



Lubbock County Court Case Records Electronic Access Policy

Approved on March 26, 2007

Introduction

The judiciary has long recognized that court case records, unless sealed or otherwise restricted by statute or court rule, are available at the courthouse for public inspection and copying. Such access to the court case records allow the public to monitor the functioning of the courts, thereby insuring quality, honesty and respect for our legal system. However, in the past those court case records have been subjected to practical obscurity because of the difficulty locating documents among the voluminous paper files in courthouses across the nation. With the emerging use of imaging technology, however, court documents can now be accessed, duplicated, and disseminated from locations outside the courthouse.

With the increased ability to access court documents electronically comes a concern about the personal privacy implications of electronic access to court case records. This policy is intended to provide electronic access to court case records in a way that mutually benefits the public and the judiciary by making access to certain court case records convenient for the public while protecting the privacy of identifiable interests.

Although certain sensitive information contained in court files maintained by the District Clerk and County Clerk is available for public inspection at the courthouse, this information should be protected from indiscriminate disclosure. This policy provides clear directives as to what should and should not be made available to the public in electronic form and does not affect the public's statutory right to access the official court record.

This policy is therefore promulgated pursuant to Local Government Code §191.008, which gives a county the authority to establish a computerized electronic information system.

Section 1.00 – Purpose

- (a) The purpose of this policy is to provide a comprehensive policy on electronic access to case records held by the District Clerk and County Clerk that incorporates the Resolution by the Lubbock County Board of Judges regarding Remote Access to Case Records dated October 7, 2005, as well as the authority given the Commissioners Court under Local Government Code §191.008. It is intended that the policy provide for access in a manner that:
- (1) provides maximum accessibility to court case records;
 - (2) supports the role of the judiciary;
 - (3) promotes governmental accountability;
 - (4) contributes to public safety;
 - (5) minimizes risk of harm to individuals;
 - (6) makes the most effective use of county staff;
 - (7) provides excellent customer service;
 - (8) protects individual privacy rights and interests; and
 - (9) does not unduly burden the ongoing business of Lubbock County and the judiciary.
- (b) The policy is intended to provide guidance to litigants and the general public seeking electronic access to court case records.
- (c) This policy is not intended to limit or expand access to the official court record maintained by the District Clerk or County Clerk. Access to those records are governed by other statutes and rules and are available for inspection during normal business hours for that office.

Section 2.00 – Who Has Access Under this Electronic Access Policy

Every member of the public will have the same access to court case records as provided in this policy, except as provided in section 4.20.

“Public” includes:

- (a) any person and any business or non-profit entity, organization or association;
- (b) any governmental agency for which there is no existing policy defining the agency’s access to court case records; and
- (c) media organizations.

“Public” does not include:

- (a) court or clerk’s office employees;
- (b) people or entities, private or governmental, who assist the court in providing court services; and
- (c) public agencies whose access to court case records is defined by another statute, rule, order or policy.

Section 3.00 – Definitions

- (1) “Case record” means a document filed in a matter pending before a court and pertaining to its adjudicative function and a court index, calendar, docket, minute, judgment, order and register of actions.
- (2) “Remote access” and “Electronic Access” mean access to a case record through an internet or other electronic connection other than through a public-access terminal authorized by a court or court clerk.
- (3) “In electronic form” means:
 - (a) information that exists as electronic representations of text or graphic documents;
 - (b) an image, including a video image, of a document, exhibit or other thing; or
 - (c) data in the fields of files of an electronic database.

Section 4.00 – Applicability of Policy

This policy applies to all case records, regardless of the physical form of the case record, the method of recording the information in the case record or the method of storage of the information in the case record.

Section 4.10 – General Access Rule

- (1) Information in the case record is accessible to the public except as prohibited by section 4.20 or section 4.40.
- (2) Access to the official court record is not affected by this policy.

Section 4.20 – Case Records Excluded from Electronic Access

Information excluded in the Resolution by the Lubbock County Board of Judges regarding Remote Access to Case Records dated October 7, 2005, any amendments to that Resolution in the future, by future rules of the Supreme Court of Texas, or by other applicable law shall not be included in the electronic access system.

Section 4.30 – Requests to Restrict Information in Electronic Case Records from Remote Access

Except as provided by Section 4.20, the electronic case record will be an exact replication of the official court record.

Section 4.40 – Sensitive Data in Court Case Records

The Commissioners Court notes the Resolution by the Lubbock County Board of Judges regarding Remote Access to Case Records dated October 7, 2005, regarding sensitive data in court case records. The Commissioners Court strongly encourages the Courts and the Clerks to enforce this rule, and strongly encourages litigants and attorneys to comply with the rule.

In order to ensure that the Lubbock County elected officials and department heads understand what information is being disseminated from their office, the affected elected officials and department heads will be required to sign the following forms acknowledging their understanding:

1. Certificate of Participating Official (see Attachment C); and
2. Request to Add/Delete/Change Online Information (See Attachment D).

No information shall be added, modified or deleted without the affected department heads knowledge, specifically authorized by the Commissioners Court on the Request to Add/Delete/Change Online Information form.

Section 5.00 – When Electronic Case Records May Be Accessed

Electronic case records under this policy will be available for access as established by this policy, subject to unexpected technical failures, normal system maintenance, or as otherwise may be technically feasible.

However, information entered on the Lubbock County automated case management system will be added to the remote access system nightly, and therefore may not be current at all time during the day. In addition, information available on the remote access system is available only upon entry of case records upon the Lubbock County automated case management system by the District Clerk and County Clerk.

Section 6.00 – Fees for Access

Lubbock County shall establish a reasonable fee schedule for remote access to case records. Lubbock County will review the fee annually for adjustments.

Section 6.10 – Prorated Fees

Fees for access to the remote access system shall be prorated for all users to renew on the same date. The Administrative Office of the Courts shall determine the prorate amount and renewal date for all users.

Section 6.20 – Contract for Use of System

Each individual or organization wishing to access the electronic case record system shall apply using a form approved by the Administrative Office of the Courts. Such form shall list, at a minimum, the individual's name, contact information, and purpose for requesting access to the system. The Director of Court Administration, or his designee, shall review applications for access to the system in a timely fashion. Upon approval, applicants shall enter into a contract with Lubbock County for use of the system.

Section 6.30 – Billing and Collection of Fees

Upon approval of the contract discussed in Section 6.20 by the Lubbock County Commissioners Court, applicants shall deposit the prorated or full fee with the Lubbock County Treasurer. Applicants will not be issued a login and password until the full payment is received by the Treasurer.

The Administrative Office of the Courts shall notify all users of the expiration of their account at least one month prior to the renewal date. Users who do not pay the required amount prior to the renewal date shall have their access terminated on the renewal date.

Section 6.40 – Deposit of Fees into Courtroom Technology Fund

Fees initially collected should be credited to the Lubbock County General Fund to recover the costs expended with establishing the remote access system. The Auditor, in conjunction with the Lubbock County Information Services Department, shall provide a total cost of the establishment of the remote access system as of the date of implementation of the system.

Fees collected under this section shall be deposited into Courtroom Technology Fund. The Courtroom Technology Funds shall be limited to use:

- (1) in maintaining, expanding or upgrading the remote access system; or
- (2) in purchasing technology components for courtrooms in Lubbock County.

Section 7.00 – Dissemination of Information to Litigants About Access to Information in Court Case Records

The District Clerk and County Clerk shall make information available to litigants and the public that information that is in the official court record about them may be accessible to the public.

Section 7.10 – Dissemination of Information to the Public About Accessing Court Records

The Administrative Office of the Courts will develop and make information available to the public about how to obtain remote access to court case records pursuant to this policy.

Section 7.20 – Education of Judges, Court Staff and Clerk’s Office Staff About the Access Policy

The Administrative Office of the Courts will educate and train the Lubbock County Judges, Court Staff and Clerk’s Office Staff to comply with the electronic access policy so that judges, court staff and clerk’s office staff respond to requests for remote access to information in the court case record in a manner consistent with this policy.

Appendix A: 2007 Fee Schedule

Group	Annual Fee
<i>Licensed Attorneys</i>	
Sole Practitioner	\$360.00
Firm of 2-4 attorneys	\$600.00
Firm of 5-9 attorneys	\$1,500.00
Firm of 10-19 attorneys	\$3,500.00
Firm of 20+ attorneys	\$6,000.00
<i>Bail Bonding Companies</i>	\$500.00
<i>Media organizations</i>	\$500.00
<i>Investigators</i>	\$360.00
<i>Others</i>	\$360.00

Appendix B: Resolution by the Lubbock County Board of Judges regarding Remote Access to Case Records dated October 7, 2005.



BY RESOLUTION OF THE BOARD OF JUDGES OF LUBBOCK COUNTY:

It being the desire of the Board of Judges that the judicial records of the Lubbock County District Courts and County Courts at Law should be made accessible electronically, it is hereby resolved by the Board of Judges of Lubbock County that rules drafted by the Supreme Court Advisory Committee Final Recommendation (as attached) are hereby approved and adopted by the Board of Judges as a Local Rule for electronic access to court records. The rule shall take effect immediately.

Be it further resolved that the Administrative Office of the Courts, in conjunction with the Lubbock County Information Services Department and other departments as necessary, is authorized to establish administrative procedures regarding access and use of the electronic access program. In the event of a conflict between the administrative procedures and this Order, the Order shall govern.

If any part of a rule adopted by the Supreme Court regarding electronic access to court records conflicts with this rule, that part of the Supreme Court rule shall supercede this order.

Dated this 7th day of October, 2005.

JIM B. DARNELL
LOCAL ADMINISTRATIVE JUDGE

RULES OF JUDICIAL ADMINISTRATION

RULE 14. SENSITIVE DATA IN COURT CASE RECORDS

14.1 Defined. The following data is sensitive:

- (a) social security numbers;
- (b) bank account numbers, credit card numbers, and other financial account numbers; and
- (c) driver's license numbers, passport numbers, tax identification numbers, and similar government-issued personal identification card numbers;

14.2 Sensitive Data in Case Records.

- (a) Except as provided in 14.3(d), Sensitive Data must not be filed or included in a case record, as defined by Rule of Judicial Administration 15.2, except in a separately filed, clearly identifiable Sensitive Data Form approved by the Supreme Court of Texas.
- (b) If a court rule, court order, or statute requires a person to file or include sensitive data in a case record other than in a Sensitive Data Form, a person must abbreviate the data and use only the last four digits of those numbers.
- (c) A person must file the Sensitive Data Form at the same time the first case record containing the abbreviated sensitive data is filed. A person must file additional Sensitive Data Forms in a particular cause only if a case record is filed containing abbreviated sensitive data not previously included in a Sensitive Data Form.

14.3 Duty of Court and Court Clerk.

- (a) The court or court clerk must secure Sensitive Data Forms separately from other case records in that proceeding.
- (b) Access to a filed Sensitive Data Form is prohibited, except the court or court clerk must allow access to the forms to a party or an attorney of record in the cause in which the Sensitive Data Form is filed, and court officials, court personnel, or other governmental entities, including a Title IV-D agency and law enforcement agencies, whose duties require access to this sensitive data. The court or court clerk must also compare information provided by a third party to information in a Sensitive Data Form and confirm or expressly negate that the third party's information matches the information in the Sensitive Data Form.
- (c) A court or court clerk may obtain and maintain a record of each person to whom access to a filed Sensitive Data Form is provided
- (d) A court should avoid revealing sensitive data in its orders and opinions to the extent permitted by law. Nothing in this rule permits a court to redact information from a court order or opinion issued in the adjudication of a case.
- (e) The court or court clerk has no obligation to review a case record for sensitive data except as provided in 14.3(b).

14.4 Record on Appeal. A Sensitive Data Form must not be included in the clerk's record on appeal. A Sensitive Data Form may be provided to the appellate court only upon specific written order from the appellate court. If an appellate court orders a copy of the Sensitive Data Form to be filed, it must maintain the Sensitive Data Form separately from the remainder of the record or court file.

14.5 Sanctions. A court may impose appropriate sanctions for a person's violation of this rule.

RULE 15. REMOTE ACCESS TO COURT CASE RECORDS

15.1 Scope. This Rule covers remote access to case records in all Texas courts.

15.2 Definitions.

(a) *Case record* means a document filed in a matter before a court and pertaining to its adjudicative function and a court index, calendar, docket, minute, judgment, order, and register of actions.

(b) *Remote access* means access to a case record through an internet or other electronic connection other than through a public-access terminal authorized by a court or court clerk.

15.3 Remote Access permitted.

(a) A court or court clerk may allow remote access to case records. If remote access is allowed, procedures for such access must

(1) use appropriate security measures, procedures, devices and software to ensure records are maintained in the form as originally filed,

(2) permit access only by case number, caption, or the first and last name of a party, a lawyer, or a judge, unless the case record is an index, calendar, docket, minute, judgment, order or register of actions, and

(3) otherwise comply with this rule.

(b) If a court or court clerk allows remote access, the court or court clerk has the discretion to adopt a system that requires users to register with the court or court clerk, obtain a log-in and password, and pay a fee authorized by law.

15.4 Case Records Excluded from Remote Access. Notwithstanding anything in Rule 15.3, the following case records are not available by remote access:

(a) a case record to which public access is denied by court order or other law;

(b) a medical, psychological or psychiatric record, including an expert report based on a medical, psychological or psychiatric record;

(c) a pretrial bail or pre-sentence investigation report;

(d) stipulations in a criminal case, including attachments;

- (e) an income tax return;
- (f) a case record in a Family Code proceeding, other than a case record, such as a judgment, index, calendar, docket, minute, judgment, order, or register of actions, created by a court in its adjudicative function;
- (g) an exhibit tendered or admitted during a hearing or a trial;
- (h) a document filed with a court in camera, solely for the purpose of obtaining a ruling on the discoverability of such documents; and
- (i) any other document excluded from remote access by court order for good cause shown.

15.5 Procedures If Remote Access Allowed.

- (a) A person filing a case record described in Rule 15.4(a), (b), (c), (d), (e) or (i) must type or stamp the following caption in 36-point font “CONTAINS INFORMATION EXCLUDED FROM REMOTE ACCESS” at the top of the first page of the case record.
- (b) If a case record contains a caption under Rule 15.5(a), a court or court clerk must exclude from remote access either the entire case record or the portion of the case record that contains material excluded from remote access under Rule 15.4.
- (c) A court or court clerk has no duty to review a case record—except a case record described by 15.4(f), (g), and (h)—that does not contain a caption under Rule 15.5(a) to determine whether it contains information excluded from remote access under Rule 15.4.

15.6 Third-Party Technology Providers. If a third party is under contract to provide remote access to case records for a court or court clerk, the contract must require the third party to comply with this rule and the third party has an independent duty to comply with this rule.

15.7 Exempt Individuals and Entities.

- (a) Notwithstanding other provisions of this rule, a court or court clerk may allow a party or an attorney to a particular proceeding remote access to case records in that proceeding that might otherwise be excluded under 15.4.
- (b) This rule does not limit remote access to case records by court officials and personnel or governmental entities entitled to access by court order or other law.

15.8 Requests for Deviations. A court or court clerk may not deviate from this rule without written permission from the Supreme Court of Texas.

15.9 Sanctions. A court may impose appropriate sanctions for a person’s violation of this rule.

Comment—This rule does not govern access to records that are governed by Rule of Judicial Administration 12 or other non-adjudicatory records, such as title records, vital statistics, birth records, naturalization records, voter records, and instruments recorded for public notice, filed with the court or court clerk but not otherwise included as a part of a case record.

Appendix C: Certificate of Participating Official



Lubbock County Court Case Records Electronic Access System
Certificate of Participating Official

I, _____, the _____ of Lubbock County, Texas, have read the *Lubbock County Court Case Records Access Policy* (the "Policy") and hereby certify that my Office will comply with its requirements.

I am familiar with the information from my office which will be made available through the *Lubbock County Court Case Records Access System* (the "System") and certify that to the best of my knowledge and belief:

- the information does not contain any Sensitive Data (as that term is defined by Supreme Court Rule 14);
- the information consists entirely of Public Information (as defined by the Texas Public Information Act); and/or
- the information consists entirely of Judicial Records which are exempt from the requirements of the Texas Public Information Act and are open for public inspection.

I specifically certify that to the best of my knowledge and belief the information from my office which will be made available through the System does not include the following Restricted Information:

- social security numbers, bank account numbers, credit card numbers or other financial account numbers;
- driver's license numbers, passport numbers, tax identification numbers, or similar government-issued personal identification card numbers;
- case records to which public access is denied by court order or other law;
- a medical, psychological or psychiatric record, including an expert report based on a medical, psychological or psychiatric record;
- a pretrial bail or pre-sentence investigation report;
- stipulations in a criminal case, including attachments;
- an income tax return;
- a case record in a Family Code proceeding, other than a case record, such as a judgment, index, calendar, docket, minute, judgment, order, or register of actions, created by a court in its adjudicative function;
- an exhibit tendered or admitted during a hearing or a trial;
- a document filed with a court in camera, solely for the purpose of obtaining a ruling on the discoverability of such documents;
- or any other document excluded from remote access by court order for good cause shown.

I understand that I have a continuing obligation to monitor the information made available through the System and that if I discover that Restricted Information has been or will be made available through the System, I will immediately notify the Lubbock County Information Services Department and request that the Restricted Information not be made available through the System.

Signed this _____ day of _____, 2007.

By: _____

Appendix D: Request to Add / Delete / Change Online Information



***Lubbock County Court Case Records Electronic Access System
Request to Add / Delete / Change Online Information***

I, _____, the _____ of Lubbock County, Texas,
hereby request that the following information be

added to the *Lubbock County Court Case Records Access System*:

removed from the *Lubbock County Court Case Records Access System*:

Information Source: _____

Specific Records / Information:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Signed this _____ day of _____, 2007.

By: _____

Approved in Commissioners Court this _____ day of _____, 2007. Lubbock
County Information Services is hereby directed to make the above listed information available through
the *Lubbock County Court Case Records Access System*.

By: _____
Thomas V. Head, County Judge

Attest:

By: _____
Kelly Pinion, County Clerk