

**CHAPTER 213. ACCESS TO DISTRICT JUSTICE  
RECORDS POLICY**

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**Subchapter A. GENERAL POLICY**

**STATEMENT OF GENERAL POLICY**

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**POLICY IMPLEMENTATION**

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- 213.12. Public access requests referred by the District Justice to AOPC and requests involving more than one magisterial district submitted directly to AOPC.

**Source**

The provisions of this Chapter 213 adopted February 17, 1995, effective February 2, 1995, 25 Pa.B. 611; amended December 13, 1996, effective January 1, 1997, 26 Pa.B. 6179, unless otherwise noted. Immediately preceding text appears at serial pages (203569) to (203571).

**STATEMENT OF GENERAL POLICY**

**§ 213.1. General.**

It is the policy of the Administrative Office of Pennsylvania Courts (AOPC) that index, docket and case file information for all matters originating in a District Justice office are public records and shall be available for inspection and photocopying upon request in a reasonable manner. Confidentiality of records, however, is appropriate in certain limited circumstances, consistent with personal privacy and security as provided by law (e.g., identity of child victims of sexual or physical abuse, 42 Pa.C.S.A. § 5988(a)).

**POLICY IMPLEMENTATION**

**§ 213.11. Case information available at the District Justice office.**

- (a) *Case Indexes.* Indexes are intended to facilitate access to case files and dockets. District Justice staff shall assist the requestor in identifying the specific cases and docket numbers of interest.

(b) *Case Dockets.* Printed copies of case dockets (i.e., Criminal Case Docket Transcript, Motor Vehicle Docket, Non-Traffic/Summary Docket, Civil Case Progress Record) shall be provided upon request.

(1) If a docket for a disposed case is not immediately available due to archiving, District Justice staff shall advise the requestor that the docket will be retrieved from the AOPC and made available through the District Justice Office.

(2) Requests for docket or case index information that cannot be satisfied without substantially impeding the orderly conduct of office business may be referred to the AOPC. See § 213.12 for AOPC case access requests.

(c) *Case Files.* Case files and all materials contained therein shall be available for on-site inspection and photocopying. The fee for photocopying shall not exceed \$0.50 per page. Security, possession, custody and control of case files shall continue to be the responsibility of the District Justice or his/her designated staff.

**§ 213.12. Public access requests referred by the District Justice to AOPC and requests involving more than one magisterial district submitted directly to AOPC.**

(a) *Request Form.* All requests must be submitted to the AOPC on a form specified by the AOPC. The completed form must include the date of the request and the requestor's signature acknowledging acceptance of all disclaimers printed on the form.

(b) *Extracts Provided.* AOPC policy is to provide only extracts of statistical, docket or case index information. The following information will not be released:

(1) The address of a party or witness, social security number, telephone number, fax number, pager number, driver's license number, vehicle registration number, state fingerprint identification number (SID), or other identifier which would present a risk to personal security or privacy.

(2) Names of juvenile victims of abuse or juveniles charged with crimes subject to the Juvenile Act, 42 Pa.C.S. § 6301 et seq.

(3) Names of individuals designated "confidential" by a district justice when the release of the name of the individual will impair a person's safety or privacy.

(4) Information likely to impair public safety.

(c) *Priority of Requests.* AOPC would like to promptly satisfy all requests; however, limited staff/computer resources require that governmental requests will be given priority.

(d) *Choice of Medium.* The requestor should indicate the preferred choice of medium (e.g., Internet, tape, diskette, paper) for receiving the requested information. AOPC will accommodate such preferences to the extent that they are consistent with AOPC efforts to conserve staff and computer resources.

(e) *Costs of Processing Requests.* Costs shall be assessed based on the actual costs of the report medium, a pro-rata share of computer and staff time, plus shipping and handling. AOPC will provide a statement of costs to the requestor, which must be paid in full, before staff is assigned to the project.

(f) Formula for the assessment of costs as of January 1, 1997:

- (1) Staff time for processing requests: 1/2 hour rate = \$14.00
- (2) Computer equipment time for processing requests: 1/2 hour rate = \$25.00
- (3) Costs of report medium: current market rate
- (4) Costs of shipping and handling: postage plus market rate for supplies

### Subchapter B. RECORDS RETENTION

Sec.

213.51. Scheduled Records/District Justice Record Retention Schedule.

213.52. Pre-1910 Records and Non-Scheduled Records.

#### Source

The provisions of this Subchapter B adopted November 3, 1995, effective November 4, 1995, 25 Pa.B. 4698, unless otherwise noted.

### § 213.51. Scheduled Records/District Justice Record Retention Schedule.

(a) The following records may be disposed:

<i>NATURE OF RECORD</i>	<i>TIME MEASURED</i>	<i>MANDATORY RETENTION PERIOD</i>
1. General Correspondence Records Not Relating to Official Actions Taken	Filing in District Justice Court	1 year
2. Criminal Records		
a. Dockets and Indexes	Final Disposition in District Justice Court	7 years
b. Original Papers in Misdemeanor and Felony Cases	Final Disposition in District Justice Court	3 years
c. Traffic Citations, Non-Traffic Citations, and Summary Criminal Complaints	Final Disposition in District Justice Court	3 years
3. Civil Records		

<i>NATURE OF RECORD</i>	<i>TIME MEASURED</i>	<i>MANDATORY RETENTION PERIOD</i>
a. Dockets and Indexes	Final Disposition in District Justice Court	7 years
b. Original Papers	Entry of Judgments	7 years
	Discharge, Verdict, or Other Disposition Without Judgment	3 years
4. Financial Records (Incoming Records: Journals, Ledgers, Receipts Bank Statements, etc.)	Close of the year for which the records apply	7 years
5. Miscellaneous Matters Where Official Action Taken (Including Search Warrants and Affidavits)	Filing in District Justice Court	3 years
6. Inactive Matters terminated pursuant to Pa.R.J.A. No. 1901	Date of Order issued terminating matter	2 years

## (b) Procedure for disposal:

(1) Prepare form R.J.A. 507(b), "Unified Judicial System Court Records Disposal Certification Request," in duplicate (one original and one copy). This form may be obtained from:

The Administrative Office of PA Courts  
 Department of Court Management  
 1515 Market Street, Suite 1414  
 Philadelphia, PA 19102

(2) Complete the form.

(3) Send the original to the Administrative Office of Pennsylvania Courts, Department of Court Management, 1515 Market Street, Suite 1414, Philadelphia, PA 19102; retain a copy for your records.

(4) The Administrative Office of Pennsylvania Courts will return your copy reflecting its decision either authorizing your request to destroy the record or denying your request. If your request is authorized, the records may be destroyed. However, no records are to be destroyed unless the district court

office is in receipt of the R.J.A. 507(b) form reflecting authorization by the Administrative Office of Pennsylvania Courts.

(5) File the form returned by the Administrative Office of Pennsylvania Courts.

### **§ 213.52. Pre-1910 Records and Non-Scheduled Records.**

(a) All district court records dated prior to 1910 or any district court records not listed under Scheduled Records/District Justice Record Retention Schedule may be disposed.

(b) Procedure for disposal:

(1) Prepare form R.J.A. 507(b), "Unified Judicial System Court Records Disposal Certification Request," in triplicate. (Two originals and one copy)

(2) Complete the form. List the records to be destroyed in the appropriate block on the form.

(3) Send one original to the Administrative Office of Pennsylvania Courts and one copy to the Pennsylvania Historical and Museum Commission, Division of Archival and Records Management Services, Box 1026, Harrisburg, PA 17108-1026; and retain one for your records.

(4) The Administrative Office of Pennsylvania Courts will return your copy reflecting its decision either authorizing your request to destroy the records or denying your request. If your request is authorized, the records may be destroyed. However, no records are to be destroyed unless the district court office is in receipt of the R.J.A. 507(b) form reflecting authorization by the Administrative Office of Pennsylvania Courts.

(5) File an original and the copy returned by the Administrative Office of Pennsylvania Courts.

## **Subchapter C. ELECTRONIC CASE RECORD PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA**

Sec.

213.71. Definitions.

213.72. Statement of General Policy.

213.73. Electronic Case Record Information Excluded from Public Access.

213.74. Requests for Bulk Distribution of Electronic Case Records.

213.75. Requests for Electronic Case Record Information from Another Court or Office.

213.76. Responding to a Request for Access to Electronic Case Records.

213.77. Fees.

213.78. Correcting Data Errors.

213.79. Continuous Availability of Policy.

### **Source**

The provisions of this Subchapter C adopted December 1, 2006, effective January 1, 2007, 36 Pa.B. 7234, unless otherwise noted.

**§ 213.71. Definitions.**

(a) “CPCMS” means the Common Pleas Criminal Court Case Management System.

(b) “Custodian” is the person, or designee, responsible for the safekeeping of electronic case records held by any court or office and for processing public requests for access to electronic case records.

(c) “Electronic Case Record” means information or data created, collected, received, produced or maintained by a court or office in connection with a particular case that exists in the PACMS, CPCMS, or MDJS and that appears on web docket sheets or is provided in response to bulk distribution requests, regardless of format.

(d) “MDJS” means the Magisterial District Judge Automated System.

(e) “Office” is any entity that is using one of the following automated systems: Pennsylvania Appellate Court Case Management System (PACMS); Common Pleas Criminal Court Case Management System (CPCMS); or Magisterial District Judge Automated System (MDJS).

(f) “PACMS” means the Pennsylvania Appellate Court Case Management System.

(g) “Party” means one by or against whom a civil or criminal action is brought.

(h) “Public” includes any person, business, non-profit entity, organization or association.

(1) “Public” does not include:

(i) Unified Judicial System officials or employees, including employees of the office of the clerk of courts, prothonotary, and any other office performing similar functions;

(ii) people or entities, private or governmental, who assist the Unified Judicial System or related offices in providing court services; and

(iii) any federal, state, or local governmental agency or an employee or official of such an agency when acting in his/her official capacity.

(i) “Public Access” means that the public may inspect and obtain electronic case records, except as provided by law or as set forth in this policy.

(j) “Request for Bulk Distribution of Electronic Case Records” means any request, regardless of the format the information is requested to be received in, for all or a subset of electronic case records.

(k) “UJS” means the Unified Judicial System of Pennsylvania.

(l) “Web Docket Sheets” are internet available representations of data that have been entered into a Unified Judicial System supported case management system for the purpose of recording filings, subsequent actions and events on a court case, and miscellaneous docketed items.

**§ 213.72. Statement of General Policy.**

- (a) This policy covers all electronic case records.
- (b) The public may inspect and obtain electronic case records except as provided by law or as set forth in this policy.
- (c) A court or office may not adopt for electronic case records a more restrictive access policy or provide greater access than that provided for in this policy.

**§ 213.73. Electronic Case Record Information Excluded from Public Access.**

The following information in an electronic case record is not accessible by the public:

- (1) social security numbers;
- (2) operator license numbers;
- (3) victim information including name, address and other contact information;
- (4) informant information including name, address and other contact information;
- (5) juror information including name, address and other contact information;
- (6) a party's street address, except the city, state, and ZIP code may be released;
- (7) witness information including name, address and other contact information;
- (8) SID (state identification) numbers;
- (9) financial institution account numbers, credit card numbers, PINS or passwords used to secure accounts;
- (10) notes, drafts, and work products related to court administration or any office that is the primary custodian of an electronic case record;
- (11) information sealed or protected pursuant to court order;
- (12) information to which access is otherwise restricted by federal law, state law, or state court rule; and
- (13) information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice.

**§ 213.74. Requests for Bulk Distribution of Electronic Case Records.**

- (a) A request for bulk distribution of electronic case records shall be permitted for data that is not excluded from public access as set forth in this policy.
- (b) A request for bulk distribution of electronic case records not publicly accessible under § 213.73 of this Policy may be fulfilled where: the information released does not identify specific individuals; the release of the information will

not present a risk to personal security or privacy; and the information is being requested for a scholarly, journalistic, governmental-related, research or case preparation purpose.

- (1) Requests of this type will be reviewed on a case-by-case basis.
- (2) In addition to the request form, the requestor shall submit in writing:
  - (i) the purpose/reason for the request;
  - (ii) identification of the information sought;
  - (iii) explanation of the steps that the requestor will take to ensure that the information provided will be secure and protected; and
  - (iv) certification that the information will not be used except for the stated purposes.

**§ 213.75. Requests for Electronic Case Record Information from Another Court or Office.**

Any request for electronic case record information from another court should be referred to the proper record custodian in the court or office where the electronic case record information originated. Any request for electronic case record information concerning multiple magisterial district judge courts or judicial districts should be referred to the Administrative Office of the Pennsylvania Courts.

**§ 213.76. Responding to a Request for Access to Electronic Case Records.**

(a) Within 10 business days of receipt of a written request for electronic case record access, the respective court or office shall respond in one of the following manners:

- (1) fulfill the request, or if there are applicable fees and costs that must be paid by the requestor, notify requestor that the information is available upon payment of the same;
  - (2) notify the requestor in writing that the requestor has not complied with the provisions of this policy;
  - (3) notify the requestor in writing that the information cannot be provided;
- or

(4) notify the requestor in writing that the request has been received and the expected date that the information will be available. If the information will not be available within 30 business days, the court or office shall notify the Administrative Office of Pennsylvania Courts and the requestor simultaneously.

(b) If the court or office cannot respond to the request as set forth in subsection (a), the court or office shall concurrently give written notice of the same to the requestor and Administrative Office of Pennsylvania Courts.

**§ 213.77. Fees.**

- (a) Reasonable fees may be imposed for providing public access to electronic case records pursuant to this policy.
- (b) A fee schedule shall be in writing and publicly posted.

(c) A fee schedule in any judicial district, including any changes thereto, shall not become effective and enforceable until:

- (1) a copy of the proposed fee schedule is submitted by the president judge to the Administrative Office of Pennsylvania Courts; and
- (2) the Administrative Office of Pennsylvania Courts has approved the proposed fee schedule.

**§ 213.78. Correcting Data Errors.**

(a) A party to a case, or the party's attorney, seeking to correct a data error in an electronic case record shall submit a written request for correction to the court in which the record was filed.

(b) A request to correct an alleged error contained in an electronic case record of the Supreme Court, Superior Court or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court.

(c) A request to correct an alleged error contained in an electronic case record of the Court of Common Pleas, Philadelphia Municipal Court or a Magisterial District Court shall be submitted and processed as set forth below.

(1) The request shall be made on a form designed and published by the Administrative Office of Pennsylvania Courts.

(2) The request shall be submitted to the clerk of courts if the alleged error appears in an electronic case record of the Court of Common Pleas or Philadelphia Municipal Court. The requestor shall also provide copies of the form to all parties to the case, the District Court Administrator and the Administrative Office of Pennsylvania Courts.

(3) The request shall be submitted to the Magisterial District Court if the alleged error appears in an electronic case record of the Magisterial District Court. The requestor shall also provide copies of the form to all parties to the case, the District Court Administrator and the Administrative Office of Pennsylvania Courts.

(4) The requestor shall set forth on the request form with specificity the information that is alleged to be in error and shall provide sufficient facts including supporting documentation that corroborates the requestor's contention that the information in question is in error.

(5) Within 10 business days of receipt of a request, the clerk of courts or Magisterial District Court shall respond in writing to the requestor, all parties to the case, and Administrative Office of Pennsylvania Courts, in one of the following manners:

- (i) the request does not contain sufficient information and facts to adequately determine what information is alleged to be error; accordingly, the request form is being returned to the requestor; and no further action will be taken on this matter unless the requestor resubmits the request with additional information and facts.

(ii) the request does not concern an electronic case record that is covered by this policy; accordingly, the request form is being returned to the requestor; no further action will be taken on this matter.

(iii) it has been determined that an error does exist in the electronic case record and that the information in question has been corrected.

(iv) it has been determined that an error does not exist in the electronic case record.

(v) the request has been received and an additional period not exceeding 30 business days is necessary to complete the review of this matter.

(6) A requestor has the right to seek review of a final decision under paragraph (5)(i)—(iv) rendered by a clerk of courts or a Magisterial District Court within 10 business days of notification of that decision.

(i) The request for review shall be submitted to the District Court Administrator on a form that is designed and published by the Administrative Office of Pennsylvania Courts.

(ii) If the request for review concerns a Magisterial District Court's decision, it shall be reviewed by the judge assigned by the President Judge.

(iii) If the request for review concerns a clerk of courts' decision, it shall be reviewed by the judge who presided over the case from which the electronic case record alleged to be in error was derived.

**§ 213.79. Continuous Availability of Policy.**

A copy of this policy shall be continuously available for public access in every court or office that is using the PACMS, CPCMS, and/or MDJS.

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