SPOKANE MUNICIPAL COURT ADMINISTRATIVE POLICY	ADMIN 2018-01-001
TITLE: RECORDS DISCLOSURE EFFECTIVE DATE: April 1, 2018	1st REVISION EFFECTIVE DATE: N/A 2nd REVISION EFFECTIVE DATE: N/A

I. **Purpose:** This policy sets forth guidelines for responding to records disclosure requests for Spokane Municipal Court Records. Court records are governed by Washington State Court Rules and this policy is not intended to conflict with Washington State Court Rules. Courts are not agencies as defined in the Washington State Public Records Act (PRA) (RCW 42.56) and, therefore, are not subject to the requirements of the PRA.

Washington State Court Rules define three categories of judicial records: court records, administrative records, and chambers records. The Spokane Municipal Court will respond to records requests in accordance with applicable Washington State Court Rules, federal statutes, state statutes, and case law related to the disclosure of judicial records.

II. Application

A. This policy applies to:
   1. Case records related to court proceedings, both electronic and paper;
   2. Data within a case management system related to court proceedings;
   3. Compiled reports or datasets containing court data;
   4. Administrative records of the Court.

B. This policy does not apply to chambers records. Chambers records are a separate category of judicial records that are controlled and maintained by a judge or chamber's staff and are not subject to disclosure. Chambers records are further defined in Section IV of this policy.

C. The Court may adjust the policy or deviate from its application as unique conditions warrant, at the discretion of the Presiding Judge and/or Court Administrator. This policy is a general guideline only. This policy is not a binding contract and may not be treated as such. Employees covered by a collective bargaining agreement should also refer to the appropriate agreement.

III. Guidelines

A. *Staffing of Requests for Spokane Municipal Court Records*

The Court will designate a Records Officer who will research, direct and guide the Court's planning, policy considerations and implementation of Washington State Court rules relating to public records requests for court records, data, and administrative records. The Records Officer will establish public disclosure practices for the Court that ensure compliance with applicable Washington State Court Rules.

Requests for Court Records, those records relating to court proceedings, will be addressed by the Court's Records Unit, under direction of the Court Administrator and in consultation with the Public Disclosure Officer. The Public Disclosure Officer will coordinate the Court's response to requests for administrative records and court data. If a request for court data and/or administrative records is received by another court staff member, the request will be directed to the Records Officer as soon as possible.

B. *Access to Court Records*

Applicable Rule: General Rule 31

1. This section covers all court records related to judicial proceedings, regardless of the physical form of the court record, the method of recording the court record or the method of storage of the court record.

2. Court records include the following:

   (a) Any document, information, exhibit, or other record that is maintained by the Court in connection with a judicial proceeding.

   (b) Any index, calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, minute entry, and any information in a case management system created or prepared by the Court that is related to a judicial proceeding.

   (c) Requests for bulk court records are addressed under the Court's data guidelines as established in Section III, C of this policy.

3. The public shall have the ability to view all case records, except as restricted by federal law, state law, court rule, or case law by using the Court's electronic case file portal via the Court's website or by visiting the Court's Records Unit in the Public Safety Building. A fee will not be charged to view court records at the courthouse or through the electronic case file portal.

4. Personal identifiers may be omitted or redacted from court records including: Social Security numbers, financial account numbers and Driver's License numbers. The responsibility for redacting rests solely with the filing parties.

5. The public may obtain photocopies or electronic scans of court records for a fee. The Fee Schedule is set by the Court Administrator and is available upon request.

C. *Access to Court Data*

Applicable Rule: General Rule 31, JISCR 15

1. This section governs the release of information maintained in the Court's case management system and applies to all requests for electronic court data and/or requests for bulk court records as defined in GR 31 (c) (3).

2. Records that are sealed, exempted, or otherwise restricted by law, data sharing agreement, or court rule may not be released to the public except by court order.

3. The Court will consider the following criteria in evaluating requests for court data:

(a) Specificity and accessibility of the data;

(b) Potential for privacy infringement;

(c) Potential disruption of the Court's internal, ongoing business;

(d) Statement of intended use and distribution as provided by the requestor;

(e) Cost. Unless waived by the Court, the requestor shall bear the cost of honoring a data request.

4. A data dissemination agreement is required in order for the Court to fully consider a request for court data.
5. Upon approval by the Court to produce a data report, the requestor will be provided with a cost estimate and timeframe for receiving the data. A fee schedule is included in the data dissemination agreement.

D. *Access to Administrative Records*

Applicable Rule: General Rule 31.1

1. Administrative records are public records created by or maintained by the Court and related to the management, supervision, or administration of the Court.
2. Certain administrative records maintained by the Court may be exempt from disclosure in their entirety or in part in accordance with exemptions specified in General Rule 31.1, other court rules, federal statutes, state statutes, court orders, or case law.
3. Access may be denied to prevent a significant risk to individual privacy, safety interests, or if disclosure would put the organization at risk or significantly disrupt the conduct of court business.
4. When access to administrative records is limited or denied, the Court will provide a written justification for the decision.
5. The Court may notify a person named in a record, or to whom a record specifically pertains, that access to the record has been requested. This person may present information to the Presiding Judge opposing disclosure. If the Court allows access to the requested record, the person named in the record, or to whom the record pertains, may request review of the decision as outlined in Section IV of this policy.
6. Requests for administrative records must be submitted in writing to the Court's Records Officer and must be received from an identified individual or, if an entity, an identified entity representative. Anonymous requests will not be considered.
7. A fee will not be charged to view administrative records at the courthouse, except in those circumstances where it will take more than one hour to research, compile and prepare records for review.
8. The requestor may be charged a fee for photocopying or scanning administrative records in accordance with the Court's fee schedule. If the request requires more than one hour to research, locate and prepare responsive administrative records, the requestor will be charged a research fee in accordance with GR 31.1 (h)(4).

IV. Review of Records Decisions

A requestor may request review of the Records Officer's response to a request for court records, data, or administrative records.

A. *Internal Review – First Step*
A requestor may request review of the Public Disclosure Officer's response to a request for court records, data, or administrative records.

1. Within 90 days of the Public Disclosure Officer's decision, a requestor may petition the Court's Presiding Judge for internal review of the decision. The Presiding Judge will conduct an informal and summary review within five working days. Notice of the outcome of the Presiding Judge's review will be provided to the requestor in writing.

B. *External Review*

1. A requestor aggrieved by the Court's decision may obtain further review by choosing between two alternatives for external review. A request for external review must be submitted within 30 days of the issuance of the Presiding Judge's final decision under internal review.
   (a) Review via civil action in court. The requestor may use a judicial writ of mandamus, prohibition, or certiorari to file a civil action in Superior Court challenging the decision.
   (b) The requestor may seek informal review by a judicial officer outside of the Court. The Court and requestor shall agree on the reviewing judicial officer. If the Court and requestor cannot agree, the Presiding Judge of Spokane County Superior Court or his/her designate, will conduct the review. The review proceeding shall be informal and summary. The decision resulting from the informal review may be further reviewed in Superior Court pursuant to a writ of mandamus, prohibition, or certiorari.

V. Chambers Records

A. Chamber records are not administrative records and are not subject to disclosure.

B. Chambers records are writings created by or maintained by a judicial officer or chambers staff and maintained under chambers control, whether directly related to an official judicial proceeding, the management of the court, or other chambers activities.

C. Chambers staff for Spokane Municipal Court generally means the judicial officer's administrative assistant and the administrative staff providing direct support to the judicial officer at chambers. On occasion, other court staff may support judicial officers with chambers functions. In these instances, the judicial officer will inform the court staff member that the work product is a chambers record.

VI. Records Retention

A. The Spokane Municipal Court maintains a records retention schedule outlining the official records of the court. The records retention schedule outlines the legal authority pertaining to each of the record types as well as the retention period. A copy of the Court's record retention schedule is available upon request.

VII. References

This policy is not intended to conflict with applicable Court Rules.

General Rule 31: Access to Court Records

General Rule 31.1: Access to Administrative Records

JISCR 15: Data Dissemination Policy

RCW 42.56: Public Records Act

ADOPTED ~~by the Spokane~~ Municipal Court: March 29, 2018

TRACY A. STAAB
Presiding Judge

MARY C. LOGAN
Assistant Presiding Judge