

1 **Rule 4-202.04. Request to access a record associated with a case; request to classify a**
2 **record associated with a case.**

3 **Intent:**

4 To establish the process for accessing a court record associated with a case.

5 **Applicability:**

6 This rule applies to court records associated with a case.

7 **Statement of the Rule:**

8 (1) **Written request to access record.**

9 **(1)(A) Public records.** A request to access a public court record ~~shall~~must be
10 presented in writing to the ~~court clerk of the court,~~ unless the court clerk waives the
11 requirement.

12 **(1)(B) Non-public records.** A request to access a non-public court record must be
13 presented in writing to the court clerk and the requester must present identification. A
14 court clerk may waive the written requirement if the requester to which a person is
15 authorized access to the non-public court record pursuant to under Rule 4-202.03, shall
16 be presented in writing to the clerk of the court.

17 **(1)(C) Written requests.** A written request ~~shall~~must contain the requester's name,
18 email address, mailing address, ~~daytime~~ telephone number, and a description of the
19 record requested. ~~If the record is a non-public record, the person making the request~~
20 ~~shall present identification.~~

21 (2) **Motion or petition to access record.**

22 (2)(A) If a written request to access a court record is denied by the court clerk ~~of court,~~
23 the ~~person making the request~~requester may file a motion or petition to access the
24 record.

25 (2)(B) A person not authorized to access a non-public court record pursuant to ~~R~~Rule 4-
26 202.03 must file a motion or petition to access the record. If the court allows access, the
27 court may impose any reasonable conditions to protect the interests favoring closure.

28 (2)(C) A motion should be filed when the court record is associated with a case over
29 which the court has continuing jurisdiction. A petition should be filed ~~to access the record~~
30 whenif the court record is associated with a case over which the court no longer has
31 jurisdiction.

32 (3) **Motion or petition to reclassify record.**

33 (3)(A) If the court record is associated with a case over which the court has continuing
34 jurisdiction, a person with an interest in a court record may file a motion to classify the
35 record as a private, protected, sealed, safeguarded, juvenile court legal, or juvenile court
36 social record; or to have information redacted from the record. The court shallmust deny
37 access to the record until the court enters an order.

38 (3)(B) If the court record is associated with a case over which the court no longer has
39 jurisdiction, a person with an interest in the record may file a petition to classify the

40 record as a private, protected, sealed, safeguarded, juvenile court legal, or juvenile court
 41 social record; or to have information redacted from the record. The court ~~shall~~ must deny
 42 access to the record until the court enters an order.

43 (4) **Rules of Procedure Applicable to Motions and Petitions.** As appropriate for the nature of
 44 the case with which the record is associated, the motion or petition ~~shall~~ must be filed, and
 45 proceedings ~~shall~~ must be conducted, ~~in accordance with~~ under the ~~Utah R~~ules of ~~C~~ivil
 46 ~~P~~rocedure, ~~Utah Rules of C~~eriminal ~~P~~rocedure, ~~Utah Rules of J~~uvenile ~~P~~rocedure, or ~~Utah~~
 47 ~~R~~ules of ~~A~~ppellate ~~P~~rocedure. The person filing the motion or petition ~~shall~~ must serve any
 48 representative of the press who has requested notice in the case. The court ~~shall~~ must conduct
 49 a closure hearing when a motion or petition to close a record is contested, when the press has
 50 requested notice of closure motions or petitions in ~~at~~ the particular case, or when the court
 51 decides public interest in the record warrants a hearing.

52 (5) **Classify – Redact.** The court may classify the record as a private, protected, sealed,
 53 safeguarded, juvenile court legal, or juvenile court social record, or redact information from the
 54 record if the record or information:

55 (5)(A) is classified as a private, protected, sealed, safeguarded, juvenile court legal, or
 56 juvenile court social record under Rule 4-202.02;

57 (5)(B) is classified as a private, controlled, or protected record by a governmental entity
 58 and shared with the court under Utah Code, title 63G, chapter 2, ~~the~~ Government
 59 Records Access and Management Act;

60 (5)(C) is a record regarding the character or competence of an individual; or

61 (5)(D) is a record containing information the disclosure of which constitutes an
 62 unwarranted invasion of personal privacy.

63 (6) **Factors and findings.** ~~In~~ When deciding whether to allow access to a court record or
 64 whether to classify a court record as a private, protected, or sealed, safeguarded, juvenile court
 65 legal, or juvenile court social record, or to redact information from the record, the court may
 66 consider any relevant factor, interest, or policy, including but not limited to the interests
 67 described in Rule 4-202. In ruling on a motion or petition under this rule the court ~~shall~~ must:

68 (6)(A) make findings and conclusions about specific records;

69 (6)(B) identify and balance the interests favoring opening and closing the record; and

70 (6)(C) if the record is ordered closed, determine there are no reasonable alternatives to
 71 closure sufficient to protect the interests favoring closure.

72 (7) **Appellate briefs.** If an appellate brief is sealed, the court clerk ~~of the court~~ ~~shall~~ must seal
 73 the brief under Rule 4-205. If an appellate brief is classified as a private, protected,
 74 safeguarded, juvenile court legal, or juvenile court social record, the court clerk ~~of the court~~ ~~shall~~
 75 must allow access only to persons authorized by Rule 4-202.03. If the court orders information
 76 redacted from the brief, the court clerk ~~of the court~~ ~~shall~~ must remove the information and allow
 77 public access to the edited brief.

78 (8) **State Law Library.** If the petitioner serves ~~an~~ the order on the director of the ~~s~~State ~~L~~aw
 79 ~~L~~ibrary, the director ~~shall~~ must comply with the order in the same manner as ~~at~~ the court clerk ~~of~~
 80 ~~the court under paragraph (7).~~

81 (9) **Compliance.** Unless otherwise ordered by the court, the order is binding only on the court,
82 the parties to the motion or petition, and the state law library. Compliance with the order by any
83 other person is voluntary.

84 (10) **Governing rules.** A request under this rule to access a public court record is also governed
85 by Rule 4-202.06. A motion or petition under this rule is not governed by Rule 4-202.06 or Rule
86 4-202.07.

87 *Effective: ~~April 11, 2011~~ May 1, 2025*