

# Public Access Committee Meeting Minutes

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**Date: October 24, 2012**

**Voting Members Present:** Justice Monica Marquez, Judge Robert Hyatt; Judge Devin Odell; Chris Yuhas; Sandra Casselberry; Karen Salaz; Chad Cornelius; Sabra Millett; Tammy Herivel; and Lynette Collins

**Other Members Present:** Dan Cordova; Steven Vasconcellos; Linda Bowers; Carol Haller; and Terrie Langham

**Non-Members Present:** Larry Hudson and David Foy representing Lexis Nexis; Dennis Thompson representing Acxiom; Kathy Oats, Steve Balcerovich, Marc Milligan, and John Nebel representing BIS; and Sherry Stwalley from Judicial

**Miscellaneous:** A certificate was presented to Chris Yuhas for her service to the Committee. Chris is retiring October 30<sup>th</sup> so this is her last meeting. Welcome to Sandra Casselberry who is replacing Chris Yuhas as a voting member and Terrie Langham who is joining the committee as a non-voting member

**Minutes from August 16, 2012 meeting approved.**

## Old Business

**Report on expanding Public Access Policy to include all Judicial Department records –**  
Carol Haller, Deputy State Court Administrator and Legal Counsel

Carol is continuing to work on the policy expansion. She made new connections with staff from other states that are working on similar projects. She will provide an update at the February meeting.

## **Data Replication Report: BIS Response to Task Force Recommendations**

Marc Milligan and John Nebel presented a written response to the Data Replication Report. They requested that the report be posted on the Internet with the Task Force Report. Additionally, Marc requested to be allowed to work personally with Justice Marquez related to business issues and would like to address contract issues. Since those issues are not within the policy setting scope of the Committee, additional meetings will be scheduled to discuss these issues.

The Committee agreed that the report could be posted on the Internet after it is reviewed.

The original Task Force will meet again with Justice Marquez to review the response and then will meet with representatives from BIS. Committee members will review the report as well. This item will be placed back on the February Agenda for additional discussion. John Nebel will provide an electronic version of the response to Linda Bowers for distribution.

## Discussion Items

### Subcommittees' Policy Change Recommendations – Linda Bowers, Court Services Manager

- **Judgment Report completed and ready for distribution:**

Larry Hudson and David Foy asked for clarification on the report and policy language. Specifically, are judgments that are set aside or vacated included in this report? Linda Bowers responded that if the judgment was ordered and set aside or vacated in the same month it would not be in the report. However, if a judgment is ordered in a previous month, the set aside or vacated information would not be captured in the following month's report. Staff will review the possibility of obtaining this information from the judgment data. If it can be added to the report, language will be proposed to further modify the policy to include judgments with the set aside or vacated statuses. Staff will report back to the Committee at the February meeting.

- **New language for section 4.40 new Section (g) for Compiled Reports:**

The proposed language was approved with the addition of the word "The" before the word "Resources" in paragraph g.2.D.

The new Section 4.40 (g) will be as follows:

- (g) A government agency or commission or a private or non-profit entity may request compiled data or data matches that contain specific identifying information for adults and/or juveniles. The State Court Administrator may delegate to his/her staff the authority to make the initial determination as to whether to provide compiled or aggregate data.
- (1) Before approving the release of this additional information one or more of the following conditions must be met:
  - (A) The agency, commission or entity requesting the data has an agreement with the Department to complete an internal review of a project or program.
  - (B) The agency, commission or entity requesting the data has identified the statutory authority that exists requiring a program evaluation and that specific identifying information is necessary to complete the evaluation.

- (C) The agency or entity requesting the data is evaluating programs that are relevant to services provided by the agency or entity to criminal justice clients.
- (2) If at least one of the above conditions is met, the request may also be subject to one or more of the following:
  - (A) If the project is Human Subject Research the SCAO will determine whether the project should have the approval or waiver of an IRB (Institutional Review Board). The request will not be granted until such time as an IRB has provided the approval or waiver of the research project.
  - (B) Non-public data, including data with personal identifying information will not be provided to satisfy academic requirements for students.
  - (C) The State Court Administrator's Office may compile and provide the data if it determines that providing the compiled or aggregate data meets criteria established by the Public Access Committee in Section 1.00(a)(1-12).
  - (D) The resources are available to compile the data and it is an appropriate use of public resources.
- (3) Agencies, commissions or entities approved to receive the data identified in Section 4.20(g)(1)(A-D) will be required to execute a Memo of Understanding regarding the protection and use of the data.

- **Language to clarify items in section 4.60(d)**

After discussion regarding some of the issues raised by the subcommittee; it was determined that the subcommittee will meet again to complete the modifications to this section.

Additionally, there was some discussion about providing the public a one page notice when they come to the counter, as well as distributing to self-represented parties so they are aware of the public nature of court records. The Courts may want to keep a signed copy in the file.

This Committee will report back to Justice Marquez as soon as possible and information will be distributed to the Committee to review.

## **New Business**

### **SCA/Record Custodian update – Linda Bowers**

- **Report on XML Vendors**

Axiom discontinued usage of the Department's XML Web Services for public access. As of September 25<sup>th</sup>, LexisNexis VitalChek is now an XML vendor and has taken over the CoCourts public access website.

- **Report on Data Requests from last quarter:**  
No significant requests have been received
- **Denver Probate Court Pilot Project** – On Hold till February Meeting. A report will be prepared for the February meeting requesting consideration of electronic access to Probate Estate cases. Staff will work with Denver Probate Court to create the proposal.

#### **Next Meeting Dates**

- February 8, 2013 at 1:30
- May 16, 2013 at 1:30
- September 19, 2013 at 1:30

The meeting was adjourned at 3:20 pm.