

First Judicial District of Pennsylvania



Public Access Policy

Applicable to:

**Electronic Case Record Information,
Official Case Records, and
Financial Records**

2012

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First Judicial District of Pennsylvania
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Official Case Records, and Financial Records

Section 1. Definitions

- A. “Access” or “Public Access” means that the public may view or obtain a photocopy of the official court file, or portions thereof, or inspect or obtain electronic records of the courts which comprise the First Judicial District of Pennsylvania (as defined below) except as provided by law, rules of court, or this Policy.
- B. “Banner” is the case management system of the following Divisions of the Court of Common Pleas: Trial Division - Civil, Orphans’ Court Division, and Family Division - Domestic Relations Branch and Adoptions.
- C. “CLAIMS” is the Municipal Court’s electronic filing system and case management system for its civil small claims cases, landlord-tenant and code enforcement actions.
- D. “e-TIMS” is the electronic ticket management system used by the Philadelphia Traffic Court to manage its caseload.
- E. “Financial Records” are the accounts, contracts, invoices or equivalent, as more fully described in Pennsylvania Rule of Judicial Administration No. 509, which deal with: 1) the receipt or disbursement of funds appropriated to the Unified Judicial System or to the First Judicial District of Pennsylvania; or 2) acquisitions, use or disposal of services, supplies, materials, equipment or property secured through funds appropriated to the Unified Judicial System or to the First Judicial District of Pennsylvania.
- F. “JACS” is the Family Court Juvenile system’s case management system.
- G. “Bulk Data Request” means any request for compiled records consisting of more than one electronic case record, regardless of the number of electronic case records requested or the number of case fields or data per electronic case record requested, and regardless of the format the information is requested to be provided to the requestor.
- H. “Official Case Records” (often referred to as “official court file”) consist of those records maintained by the applicable clerk of court, prothonotary or similar office or court staff for any unique case commenced in any of the courts which comprise the First Judicial District. This official court file contains all pleadings filed by the parties as well as notices, orders, documents and other legal papers generated by the court or on behalf of the court. The Official Case Records or “official court file” may be maintained by the applicable clerk of

court, prothonotary or similar office or court staff in whole or in part in a paper format or in an electronic format. Unless otherwise provided, the provisions applicable to Official Case Records are applicable equally to case records maintained in a paper format as well as in an electronic format.

- I. "Court Administrator" is the Court Administrator of the First Judicial District of Pennsylvania.
- J. "Custodian" is the person, or designee, responsible for the safekeeping of official case records and electronic case records held by any First Judicial District of Pennsylvania court or office.
- K. "Docket Entries" are chronological descriptions or summaries of an individual case's filings, subsequent actions and events which are entered, usually in an electronic format, on a court's case management system for the purpose of recording the case's events and to assist with its management and ultimate disposition.
- L. "Electronic Case Record" means information or data created, collected, received, produced or maintained by the FJD in connection with a particular case that exists in the case management systems utilized by the FJD.
- M. "Electronic filing" is the electronic transmission of legal papers by means other than facsimile transmission.
- N. "First Judicial District" or "FJD" or "Court" is the First Judicial District of Pennsylvania which comprises three courts: Traffic Court, Municipal Court and Court of Common Pleas. References to the FJD also include the various Departments and offices which are part of the FJD, such as the Prothonotary's Office, Office of Court Reporter and Interpreter Services, and Jury Selection Commission.
- O. "Legal paper," a pleading or other paper (including exhibits and attachments) filed in an action.
- P. "Party" means one by or against whom a Traffic Court, Municipal Court or Court of Common Pleas case is brought.
- Q. "Public" means any person, business, non-profit entity, organization or association. "Public" does not include First Judicial District of Pennsylvania officials or employees, or any federal, state, or local government agency, or employees or officials of such an agency if acting in their official capacity.
- R. "Public Access Officer" is the person designated by the president judge or other appointing authority to review and process requests to access official case records, electronic case records, or financial records of the FJD and/or a court or office of the FJD.
- S. "UJS" means the Unified Judicial System of Pennsylvania.

Section 2. Access to Electronic Case Record Information Maintained by the First Judicial District of Pennsylvania

A. General Policy

It is the policy of the First Judicial District of Pennsylvania to permit the public to access, inspect and obtain electronic case records of the First Judicial District of Pennsylvania to the fullest extent legally permitted and feasible, except as provided by law, state and local rules, UJS policy, or as set forth in this policy, provided that the Court's orderly and efficient case flow is not disrupted by the request for electronic case records.

This policy does not govern access to electronic case records governed by the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* (i.e. information or data created, collected, received, produced or maintained by a court or office in connection with a particular case that exists in the Pennsylvania Appellate Court Case Management System, Common Pleas Criminal Court Case Management System and Magisterial District Judge Automated System). Access to electronic case records of the Unified Judicial System of Pennsylvania is governed by the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania*. See <http://www.pacourts.us/T/AOPC/PublicAccessPolicy.htm>.

B. Electronic Case Record Information Excluded from Public Access

The following information in electronic case records is not accessible by the public:

- (1) social security numbers;
- (2) operator license numbers;
- (3) juror information including name, address and other contact information;
- (4) a party's street address and vehicle owner's address for Traffic Court cases, except that the city, state, and ZIP code may be released;
- (5) witness information for Traffic Court cases including name, address and other contact information;
- (6) financial institution account numbers, credit card numbers, PINS or passwords used to secure accounts;
- (7) notes, drafts, and work products related to court administration or any office that is the primary custodian of an electronic case record;
- (8) information sealed or protected pursuant to court order;
- (9) information to which access is otherwise restricted by federal law, state law, or state court rule; and
- (10) information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator with the approval of the Administrative Governing Board of the First Judicial District.

C. Correcting Data Errors to Electronic Case Record Information Maintained by the First Judicial District of Pennsylvania.

- (1) A party to a case, or the party's attorney ("the requestor") seeking to correct a data error in an electronic case record shall submit a written request for correction to the court in which the record was filed. The request shall be made in forms provided from time to time by the FJD.
- (2) The requestor shall set forth on the request form with specificity the information that is alleged to be in error and shall provide sufficient facts including supporting documentation that corroborates the requestor's contention that the information in question is in error. A copy of the request must be sent to all other parties in the case.
- (3) Within ten (10) business days of receipt of a request, the court's (or office's) designee shall respond in writing to the requestor, and a copy of the response shall be sent to all parties to the case, in one of the following manners:
 - (i) the request does not contain sufficient information and facts to adequately determine what information is alleged to be error; accordingly, the request form is being returned to the requestor; and no further action will be taken on this matter unless the requestor resubmits the request with additional information and facts.
 - (ii) the request does not concern an electronic case record that is covered by this policy; accordingly, the request form is being returned to the requestor; no further action will be taken on this matter.
 - (iii) it has been determined that an error does exist in the electronic case record and that the information in question has been corrected.
 - (iv) it has been determined that an error does not exist in the electronic case record.
 - (v) the request has been received and an additional period not exceeding 30 business days is necessary to complete the review of this matter.
- (4) A requestor has the right to seek review of a decision under paragraph (3) (i)-(iv) from the District Court Administrator or his/her designee, within 10 business days of the decision, on forms provided from time to time by the First Judicial District. The decision of the District Court Administrator or his/her designee constitutes the final decision of the First Judicial District.

Note: Electronic case record correction procedures for CP/MC criminal cases are established by the UJS Electronic Case Record Public Access Policy. Information and relevant forms can be found at <http://www.pacourts.us/T/AOPCIPublicAccessPolicy.htm>.

D. Request for Bulk Electronic Case Records or Data

Any request for compiled electronic case records shall be reviewed and approved on a case-by-case basis. Only information or data not excluded from public access may be provided. Any request for bulk records or data that can be compiled using an existing report format shall be granted. Any request for bulk records or data which cannot be compiled using an existing report format will only be granted if the FJD has available personnel and other resources needed to compile the information requested without disrupting the orderly and efficient case-flow and operations of the FJD. As appropriate and by agreement, the First Judicial District may restrict

the commercial use and re-sale of the bulk data provided, and may impose reasonable restriction on the usage of bulk data. For instance, the First Judicial District may prohibit the continuing commercial use of judgment information unless the commercial user agrees to periodically update or refresh the information to ensure that judgments that are satisfied are not reported as unpaid, to the detriment of the debtor.

Section 3. Access to Official Case Records.

This section covers access to official case records filed with and maintained by the Prothonotary, clerks of court, or similar office or court staff pursuant to specific legal authority, regardless of whether the official case records are filed or maintained in a paper format or in an electronic format.

- A. General Policy.** The policy of the First Judicial District is to provide unrestricted access to “official case records” (as defined in Section 1 above) except as provided by law, state and local rules, UJS policy, or as set forth in this policy.
- B. Confidential Information in Legal Papers filed in the courts of the FJD.**
- (1) Except as set forth below in subsections 2 and 3, parties and their attorneys are directed to refrain from including social security numbers and financial information in all legal papers, documents and exhibits filed with the court.
 - (2) If the identity of a financial institution account number, credit card account number, or debit card number must be established, only the last four digits of the number may be included in the documents and exhibits filed with the court.
 - (3) If inclusion of the information set forth in subsection 1 is required by law or requested by the court, a party shall file the information on a separate form (“Confidential Information Form”), or, online in a data field clearly identified as “Confidential Information” as may be required or authorized by any applicable state or local rule. The Confidential Information submitted online, Confidential Information Form and information contained thereon shall only be accessible to the court and the parties to the case, and shall not be accessible to the public.
 - (4) The parties and their attorneys are solely responsible for complying with the provisions in subsections 1, 2 and 3. The Prothonotary or the appropriate clerk of court will not review any document for compliance with subsections 1, 2 and 3. A party’s or an attorney’s failure to comply with these provisions shall not affect access to official case records that are otherwise accessible, and shall not require the Prothonotary or the appropriate clerk of court to redact any data or information contained in any legal paper.
 - (5) The following official case records filed in the courts of the First Judicial District are not accessible to the public:
 - (a) The Confidential Information Form and any information contained thereon;
 - (b) Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in section 2) above;
 - (c) Legal papers and other information specifically sealed by court order;

- (d) Legal papers and information to which access is restricted by federal law, state law, state court rule, and local ordinances and law;
- (e) Notes, drafts, and work product of a judge or court employee; and
- (f) Information identified by the Court Administrator, with the approval of the Administrative Governing Board of the First Judicial District, as presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice.

C. Remote Access to the Official Case Records Maintained in an Electronic Format.

- (1) **Remote Access to Parties.** Official case records maintained in an electronic format shall be made available to the parties as provided in the rules governing the applicable court or division. See e.g. Pa.R.C.P. No. 205.4, Phila.Civil Rule *205.4, Pa.O.C.R. 3.7 and Phila.O.C.R. 3.7.A.
- (2) **Remote Access to the Public.** The FJD is not required to provide remote access to any official case record whether maintained in whole or in part in an electronic format. However, from time to time, the FJD may provide electronic access to any or all official case records maintained in an electronic format in accordance with rules or regulations which may be established from time to time.

Section 4. Access to Official Case Records of the First Judicial District. Court Specific Policies

A. Court of Common Pleas

(1) Trial Division - Civil.

All legal papers contained in the official court file are accessible to the public, except for:

- (a) any legal papers filed pursuant to the Mental Health Procedures Act of 1976, as amended, which are confidential and shall only be available to the parties thereto;
- (b) notes of testimony (see below);
- (c) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local rule;
- (d) specific cases and legal papers which are sealed by an order of the court; and
- (e) specific case types and legal papers as provided by law, state and local rules, UJS policy or as set forth in this policy.

(2) Trial Division - Criminal.

All legal papers contained in the official court file are accessible to the public, except for:

- (a) pre-sentence reports;
- (b) mental health records;

- (c) notes of testimony (see below);
- (d) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local rule;
- (e) specific cases and legal papers which are sealed by an order of the court; and
- (f) specific case types and legal papers as provided by law, state and local rules, UJS policy or as set forth in this policy.

(3) Family Court Division. The section addressing records of the Family Court Division is currently being developed.

(4) Orphans’ Court Division

All legal papers contained in the official file are available to the public except:

- (a) notes of testimony (see below);
- (b) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local rule;
- (c) any specific cases and legal papers which are sealed by an order of the court; and
- (d) any specific case types and legal papers as provided by law, state and local rules, UJS policy or as set forth in this policy.

B. Municipal Court

(1) Civil. All legal papers contained in the official court file are accessible to the public, except:

- (a) notes of testimony (see below);
- (b) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local rule;
- (c) specific cases and legal papers which are sealed by an order of the court; and
- (d) specific case types and legal papers as provided by law, state and local rules, UJS policy or as set forth in this policy.

(2) Criminal. All legal papers contained in the official court file are accessible to the public, except:

- (a) pre-sentence reports;
- (b) mental health records;
- (c) notes of testimony (see below);
- (d) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local rule;
- (e) specific cases and legal papers which are sealed by an order of the court; and
- (f) specific case types and legal papers as provided by law, state and local rules, UJS policy or as set forth in this policy.

C. Traffic Court

The “official court file” in Traffic Court proceedings consists of the citation issued or filed as required by rules of court as well as any notices, orders, warrants issued by the Philadelphia Traffic Court and any other legal paper filed with the Traffic Court. However, the following information shall not be made available to the public:

- (a) a defendant’s employment and financial information provided as required by rules of court to enable the Traffic Court to enter and enforce installment payment orders; and
- (b) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local law or rules.

Section 5. Notes of Testimony - Court Reporters

(a) **General Rule.** If filed in the official case record, notes of testimony or transcripts of court hearings are accessible by the public to the same extent as the underlying case type. However, in light of the provisions of Pennsylvania Rules of Judicial Administration No. 5000.1 et seq., the notes of testimony may not be copied. Copies of the notes of testimony must be ordered from the Office of Court Reporters utilizing the appropriate Transcript Order form, available on the FJD’s website at: <http://www.courts.phila.gov/forms/> and the applicable fee must be paid.

(b) **Untranscribed or Unfiled Notes of Testimony.** Notes of testimony or transcripts of court hearings are accessible by the public to the same extent as the underlying case type. If a particular hearing is accessible to the public, notes of testimony must be ordered from the Office of Court Reporters utilizing the appropriate Transcript Order form, available on the FJD’s website at: <http://www.courts.phila.gov/forms/> and the applicable fee must be paid.

Section 6. Public Access to Financial Records

Pennsylvania Rule of Judicial Administration No. 509 establishes a systematic process for requesting and accessing financial records that deal with the use of public funds, including the purchase of services, supplies or equipment. A copy of Rule 509 and related information may be obtained on the Unified Judicial System’s public access webpage, located at: <http://www.pacourts.us/T/AOPC/PublicAccessPolicy.htm>.

The FJD’s Rule 509 Request form, fee schedule and other detailed information related to Rule 509 can be found via the links on the FJD’s website <http://courts.phila.gov>.

Section 7. Requests for Electronic Case Record Information, Official Case Records, and Financial Records

Request Process. The FJD may require public access requests for Electronic Case Record Information, Official Case Records, and Financial Records to be in writing, on forms provided

from time to time by the First Judicial District. Current Public Access Request forms are available on the FJD website at <http://www.courts.phila.gov/forms/>. The request shall identify or describe the official case records or electronic case records sought with specificity to enable the appropriate staff to ascertain which records are being requested.

Section 8. Responding to a Request for Official Case Records or Electronic Case Record

A. As promptly as possible under the circumstances existing at the time of the written request, the respective court or office shall respond in one of the following manners:

- (1) fulfill the request, or if there are applicable fees and costs that must be paid by the requester, notify the requester that the information is available upon payment of the same;
- (2) notify the requester in writing that the requester has not complied with the provisions of this Policy and the requested information cannot be provided;
- (3) notify the requester in writing that the information is confidential or cannot otherwise be provided; or
- (4) notify the requester in writing that the request has been received and that additional time is necessary to respond to the request, and that a response will be provided within thirty (30) business days.

B. If the request for access is denied, the requestor may seek review of that determination from the Court Administrator or designee within 15 business days of service of the written notification by the respective court or office. The request for review must be in writing, on a form supplied from time to time by the First Judicial District. Within 20 business days of receipt of the appeal, the Court Administrator or designee shall make a determination and forward it in writing to the requestor. This remedy is not exclusive and need not be exhausted before other relief is sought.

Section 9. Fees.

A. General Rule. The First Judicial District must assess, charge and collect the fees and other charges that are provided by law and other legal authority in order to provide certain services, official case records, as well as for electronic case record information, even if provided in a bulk format. (See, e.g. 42 Pa.C.S. § 1725 and 42 P.S. § 21081).

B. Public Access Fee Schedule. From time to time, the First Judicial District shall adopt a Public Access Fee Schedule addressing charges and services not covered by Section 9.A. The Public Access Fee Schedule shall be posted on the FJD website, <http://www.courts.phila.gov>, together with the other applicable fee schedules. The Public Access Fee Schedule may be amended from time to time by the First Judicial District.

C. Prepayment. Prior to granting a request for access in accordance with this Policy, the First Judicial District may require the requester to prepay an estimate of the fees authorized by this Policy. Failure to pay the fees requested in a timely manner will result in the denial of the request.

Section 10. Continuous Availability of Policy.

A copy of this Policy, which may be amended from time to time, shall be continuously available for public access in each Court, Division, Department or other office of the First Judicial District as well as on the website of the First Judicial District, at <http://courts.phila.gov>.

Current Public Access Forms

The current Public Access Forms to use in requesting Official Case Records, Electronic Data and information pursuant to Rule 509 are available through the First Judicial District's Public Access page, at:

<http://www.courts.phila.gov/publicaccess/>, and on the First Judicial District's Forms page, at: <http://www.courts.phila.gov/forms/>

Thank You.

First Judicial District of Pennsylvania

PUBLIC ACCESS POLICY*

FEE SCHEDULE†

The following *Fee Schedule* is adopted as provided in Section 9 of the First Judicial District of Pennsylvania's *Public Access Policy*.

ELECTRONIC DATA

1) Complete Historical Data - Flat Fee of:

- a. \$25,000 for all historical data maintained by the Court of Common Pleas - Civil; Municipal Court - Civil; Orphans' Court; and Traffic Court
- b. \$10,000 for each individual database's Historical Data
- c. \$3,000 for a subset of paragraph 1.b. above

2) Daily, Weekly, or Monthly Current Updates

- a. \$1,000 per month for all current data maintained by the Court of Common Pleas - Civil; Municipal Court - Civil; Orphans' Court; and Traffic Court
- b. \$500 per month for each individual database's current data
- c. \$300 per month for a subset of paragraph 2.b. above

3) Non-Recurring Request (ad hoc). Standard programming fee (@\$85 per hour) plus \$300

OFFICIAL CASE RECORD

Requests for copies of official case records which can be accessed by the public shall be made on-line if available or on forms provided by the FJD and are subject to the following charges:

1) Requests and delivery through the FJD's *eCommerce Online Document Purchase Feature*: \$.10 @ page. A \$5.00 convenience fee will be assessed for each transaction in order to complete the purchase on-line. Documents from multiple case dockets may be purchased during one transaction by updating the virtual shopping cart. *Note: In lieu of paying the convenience fee, documents may be purchased at the Prothonotary's Office in Room 264 City Hall at a cost of \$.50 per page.*

2) Requests from the applicable Prothonotary or Clerk of Courts and delivery either in an electronic or hard-copy format by the Prothonotary or Clerk of Courts: \$.50 per page from the applicable Prothonotary or Clerk of Courts.

**The First Judicial District must assess, charge and collect the fees and other charges that are provided by law and other legal authority in order to provide certain services, official case records, as well as for electronic case record information, even if provided in a bulk format. (See, e.g. 42 Pa.C.S. §1725 and 42 P.S. § 21081).*

†Prior to granting a request for access in accordance with this Policy, the First Judicial District may require the requester to prepay an estimate of the fees authorized by this Policy. Failure to pay the fees requested in a timely manner will result in the denial of the request.