

Island County Superior Court
GR 31.1 Access to Administrative Records

1.0 POLICY STATEMENT

Consistent with the principles of open administration of justice as provided in article I, section 10 of the Washington State Constitution, it is the policy of the judiciary to facilitate access to administrative records. Access to administrative records, however, is not absolute and shall be consistent with exemptions for personal privacy, restrictions in statutes, restrictions in court rules, and as required for the integrity of judicial decision-making. Access shall not unduly burden the business of the judiciary.

2.0 PURPOSE

To establish local procedure surrounding the responsive obligations to record requests in accordance with GR 31.1

3.0 ORGANIZATIONS AFFECTED

Superior Court Administration
Juvenile & Family Court Services

4.0 REFERENCES

Washington State Court Rules: General Rule 31.1

5.0 DEFINITIONS

5.1 “Access”- Access means the ability to view or obtain a copy of an administrative record.

5.2 “Administrative Records” - Administrative Records are records that relate to the management, supervision, or administration of a court or judicial agency.

5.3 “Chambers record” means any writing that is created by or maintained by any judicial officer or chambers staff, and is maintained under chambers control, whether directly related to an official judicial proceeding, the management of the court, or other chambers activities.

5.4 “Chambers staff” means a judicial officer’s law clerk, bailiff, intern(s), and any other staff who provide support directly to the judicial officer.

5.4 “Court Record” - Court record is defined in GR 31

5.5 “Judge” - Judge means a judicial officer as defined in the Code of Judicial Conduct (CJC) Application of the Code of Judicial Conduct Section (A).

5.6 “Public” - The public includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local government entity or agency, however constituted, or any other organization or group of persons, however organized.

5.6 “Public Record” - Public record includes any writing , except chambers records and court records, containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any court or judicial agency regardless of physical form or characteristics. “Public record” also includes metadata for electronic administrative records.

5.7 “Writing” - Writing means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recording, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilation from which information may be obtained or translated.

6.0 EXEMPTIONS

6.1 The following exemptions are specifically set forth under GR 31.1 and will not be made available for response in relation to a record request:

- (a) judicial ethics opinion
- (b) minutes of meetings held exclusively among judges, along with any staff
- (c) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended.
- (d) Evaluations and recommendations concerning candidates seeking appointment or employment within a court or judicial agency.
- (e) Personal identifying information, including individuals’ home contact information, Social Security numbers, driver’s license numbers, and identification/security photographs.
- (f) Records related to an attorney’s request for a trial or appellate court defense expert, investigator, or other services, any report or findings submitted to the attorney or court or judicial agency by the expert, investigator, or other service provider and the invoicing of the expert, investigator other service provider during the pendency of the case in any court.
- (g) Any records, including the complaint and the identity of the complainant, associated with a court or judicial branch agency’s internal investigation of a complaint against the court or judicial branch agency or its contracts during the course of the investigation. The outcome of the court or judicial agency’s investigation is not exempt.
- (h) Family court mediation files.
- (i) Juvenile court probation social files.
- (j) Those portion of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans, the disclosure of which would

have a substantial likelihood of threatening the security of a judicial facility or any individual's safety.

- (k) To prevent a significant risk to individual privacy or safety interests, identifying details should be redacted.

7.0 CHAMBERS RECORDS

7.1 GR 31.1 states that "chambers records" are not administrative records and are not subject to disclosure.

7.2 Court records and administrative records do not become chambers records merely because they are in the possession or custody of a judicial officer or chambers staff.

8.0 PROCEDURE

8.1 Public records requests received by Juvenile & Family Court Services or Superior Court Administration will be date-stamped and immediately forwarded to the designated public records officer (PRO) for each department. Public records requests will be received only by hand delivery, mail or fax.

8.2 Public record requests will be screened by the PRO to determine appropriateness and the responsive demand burdened by the department. Public records requests must contain the requester's name, address and phone number.

8.3 All communication shall be documented and recorded by written response to the requester.

8.4 If the record request is vague, unclear, or ambiguous, the PRO will communicate with the requesting party to clarify the request and determine if an alternative request is most appropriate.

8.5 The PRO will respond in writing within 5 business days from the date of request. The response will include whether or not the request is appropriate, and a timeframe for response.

8.6 The PRO will disseminate the requested record within the identified timeframe. If the PRO is unable to meet the timeline or needs additional time to respond, the PRO will comply to the extent possible, and provide a supplemental timeframe for completion of the request.

8.7 If the PRO is unable to completely satisfy the request, the PRO will provide a response in writing that justifies the incomplete response. The justification must contain the applicable exemption and brief explanation of how the exemption applies to the withheld record.

8.8 All communications related to a request shall be logged and maintained by the PRO.

9.0 LIMITATIONS TO REQUESTS

9.1 Extraordinary record requests limited by resource constraints that complicate response in a timely manner shall be communicated to the requester. The PRO shall attempt to reach an agreement with the requester by suggesting a narrower scope of request and timeframe for the response. This may include a scheduled installment of responses. If no agreement is reached, the PRO will comply to the extent possible and inform the requester in writing that the response is completed.

9.2 Record requests involving harassment, intimidation, threats to security, or criminal activity may be denied if the PRO determines that the request was made to harass or intimidate the court or its employees; fulfilling the request would likely threaten the security of the court; fulfilling the request would likely threaten the safety or security of judicial officers, staff, family members of judicial officers or staff, or any other person; or fulfilling the request may assist criminal activity.

10.0 REVIEW OF RECORDS DECISIONS

10.1 The PRO's response to a public records request shall include a written summary of the procedures under which the requesting party may seek further review by the presiding judge, or designated judge. This further review will be identified as "internal review." The written summary will also include direction for requesters to find the appropriate forms to submit a petition for internal review.

10.2 The internal review process petition must be submitted by the requesting party within 90 days of the PRO's decision. This must be submitted by hand delivery, mail or fax.

10.3 The review and decision by the presiding judge or designated judge, shall take place within 5 business days from the date that the agency receives the request for internal review. The internal review is informal and summary.

10.4 If the requesting party has exhausted the internal review process by the presiding judge or designated judge, the requesting party may pursue further review (identified as "external review") by the following two methods:

- (a) The requesting party may use a judicial writ of mandamus, prohibition, or certiorari to file a civil action in superior court challenging the records decision.
- (b) The requesting party may seek informal review by a visiting judicial officer. The requesting party shall submit a request in writing to Island County Superior Court Administrator to arrange for external review by a visiting judicial officer.

10.5 The external review process must be submitted within 30 days of the decision issued from the internal review process under section 10.3.

10.6 The external review submission date is identified as the date a civil action is filed, as provided under section 10.4(a) or the date the Superior Court Administrator receives the request for external review by hand delivery, mail or fax.