



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.