

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 or minutes of an open meeting or hearing and the transcript of them;
108
109 (2)(BB) record of formal discipline of current or former court personnel or of a person
110 regulated by the judicial branch if the disciplinary action has been completed, and all
111 time periods for administrative appeal have expired, and the disciplinary action was
112 sustained;
113
114 (2)(CC) record of a request for a record;
115
116 (2)(DD) reports used by the judiciary if all of the data in the report is public or the Judicial
117 Council designates the report as a public record;
118
119 (2)(EE) rules of the Supreme Court and Judicial Council;
120
121 (2)(FF) search warrants, the application and all affidavits or other recorded testimony on
122 which a warrant is based are public after they are unsealed under Utah Rule of Criminal
123 Procedure 40;
124
125 (2)(GG) statistical data derived from public and non-public records but that disclose only
126 public data; and
127
128 (2)(HH) notwithstanding subsections (6) and (7), if a petition, indictment, or information is
129 filed charging a person 14 years of age or older with a felony or an offense that would be
130 a felony if committed by an adult, the petition, indictment or information, the adjudication
131 order, the disposition order, and the delinquency history summary of the person are
132 public records. The delinquency history summary shall contain the name of the person, a
133 listing of the offenses for which the person was adjudged to be within the jurisdiction of
134 the juvenile court, and the disposition of the court in each of those offenses.

135
136 **(3) Sealed Court Records.** The following court records are sealed:

- 137
138 (3)(A) records in the following actions:
139
140 (3)(A)(i) Title 78B, Chapter 6, Part 1 – Utah Adoption Act six months after the
141 conclusion of proceedings, which are private until sealed;
142
143 (3)(A)(ii) Title 78B, Chapter 15, Part 8 – Gestational Agreement, six months after
144 the conclusion of proceedings, which are private until sealed;
145
146 (3)(A)(iii) Section 76-7-304.5 – Consent required for abortions performed on
147 minors; and
148
149 (3)(A)(iv) Section 78B-8-402 – Actions for disease testing;
150
151 (3)(B) expunged records;

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

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

173
174 (4)(A) records in the following actions:

175
176 (4)(A)(i) Section ~~62A-15-631~~26B-5-332, Involuntary commitment under court
177 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; ~~and-~~

190
191 (4)(A)(vi) Section 26B-8-111, Sex designation changes, and name changes
192 combined with sex designation changes for both minors and adults, except that:

193
194 (4)(A)(vi)(a) the case history is public for minors; and

195
196 (4)(A)(vi)(b) the case history and record of public hearings are public for
197 adults.

198
199 (4)(B) records in the following actions, except that the case history, judgments, orders,
200 decrees, letters of appointment, and the record of public hearings are public records:
201

- 202 (4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations
203 orders, except that an action for consortium due to personal injury under Section
204 30-2-11 is public;
205
206 ~~(4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;~~
207
208 (4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their
209 Property;
210
211 (4)(B)(~~iii~~iv) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
212
213 (4)(B)(~~i~~iv) Title 78B, Chapter 12, Utah Child Support Act;
214
215 (4)(B)(~~v~~i) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
216 Enforcement Act;
217
218 (4)(B)(~~vi~~ii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
219
220 (4)(B)(~~vii~~) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
221
222 (4)(B)(~~viii~~x) an action to modify or enforce a judgment in any of the actions in this
223 subparagraph (B);
224
225 (4)(C) records related to determinations of indigency;
226
227 (4)(D) an affidavit supporting a motion to waive fees;
228
229 (4)(E) aggregate records other than public aggregate records under subsection (2);
230
231 (4)(F) alternative dispute resolution records;
232
233 (4)(G) applications for accommodation under the Americans with Disabilities Act;
234
235 (4)(H) jail booking sheets;
236
237 (4)(I) citation, but an abstract of a citation that redacts all non-public information is public;
238
239 (4)(J) judgment information statement;
240
241 (4)(K) judicial review of final agency action under Utah Code Section ~~62A-4a-100980-2-~~
242 707;
243
244 (4)(L) the following personal identifying information about a party: driver's license
245 number, social security number, account description and number, password,
246 identification number, maiden name and mother's maiden name, and similar personal
247 identifying information;
248
249 (4)(M) the following personal identifying information about a person other than a party or
250 a victim or witness of a crime: residential address, personal email address, personal
251 telephone number; date of birth, driver's license number, social security number,

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

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

304
 305 (4)(AA) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;
 306 ~~and~~

307
 308 (4)(BB) records related to Court Commissioner Conduct Committee and Council actions
 309 under Rule 3-201.02, other than a public censure by the Council, and

310
 311 (4)(~~CCBB~~) other records as ordered by the court under Rule 4-202.04.

312
 313 **(5) Protected Court Records.** The following court records are protected:

314
 315 (5)(A) attorney's work product, including the mental impressions or legal theories of an
 316 attorney or other representative of the courts concerning litigation, privileged
 317 communication between the courts and an attorney representing, retained, or employed
 318 by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-
 319 judicial, or administrative proceeding;

320
 321 (5)(B) records that are subject to the attorney client privilege;

322
 323 (5)(C) bids or proposals until the deadline for submitting them has closed;

324
 325 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation
 326 before issuance of the final recommendations in these areas;

327
 328 (5)(E) budget recommendations, legislative proposals, and policy statements, that if
 329 disclosed would reveal the court's contemplated policies or contemplated courses of
 330 action;

331
 332 (5)(F) court security plans;

333
 334 (5)(G) investigation and analysis of loss covered by the risk management fund;

335
 336 (5)(H) memorandum prepared by staff for a member of any body charged by law with
 337 performing a judicial function and used in the decision-making process;

338
 339 (5)(I) confidential business records under Utah Code Section 63G-2-309;

340
 341 (5)(J) record created or maintained for civil, criminal, or administrative enforcement
 342 purposes, audit or discipline purposes, or licensing, certification or registration purposes,
 343 if the record reasonably could be expected to:

344
 345 (5)(J)(i) interfere with an investigation;

346
 347 (5)(J)(ii) interfere with a fair hearing or trial;

348
 349 (5)(J)(iii) disclose the identity of a confidential source; or

350
 351 (5)(J)(iv) concern the security of a court facility;

352

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

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

- 385
 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 (7)(A) accounting records;
406
407 (7)(B) discovery filed with the court;
408
409 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,
410 findings, orders, decrees;
411
412 (7)(D) name of a party or minor;
413
414 (7)(E) record of a court hearing;
415
416 (7)(F) referral and offense histories
417
418 (7)(G) and any other juvenile court record regarding a minor that is not designated as a
419 social record.
420

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

423 (8)(A) upon request, location information, contact information, and identity information,
424 other than the name of a petitioner and other persons to be protected, in an action filed
425 under Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
426

427 (8)(B) upon request, location information, contact information and identity information,
428 other than the name of a party or the party's child, after showing by affidavit that the
429 health, safety, or liberty of the party or child would be jeopardized by disclosure in a
430 proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
431 Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title
432 78B, Chapter 15, Utah Uniform Parentage Act;
433

434 (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or
435 (8)(B), location information, contact information and identity information, other than the
436 name of a party or the party's child, in a proceeding under Title 30, Husband and Wife.
437

438 (8)(~~DC~~) location information, contact information, and identity information of prospective
439 jurors on the master jury list or the qualified jury list;
440

441 (8)(~~ED~~) location information, contact information, and identity information other than
442 name of a prospective juror summoned to attend court;
443

444 (8)(~~FE~~) the following information about a victim or witness of a crime:
445

446 (8)(~~FE~~)(i) business and personal address, email address, telephone number, and
447 similar information from which the person can be located or contacted;
448

449 (8)(~~FE~~)(ii) date of birth, driver's license number, social security number, account
450 description and number, password, identification number, maiden name,
451 mother's maiden name, and similar personal identifying information.
452

453 *Effective: November 21 April 25, 20232*