

## **Pend Oreille County District Court:**

### **GR31.1 ACCESS TO ADMINISTRATIVE RECORDS**

Access to judicial records is governed by court rules and not the Public Records Act (PRA). There are two types of judicial records addressed by court rules: (1) Court (or case) records and (2) Administrative records.

Court Records are records that are filed with the court as part of a civil or criminal judicial proceeding. Access to these records is governed by GR (General Rule) 31 and are usually maintained by the court clerk.

Administrative Records are records pertaining to the management, supervision or administration of the Court itself (judicial branch). Access to judicial administrative records is governed by GR 31.1. The judicial branch is committed to openness, transparency, and the belief that the public should have access to most court records and administrative public records.

GR 31.1 ensures the public's right to access to judicial administrative records, clarifies the responsibilities of judicial agency officials with regard to providing access to these records, and assists in identifying exceptions to public access.

Judicial administrative records in Washington State are generally accessible to the public. These records may be written or recorded information related to the management of the court or judicial branch agency, its business with the public, or the carrying out of its administrative functions. These records include copies of records made by, used by, or received by a court or judicial branch agency in connection with its administrative functions.

State and federal law require judicial branch agencies and courts to keep some records confidential. Confidential records are not available to the public. Access to some records containing sensitive personal information is restricted by law to protect people's right to privacy and to protect them from possible harm or harassment. Records maintained or created by a judge or the judge's staff are called "chambers records" and are not subject to disclosure.

While most administrative records will be provided in their entirety, some records may contain sensitive or private information. This sensitive or private information may be removed or blocked out of a record. This is called "redaction." Examples of information that will be redacted include social security numbers, some financial information, home addresses, medical records and health care information. The requester will be notified when information has been redacted from a record along with the reason(s) for that redaction.

All requests to inspect or obtain administrative public records must be submitted in writing. Using the forms provided is not mandatory, but use of the form may make it easier to understand your request. Please send the completed form to the Public Records Officer (PRO) of the court or judicial branch agency that has the records you need. You must provide your legal name, your physical address, and mailing address, contact phone number, and email when you submit the request.

If you need assistance to access administrative records because of a disability, please contact the PRO (public records officer) of the court or judicial branch agency where the administrative records are located. That contact information is: [Rachel Johnson, 509-447-4110, or rjohnson@pendoreille.org](mailto:rjohnson@pendoreille.org)

Within five days of receipt of your administrative records request, the PRO will confirm that your request was received and, when possible, will estimate the time it may take to locate and send the records to you. Although the judicial branch is not penalized if confirmation is not made within the five day period, every effort is made to ensure that receipt of your request is promptly confirmed.

If the request is not specific enough to understand, or if the request is very broad and costly, we may call, email or write you for clarification so that we can avoid unnecessary expenses to you and to the court or judicial branch agency.

If you are notified that the record you requested cannot be disclosed or that the record you received has been redacted and you disagree with the decision, you may seek review of the decision.

To view original or stored paper copies of administrative public records belonging to Pend Oreille County District Court, you will need to complete a Records Request form and submit it to the PRO indicating you wish to view the records in-person. You will then need to make an appointment with the PRO to view the records in-person. While there are no charges or fees associated with viewing administrative records, there may be costs associated with the research necessary to find these records.

If you prefer paper copies, you will need to complete the Records Request form, and note paper copies requested. There are fees for copying the records and/or completing research related to your request. You will be told in advance the total that will be due.

GR 31.1(h)(2) allows the court or judicial branch agency to recoup its cost for copying or scanning records. It states, "A fee may be charged for the photocopying or scanning of administrative records. If another court rule or statute specifies the amount of the fee for a particular type of record, that rule or statute shall control. Otherwise, the amount of the fee may not exceed the amount that is authorized in the Public Records Act, Chapter 42.56 RCW."

Also, if extensive research is required to respond to your request, you may be informed that there will be charges for the time involved and that taxes will apply to these research charges.

Costs for activities such as research, photocopying, scanning, and for materials such as CDs and USB drives are determined by the agency or court where the records are stored. ***Sales tax will be added to the total you owe, as well as the cost for mailing materials to you.***

Depending on the size and complexity of the request, you may need to pay the research and/or copying costs before the records are given to you. Other times you will be invoiced after delivery of the requested records. If you do not pay the amount due for records you have received, you will not be able to obtain additional records until that debt is paid.

#### **Fee schedule:**

**Search Fee \$30 an hour**

**Copies \$.25 a page**

**CD \$10.00**

**Certified copies \$5.00 for the first page, \$1.00 for each additional page**

**Postage Actual Cost**

**Misc. Fees Actual Cost**

***\*Fees are subject to change. \*\*Fee shall be assessed from the second hour of research onward. See GR 31.1(h)(4)***

The court or judicial branch agency cannot control the use of information it provides to the public, so the court or judicial branch agency cannot be responsible for problems that result. However, the court or judicial branch agency will not provide any administrative record if it determines that: the request was made to harass or intimidate the court or judicial agency or its employees; fulfilling the request would likely threaten the security of the court or judicial agency; 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. GR 31.1(c)(7)

**Public record definition:**

“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. GR 31.1 (i)

“Administrative record” means a public record created by or maintained by a court or judicial branch agency and related to the management, supervision, or administration of the court or judicial branch agency. GR 31.1 (i)

**Exemptions:**

The public has a presumptive right of access to court and judicial agency administrative records unless access is exempted or prohibited under this rule, other court rules, federal statutes, state statutes, court orders, or case law.

The Public Records Act, [chapter 42.56 RCW](#), is deemed to provide guidance as to whether a specific record is subject to disclosure in the event a request is ambiguous or may be prohibited. Because of similarities, interpretations of the federal Freedom of Information Act ([FOIA, 5 U.S.C. § 552](#)) are also helpful in construing the language GR 31.1 and the PRA.

Some of the specific exemptions outlined in the rule include:

- Minutes of meetings held by judges within a court and staff products prepared for judicial discussion or decision-making during the meeting;
- Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, unless if publicly cited by a court in connection with court business;
- Evaluations and recommendations concerning candidates seeking appointment or employment within a court or judicial agency;

- Personal identifying information, including individuals' home contact information, SSN, Driver's License numbers and identification/security photographs;
- Documents related to requests for expert, investigator or other services, including any report or findings by same, and invoicing/payment of the expert, investigator, or service provider.