

**POLICY ON PUBLIC ACCESS TO INFORMATION
COMPILED FROM COURT RECORDS
NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS**

SECTION 1.00 - PUBLIC POLICY

The purpose of this policy is to provide guidance to individuals and entities seeking access to information compiled from official court records, and to provide a decision-making framework for court and circuit court clerk personnel responding to such requests.

SECTION 2.00 - DEFINITIONS

Section 2.01 - DEFINITION OF "COURT RECORD"

(a) "Court record" includes:

- (1) any document, information, or other thing that is collected, received, or maintained by a court or clerk of court in connection with a court case;
- (2) any index, calendar, register of action, order, decree, judgment, minute, and any information in a case management system created by or prepared by the court or clerk of court that is related to a court case; and
- (3) any information maintained by the court or clerk of court pertaining to the administration of the court or clerk of court and not associated with any particular case, including internal court policies, memoranda and correspondence, court budget and fiscal records, and other routinely produced administrative records, memos and reports, and meeting minutes.

(b) "Court record" does not include:

- (1) information gathered, maintained or stored by a governmental agency or other entity to which the court has access but which does not become part of the court record as defined in section 2.01(a)(1).

Section 2.02 - DEFINITION OF "COMPILED INFORMATION"

(a) "Compiled information" is defined as information that is derived from the selection, aggregation or manipulation by the court of the information from more than one individual court record, including statistical reports, and which information is not already available in an existing report.

SECTION 3.00 - COURT INFORMATION COMMITTEE

A Court Information Committee is hereby created. The Committee shall consist of three members; the Circuit Court Clerk or his or her designee, the Court Administrator and a Judge designated by the Chief Judge.

SECTION 4.00 - ACCESS TO COMPILED INFORMATION FROM COURT RECORDS

(a) Compiled information may be requested by any individual or entity for scholarly, journalistic, civic or governmental purposes or for the preparation of a case. The request shall

(1) identify what information is sought;

(2) explain provisions for the secure protection of any data that is confidential (for example using physical locks, computer passwords and/or encryption); and

(3) state the scholarly, journalistic, civic or governmental purpose for which the information is intended.

(b) Requests for compiled information shall be submitted in writing to the Court Information Committee (hereinafter "the Committee"). The Committee shall take action on the request within thirty (30) calendar days.

SECTION 5.00 - COURT RECORDS TO BE EXCLUDED FROM COMPILED INFORMATION

The following information in a court record is not accessible to the public:

(a) Information that is not to be accessible to the public pursuant to federal law;

(b) Information that is not to be accessible to the public pursuant to state law;

(c) Financial information that provides identifying account numbers on specific assets, liabilities, accounts, credit cards, first five digits of social security number, or P.I.N. numbers of individuals or business entities;

(d) Proprietary business information such as trade secrets, customer lists, financial information, or business tax returns;

(e) Information reviewed in camera and made confidential by a court order;

(f) Information in the court record relating to a proceeding to which the public does not have access pursuant to law or a court order;

(g) Notes, drafts and work products prepared by a judge or for a judge by court staff or individuals working for the judge related to cases before the court;

- (h) Notes, drafts and work products related to court administration and clerk of court information defined in Section 2.01(a)(3);
- (i) Personnel and medical records of court employees, information related to pending internal investigations of court personnel or court activities, applicants for positions in the court, information about pending litigation where the court is a party, work product of any attorney or law clerk employed by or representing the judicial branch that is produced in the regular course of business or representation of the judicial branch, court security plans and procedures, cabling and network diagrams and security information related to the court's information technology capabilities, and software used by the court to maintain court records, whether- purchased, leased, licensed or developed by or for the court; and
- (j) Information constituting trade secrets, copyrighted or patented material or which is otherwise owned by the state or local government and whose release would infringe on the government's proprietary interests.

SECTION 6.00 - FACTORS TO BE CONSIDERED

- (a) In granting or denying a request for compiled information, the Committee shall consider and balance the following factors:
 - (1) the volume of the information requested;
 - (2) the amount of computer programming time required to fulfill the request;
 - (3) the amount of computer run time required to fulfill the request;
 - (4) the availability of staff at the time of the request;
 - (5) whether the request makes the most effective use of court, circuit court clerk and county staff;
 - (6) whether the request protects individual privacy rights and interests;
 - (7) whether the request protects proprietary business information;
 - (8) whether the request avoids risk of harm to individuals;
 - (9) whether the request affects the security and integrity of the data; and
 - (10) whether the request unduly burdens the ongoing business of the Court.

SECTION 7.00 - REQUIREMENTS WHEN REQUEST IS GRANTED

If the request is granted, the requestor must sign a declaration that:

- (a) the data will not be sold or otherwise distributed, directly or indirectly, to third parties, except for journalistic purposes;
- (b) the information will not be used directly or indirectly to sell a product or service to an individual or the general public, except for journalistic purposes; and there will be no copying or duplicating of information or data provided other than for the stated scholarly, journalistic, civic or governmental purpose.

SECTION 8.00 - APPEALS

In the event that the Committee denies a request for compiled information, the requestor may file an appeal of the decision to the Chief Judge. Any such appeal shall be in writing and must be received by the Chief Judge within fourteen (14) days of the Committee's denial. The Chief Judge shall rule on any appeal within thirty (30) calendar days.

SECTION 9.00 - FEES FOR ACCESS

The court may charge a fee for access to compiled information. To the extent that public access to information is provided exclusively through a vendor, the court will ensure that any fee imposed by the vendor for the cost of providing access is reasonable.