

## Public Access Committee Meeting Minutes

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**Date:** February 8, 2013 at 1:30 pm

**Voting Members Present:** Justice Marquez, Karen Salaz, Tammy Herivel, Sabra Millett, Rob McCallum, Chad Cornelius, Judge Katherine Delgado and Lynette Collins

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

**Non-Members Present:** Dennis Thompson representing Acxiom; Kathy Oatis, Steve Balcerovich, Marc Milligan, and John Nebel representing BIS; and Sherry Stwalley from Judicial

**Meeting called to order at 1:35 pm.**

**Minutes from October 24, 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

Nothing new to report at this time. This item will stay on the agenda for May meeting.

**Data Replication Report:** Update regarding meetings with BIS and Judicial Technical Staff – Chad Cornelius, CIO Colorado Judicial Department

Justice Marquez and Judicial Department staff met with BIS representatives in December to discuss any outstanding concerns about the vendor access. In January, Judicial Department technical staff met with BIS technical staff to discuss possible solutions to improve search speeds. These discussions are on-going and involve reviewing potential improvements in both systems.

**Next Steps:** Judicial will continue to work with BIS to improve response time. The Committee took no formal action with respect to the Data Replication Report at this time. This item will remain on the Committee agenda.

### Discussion Item

Policy Change Recommendations – Linda Bowers, Court Services Manager  
Finalize language to clarify items in section 4.60(d)

The Subcommittee reviewing the policy language met and finalized the language for the revision requested in the Public Access Policy Section 4.60(d). The Committee voted unanimously to accept the subcommittee's recommendation. The new language is as follows:

- (d) The following ~~documents or information~~ items are examples of commonly filed court records that are not accessible to the public, unless the court orders otherwise, except that if a pleading or filing refers to an item listed below, that pleading or filing shall be accessible to the public, unless the court orders otherwise:
- (1) Deposited wills
  - (2) Genetic testing information
  - (3) Drug/Alcohol treatment ~~information~~ documents, evaluations and reports
  - (4) Paternity tests
  - (5) HIV/AIDS testing information
  - (6) Driver history reports
  - (7) Juror questionnaires
  - (8) Criminal history record checks
  - (9) Credit reports
  - (10) Medical and mental health ~~information~~ documents prepared by a medical, mental health, or insurance provider
  - (11) Psychological and intelligence test ~~information~~ documents
  - (12) Scholastic achievement data on individuals
  - (13) Probation ICON/Eclipse or jPOD files
  - (14) Draft opinions, notes or internal memos
  - (15) Files/fields/codes concerning the deliberative process
  - (16) Materials or exhibits that are dangerous or contraband
  - (17) Drugs
  - (18) Items whose possession is illegal
  - (19) Pre-sentence reports including attachments
  - (20) Separation Agreements
  - (21) Parenting Plans
  - (22) Sworn Financial Statements/Financial Affidavits
  - (23) Evaluations and reports filed by Child and Family Investigator (§14-10-116.5 C.R.S.); Child's Legal Representative (§14-10-116 C.R.S.); Allocation of Parental Responsibilities (§14-10-127 C.R.S.)
  - (24) Child abuse investigation reports that the court finds are personal and confidential to the parties and that do not fulfill any requirement of necessity of public knowledge
  - (25) Death Certificates
  - (26) Birth Certificates

The Committee briefly discussed concerns about administrative notes that may be maintained by court staff other than judges, such as Family Court Facilitators. In an effort to assure that these types of notes remain confidential, the Committee voted unanimously to modify Section 3.10(b)(3) to excluded these types of notes from the court record.

The new language for this item is as follows:

- (3) administrative and management notes and reports;

## New Business

### SCA/Record Custodian update – Linda Bowers

- Report on Data Requests from last quarter Judgment report created and tweaked; it was distributed in January and February and will continue to be automatically created every month.
- Denver Probate Court Pilot Project – On Hold till May Meeting  
The 19<sup>th</sup> Judicial District volunteered to pilot if Denver doesn't work out.

### Next Meeting Dates

- May 22, 2013 at 1:30
- October 2, 2013 at 1:30
- January 31, 2014 at 1:30

Meeting adjourned at 2:45 pm.