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In re R.I. Judiciary Rules of Practice Governing Pub. Access to Elec. Case Info., 2016 R.I. LEXIS 9

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Supreme Court of Rhode Island

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In re Rhode Island Judiciary **Rules of Practice Governing Public Access to Electronic Case Information**

Core Terms

Electronic, non-**public**, Documents, **Cases**, parties, scanned

Judges: [***1**] [Suttell ▼](#), C. J., [Goldberg ▼](#), J., [Flaherty ▼](#), J., [Robinson ▼](#), J., [Indeglia ▼](#), J.

Opinion

ORDER

Rule 1 of the Rhode Island Judiciary **Rules of Practice Governing Public Access to Electronic Case Information** is hereby amended as follows:

1. *Purpose.* These **Rules of Practice Governing Public Access to Electronic Case Information (Public Access Rules)** are intended to address **access to electronic case information** that is filed in the Rhode Island Judiciary's (Judiciary) **Electronic Filing System** or scanned and filed into the Judiciary's case management system at the clerk's office. The **Public Access Rules** seek to harmonize the Judiciary's obligation to make **case information** available and accessible while also protecting the privacy of personal and/or otherwise non-**public information** filed with the courts throughout the Judiciary.

Rule 2 of the Rhode Island Judiciary **Rules of Practice Governing Public Access to Electronic Case Information** is hereby amended as follows:

2. *Application.* These **Public Access Rules** shall apply to all **electronic** documents filed in the Judiciary's **Electronic Filing System** or scanned and filed into the Judiciary's case management system at the clerk's office. **Access to electronic** documents shall be in **[*2]** accordance with Section 5 herein.

Rule 4(a) of the Rhode Island Judiciary **Rules of Practice Governing Public Access to Electronic Case Information** is hereby amended as follows:

4. *Non-public Filings.* Categories of non-**public** filings as set forth in state or federal law include, but are not limited to, the following:

a. **Case Types.**

* * *

13. Complaints for a Civil Protective Order when a juvenile is a party in the **case** per [G.L. 1956 § 8-10-3\(g\)](#) and § 38-2-2(4)(C);

14. Civil marijuana **cases** per [G.L. 1956 § 8-8.2-21](#) and § 21-28-4.01(c)(2)(ix); and

15. Any other **case** or portions thereof which have been sealed through an order of the court.

Rule 4(b) of the Rhode Island Judiciary **Rules of Practice Governing Public Access to Electronic Case Information** is hereby amended as follows:

b. Documents. **These documents shall be checked off by the Registered User as "confidential" in the EFS in their entirety and need not be submitted in a public form in accordance with Article X, Rule 8 of the Supreme Court Rules Governing Electronic Filing.**

* * *

6. Pretrial services records per [G.L. 1956 § 12-13-24.](#); and

7. Driver's abstracts per [G.L. 1956 § 27-49-3.1.](#)

Rule 4(c) of the Rhode Island Judiciary **Rules of Practice Governing Public Access to Electronic Case Information** is hereby amended as follows:

c. **Information.** It is the filing party's Registered User's responsibility **[*3]** to ensure that personal or otherwise non-**public information** is redacted and submitted to the court in accordance with Article X, **Rule 8** of the Supreme Court **Rules Governing Electronic Filing.**

* * *

5. Personal Identifying **Information**, see generally, [G.L. 1956 §§ 8-15-9](#) and [8-15-9.1](#) and G.L. 1956 §§ 38-2-2(4)(A)(I)(b) and 38-2-2(4)(X), including:

* * *

e. Driver's license numbers; and

* * *

6. Juror names and other identifying **information** relating to jurors, including home addresses.; and

* * *

Rule 4(d) of the Rhode Island Judiciary **Rules of Practice Governing Public Access to Electronic Case Information** is hereby amended as follows:

d. Protection of Non-**public Information** in **Cases** Filed Prior to **Electronic** Filing. **Cases** filed with any court before the implementation of **electronic** filing may contain Non-**public** Documents or **information** in the **Public** file which would be deemed non-**public** under these **Public Access Rules**. Cases filed prior to the conversion to **electronic** filing will be scanned and converted to **electronic** form upon the filing of a new pleading or if the matter is scheduled for hearing before a court. If a **case** file is closed or dormant, the file will not be converted to **electronic** format and will remain in paper form unless and until some action is taken in the **[*4]** case.

1. For active pending **cases**, Any party or attorney may file ~~submit a petition~~ Motion to Protect Non-**Public Information** in a **Case** Filed Prior to **Electronic** Filing in the specific **case** with the respect ~~to the hearing~~ court seeking to designate portions of the **Public** file as non-**public** in accordance with these **Public Access Rules**. The court shall ~~hear~~ consider the motion ~~said petition~~ after service and notice by the filing party petitioner to all interested parties in the **case** and any individual to whom the subject records pertain if not a named party. Such motion shall be freely granted and, in **cases** in which the motion is denied, there shall be a hearing. An order denying any motion to designate portions of a file as non-**public** shall include the reasons serving as the basis for the denial.

2. When a closed or pending **case** that has been dormant for one (1) year or more is to be scanned and converted to **electronic** format in accordance with subsection (a) above, the clerk shall send a notice to the attorneys of record at their current address as verified by the Clerk of the Supreme Court and parties, to the extent a current address may be available, before the file is scanned. The notice shall advise **[*5]** the attorneys and parties that the subject **case** file is to be converted to **electronic** format and that the attorneys and parties may wish to review the file's contents and may submit a Motion to Protect Non-**Public Information** in a **Case** Filed Prior to **Electronic** Filing in accordance with subparagraph (1) of this rule. The clerks shall allow fifteen (15) days from the mailing of the notice.

3. The most current version of the Motion to Protect Non-**Public Information** in a **Case** Filed Prior to **Electronic** Filing is located on the Rhode Island Judiciary's website at www.courts.ri.gov under **Public Resources, Forms**.

Rule 5(a)(7) of the Rhode Island Judiciary **Rules of Practice Governing Public Access to Electronic Case Information** is hereby amended as follows:

~~7. Redacted medical records that do not contain any Personal Identifying **Information** shall be deemed **Public** Documents in the court file.~~

Rule 5(c)(1) of the Rhode Island Judiciary **Rules of Practice Governing Public Access to**

Electronic Case Information is hereby amended as follows:

1. *Policy.* To allow limited Remote **Access** to the Database through the **Public Access** Portal. Non-public case types shall not be remotely accessible.

Entered as an Order of this Court this 29th **[*6]** day of **January 2016**.

/s/ Suttell, C. J.

/s/ Goldberg, J.

/s/ Flaherty, J.

/s/ Robinson, J.

/s/ Indeglia, J.

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