

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 ~~non~~nt-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) publications of the Administrative Office;
99

- 100 (2)(X) record in which the judicial branch determines or states an opinion on the rights of
101 the state, a political subdivision, the public, or a person;
102
103 (2)(Y) record of the receipt or expenditure of public funds;
104
105 (2)(Z) record, minutes, or transcript of an open meeting;
106
107 (2)(AA) official audio record, minutes, or transcript of an open hearing;
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 Council
117 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 Rule 40 of the Utah
123 Rules of Criminal Procedure;
124
125 (2)(GG) statistical data derived from public and nonpublic 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 will 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. Upon a
135 finding of good cause on the record, the juvenile court may reclassify these records as
136 nonpublic.

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

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

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

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

147
148 (3)(A)(iii) Utah Code Section 76-7-304.5—Consent required for abortions
149 performed on minors; and
150

- 151 (3)(A)(iv) Utah Code ~~S~~Section 78B-8-402, —Actions for disease testing;
152
153 (3)(B) expunged records;
154
155 (3)(C) orders authorizing installation of pen register or trap and trace device under Utah
156 Code ~~s~~Section 77-23a-15;
157
158 (3)(D) records showing the identity of a confidential informant;
159
160 (3)(E) records relating to the possession of a financial institution by the commissioner of
161 financial institutions under Utah Code ~~s~~Section 7-2-6;
162
163 (3)(F) wills deposited for safe keeping under Utah Code title 75, chapter 2, part 9,
164 Custody and Deposit of Wills;
165
166 (3)(G) records designated as sealed by rule of the Supreme Court;
167
168 (3)(H) record of a Children's Justice Center investigative interview after the conclusion of
169 any legal proceedings;
170
171 (3)(I) on appeal, any record previously designated as sealed by another court;
172
173 (3)(J) video record of a court proceeding, other than security video;
174
175 (3)(K) “nonpublic restitution records” as defined in Utah Code section 63M-7-502; and
176
177 (3)(L) other records as ordered by the court under Rule 4-202.04.
178

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

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

183 (4)(A)(i) Utah Code ~~s~~Section 26B-5-332, Involuntary commitment under court
184 order;
185

186 (4)(A)(ii) Utah Code ~~S~~Section 76-10-532, Removal from the National Instant
187 Check System database;
188

189 (4)(A)(iii) Utah Code, ~~T~~title 78B, ~~C~~chapter 6, ~~P~~part 1, Utah Adoption Act, until the
190 records are sealed;
191

192 (4)(A)(iv) Utah Code, ~~t~~title 78B, ~~c~~Chapter 15, ~~p~~Part 8, Gestational Agreement,
193 until the records 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) Utah Code ~~s~~Section 26B-8-111, Sex designation changes, and name
199 changes combined with sex designation changes for both minors and adults,
200 except that:
201

- 202 (4)(A)(vi)(a) the case history is public for minors; and
203
204 (4)(A)(vi)(b) the case history and record of public hearings are public for
205 adults.
206
- 207 (4)(B) records in the following actions, except that the case history, judgments, orders,
208 decrees, letters of appointment, and the record of public hearings are public records:
209
- 210 (4)(B)(i) Utah Code, title 81, Utah Domestic Relations Code, including qualified
211 domestic relations orders, except that an action for consortium due to personal
212 injury under section 81-3-111 is public;
213
- 214 (4)(B)(ii) Utah Code, Title 75, Chapter 5, Protection of Persons Under
215 Disability and their Property;
216
- 217 (4)(B)(iii) Utah Code, Title 78B, Chapter 7, Protective Orders and Stalking
218 Injunctions;
219
- 220 (4)(B)(iv) Utah Code, title 81, chapter 6 Child Support;
221
- 222 (4)(B)(v) Utah Code, Title 78B, Chapter 13, Utah Uniform Child Custody
223 Jurisdiction and Enforcement Act;
224
- 225 (4)(B)(vi) Utah Code, Title 78B, Chapter 14, Uniform Interstate Family Support
226 Act;
227
- 228 (4)(B)(vii) Utah Code, Title 78B, Chapter 15, Utah Uniform Parentage Act; and
229
- 230 (4)(B)(viii) an action to modify or enforce a judgment in any of the actions in this
231 subparagraph (4)(B);
232
- 233 (4)(C) records related to determinations of indigency;
234
- 235 (4)(D) an affidavit supporting a motion to waive fees;
236
- 237 (4)(E) aggregate records other than public aggregate records under subsection
238 paragraph (2);
239
- 240 (4)(F) alternative dispute resolution records;
241
- 242 (4)(G) applications for accommodation under the Americans with Disabilities Act;
243
- 244 (4)(H) jail booking sheets;
245
- 246 (4)(I) citation, but an abstract of a citation that redacts all non-public information is public;
247
- 248 (4)(J) judgment information statement;
249
- 250 (4)(K) judicial review of final agency action under Utah Code Section 80-2-707;
251

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

- 303
304 (4)(X) victim impact statements;
305
306 (4)(Y) name of a prospective juror summoned to attend court, unless classified by the
307 judge as safeguarded to protect the personal safety of the prospective juror or the
308 prospective juror's family;
309
310 (4)(Z) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure,
311 except briefs filed pursuant to court order;
312
313 (4)(AA) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;
314
315 (4)(BB) records related to Court Commissioner Conduct Committee and Council actions
316 under Rule 3-201.02, other than a public censure by the Council, and
317
318 (4)(CC) other records as ordered by the court under Rule 4-202.04.
319

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

- 321
322 (5)(A) attorney's work product, including the mental impressions or legal theories of an
323 attorney or other representative of the courts concerning litigation, privileged
324 communication between the courts and an attorney representing, retained, or employed
325 by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-
326 judicial, or administrative proceeding;
327
328 (5)(B) records that are subject to the attorney client privilege;
329
330 (5)(C) bids or proposals until the deadline for submitting them has closed;
331
332 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation
333 before issuance of the final recommendations in these areas;
334
335 (5)(E) budget recommendations, legislative proposals, and policy statements, that if
336 disclosed would reveal the court's contemplated policies or contemplated courses of
337 action;
338
339 (5)(F) court security plans;
340
341 (5)(G) investigation and analysis of loss covered by the risk management fund;
342
343 (5)(H) memorandum prepared by staff for a member of any body charged by law with
344 performing a judicial function and used in the decision-making process;
345
346 (5)(I) confidential business records under Utah Code ~~s~~Section 63G-2-309;
347
348 (5)(J) record created or maintained for civil, criminal, or administrative enforcement
349 purposes, audit or discipline purposes, or licensing, certification or registration purposes,
350 if the record reasonably could be expected to:
351
352 (5)(J)(i) interfere with an investigation;
353

- 354 (5)(J)(ii) interfere with a fair hearing or trial;
355
356 (5)(J)(iii) disclose the identity of a confidential source; or
357
358 (5)(J)(iv) concern the security of a court facility;
359
360 (5)(K) record identifying property under consideration for sale or acquisition by the court
361 or its appraised or estimated value unless the information has been disclosed to
362 someone not under a duty of confidentiality to the courts;
363
364 (5)(L) record that would reveal the contents of settlement negotiations other than the
365 final settlement agreement;
366
367 (5)(M) record the disclosure of which would impair governmental procurement or give an
368 unfair advantage to any person;
369
370 (5)(N) record the disclosure of which would interfere with supervision of an offender's
371 incarceration, probation, or parole;
372
373 (5)(O) record the disclosure of which would jeopardize life, safety, or property;
374
375 (5)(P) strategy about collective bargaining or pending litigation;
376
377 (5)(Q) test questions and answers;
378
379 (5)(R) trade secrets as defined in Utah Code ~~s~~Section 13-24-2;
380
381 (5)(S) record of a Children's Justice Center investigative interview before the conclusion
382 of any legal proceedings;
383
384 (5)(T) presentence investigation report;
385
386 (5)(U) probation progress/violation reports;
387
388 (5)(V) except for those filed with the court, records maintained and prepared by juvenile
389 probation; and
390
391 (5)(W) other records as ordered by the court under Rule 4-202.04.
392

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

- 394
395 (6)(A) correspondence relating to juvenile social records;
396
397 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations,
398 substance abuse evaluations, domestic violence evaluations;
399
400 (6)(C) medical, psychological, psychiatric evaluations;
401
402 (6)(D) pre-disposition, dispositional, and social summary reports;
403
404 (6)(E) probation agency and institutional reports or evaluations;

- 405
406 (6)(F) referral reports;
407
408 (6)(G) report of preliminary inquiries;
409
410 (6)(H) treatment or service plans;
411
412 (6)(I) nonjudicial adjustment records; and
413
414 (6)(J) documents filed with the court that were received pursuant to the Utah Interstate
415 Compact for Juveniles.

416
417 **(7) Juvenile Court Legal Records.** The following are juvenile court legal records:

- 418 (7)(A) accounting records;
419
420 (7)(B) discovery filed with the court;
421
422 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,
423 findings, orders, decrees, probable cause statements;
424
425 (7)(D) name of a party or minor;
426
427 (7)(E) record of a court hearing;
428
429 (7)(F) referral and offense histories; and
430
431 (7)(G) any other juvenile court record regarding a minor that is not designated as a
432 social record.
433

434
435 **(8) Safeguarded Court Records.** The following court records are safeguarded:

- 436 (8)(A) upon request, location information, contact information, and identity information,
437 other than the name of a petitioner and other persons to be protected, in an action filed
438 under Utah Code, Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
439
440 (8)(B) upon request, location information, contact information and identity information,
441 other than the name of a party or the party's child, after showing by affidavit that the
442 health, safety, or liberty of the party or child would be jeopardized by disclosure in a
443 proceeding under Utah Code, Title 78B, Chapter 13; Utah Uniform Child Custody
444 Jurisdiction and Enforcement Act; ~~or Utah Code, Title 78B, Chapter 14~~, Uniform
445 Interstate Family Support Act; or Utah Code, Title 78B, Chapter 15, Utah Uniform
446 Parentage Act;
447
448 (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or
449 (8)(B), location information, contact information and identity information, other than the
450 name of a party or the party's child, in a proceeding under Utah Code, title 81, Utah
451 Domestic Relations Code.
452
453 (8)(D) location information, contact information, and identity information of prospective
454 jurors on the master jury list or the qualified jury list;
455

456
457 (8)(E) location information, contact information, and identity information other than name
458 of a prospective juror summoned to attend court; and

459
460 (8)(F) the following information about a victim or witness of a crime, including, upon
461 receipt of notice, a participant in the Safe at Home Program under Utah Code, title 77,
462 chapter 38, part 6, Safe at Home Program:

463
464 (8)(F)(i) business and personal address, email address, telephone number, and
465 similar information from which the person can be located or contacted;

466
467 (8)(F)(ii) date of birth, driver's license number, social security number, account
468 description and number, password, identification number, maiden name,
469 mother's maiden name, and similar personal identifying information;:-

470
471 (8)(F)(iii) except for a Safe at Home Program participant's assigned address,
472 documents showing a participant's enrollment, including the authorization card,
473 for a program participant under Utah Code, title 77, chapter 38, part 6, Safe at
474 Home Program.

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477
478 *Effective: January-May 1, 2025*