

## LOCAL RULE 34

### PUBLIC ACCESS RULES Sup. R. 44-47 (Summary Overview)

#### 34.1 Courts have voluntarily complied with RC 149.43 (Public Records Act).

- A. Three major distinctions between the Public Access Rules and Public Records Act:
  - (1) Redaction or omission of “personal identifiers” (SSNs, financial information, juvenile names, etc.) by filing party. Submission of personal identifiers on a separate form.
  - (2) Expressly permits a Clerk or Court to provide remote (Internet) access to a Court record.
  - (3) Codifies existing Court practices that permit parties and nonparties to seek, by motion, the redaction or removal of a case document, or conversely access to a case document. (See Rule 45 of Superintendence Rules for the Courts of Ohio).

#### 34.2 Court Records – Definitions Sup. R. 44

- A. A “court record” means a case document and an administrative document.
- B. A “case document” means (1) a document and information in a document submitted to a Court or filed with a Clerk of Court in a judicial action or proceeding, and (2) any document prepared by the Court or clerk in the judicial action or proceeding.
  - A case document does not include:
    - (1) A document exempt from disclosure under state, federal, or the common law;
    - (2) Personal identifiers;
    - (3) Information restricted by Sup. R. 45(E);
    - (4) Certain juvenile records;
    - (5) Notes, drafts, recommendations, advice and research of judicial officers and staff;
    - (6) Information on or obtained from the Ohio Courts Network and related data fees
- C. An “administrative document” means a document and information in a document created, received, or maintained by a Court that serves to record the administrative, fiscal, personnel, or management functions, policies, decisions, procedures, operations, organization, or other activities of the Court.

An administrative document does not include:

- (1) A document exempt from disclosure under state, federal, common law, or the Rules for the Government of the Bar;
- (2) Personal identifiers;
- (3) Security documents;
- (4) Court employment examination documents;
- (5) Computer programs and codes; and
- (6) Information contained on or obtained from Ohio Courts Network and related data feeds

#### 34.3 Public Access – Sup. R. 45

- A. Presumption of public access
- B. Direct Access – courts and clerks shall make a court record available, promptly acknowledge the request, and respond in a reasonable period of time.
- C. Remote Access – may make a court record available by remote access as long as the online version is identical.
- D. Omission of personal identifiers
  - (1) Definition of personal identifiers;
  - (2) Omitted or redacted and filed on a separate form;
  - (3) Responsibility of the party filing the document; and
  - (4) Do not refuse a document that contains personal identifiers
- E. Restricting public access
  - (1) Motion filed by parties or nonparties or upon a Court’s own order to restrict public access to information or case document;

- (2) Court to decide restriction based on clear and convincing evidence, that presumption is outweighed by a higher interest;
  - (3) Least restrictive means available: redaction, restricting remote, access, time, generic titles in case management systems, initials for parties' proper names;
  - (4) Journal entry to reflect Court's Order
- F. Obtaining access
- (1) Any person on written motion may request access to a document restricted by the Court;
  - (2) Clear and convincing evidence, presumption outweighs the higher interest.

#### **34.4 Bulk Distribution Sup. R. 46**

1. Any person may request a bulk distribution of information from court records;
2. A clerk, in their discretion, may create a new compilation customized for the convenience of the person who requests the bulk distribution.

#### **34.5 Application Sup. R. 47**

- A. The public access rules regarding the omission, redaction, or the restricting of access to case documents will apply only to actions commenced on or after July, 2009.
- B. The public access rules regarding the omission, redaction or restricting access to administrative documents apply to all documents regardless of when they were created.

#### **Public Access to Brown County Common Pleas Court Files**

- C. The public will be permitted to view court files at the counter in the Clerk of Court's Office. The public will not be permitted to disassemble the Court file at any time. If multiple files are requested, only one at a time shall be viewed. When copies are needed, the appropriate filings shall be marked and the deputy clerk will make the copies. In no event may the file be taken outside of the viewing of the deputy clerk and the file must remain in the clerk's office.