

1 **Rule 4-202.09. Miscellaneous.**

2 **Intent:**

3 To set forth miscellaneous provisions for these rules.

4 **Applicability:**

5 This rule applies to the judicial branch.

6 **Statement of the Rule:**

7 (1) The judicial branch shall provide a person with a certified copy of a record if the requester
8 has a right to inspect it, the requester identifies the record with reasonable specificity, and
9 the requester pays the fees.

10 (2) Fulfilling a records request.

11 (2)(A) The judicial branch is not required to create a record in response to a request.

12 (2)(B) Upon request, the judicial branch shall provide a record in a particular format if:

13 (2)(B)(i) it is able to do so without unreasonably interfering with its duties and
14 responsibilities; and

15 (2)(B)(ii) the requester agrees to pay the additional costs, if any, actually
16 incurred in providing the record in the requested format.

17 (2)(C) The judicial branch need not fulfill a person's records request if the request
18 unreasonably duplicates prior records requests from that person.

19 (3) If a person requests copies of more than 50 pages of records, and if the records are
20 contained in files that do not contain records that are exempt from disclosure, the judicial
21 branch may provide the requester with the facilities for copying the requested records and
22 require that the requester make the copies, or allow the requester to provide his own
23 copying facilities and personnel to make the copies at the judicial branch's offices and
24 waive the fees for copying the records.

25 (4) The judicial branch may not use the form in which a record is stored to deny or
26 unreasonably hinder the rights of persons to inspect and receive copies of a record.

27 (5) Subject to the Government Records Access Management Act (GRAMA) and Chapter 4,
28 Article 2 of the Code of Judicial Administration, a request for email correspondence shall
29 be sufficiently detailed to identify the email(s) sought with reasonable specificity. The
30 request shall be narrowly tailored to yield a search that is not unduly burdensome.
31 Requests shall include the subject matter of the email(s), the identity of individuals to

32 | whom the email(s) were sent or received, if known, and the date, or approximate date(s)
33 | of email(s). Upon receipt of a request, the person handling the request will forward it to
34 | the Court Information Technology Department, a representative of which will develop the
35 | parameters of the search.

36 | ~~(5)~~(6) Subpoenas and other methods of discovery under state or federal statutes or rules of
37 | procedure are not records requests under these rules. Compliance with discovery shall be
38 | governed by the applicable statutes and rules of procedure.

39 | ~~(6)~~(7) If the judicial branch receives a request for access to a record that contains both
40 | information that the requester is entitled to inspect and information that the requester is
41 | not entitled to inspect, it shall allow access to the information in the record that the
42 | requester is entitled to inspect, and shall deny access to the information in the record the
43 | requester is not entitled to inspect.

44 | ~~(7)~~(8) The Administrative Office shall create and adopt a schedule governing the retention and
45 | destruction of all court records.

46 | ~~(8)~~(9) The courts will use their best efforts to ensure that access to court records is properly
47 | regulated, but assume no responsibility for accuracy or completeness or for use outside
48 | the court.

49 | ~~(9)~~(10) Non-public information in a public record.

50 | ~~(9)(A)~~(10)(A) The person filing a public record shall omit or redact non-public
51 | information. ~~The person filing the record shall certify that, upon information and~~
52 | ~~belief, all non-public information has been omitted or redacted from the public~~
53 | ~~record.~~ The person filing a private, protected, sealed, safeguarded, juvenile court
54 | legal, or juvenile court social record shall identify the classification of the record
55 | at the top of the first page of a classified document or in a statement
56 | accompanying the record.

57 | ~~(9)(B)~~(10)(B) A party may move or a non-party interested in a record may petition to
58 | classify a record as private, protected, sealed, safeguarded, juvenile court legal,
59 | or juvenile court social or to redact non-public information from a public record.

60 | ~~(9)(C)~~(10)(C) If the following non-public information is required in a public record, only
61 | the designated information shall be included:

62 | ~~(9)(C)(i)~~(10)(C)(i) social security number: last four digits;

63 | ~~(9)(C)(ii)~~(10)(C)(ii) financial or other account number: last four digits;

64 | ~~(9)(C)(iii)~~(10)(C)(iii) driver's license number: state of issuance and last four
65 | digits;

66 | ~~(9)(C)(iv)~~(10)(C)(iv) address of a non-party: city, state and zip code;
67 | ~~(9)(C)(v)~~(10)(C)(v) email address or phone number of a non-party: omit; and
68 | ~~(9)(C)(vi)~~(10)(C)(vi) minor's name: initials.

69 | ~~(9)(D)~~(10)(D) If it is necessary to provide the court with private personal identifying
70 | information, it must be provided on a cover sheet or other severable document,
71 | which is classified as private.

72 | ~~(10)~~(11) Tax-related records.

73 | ~~(10)(A)~~(11)(A) Notwithstanding Rule 4-202.02, except as otherwise ordered by the court
74 | and except as provided in subsections ~~(1140)~~(B) and ~~(1140)~~(C), if a case
75 | involves a tax on property or its use under Title 59, Chapter 2, Property Tax Act,
76 | Chapter 3, Tax Equivalent Property Act, or Chapter 4, Privilege Tax, all records
77 | shall be classified as public records under Rule 4-202.02.

78 | ~~(10)(B)~~(11)(B) Except as provided in subsection ~~(1140)~~(C), all records in a case that
79 | involves a tax on property or its use under Title 59, Chapter 2, Property Tax Act,
80 | Chapter 3, Tax Equivalent Property Act, or Chapter 4, Privilege Tax, shall be
81 | protected if the case also involves commercial information as that term is defined
82 | by Utah Code § 59-1-404.

83 | ~~(10)(C)~~(11)(C) For a case described in subsection ~~(1140)~~(B):

84 | ~~(10)(C)(i)~~(11)(C)(i) if a request for a specific record, or access to all records in
85 | a case, is made to the court and notice is given to the taxpayer, such
86 | record or records shall be released within 14 days after notice is given
87 | to the taxpayer, except for specific records ordered by the court to be
88 | classified as sealed, private, protected, or safeguarded pursuant to a
89 | motion made under Rule 4-202.04(3);

90 | ~~(10)(C)(ii)~~(11)(C)(ii) thirty days after the issuance of a non-appealable final
91 | order by the court, all records shall be public unless the court orders
92 | specific records to be classified as sealed, private, protected, or
93 | safeguarded pursuant to a motion made under Rule 4-202.04(3).

94 | ~~(10)(C)(iii)~~(11)(C)(iii) The public shall have access to the case history,
95 | notwithstanding the limitations in this rule applicable to the underlying
96 | records.