
	COUNTY OF SUMMIT CLERK OF COURTS <b>OPERATIONS MANUAL</b> ISSUING DIVISION: LEGAL	NUMBER: 8011
	APPROVAL: DANIEL M. HORRIGAN, CLERK OF COURTS	SIGNATURE: 
	SUBJECT: PUBLIC RECORDS REQUESTS	PAGE 1 of 6
	EFFECTIVE DATE: JANUARY 1, 2009	REVISION DATE: MAY 21, 2010

POLICY:

**Direct Access:**

The Summit County Clerk of Courts shall make a court record available by direct access, promptly acknowledge any person's request for direct access, and respond to the request within a reasonable amount of time.

Except for requests for bulk distribution pursuant to Sup.R. 46, the Summit County Clerk of Courts shall permit a requestor to have a court record duplicated upon paper, upon the same medium upon which the court or clerk keeps it, or upon any other medium the court or clerk determines it can be duplicated as an integral part of the normal operations of the Clerk's office.

The Summit County Clerk of Courts shall mail, transmit or deliver copies of a requested court record to the requestor within a reasonable time from the request. The Clerk reserves the right to limit the number of court records it will mail, transmit, or deliver per month. The Clerk reserves the right to limit the number of court records provided per month when request is for commercial purposes. The Clerk does not consider news reporting, the gathering of information to assist citizens in the understanding of court activities, or nonprofit educational research a "commercial purpose".

The Summit County Clerk of Courts will charge the actual costs incurred in responding to a request for direct access to a court record. All certified copies shall be one dollar (\$1.00) per page including certification and seal.

The Summit County Clerk of Courts may require a deposit of the estimated actual costs before providing the requested record(s).

The Summit County Clerk of Courts will redact Personal Identifiers from all requested copies. Personal Identifiers are defined as:

- Social Security Numbers except for the last 4 digits
- Financial Account Numbers as defined as debit card, charge card, credit card numbers, Employer and employee identification numbers.
- Juvenile Victim Name in an abuse, neglect or dependency case. Records containing the juvenile's initial will not be redacted.

All written public records requests will be kept for one (1) year from date receipt.

Original documents are not permitted to be taken out of the Summit County Clerk of Courts Office.

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Customers who personally appear at the Summit County Clerk of Courts Office to obtain copies shall complete a Public Request Form prior to viewing case documents and obtaining copies.

Court personnel are required to complete the “sign out slip” prior to removing original court file or documents from file room.

The Clerk of Courts will hold copies for pick up for 5 business days (not including the day the copies were requested). After five business days, the copies will be destroyed and a new request will be required.

Forms:

The following forms are specific to this policy

- a. Public Records Request form.

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### **Remote Access**

The Summit County Clerk of Courts will offer remote access to court records.

The Clerk may provide a redacted version of the record via remote access. The same redacted information as stated in the direct access will be applied to the remote access records.

The Clerk may exclude an exhibit or attachment that is part of a record via remote access. The Clerk shall include a notice that the exhibit or attachment exists and is available in the Clerk of Court's File Room.

### **Bulk Distribution**

The Summit County Clerk of Courts will respond to a public records request for bulk data in a reasonable amount of time.

The Summit County Clerk of Courts reserves the rights to determine if the request for data would require a new data compilation.

If a new data compilation is required then the Clerk will comply with Sup. Ct. Rule 46 in that the Clerk may consider if creating the new compilation is an appropriate use of its available resources and is consistent with the principles of public access.

If the Clerk chooses to create a new compilation he may require personnel costs in addition to actual costs. The Clerk may require a deposit of the estimated actual and personnel costs to create the new compilation.

The Clerk shall maintain a copy and provide public access to any new compilation created. Once the Clerk has recouped the personnel cost to create the new compilation from the original requestor, the Clerk may later assess only actual costs.

All written requests for bulk data shall be kept for one (1) year from date of receipt.

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Court Records Definitions:

1. “Actual costs” means the cost of depleted supplies; records, storage media costs; actual mailing and alternative delivery costs, or other transmitting costs; and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.
2. “Court record” means both a case document and an administrative document, regardless of physical form or characteristic, manner of creation, or method of storage.
3. “Case document” means a document and information in a document submitted to the court or filed with the Clerk of Courts Office in a judicial action or proceeding, including exhibits, pleadings, motions, orders, and judgments, and any documentation prepared by the court or clerk in the judicial action or proceeding, such as journals, dockets and indices subject to the exclusion in division Sup.Ct. R. 44(c) (2).
4. “Case file” means the compendium of case documents in a judicial action or proceedings.
5. “File” means to deposit a document with the Clerk’s Office, upon the occurrence of which the Clerk time or date stamps and docket the document.
6. “Administrative document” means a document and information in a document created, received, or maintained by a court that serves to record the administrative, fiscal, personnel, or management functions, policies, decisions, procedures, operations organization, or other activities of the court, subject to the exclusions in Sup. Ct R. 44(G) (2).
7. “Personal identifiers” means social security numbers, except for the last four digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers and a juvenile’s name in an abuse, neglect, or dependency case, except for the juvenile’s initials or a generic abbreviation such as “CV” for child victim.
8. “Public access” means both direct and remote access.
9. “Direct access” means the ability of any person to inspect and obtain a copy of a court record at all reasonable times during regular business hours of the Summit County Clerk of Courts Office.
10. “Remote access” means the ability of any person to electronically search, inspect and copy a court record at a location other than the Summit County Clerk of Courts Office.

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11. "Bulk distribution" means the distribution of a compilation of information from more than one court record.
12. "New compilation" means a collection of information obtained through the selection, aggregation, or reformulation from more than one court record. The term "new compilation" does not include a collection of information produced by a computer system that is already programmed to provide the requested output.

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### **Definitions of records exempt from Public Records Requests:**

The Summit County Clerk of Courts shall comply with all public records requests in a reasonable time. The Summit County Clerk of Courts presumes that Court Records are open to public access with the following exceptions:

- a. A document or information in a document exempt from disclosure under state, federal or local law or ordinance.
- b. Personal identifiers, as defined in Sup. Ct. R. 44 (H)
- c. A document or information in document to which public access has been restricted pursuant to Sup. Ct. R. 45(E).
- d. Except as relevant to a Juvenile's prosecution later as an adult, a juvenile's previous disposition in abuse, neglect, and dependency cases, juvenile civil commitment files, post-adjudicatory residential treatment facility report, and post adjudicatory releases of a juvenile's social history.
- e. Notes, drafts, recommendations, advice and research of judicial officers and court staff.
- f. Forms containing personal identifiers, as defined in Sup. Ct. R. 44(H) or filed pursuant to Sup. Ct. R. 45.
- g. A document or information in a document describing the type or level of security in a court facility, including a court security plan and a court security review conducted by the court or the court's designee or the Supreme Court.
- h. An administrative or technical security record-keeping document or information
- i. Test questions, scoring keys, and licensing, certification, or employment examination documents before the examination is administered or if the same examination is to be administered again pertaining to employment with the Clerk or Courts.
- j. Computer programs, computer codes, computer filing systems and other software owned by the Clerk of Courts.
- k. Genetic Tests results-DNA records.