



**Public Access Committee's
Data Replication Report
Task Force Reply
to
Background Information Services, Inc.
Response to Data Replication Task
Force Report**

May 2013

**COLORADO JUDICIAL BRANCH REPLY TO BIS
REASONS OF SUPPORT FOR REPLICATED PUBLIC DATA
Colorado Public Access Committee
October 24, 2012**

1. Replicated Public Data Increases Revenues to the Colorado Judicial Department.

Even before the economic collapse of October 2008, the Colorado Judicial Department was promoting budget ideas before the Joint Budget Committee (JBC), which would allow the Judicial Department to become less dependent on the state's General Fund and to become more independent through cash funding mechanisms. The JBC and the Legislature agreed. Legislation was approved in 2008 that created the Judicial Information Technology Fund. Then in 2010, the Legislature gave approval for the Judicial Department to proceed with the in house transition of the Public Access System (PAS) and E-filing systems. With the PAS transition complete and the more complex E- file transition underway, BIS pays over \$2 million per year into the Judicial IT fund, this making BIS one of the Department's largest cash fund contributors. BIS believes that the payment of over 2 million dollars a year should give credence to allowing BIS to serve its customers in what it believes to be the best possible way. If this committee would approve replicated data, also referred to as mirrored data, State Court Administrators Office (SCAO) revenues could increase. Such new monies could then be used to help finance the Department's other IT projects that will evolve in the future.

***Judicial Department Reply:* The Department agrees that BIS makes contractual payments to the judicial department for the information it resells to the public. The Department has a long standing, amicable working relationship with BIS and the other public access vendors that will continue and will include enhancing all systems involved. The Department can accomplish any new added value features to both PAS and e-filing without a need to replicate or mirror Department data.**

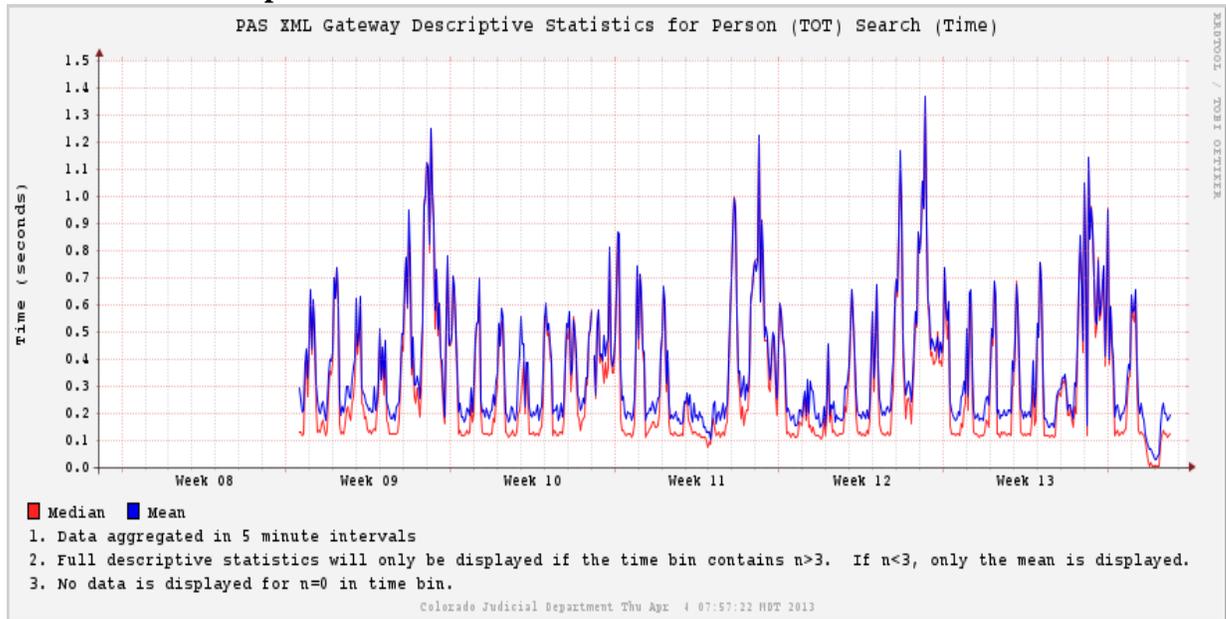
2. Customers Want Replicated Data.

BIS is requesting your committee's approval for **Replicated Public data**. We are not asking to replicate the entire Judicial Department's court record database as represented in the Department's March Data Replication Report. As technology has evolved, so have customer preferences. Today, customers do not want to wait for computer services. They want the records reliable, up to date (real time), accurate and fast. Providing replicated data will speed up service and allow access to all approved public records. Many of the customers who have been with BIS for 15 to 20 years are frustrated by the difference in response time compared to BIS's old Replicated Public Access System, which was the speed of a typical Google search on the internet today.

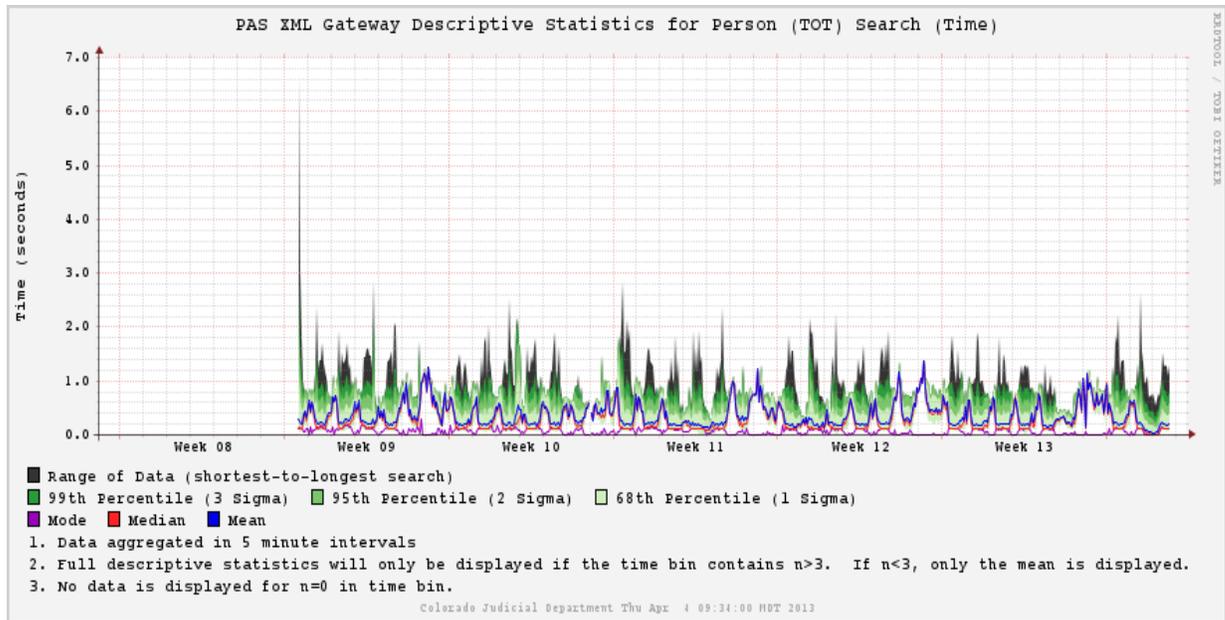
BIS would like to offer new products that are reflective of today's technology. All of the information that would be provided by replicated data is approved public data information available currently at any Colorado Courthouse. Colorado Judicial Department has a long history of being a leader in providing new technology and the reimplementation of a successful replication system would be an important next step back to leading the nation in public data technology.

Judicial Department Reply: During several meetings and discussions with BIS members, BIS has readily acknowledged that today's data retrieval speeds between Department and BIS systems are much faster than they have been in many years. Today, for the person name search, the mean and median search time measured in seconds for both large and small searches are under 1.4 seconds and are generally about .7 seconds or less (see *Person Search Graph*). This time is measured when the Department first receives the search requests from BIS and the time it leaves the Department's server back to BIS.

Person Search Graph



The second person search graph below demonstrates that 99% of searches (dark green) are returned in approximately 1 second or less. The longest searches (blacked shaded area) are returned in 2.5 to 3 seconds or less.



The Department does take a great deal of pride in leading new and advanced technology solutions and has performed some research on possible ways that might enhance data retrieval speeds further. However, the Department would like to see similar time metrics as those mentioned above measuring time from when BIS receives the response from the Department to the time the end user views the data. Implementing an alternative solution to increase performance further will also require refactoring the current data retrieval architecture by the Department and all other public access vendors.

The Department continues to work with BIS to understand the data that is frequently accessed and how to provide the value added services outside of data replication.

3. Replicated Data Has Been Successfully Used Before in Colorado.

Colorado Judicial Department allowed replicated data to be used by BIS for over six years from 2001 until 2006. The Data Replication Report March 2012 states at the bottom of page 4 and top of page 5 “However, issues continued to surface regarding court records being posted on the internet that were not updated in real-time format that was required by contract.” BIS was the only company receiving replicated data other than the Department’s agent of the State. We adhered to the contract to the fullest extent. We have never received a written or verbal complaint from SCAO. The above statement had nothing to do with the real time replicated data. Composite data released by SCAO to vendors prior to the authorization & release of replicated data was the problem.

Providing replicated data in the past to BIS was a successful partnership and could be again. This is especially true with the advances in technology over the past six years.

***Judicial Department Reply:* The Department stands by all previous explanations for why data replication has not been allowed for the past eight years. Providing real**

time access to data allows the Department to eliminate cases from the public data base that have been sealed, update information to be accurate reflections of the court record, and carry out the principle responsibility of the Department to use the case management system to reflect court business.

4. Any Security Concerns Can Be Addressed.

BIS believes almost all issues, including any potential security concerns that the Public Access Committee or the Department may have, can be addressed through contract. Penalties should be imposed on those vendors that violate contract provisions. BIS and the Department have had a long, successful relationship of working together on a contract basis and the implementation of replication should be no different.

***Judicial Department Reply:* The Department has enjoyed a long standing working relationship with many of its public access vendors, however, the Department must ensure that it adheres to stringent data security measures and transaction control. The Department must ensure the delivery of data is accurate and that it can account for all requested transactions for which a contract or audit cannot reliably monitor if the source becomes multiple sources outside the Department's control.**

5. Only Data That Is Currently Available to the Public Would Be Replicated.

Replicated data would remain the property of the SCAO. As stated earlier, the data used in today's Public Access System is public data and does not include confidential information. With replication, BIS is not requesting any new data, just that the current data be made available in a replicated format.

***Judicial Department Reply:* If the data were to be replicated, regardless of whether it is public information, the Department has a responsibility and duty to ensure that its information is updated, accurate, and reliable at all times. In order to ensure that the public and Department are not at serious risk when distributing court related information, the Department must be the only source of the data delivered. The Department cannot ensure that the data is reliable or accurate if there are multiple sources.**

6. There Has Been, And Continues To Be, Legislative Support for Replicated Data.

In 2011, House Bill 11-1282 mandated that the Department provide Replicated data (Please see Appendix #1 to view copy of legislation). The House sponsor was the Chairman of the House Judiciary Committee and the Senate sponsor was the Chair of the Senate Judiciary Committee. HB 11-1282 passed the House Judiciary Committee 9 Yes, 0 No and the entire House of Representatives, 60 Yes, 3 No and 2 Excused respectively (Please view Appendix #2). When the bill arrived in the Senate, the Senate sponsor requested that both BIS and the Court come together and try to work out any differences in the legislation. After several days of in-person communication with Chief Justice Bender and Justice Martinez, BIS

withdrew the bill at their request with the belief, that the issue of replicated data could be addressed through their committee with a positive result, rather than a prescriptive piece of legislation.

Today, there continues to be bipartisan legislative support. Legislators like the idea wherein Departments create and sustain successful cash-funded programs and respect those that implement the best information technology available (Please see Appendix #3 to view Representative Bob Gardner letter and Appendix #4 to view Senator Morgan Carroll letter and Appendix #5 to view BIS's concerns with the Data Replication Task Force Report) This appendix addresses elements in the March 2012 Judicial Task Force Data Replication Report where BIS has a differing point of view.

The first major point of difference turns on the word "suitable", a word mentioned several times in the Report. BIS believes that for its current expenditure of approximately \$2 million per annum, an extraordinary amount for a small business, it should be supported by the Judicial Department in a manner enabling it to provide the best service to its customers, and that is most suitably done through data replication. The Judicial Department cannot know what is most suitable for BIS, it can only conjecture. The Public Access system has high visibility, and providing the best service possible makes both the Judicial Department and BIS look good in the public eye.

The second major point of difference is using what others are doing as justification for denying replication. Whether or not other States, Colorado State agencies, or the Judicial Department replicates data is a technical matter, and one which has been solved in the past for the Judicial Department. In BIS's eyes, the critical question is whether or not Colorado State Agencies allow outside entities to hold their data and use it in a manner specified by contract. Many do, an example is the State's current usage of Google for email. More to the point, there are several different departments known to do this with non-public, sensitive information. In the case of Judicial data, BIS is requesting replicated public information, controlled by a contract, not non-public, sensitive information, although it would be treated with like care by BIS. There are ample examples within this State supporting the most important element of BIS's request for greater data sharing, where other agencies control use of State data on a non-State computer through a contract.

***Judicial Department Reply:* Today, the Department and its public access vendors can reliably monitor, track, and audit incoming searches. While the data replication solution contains many other inherent disadvantages and risks, the disadvantage referenced on page 16 with the word "suitable" is that a replication solution would completely eliminate the Department from being able to monitor, track, and reliably audit search transactions for payment to either party.**

The Department is fully capable of providing quality services and has proven this through a wide array of applications that it has built for its internal users as well as the public and its vendors. We see "best service" as not only providing systems that are intuitive, responsive, and help to make the lives of others easier and more efficient, but also provide information that is reliable and accurate 100% of the time. As the source of court and probation records, the Department can absolutely

guarantee this if the public or its vendors request such information from the primary source.

A data replication solution does not guarantee 100% data accuracy, which places members of the public and the Department at risk. Data replication would simply allow court records to be displayed on a third party website or desktop application regardless of data replication feed issues to a secondary source; making the secondary source of data stale, unreliable, and inaccurate. In the Department's view, this is not good service especially as it pertains to court records as wrong information could severely impact the lives of others. Important decisions are made every day with Department data, and it is the Department's responsibility to ensure that decisions made by members of the public are as accurate as judicial officers who make decisions on the bench.

Today's technologically advanced world enjoys the widespread practice of sharing data through the use of web service protocols. The Department remains on the cutting edge of technology and data access and will continue to provide public data using these service protocols. The Department must ensure that the data and information being released to the public is complete, secure, and accurate at all times. To that end, the Department will continue to work with vendors to enhance the system to provide electronic access to court records and continue to maintain the balance between public access and privacy that is so important in our government.