4)(B)(viii) an action to modify or enforce a judgment in any of the actions in this
226 subparagraph (B);
227
228 (4)(C) records related to determinations of indigency;
229
230 (4)(D) an affidavit supporting a motion to waive fees;
231
232 (4)(E) aggregate records other than public aggregate records under subsection (2);
233
234 (4)(F) alternative dispute resolution records;
235
236 (4)(G) applications for accommodation under the Americans with Disabilities Act;
237
238 (4)(H) jail booking sheets;
239
240 (4)(I) citation, but an abstract of a citation that redacts all non-public information is public;
241
242 (4)(J) judgment information statement;
243
244 (4)(K) judicial review of final agency action under Utah Code Section 80-2-707;
245
246 (4)(L) the following personal identifying information about a party: driver's license
247 number, social security number, account description and number, password,
248 identification number, maiden name and mother's maiden name, and similar personal
249 identifying information;
250
251 (4)(M) the following personal identifying information about a person other than a party or
252 a victim or witness of a crime: residential address, personal email address, personal
253 telephone number; date of birth, driver's license number, social security number,

254 account description and number, password, identification number, maiden name,
255 mother's maiden name, and similar personal identifying information;
256
257 (4)(N) medical, psychiatric, or psychological records;
258
259 (4)(O) name of a minor, except that the name of a minor party is public in the following
260 district and justice court proceedings:
261
262 (4)(O)(i) name change of a minor, unless the name change is combined with a
263 sex designation change;
264
265 (4)(O)(ii) guardianship or conservatorship for a minor;
266
267 (4)(O)(iii) felony, misdemeanor, or infraction when the minor is a party;
268
269 (4)(O)(iv) protective orders and stalking injunctions; and
270
271 (4)(O)(v) custody orders and decrees;
272
273 (4)(P) nonresident violator notice of noncompliance;
274
275 (4)(Q) personnel file of a current or former court personnel or applicant for employment;
276
277 (4)(R) photograph, film, or video of a crime victim;
278
279 (4)(S) record of a court hearing closed to the public or of a child's testimony taken under
280 URCrP 15.5:
281
282 (4)(S)(i) permanently if the hearing is not traditionally open to the public and
283 public access does not play a significant positive role in the process; or
284
285 (4)(S)(ii) if the hearing is traditionally open to the public, until the judge
286 determines it is possible to release the record without prejudice to the interests
287 that justified the closure;
288
289 (4)(T) record submitted by a senior judge or court commissioner regarding performance
290 evaluation and certification;
291
292 (4)(U) record submitted for in camera review until its public availability is determined;
293
294 (4)(V) reports of investigations by Child Protective Services;
295
296 (4)(W) statement in support of petition to determine competency;
297
298 (4)(X) victim impact statements;
299
300 (4)(Y) name of a prospective juror summoned to attend court, unless classified by the
301 judge as safeguarded to protect the personal safety of the prospective juror or the
302 prospective juror's family;
303

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

306
307 (4)(AA) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;
308

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

311
312 (4)(CC) other records as ordered by the court under Rule 4-202.04.
313

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

353

- 354 (5)(K) record identifying property under consideration for sale or acquisition by the court
355 or its appraised or estimated value unless the information has been disclosed to
356 someone not under a duty of confidentiality to the courts;
357
358 (5)(L) record that would reveal the contents of settlement negotiations other than the
359 final settlement agreement;
360
361 (5)(M) record the disclosure of which would impair governmental procurement or give an
362 unfair advantage to any person;
363
364 (5)(N) record the disclosure of which would interfere with supervision of an offender's
365 incarceration, probation, or parole;
366
367 (5)(O) record the disclosure of which would jeopardize life, safety, or property;
368
369 (5)(P) strategy about collective bargaining or pending litigation;
370
371 (5)(Q) test questions and answers;
372
373 (5)(R) trade secrets as defined in Utah Code Section 13-24-2;
374
375 (5)(S) record of a Children's Justice Center investigative interview before the conclusion
376 of any legal proceedings;
377
378 (5)(T) presentence investigation report;
379
380 (5)(U) except for those filed with the court, records maintained and prepared by juvenile
381 probation; and
382
383 (5)(V) other records as ordered by the court under Rule 4-202.04.
384

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

- 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
406 (7)(A) accounting records;
407
408 (7)(B) discovery filed with the court;
409
410 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,
411 findings, orders, decrees;
412
413 (7)(D) name of a party or minor;
414
415 (7)(E) record of a court hearing;
416
417 (7)(F) referral and offense histories
418
419 (7)(G) and any other juvenile court record regarding a minor that is not designated as a
420 social record.
421

422 **(8) Safeguarded Court Records.** The following court records are safeguarded:
423

- 424 (8)(A) upon request, location information, contact information, and identity information,
425 other than the name of a petitioner and other persons to be protected, in an action filed
426 under Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
427
428 (8)(B) upon request, location information, contact information and identity information,
429 other than the name of a party or the party's child, after showing by affidavit that the
430 health, safety, or liberty of the party or child would be jeopardized by disclosure in a
431 proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
432 Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title
433 78B, Chapter 15, Utah Uniform Parentage Act;
434
435 (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or
436 (8)(B), location information, contact information and identity information, other than the
437 name of a party or the party's child, in a proceeding under Title 30, Husband and Wife.
438
439 (8)(D) location information, contact information, and identity information of prospective
440 jurors on the master jury list or the qualified jury list;
441
442 (8)(E) location information, contact information, and identity information other than name
443 of a prospective juror summoned to attend court;
444
445 (8)(F) the following information about a victim or witness of a crime:
446
447 (8)(F)(i) business and personal address, email address, telephone number, and
448 similar information from which the person can be located or contacted;
449
450 (8)(F)(ii) date of birth, driver's license number, social security number, account
451 description and number, password, identification number, maiden name,
452 mother's maiden name, and similar personal identifying information.
453

454 *Effective: ~~November 1~~ April 25, 2023*