

Court and Clerk Records

Access and Maintenance:

Confidentiality & Sealed Cases (Trial and Appeal)

Access to Court Records Rule 5 and I.C. 5-14-3-5.5

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Indiana's Rules on Access to Court Records govern public access to and confidentiality of court records. Access Rule 5 specifies the types of information found in case records that is excluded from public access and is confidential, including, personal information relating to witnesses or victims in certain proceedings, social security numbers, bank account and credit card numbers, among other things. Case Records declared confidential by federal law, Indiana statute, other court rule or Order must be excluded from Public Access. By statute and Order dated June 10, 2014, records pertaining to juvenile paternity cases filed on or after July 1, 2014, are no longer confidential.

It is important that court reporters are familiar with the types of information deemed confidential under the Access to Court Records Rules and that documents including this information are not available to the public. Court Reporters should also familiarize themselves with Ind. Appellate Rules 23(F) and 28(F), as both address confidentiality on appeal.

If an exhibit or oral statement is to be excluded from Public Access, the Court Reporter must comply with the requirements of App. R. 23(F) and note in the Transcript the specific grounds of exclusion identified by the party. App. R. 23(F) requires "mirrored" Public Access and Non-Public Access versions, with the non-public access version including on those pages that contain confidential information headers, labels, or stamps stating "CONFIDENTIAL PER A.C.R." or "EXCLUDED FROM PUBLIC ACCESS PER A.C.R." in lieu of green paper.

Ind. Code 5-14-3-5.5 provides a procedure by which a court may seal a public record not otherwise confidential under I.C. 5-14-3-4. This statute requires that a court's decision to seal all or part of a record must be based on findings of fact and conclusions of law, showing that the harm caused by public disclosure would outweigh the benefits of disclosure.