

Invitation to Comment

<p>Title</p>	<p>Public Access to Electronic Records: Records in Proceedings to Prevent Elder or Dependent Adult Abuse or Workplace Violence (amend Cal. Rules of Court, rule 2.503)</p>
<p>Summary</p>	<p>Rule 2.503(c) contains a list of the types of records in electronic form that must be available at the courthouse, but not by remote electronic access. The list would be expanded to include records in (1) elder and dependent adult abuse prevention proceedings and (2) workplace violence prevention proceedings.</p>
<p>Source</p>	<p>Court Technology Advisory Committee Justice Ming W. Chin, Chair</p> <p>Civil and Small Claims Advisory Committee Hon. Lee Smalley Edmon, Chair</p>
<p>Staff</p>	<p>Christopher Smith, Senior Business Systems Analyst, 415-865-7416, christopher.smith@jud.ca.gov</p> <p>Patrick O'Donnell, Supervising Attorney, 415-865-7665, patrick.o'donnell@jud.ca.gov</p>
<p>Discussion</p>	<p>The California Office of Privacy Protection has characterized the balancing of the competing values of public access to government records with individual privacy rights “as one of the most significant public policy issues Americans face today.” This issue is addressed in the current California Rules of Court on access to electronic trial court records. These rules “are intended to provide the public with reasonable access to trial court records that are maintained in electronic form, while protecting privacy interests.” (Cal. Rules of Court, rule 2.500(a).)</p> <p>To provide reasonable public access and yet protect privacy, the rules on electronic access currently provide for access to many records by remote electronic means, but limit access to records in certain types of cases to the courthouse only. The records available only at the courthouse under rule 2.503(c) include records in family, juvenile, criminal, and civil harassment proceedings. These records often contain personal and financial information about family members, juveniles, victims of crime, and victims of harassment. Because of the sensitive nature of the information in these records, it is appropriate to limit the availability of these types of records over the Internet.</p>

This proposal would add to the list in rule 2.503(c) records in elder and dependent adult abuse cases and records in workplace violence prevention proceedings. The reason for adding these two additional types of records is straightforward: these cases involve the same types of sensitive information as the records in civil harassment and domestic violence cases that are already included on the list in (c).

In addition, although the general provision in subdivision (c) that limits access to proceedings under the Family Code already covers records in domestic violence prevention proceedings, the rule would be amended to explicitly include domestic violence prevention proceedings in the examples in (c)(1), to clarify that these proceedings are on the list of records available electronically only at the courthouse.

Attachment

Rule 2.503 would be amended, effective January 1, 2008, to read as follows:

1 **Rule 2.503. Public access**

2
3 (a) * * *

4
5 (b) **Electronic access required to extent feasible**

6
7 A court that maintains the following records in electronic form must provide
8 electronic access to them, both remotely and at the courthouse, to the extent it is
9 feasible to do so:

10 (1) Registers of actions (as defined in Gov. Code, § 69845), calendars, and indexes
11 in all cases; and

12 (2) All records in civil cases, except those listed in (c)(1)–~~(6)~~(8).

13
14 (c) **Courthouse electronic access only**

15
16 A court that maintains the following records in electronic form must provide
17 electronic access to them at the courthouse, to the extent it is feasible to do so, but
18 may provide remote electronic access only to the records governed by (b):

19 (1) Records in a proceeding under the Family Code, including proceedings for
20 dissolution, legal separation, and nullity of marriage; child and spousal support
21 proceedings; ~~and~~ child custody proceedings; and domestic violence prevention
22 proceedings;

23 (2) Records in a juvenile court proceeding;

24 (3) Records in a guardianship or conservatorship proceeding;

25 (4) Records in a mental health proceeding;

26 (5) Records in a criminal proceeding; ~~and~~

27 (6) Records in a civil harassment proceeding under Code of Civil Procedure section
28 527.6.;

29 (7) Records in a workplace violence prevention proceeding under Code of Civil
30 Procedure section 527.8; and

31 (8) Records in an elder or dependent adult abuse prevention proceeding under
32 Welfare and Institutions Code section 15657.03.

33 (d)–(i) * * *

Item SPR07-23 Response Form

Title: Public Access to Electronic Records: Records in Proceedings to Prevent Elder or Dependent Adult Abuse or Workplace Violence (amend Cal. Rules of Court, rule 2.503)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

Please write or fax or respond using the Internet to:

Address: Ms. Camilla Kieliger,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Camilla Kieliger
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, June 20, 2007

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council,
the Rules and Projects Committee, or the Policy Coordination and Liaison Committee.
All comments will become part of the public record of the council's action.*