

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

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

13

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

15

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

17

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

20

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

22

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

24

25 (2)(E) audit reports;

26

27 (2)(F) case files;

28

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

31

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

34

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

37

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

40

41 (2)(K) financial records;

42

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

46

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

48

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

50

51 (2)(L)(iii) licensed paralegal practitioner name;

52

53 (2)(L)(iv) case number;

54

55 (2)(L)(v) case status;

56

57 (2)(L)(vi) civil case type or criminal violation;

58

59 (2)(L)(vii) civil judgment or criminal disposition;

60

61 (2)(L)(viii) daily calendar;

62

63 (2)(L)(ix) file date;

64

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

66

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

70

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

74

75 (2)(O) name, business address, business telephone number, and business email
76 address of a lawyer or licensed paralegal practitioner appearing in a case;

77

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

80

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

82

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

86

- 87 (2)(S) unless classified by the judge as private or safeguarded to protect the personal
88 safety of the juror or the juror's family, the name of a juror empaneled to try a case, but
89 only 10 days after the jury is discharged;
90
- 91 (2)(T) opinions, including concurring and dissenting opinions, and orders entered in open
92 hearings;
93
- 94 (2)(U) order or decision classifying a record as not public;
95
- 96 (2)(V) private record if the subject of the record has given written permission to make the
97 record public;
98
- 99 (2)(W) probation progress/violation reports;
100
- 101 (2)(X) publications of the administrative office of the courts;
102
- 103 (2)(Y) record in which the judicial branch determines or states an opinion on the rights of
104 the state, a political subdivision, the public, or a person;
105
- 106 (2)(Z) record of the receipt or expenditure of public funds;
107
- 108 (2)(AA) record or minutes of an open meeting or hearing and the transcript of them;
109
- 110 (2)(BB) record of formal discipline of current or former court personnel or of a person
111 regulated by the judicial branch if the disciplinary action has been completed, and all
112 time periods for administrative appeal have expired, and the disciplinary action was
113 sustained;
114
- 115 (2)(CC) record of a request for a record;
116
- 117 (2)(DD) reports used by the judiciary if all of the data in the report is public or the Judicial
118 Council designates the report as a public record;
119
- 120 (2)(EE) rules of the Supreme Court and Judicial Council;
121
- 122 (2)(FF) search warrants, the application and all affidavits or other recorded testimony on
123 which a warrant is based are public after they are unsealed under Utah Rule of Criminal
124 Procedure 40;
125
- 126 (2)(GG) statistical data derived from public and non-public records but that disclose only
127 public data; and
128
- 129 (2)(HH) notwithstanding subsections (6) and (7), if a petition, indictment, or information is
130 filed charging a person 14 years of age or older with a felony or an offense that would be

131 a felony if committed by an adult, the petition, indictment or information, the adjudication
132 order, the disposition order, and the delinquency history summary of the person are
133 public records. The delinquency history summary shall contain the name of the person, a
134 listing of the offenses for which the person was adjudged to be within the jurisdiction of
135 the juvenile court, and the disposition of the court in each of those offenses.

136

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

138

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

140

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

143

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

146

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

149

150 (3)(A)(iv) Section 78B-8-402 – Actions for disease testing;

151

152 (3)(B) expunged records;

153

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

156

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

158

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

161

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

163

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

165

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

168

169 (3)(I) on appeal, any record previously designated as sealed by another court; and

170

171 (3)(~~J~~) other records as ordered by the court under Rule 4-202.04.

172

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

174

175 (4)(A) records in the following actions:
176

177 (4)(A)(i) Section 62A-15-631, Involuntary commitment under court 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.

190
191 (4)(B) records in the following actions, except that the case history, judgments, orders,
192 decrees, letters of appointment, and the record of public hearings are public records:
193

194 (4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations
195 orders, except that an action for consortium due to personal injury under Section
196 30-2-11 is public;

197
198 (4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;

199
200 (4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their
201 Property;

202
203 (4)(B)(iv) Title 78B, Chapter 7, Protective Orders;

204
205 (4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;

206
207 (4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
208 Enforcement Act;

209
210 (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;

211
212 (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and

213
214 (4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this
215 subparagraph (B);

216
217 (4)(C) records related to determinations of indigency;
218

- 219 (4)(D) an affidavit supporting a motion to waive fees;
220
- 221 (4)(E) aggregate records other than public aggregate records under subsection (2);
222
- 223 (4)(F) alternative dispute resolution records;
224
- 225 (4)(G) applications for accommodation under the Americans with Disabilities Act;
226
- 227 (4)(H) jail booking sheets;
228
- 229 (4)(I) citation, but an abstract of a citation that redacts all non-public information is public;
230
- 231 (4)(J) judgment information statement;
232
- 233 (4)(K) judicial review of final agency action under Utah Code Section 62A-4a-1009;
234
- 235 (4)(L) the following personal identifying information about a party: driver's license
236 number, social security number, account description and number, password,
237 identification number, maiden name and mother's maiden name, and similar personal
238 identifying information;
239
- 240 (4)(M) the following personal identifying information about a person other than a party or
241 a victim or witness of a crime: residential address, personal email address, personal
242 telephone number; date of birth, driver's license number, social security number,
243 account description and number, password, identification number, maiden name,
244 mother's maiden name, and similar personal identifying information;
245
- 246 (4)(N) medical, psychiatric, or psychological records;
247
- 248 (4)(O) name of a minor, except that the name of a minor party is public in the following
249 district and justice court proceedings:
250
- 251 (4)(O)(i) name change of a minor;
252
- 253 (4)(O)(ii) guardianship or conservatorship for a minor;
254
- 255 (4)(O)(iii) felony, misdemeanor, or infraction when the minor is a party [\[KW1\]](#);
256
- 257 (4)(O)(iv) protective orders and stalking injunctions; and
258
- 259 (4)(O)(v) custody orders and decrees;
260
- 261 (4)(P) nonresident violator notice of noncompliance;
262

263 (4)(Q) personnel file of a current or former court personnel or applicant for employment;

264

265 (4)(R) photograph, film, or video of a crime victim;

266

267 (4)(S) record of a court hearing closed to the public or of a child's testimony taken under
268 URCrP 15.5:

269

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

272

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

276

277 (4)(T) record submitted by a senior judge or court commissioner regarding performance
278 evaluation and certification;

279

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

281

282 (4)(V) reports of investigations by Child Protective Services;

283

284 (4)(W) statement in support of petition to determine competency^[KW2];

285

286 (4)(X) victim impact statements;

287

288 (4)(Y) name of a prospective juror summoned to attend court, unless classified by the
289 judge as safeguarded to protect the personal safety of the prospective juror or the
290 prospective juror's family;

291

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

294

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

297

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

299

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

301

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

- 307
308 (5)(B) records that are subject to the attorney client privilege;
309
310 (5)(C) bids or proposals until the deadline for submitting them has closed;
311
312 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation
313 before issuance of the final recommendations in these areas;
314
315 (5)(E) budget recommendations, legislative proposals, and policy statements, that if
316 disclosed would reveal the court's contemplated policies or contemplated courses of
317 action;
318
319 (5)(F) court security plans;
320
321 (5)(G) investigation and analysis of loss covered by the risk management fund;
322
323 (5)(H) memorandum prepared by staff for a member of any body charged by law with
324 performing a judicial function and used in the decision-making process;
325
326 (5)(I) confidential business records under Utah Code Section 63G-2-309;
327
328 (5)(J) record created or maintained for civil, criminal, or administrative enforcement
329 purposes, audit or discipline purposes, or licensing, certification or registration purposes,
330 if the record reasonably could be expected to:
331
332 (5)(J)(i) interfere with an investigation;
333
334 (5)(J)(ii) interfere with a fair hearing or trial;
335
336 (5)(J)(iii) disclose the identity of a confidential source; or
337
338 (5)(J)(iv) concern the security of a court facility;
339
340 (5)(K) record identifying property under consideration for sale or acquisition by the court
341 or its appraised or estimated value unless the information has been disclosed to
342 someone not under a duty of confidentiality to the courts;
343
344 (5)(L) record that would reveal the contents of settlement negotiations other than the
345 final settlement agreement;
346
347 (5)(M) record the disclosure of which would impair governmental procurement or give an
348 unfair advantage to any person;
349

350 (5)(N) record the disclosure of which would interfere with supervision of an offender's
351 incarceration, probation, or parole;

352
353 (5)(O) record the disclosure of which would jeopardize life, safety, or property;

354
355 (5)(P) strategy about collective bargaining or pending litigation;

356
357 (5)(Q) test questions and answers;

358
359 (5)(R) trade secrets as defined in Utah Code Section 13-24-2;

360
361 (5)(S) record of a Children's Justice Center investigative interview before the conclusion
362 of any legal proceedings;

363
364 (5)(T) presentence investigation report;

365
366 (5)(U) except for those filed with the court, records maintained and prepared by juvenile
367 probation; and

368
369 (5)(V) other records as ordered by the court under Rule 4-202.04.

370
371 **(6) Juvenile Court Social Records.** The following are juvenile court social records:

372
373 (6)(A) correspondence relating to juvenile social records;

374
375 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations,
376 substance abuse evaluations, domestic violence evaluations;

377
378 (6)(C) medical, psychological, psychiatric evaluations;

379
380 (6)(D) pre-disposition and social summary reports;

381
382 (6)(E) probation agency and institutional reports or evaluations;

383
384 (6)(F) referral reports;

385
386 (6)(G) report of preliminary inquiries; and

387
388 (6)(H) treatment or service plans.

389
390 **(7) Juvenile Court Legal Records.** The following are juvenile court legal records:

391
392 (7)(A) accounting records;

393

394 (7)(B) discovery filed with the court;

395

396 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,
397 findings, orders, decrees;

398

399 (7)(D) name of a party or minor;

400

401 (7)(E) record of a court hearing;

402

403 (7)(F) referral and offense histories

404

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

407

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

409

410 (8)(A) upon request, location information, contact information, and identity information
411 other than name of a petitioner and other persons to be protected in an action filed
412 under [KW3](#) Title 78B, Chapter 7, Protective Orders;

413

414 (8)(B) upon request, location information, contact information and identity information
415 other than name of a party or the party’s child after showing by affidavit that the health,
416 safety, or liberty of the party or child would be jeopardized by disclosure in a proceeding
417 under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement
418 Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title 78B, Chapter
419 15, Utah Uniform Parentage Act;

420

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

423

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

426

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

428

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

431

432 (8)(E)(ii) date of birth, driver’s license number, social security number, account
433 description and number, password, identification number, maiden name,
434 mother’s maiden name, and similar personal identifying information.

435

436 | *Effective: May 1, 2023*