

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

2 **Intent:**

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

4 **Applicability:**

5 This rule applies to the judicial branch.

6 **Statement of the Rule:**

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

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

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

11 (2)(B) aggregate records without non-public information and without personal identifying
12 information;

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

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

15 (2)(E) audit reports;

16 (2)(F) case files;

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

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

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

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

24 (2)(K) financial records;

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

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

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

29 (2)(L)(iii) case number;

30 (2)(L)(iv) case status;

31 (2)(L)(v) civil case type or criminal violation;

32 (2)(L)(vi) civil judgment or criminal disposition;

33 (2)(L)(vii) daily calendar;

34 (2)(L)(viii) file date;

35 (2)(L)(ix) party name;

36 (2)(M) name, business address, business telephone number, and business email address of an
37 adult person or business entity other than a party or a victim or witness of a crime;

38 (2)(N) name, address, telephone number, email address, date of birth, and last four digits of the
39 following: driver's license number; social security number; or account number of a party;

40 (2)(O) name, business address, business telephone number, and business email address of a
41 lawyer appearing in a case;

42 (2)(P) name, business address, business telephone number, and business email address of court
43 personnel other than judges;

44 (2)(Q) name, business address, and business telephone number of judges;

45 (2)(R) name, gender, gross salary and benefits, job title and description, number of hours worked
46 per pay period, dates of employment, and relevant qualifications of a current or former court personnel;

47 (2)(S) unless classified by the judge as private or safeguarded to protect the personal safety of
48 the juror or the juror's family, the name of a juror empaneled to try a case, but only 10 days after the jury
49 is discharged;

50 (2)(T) opinions, including concurring and dissenting opinions, and orders entered in open
51 hearings;

52 (2)(U) order or decision classifying a record as not public;

53 (2)(V) private record if the subject of the record has given written permission to make the record
54 public;

55 (2)(W) probation progress/violation reports;

56 (2)(X) publications of the administrative office of the courts;

57 (2)(Y) record in which the judicial branch determines or states an opinion on the rights of the
58 state, a political subdivision, the public, or a person;

59 (2)(Z) record of the receipt or expenditure of public funds;

60 (2)(AA) record or minutes of an open meeting or hearing and the transcript of them;

61 (2)(BB) record of formal discipline of current or former court personnel or of a person regulated by
62 the judicial branch if the disciplinary action has been completed, and all time periods for administrative
63 appeal have expired, and the disciplinary action was sustained;

64 (2)(CC) record of a request for a record;

65 (2)(DD) reports used by the judiciary if all of the data in the report is public or the Judicial Council
66 designates the report as a public record;

67 (2)(EE) rules of the Supreme Court and Judicial Council;

68 (2)(FF) search warrants, the application and all affidavits or other recorded testimony on which a
69 warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40;

70 (2)(GG) statistical data derived from public and non-public records but that disclose only public
71 data;

72 (2)(HH) Notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed
73 charging a person 14 years of age or older with a felony or an offense that would be a felony if committed
74 by an adult, the petition, indictment or information, the adjudication order, the disposition order, and the

75 delinquency history summary of the person are public records. The delinquency history summary shall
76 contain the name of the person, a listing of the offenses for which the person was adjudged to be within
77 the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses.

78

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

80 (3)(A) records in the following actions:

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

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

85 (3)(A)(iii) Section 76-7-304.5, Consent required for abortions performed on minors; and

86 (3)(A)(iv) Section 78B-8-402, actions for disease testing;

87 (3)(B) expunged records;

88 (3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code
89 Section 77-23a-15;

90 (3)(D) records showing the identity of a confidential informant;

91 (3)(E) records relating to the possession of a financial institution by the commissioner of financial
92 institutions under Utah Code Section 7-2-6;

93 (3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;

94 (3)(G) records designated as sealed by rule of the Supreme Court;

95 (3)(H) record of a Children's Justice Center investigative interview after the conclusion of any
96 legal proceedings; and

97 (3)(I) other records as ordered by the court under Rule 4-202.04.

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

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

100 (4)(A)(i) Section 62A-15-631, Involuntary commitment under court order;

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

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

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

104 and

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

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

109 (4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;

110 (4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their Property;

111 (4)(B)(iv) Title 78B, Chapter 7, Protective Orders;

112 (4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;
113 (4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement
114 Act;
115 (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
116 (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
117 (4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this subparagraph
118 (B);
119 (4)(C) affidavit of indigency:
120 ~~(4)(C)(D)~~ an affidavit supporting a motion to waive fees;
121 ~~(4)(D)(E)~~ aggregate records other than public aggregate records under subsection (2);
122 ~~(4)(E)(F)~~ alternative dispute resolution records;
123 ~~(4)(F)(G)~~ applications for accommodation under the Americans with Disabilities Act;
124 ~~(4)(G)(H)~~ jail booking sheets;
125 ~~(4)(H)(I)~~ citation, but an abstract of a citation that redacts all non-public information is public;
126 ~~(4)(I)(J)~~ judgment information statement;
127 ~~(4)(J)(K)~~ judicial review of final agency action under Utah Code Section 62A-4a-1009;
128 ~~(4)(K)(L)~~ the following personal identifying information about a party: driver's license number,
129 social security number, account description and number, password, identification number, maiden name
130 and mother's maiden name, and similar personal identifying information;
131 ~~(4)(L)(M)~~ the following personal identifying information about a person other than a party or a
132 victim or witness of a crime: residential address, personal email address, personal telephone number;
133 date of birth, driver's license number, social security number, account description and number, password,
134 identification number, maiden name, mother's maiden name, and similar personal identifying information;
135 ~~(4)(M)(N)~~ medical, psychiatric, or psychological records;
136 ~~(4)(N)(O)~~ name of a minor, except that the name of a minor party is public in the following district
137 and justice court proceedings:
138 ~~(4)(N)(O)(i)~~ name change of a minor;
139 ~~(4)(N)(O)(ii)~~ guardianship or conservatorship for a minor;
140 ~~(4)(N)(O)(iii)~~ felony, misdemeanor, or infraction;
141 ~~(4)(N)(O)(iv)~~ child protective orders; and
142 ~~(4)(N)(O)(v)~~ custody orders and decrees;
143 ~~(4)(O)(P)~~ nonresident violator notice of noncompliance;
144 ~~(4)(P)(Q)~~ personnel file of a current or former court personnel or applicant for employment;
145 ~~(4)(Q)(R)~~ photograph, film, or video of a crime victim;
146 ~~(4)(R)(S)~~ record of a court hearing closed to the public or of a child's testimony taken
147 under URCrP 15.5:

148 (4)~~(R)~~~~(S)~~(i) permanently if the hearing is not traditionally open to the public and public access
149 does not play a significant positive role in the process; or

150 (4)~~(R)~~~~(S)~~(ii) if the hearing is traditionally open to the public, until the judge determines it is
151 possible to release the record without prejudice to the interests that justified the closure;

152 (4)~~(S)~~~~(T)~~ record submitted by a senior judge or court commissioner regarding performance
153 evaluation and certification;

154 (4)~~(T)~~~~(U)~~ record submitted for in camera review until its public availability is determined;

155 (4)~~(U)~~~~(V)~~ reports of investigations by Child Protective Services;

156 (4)~~(V)~~~~(W)~~ victim impact statements;

157 (4)~~(W)~~~~(X)~~ name of a prospective juror summoned to attend court, unless classified by the judge
158 as safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;

159 (4)~~(X)~~~~(Y)~~ records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except
160 briefs filed pursuant to court order;

161 (4)~~(Y)~~~~(Z)~~ records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure; and

162 (4)~~(Z)~~~~(AA)~~ other records as ordered by the court under Rule 4-202.04.

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

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

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

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

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

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

174 (5)(F) court security plans;

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

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

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

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

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

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

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

- 185 (5)(J)(iv) concern the security of a court facility;
- 186 (5)(K) record identifying property under consideration for sale or acquisition by the court or its
187 appraised or estimated value unless the information has been disclosed to someone not under a duty of
188 confidentiality to the courts;
- 189 (5)(L) record that would reveal the contents of settlement negotiations other than the final
190 settlement agreement;
- 191 (5)(M) record the disclosure of which would impair governmental procurement or give an unfair
192 advantage to any person;
- 193 (5)(N) record the disclosure of which would interfere with supervision of an offender's
194 incarceration, probation, or parole;
- 195 (5)(O) record the disclosure of which would jeopardize life, safety, or property;
- 196 (5)(P) strategy about collective bargaining or pending litigation;
- 197 (5)(Q) test questions and answers;
- 198 (5)(R) trade secrets as defined in Utah Code Section 13-24-2;
- 199 (5)(S) record of a Children's Justice Center investigative interview before the conclusion of any
200 legal proceedings;
- 201 (5)(T) presentence investigation report;
- 202 (5)(U) except for those filed with the court, records maintained and prepared by juvenile
203 probation; and
- 204 (5)(V) other records as ordered by the court under Rule 4-202.04.
- 205 (6) **Juvenile Court Social Records.** The following are juvenile court social records:
- 206 (6)(A) correspondence relating to juvenile social records;
- 207 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance
208 abuse evaluations, domestic violence evaluations;
- 209 (6)(C) medical, psychological, psychiatric evaluations;
- 210 (6)(D) pre-disposition and social summary reports;
- 211 (6)(E) probation agency and institutional reports or evaluations;
- 212 (6)(F) referral reports;
- 213 (6)(G) report of preliminary inquiries; and
- 214 (6)(H) treatment or service plans.
- 215 (7) **Juvenile Court Legal Records.** The following are juvenile court legal records:
- 216 (7)(A) accounting records;
- 217 (7)(B) discovery filed with the court;
- 218 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings,
219 orders, decrees;
- 220 (7)(D) name of a party or minor;
- 221 (7)(E) record of a court hearing;

222 (7)(F) referral and offense histories

223 (7)(G) and any other juvenile court record regarding a minor that is not designated as a social
224 record.

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

226 (8)(A) upon request, location information, contact information, and identity information other than
227 name of a petitioner and other persons to be protected in an action filed under Title 77, Chapter 3a,
228 Stalking Injunctions or Title 78B, Chapter 7, Protective Orders;

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

234 (8)(C) location information, contact information, and identity information of prospective jurors on
235 the master jury list or the qualified jury list;

236 (8)(D) location information, contact information, and identity information other than name of a
237 prospective juror summoned to attend court;

238 (8)(E) the following information about a victim or witness of a crime:

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

241 (8)(E)(ii) date of birth, driver's license number, social security number, account description
242 and number, password, identification number, maiden name, mother's maiden name, and similar
243 personal identifying information.

244

245 Effective November 1, 2018