

STATE COURT ADMINISTRATOR POLICY
CONCERNING ACCESS TO COURT RECORDS VIA THE LINKED INFORMATION
NETWORK OF COLORADO (LINC)

1. RECITALS & PURPOSE. The Linked Information Network of Colorado (“LINC”) is a state collaborative that seeks to improve the efficiency of data sharing across multiple agencies and departments. Participation in LINC is expected to result in more timely and comprehensive research and evaluation, and it may allow SCAO to reduce and reallocate resources currently dedicated to such projects. This Policy governs the participation of the State Court Administrator’s Office (“SCAO”) in LINC and is issued by the State Court Administrator (“SCA”) pursuant to Chief Justice Directive (“CJD”) 05-01 Section 2.00(b)(3). The entities and requestors participating in LINC are hereby excluded from the definition of “public” as set forth in CJD 05-01 Section 2.00(b).
2. EFFECTIVE DATE. This Policy shall be effective upon the date it is executed by the State Court Administrator.
3. DEFINITIONS.
 - a. Data Use License (“DUL”): An agreement between the Governor’s Office of Information of Technology (“OIT”) and a LINC Data Recipient that outlines the role and responsibilities of the LINC Data Recipient. The DUL will include project objectives, methodology, data description, data security plan, completion date, reporting requirements, data privacy requirements, and terms for data destruction. A standard DUL with terms will be approved by the LINC Executive Committee.
 - b. LINC Data Recipient: The individual or organization that makes a request to LINC for data analysis, research, or evaluation purposes. The LINC Data Recipient may be an employee from a participating LINC entity or an external researcher or evaluator.
 - c. LINC Executive Committee: A committee composed of representatives from each entity participating in LINC. This committee is responsible for establishing, reviewing, and implementing LINC governing agreements and data agreements. This committee is also responsible for appointing members of the LINC Review Committee, setting priorities for LINC Projects, and reviewing/approving the fee structure used for LINC Projects.
 - d. LINC Review Committee: A committee composed of representatives from each LINC entity asked to provide data for a Project request. This committee votes to approve, revise, or reject Project requests.
 - e. Senior Staff: The Directors or Acting Directors of the five SCAO divisions, and Legal Counsel.
4. SCAO PARTICIPATION IN LINC.
 - a. Enterprise Memorandum of Understanding. SCAO’s participation in LINC will be governed by an Enterprise Memorandum of Understanding (“EMOU”), which will bind SCAO and the other state entities participating in LINC. The EMOU will establish the governance framework for LINC, including processes for establishing LINC priorities, requesting data, reviewing and determining approval for LINC requests, monitoring LINC Projects, and disseminating LINC Project information to appropriate LINC committees.

- b. SCAO Representatives. The SCA or an SCAO representative designated by the SCA will serve on the LINC Executive Committee. An SCAO representative designated by the SCA will serve on the LINC Review Committee.
- c. SCAO Relationship with OIT. OIT acts as the central linking hub for data in LINC. Judicial data will be sent from SCAO to OIT, where OIT staff will integrate, clean, reduce and anonymize the data before providing it to LINC Data Recipients. SCAO will also be recipient of data from OIT for projects involving SCAO data and projects initiated by SCAO.
 - i. Data Sharing Agreement. SCAO's relationship with OIT will be governed by a Data Sharing Agreement ("DSA"). The DSA will, at minimum, detail how confidential data is transferred, stored, accessed, anonymized, used, and deleted. To the extent practicable, the DSA will include the terms and conditions set forth in Addendum C to CJD 05-01.
 - ii. DUL. If an SCAO proposal is approved by the LINC Review Committee pursuant to Section 6 of this Policy, any DUL between SCAO and OIT necessary to accomplish the project will be reviewed the SCAO legal team prior to being executed by the SCA.
 - iii. Exceptions to CJD 05-01. SCAO's relationship with OIT will comply with CJD 05-01 except as provided in this Policy. Specific exceptions to CJD 05-01 are as follows:
 - 1. Criminal background checks will not be performed on OIT employees by SCAO.
 - 2. OIT staff may perform data matches using compiled data submitted by SCAO.
 - 3. SCAO and OIT will enter into a DSA and not a Memorandum of Understanding.
- d. SCAO Relationship with LINC Data Recipients. Because OIT will act as the central linking hub, SCAO will not always have a direct relationship with LINC Data Recipients. As such, the following exceptions to CJD 05-01 are necessary:
 - i. Project requests from LINC Data Recipients are not subject to the restrictions of CJD 05-01 Section 4.40(f). Even though SCAO may send data to OIT containing specific identifying information, OIT will anonymize the data prior to providing it to the LINC Data Recipient, thereby eliminating the need and justification for the restrictions of CJD 05-01 Section 4.40(f).
 - ii. LINC Data Recipients will enter into a Data Use License ("DUL") with OIT. To the extent practicable, the DULs between LINC Data Recipients and OIT will include the terms and conditions set for in Addendum A to CJD 05-01.
 - iii. Fees charged to LINC Data Recipients will be determined according to the fee structure developed by the LINC Director and LINC Executive Committee. To the extent practicable, SCAO will apply the cost recovery formula set for in Addendum D to CJD 05-01.
- e. Priorities for LINC Project requests. SCAO establishes the following priority for LINC Project requests involving Judicial data: (1) requests from other agencies that are essential to complying with their statutory mandates; (2) requests from agencies doing business with the Judicial Department; and (3) all other requests, including those from the media, businesses, and private entities. All other criteria for requesting and receiving Judicial data are set forth in CJD 05-01.

5. PROCEDURE FOR LINC PROJECT REQUESTS SEEKING JUDICIAL DATA.
- a. Decision-making Process. When a LINC Project request is made that involves Judicial data, the SCAO representative on the LINC Review Committee shall present the request to SCAO Senior Staff and the SCA for consideration. The SCA may approve the request, veto the request, or ask that the request be revised. The SCAO representative on the LINC Review Committee shall report the SCA’s decision to that committee.
 - b. Tracking Requests. The SCA will designate appropriate personnel to log LINC Project requests and associated information including, but not limited to:
 - i. Date the request was received;
 - ii. Description of the purpose of the request;
 - iii. Name of the person/organization that submitted the request;
 - iv. Date the request was approved, vetoed, or revised;
 - v. If the request is approved:
 - 1. Date the data response to the request was completed;
 - 2. Which Department personnel worked on the request and how long each person spent on the request;
 - 3. A description of the data provided to the requestor; and
 - 4. Any fee charged to the requestor.
6. PROCEDURE FOR SCAO PROJECT REQUESTS. An SCAO employee shall get prior approval from his/her respective Division director for any LINC project to be initiated by SCAO. Upon approval from a Division director, the employee and the SCAO representative on the LINC Review Committee will complete a consultation with the LINC Director as required by the EMOU. If the proposal passes the consultation, the employee shall complete a LINC request form and submit it to Senior Staff and the SCA for consideration. If approved by the SCA, the request form will be presented to the LINC Review Committee by the SCAO representative on that committee.

Done and signed on 12/02/20 | 10:35 AM MST

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Steven Vasconcellos
State Court Administrator