

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

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3 **Intent:**

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

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6 **Applicability:**

7 This rule applies to the judicial branch.

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9 **Statement of the Rule:**

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

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

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

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

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

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

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24 (2)(E) audit reports;

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26 (2)(F) case files;

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

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

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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;

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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:

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

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

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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;

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64 (2)(L)(x) party name;

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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;

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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)(~~WX~~) publications of the administrative office of the courts;
101
- 102 (2)(~~XY~~) record in which the judicial branch determines or states an opinion on the rights
103 of the state, a political subdivision, the public, or a person;
104
- 105 (2)(~~YZ~~) record of the receipt or expenditure of public funds;
106
- 107 (2)(~~ZAA~~) record, minutes, or transcript of an open meeting;
108
- 109 (2)(~~AABB~~) official audio record, minutes, or transcript of an open hearing;
110
- 111 (2)(~~BBCG~~) record of formal discipline of current or former court personnel or of a person
112 regulated by the judicial branch if the disciplinary action has been completed, and all
113 time periods for administrative appeal have expired, and the disciplinary action was
114 sustained;
115
- 116 (2)(~~CCDD~~) record of a request for a record;
117
- 118 (2)(~~DDEE~~) reports used by the judiciary if all of the data in the report is public or the
119 Judicial Council designates the report as a public record;
120
- 121 (2)(~~EEFF~~) rules of the Supreme Court and Judicial Council;
122
- 123 (2)(~~FFGG~~) search warrants, the application and all affidavits or other recorded testimony
124 on which a warrant is based are public after they are unsealed under Utah Rule of
125 Criminal Procedure 40;
126
- 127 (2)(~~GGHH~~) statistical data derived from public and non-public records but that disclose
128 only public data; and
129

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

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;

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174 (3)(J) video record of a court proceeding, other than security video; ~~and~~

175
176 (3)(K) “nonpublic restitution records” as defined in Section 63M-7-502; and

177
178 (3)(~~L~~K) other records as ordered by the court under Rule 4-202.04.

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

181
182 (4)(A) records in the following actions:

183
184 (4)(A)(i) Section 26B-5-332, Involuntary commitment under court order;

185
186 (4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System
187 database;

188
189 (4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are
190 sealed;

191
192 (4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records
193 are sealed;

194
195 (4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court
196 restitution judgment; and

197
198 (4)(A)(vi) Section 26B-8-111, Sex designation changes, and name changes
199 combined with sex designation changes for both minors and adults, except that:

200
201 (4)(A)(vi)(a) the case history is public for minors; and

202
203 (4)(A)(vi)(b) the case history and record of public hearings are public for
204 adults.

205
206 (4)(B) records in the following actions, except that the case history, judgments, orders,
207 decrees, letters of appointment, and the record of public hearings are public records:

208
209 (4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations
210 orders, except that an action for consortium due to personal injury under Section
211 30-2-1181-3-11 is public;

212
213 (4)(B)(ii) Title 75, Chapter 5, Protection of Persons Under Disability and their
214 Property;

215
216 (4)(B)(iii) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

217

- 218 (4)(B)(iv) Title ~~8178B~~, Chapter ~~612~~, Utah ~~Child Support Act~~Domestic Relations
219 Code;
- 220
- 221 (4)(B)(v) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
222 Enforcement Act;
- 223
- 224 (4)(B)(vi) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
- 225
- 226 (4)(B)(vii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
- 227
- 228 (4)(B)(viii) an action to modify or enforce a judgment in any of the actions in this
229 subparagraph (B);
- 230
- 231 (4)(C) records related to determinations of indigency;
- 232
- 233 (4)(D) an affidavit supporting a motion to waive fees;
- 234
- 235 (4)(E) aggregate records other than public aggregate records under subsection (2);
- 236
- 237 (4)(F) alternative dispute resolution records;
- 238
- 239 (4)(G) applications for accommodation under the Americans with Disabilities Act;
- 240
- 241 (4)(H) jail booking sheets;
- 242
- 243 (4)(I) citation, but an abstract of a citation that redacts all non-public information is public;
- 244
- 245 (4)(J) judgment information statement;
- 246
- 247 (4)(K) judicial review of final agency action under Utah Code Section 80-2-707;
- 248
- 249 (4)(L) the following personal identifying information about a party: driver's license
250 number, social security number, account description and number, password,
251 identification number, maiden name and mother's maiden name, and similar personal
252 identifying information;
- 253
- 254 (4)(M) the following personal identifying information about a person other than a party or
255 a victim or witness of a crime: residential address, personal email address, personal
256 telephone number; date of birth, driver's license number, social security number,
257 account description and number, password, identification number, maiden name,
258 mother's maiden name, and similar personal identifying information;
- 259
- 260 (4)(N) medical, psychiatric, or psychological records;
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- 262 (4)(O) name of a minor, except that the name of a minor party is public in the following
263 district and justice court proceedings:
264
- 265 (4)(O)(i) name change of a minor, unless the name change is combined with a
266 sex designation change;
267
 - 268 (4)(O)(ii) guardianship or conservatorship for a minor;
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 - 270 (4)(O)(iii) felony, misdemeanor, or infraction when the minor is a party;
271
 - 272 (4)(O)(iv) protective orders and stalking injunctions; and
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 - 274 (4)(O)(v) custody orders and decrees;
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- 276 (4)(P) nonresident violator notice of noncompliance;
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- 278 (4)(Q) personnel file of a current or former court personnel or applicant for employment;
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- 280 (4)(R) photograph, film, or video of a crime victim;
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- 282 (4)(S) record of a court hearing closed to the public or of a child's testimony taken under
283 URCrP 15.5:
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- 285 (4)(S)(i) permanently if the hearing is not traditionally open to the public and
286 public access does not play a significant positive role in the process; or
287
 - 288 (4)(S)(ii) if the hearing is traditionally open to the public, until the judge
289 determines it is possible to release the record without prejudice to the interests
290 that justified the closure;
291
- 292 (4)(T) record submitted by a senior judge or court commissioner regarding performance
293 evaluation and certification;
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- 295 (4)(U) record submitted for in camera review until its public availability is determined;
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- 297 (4)(V) reports of investigations by Child Protective Services;
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- 299 (4)(W) statement in support of petition to determine competency;
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- 301 (4)(X) victim impact statements;
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- 303 (4)(Y) name of a prospective juror summoned to attend court, unless classified by the
304 judge as safeguarded to protect the personal safety of the prospective juror or the
305 prospective juror's family;

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

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

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

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

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

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

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

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

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

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

(5)(F) court security plans;

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

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

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

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

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

- 350
351 (5)(J)(ii) interfere with a fair hearing or trial;
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353 (5)(J)(iii) disclose the identity of a confidential source; or
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355 (5)(J)(iv) concern the security of a court facility;
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357 (5)(K) record identifying property under consideration for sale or acquisition by the court
358 or its appraised or estimated value unless the information has been disclosed to
359 someone not under a duty of confidentiality to the courts;
360
361 (5)(L) record that would reveal the contents of settlement negotiations other than the
362 final settlement agreement;
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364 (5)(M) record the disclosure of which would impair governmental procurement or give an
365 unfair advantage to any person;
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367 (5)(N) record the disclosure of which would interfere with supervision of an offender's
368 incarceration, probation, or parole;
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370 (5)(O) record the disclosure of which would jeopardize life, safety, or property;
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372 (5)(P) strategy about collective bargaining or pending litigation;
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374 (5)(Q) test questions and answers;
375
376 (5)(R) trade secrets as defined in Utah Code Section 13-24-2;
377
378 (5)(S) record of a Children's Justice Center investigative interview before the conclusion
379 of any legal proceedings;
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381 (5)(T) presentence investigation report;
382
383 (5)(U) probation progress/violation reports;
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385 (5)(V) except for those filed with the court, records maintained and prepared by juvenile
386 probation; and
387
388 (5)(~~W~~) other records as ordered by the court under Rule 4-202.04.
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390 **(6) Juvenile Court Social Records.** The following are juvenile court social records:

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392 (6)(A) correspondence relating to juvenile social records;
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- 394 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations,
395 substance abuse evaluations, domestic violence evaluations;
396
397 (6)(C) medical, psychological, psychiatric evaluations;
398
399 (6)(D) pre-disposition, dispositional, and social summary reports;
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401 (6)(E) probation agency and institutional reports or evaluations;
402
403 (6)(F) referral reports;
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405 (6)(G) report of preliminary inquiries;
406
407 (6)(H) treatment or service plans;
408
409 (6)(I) nonjudicial adjustment records; and
410
411 (6)(J) documents filed with the court that were received pursuant to the Utah Interstate
412 Compact for Juveniles.

413
414 **(7) Juvenile Court Legal Records.** The following are juvenile court legal records:

- 415 (7)(A) accounting records;
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417
418 (7)(B) discovery filed with the court;
419
420 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,
421 findings, orders, decrees, probable cause statements;
422
423 (7)(D) name of a party or minor;
424
425 (7)(E) record of a court hearing;
426
427 (7)(F) referral and offense histories; and
428
429 (7)(G) any other juvenile court record regarding a minor that is not designated as a
430 social record.

431
432 **(8) Safeguarded Court Records.** The following court records are safeguarded:

- 433
434 (8)(A) upon request, location information, contact information, and identity information,
435 other than the name of a petitioner and other persons to be protected, in an action filed
436 under Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
437

438 (8)(B) upon request, location information, contact information and identity information,
439 other than the name of a party or the party's child, after showing by affidavit that the
440 health, safety, or liberty of the party or child would be jeopardized by disclosure in a
441 proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
442 Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title
443 78B, Chapter 15, Utah Uniform Parentage Act;

444
445 (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or
446 (8)(B), location information, contact information and identity information, other than the
447 name of a party or the party's child, in a proceeding under Title 30, Husband and Wife.

448
449 (8)(D) location information, contact information, and identity information of prospective
450 jurors on the master jury list or the qualified jury list;

451
452 (8)(E) location information, contact information, and identity information other than name
453 of a prospective juror summoned to attend court;

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455 (8)(F) the following information about a victim or witness of a crime:

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457 (8)(F)(i) business and personal address, email address, telephone number, and
458 similar information from which the person can be located or contacted;

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460 (8)(F)(ii) date of birth, driver's license number, social security number, account
461 description and number, password, identification number, maiden name,
462 mother's maiden name, and similar personal identifying information.

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464 Effective: ~~January~~ November 1, 2024