

**In the
Indiana Supreme Court**

In The Matter of the Request by KSM) Supreme Court Case Number
 Consultants for Release of Bulk Data or)
 Compiled Information Containing) 94S00- 1503 -MS- 0121
 Information Excluded from Public Access.)
)

VERIFIED REQUEST FOR RELEASE OF BULK DATA/COMPILED INFORMATION
 CONTAINING INFORMATION EXCLUDED FROM PUBLIC ACCESS

To the Executive Director of State Court Administration:

Requestor submits this request under Administrative Rule 9(F)(4) for the release of bulk data/compiled information that contains information excluded from public access under Administrative Rule 9(G).

Note: Requestor must provide sufficient, detailed factual information about their request so the Court can make an informed decision under Administrative Rule 9.

| | |
|----------------------------------|---|
| I. Identity of Requestor: | Cristopher R. Johnson KSM Consulting |
| Address: | 800 East 96 th Street, Suite 100 Indianapolis, IN 46240 |
| Contact: | |
| Contact's Title | |
| Telephone: | 317-452-1700 |
| Fax: | |
| E-Mail: | <input type="checkbox"/> None _____ Enter Email Address |
| Website (if any) | <input type="checkbox"/> None _____ Enter Website Address |

II. What substantial interest or bona fide research activity does Requestor have for scholarly, journalistic, political, governmental, research, evaluation or statistical purposes wherein the identification of specific individuals is ancillary to the purpose of the inquiry?

The requester is a consultant who has been retained by the Indiana Office of Technology, on behalf of the Indiana Judicial Technology Oversight Committee, which is established by IC 33-23-17-2.

**III. Identification of Bulk Data/Compiled Information sought:
(Specify and describe the records sought and the compiler or location)**

As a part of the consultant's research, KSM wants to examine and analyze the structure of the Odyssey database and the structure of the CSI / JTS databases. The Division of State Court Administration has provided the consultant with the Odyssey non-confidential data pursuant to the provisions of Administrative Rule 9(F)(2)(b) which allow for certain summary approvals.

We have been advised that CSI has back up files for its counties under its control, they are county-by-county files and these files contain confidential court data as well as non-confidential data. CSI cannot strip out the confidential cases which necessitates our getting the entire data base, including confidential data.

IV. Purpose for Request and Benefit to the Public

A. Describe your interest in the records sought and the purpose of the inquiry.

See response to Section Part II and III.

B. Explain how the information will benefit the public interest or public education.

Will assist in completion of work for JTOC

V. Security Provisions: Explain provisions for the secure protection of any information requested to which public access is restricted or prohibited.
Data is encrypted during transport and at rest in a physically controlled, secured network environment

VI. Notice to Affected Persons:

Request Waiver of Notice: Set Forth Reason for Lack of Notice:

We are requesting waiver of notice.

Notice and a Reasonable Opportunity to Respond Should be Given to:
Name Mailing Address

VII. The public interest will be served by allowing access, denying access will create a serious and imminent danger to the public interest, or denying access will cause a substantial harm to a person or third parties because: (Set forth factual basis)

Please see above responses.

*Also,
KSM will not sell or otherwise distributed, directly or indirectly, to third parties any of the information;*

KMSC shall not use any of the information for commercial purposes;

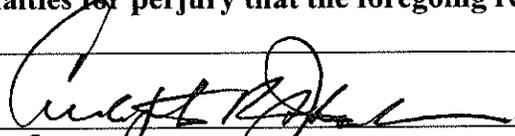
KSM shall maintain as strictly confidential all confidential information it receives and shall limit access to such data only for the purposes specified in its contract with IOT;

The confidential information will not be copied or duplicated;

Access to the storage media containing the confidential data will be strictly limited to the needs of the JTOC study;

KSM will securely wipe any sections of computer hard drives in which data is stored and will return and/or delete and confidential information received.

(I)(We) affirm under the penalties for perjury that the foregoing representations are true.

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| Signature of Requestor |  |
| Printed Name | Christopher R. Johnston |
| Title | Director, Mgmt. Consulting |
| Date | 3/9/15 |

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| Action by Executive Director of State Court Administration | Application referred to the Indiana Supreme Court |
| Signature | |
| Date | Lilia G. Judson, Executive Director |

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|--|
| Action by Indiana Supreme Court: |
| The Request is: <input type="checkbox"/> .. accepted for further review X |

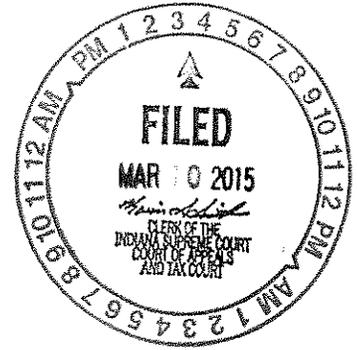
returned to the Requestor to provide further information in support of the Request.

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| <p>If the Request is accepted:</p> | <p>Notice to Affected Persons:</p> <p><input type="checkbox"/> Shall be provided.</p> <p><input type="checkbox"/> Request for waiver of notice referred to Indiana Attorney General for response.</p> |
| <p>Deadline for Response:</p> | <p>The Affected Persons/Attorney General shall have until _____ to file objections.</p> |

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| <p>Date:</p> | <p>Indiana Supreme Court</p> |
| <p>Signature</p> | <p>Chief Justice of Indiana</p> |

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In the
Indiana Supreme Court



IN THE MATTER OF THE REQUEST BY
KSM CONSULTANTS
FOR RELEASE OF
BULK DATA OR COMPILED
COURT INFORMATION

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CASE NO. 94S00-1503-MS-0121

ORDER GRANTING REQUEST UNDER ADMINISTRATIVE RULE 9(F)(4) FOR RELEASE
OF BULK DATA OR COMPILED INFORMATION THAT INCLUDES INFORMATION
EXCLUDED FROM PUBLIC ACCESS UNDER ADMINISTRATIVE RULE 9(F)(4)

Cristopher R. Johnston, on behalf of KSM Consulting (KSMC), has filed a verified request for Bulk Data/Compiled Information under Administrative Rule 9(F)(4). KSMC has been retained by the Indiana Office of Technology (IOT), on behalf of the Indiana Judicial Technology Oversight Committee (JTOC), to conduct a study of the case management systems (CMS) used by Indiana trial courts. As part of this work, KSMC has requested access to the databases used by Supreme Court's Odyssey and the JTS/CSI cases management systems. The Division of State Court Administration granted KSMC access to non-confidential Odyssey data under the provisions of Administrative Rule 9(F)(2)(b), which allow summary approval for governmental and research purposes. KSMC advises us that the JTS/CSI case management system database contains public and confidential court data, and that CSI cannot extract the confidential from the non-confidential data. KSMC has further advised this Court that its report to JTOC is due this week and that quick access to the CSI/JTS database is necessary in order for KSMC to conduct its study and complete its report for JTOC.

We find that KSMC's access to the confidential data is necessitated not because it wants access to the confidential data but because such data cannot be segregated from the public data. Any access to the identifying information of specific individuals or other confidential data is only ancillary and incidental to KSMC's primary technical study. Access to bulk or compiled case records excluded from public access may be granted by this Court under specific circumstances pursuant to Admin. R. 9(F)(4)(c). Administrative Rule 9(F)(4)(a)(v) provides that this Court may waive individual notice to affected persons upon prior notice to the Attorney General and a reasonable opportunity to respond. The Attorney General has responded that he has no objection to the Court waiving notice.

Accordingly, this Court finds that notice should be waived, that there is clear and convincing evidence that KSMC has satisfied the requirements of the rule, that the purposes for which the information is sought substantially outweigh the privacy interests protected by this rule, and that KSMC should be granted access to the databases under the limitations set out below.

IT IS, THEREFORE, ORDERED THAT, for the purposes of conducting the study requested by IOT on behalf of JTOC, KSMC is hereby granted access to the JTS/CSI data base, which contains non-confidential and confidential court information.

IT IS FURTHER ORDERED THAT:

KSMC shall not sell or otherwise distribute, directly or indirectly, to third parties any of the information;

KSMC shall not use any of the information for commercial purposes;

KSMC shall maintain as strictly confidential all confidential information it receives and shall limit access to such data only for the purposes specified in its contract with IOT;

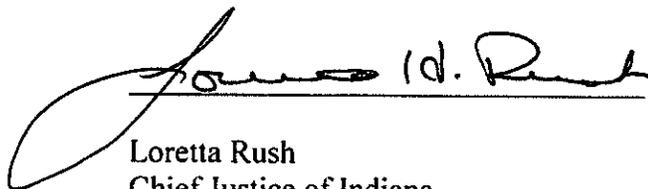
KSMC shall not copy or duplicate, or permit copying or duplication of, the confidential information;

KSMC shall strictly limit access to the storage media containing the confidential data to the needs of the JTOC study;

KSMC shall securely wipe any sections of computer hard drives in which data is stored and will return and/or delete any confidential information received.

IT IS THEREFORE ORDERED that, under the foregoing conditions, KSMC is granted access to bulk/compiled court information in the JTS/CSI databases.

Done at Indianapolis, Indiana, this: March 10, 2015.



Loretta Rush
Chief Justice of Indiana

All Justices concur.