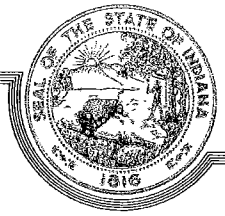
STATE OF INDIANA

DIVISION OF
STATE COURT ADMINISTRATION

RANDALL T. SHEPARD, CHIEF JUSTICE

LILIA G. JUDSON, EXECUTIVE DIRECTOR
DAVID J. REMONDINI, CHIEF DEPUTY EXECUTIVE DIRECTOR



SUPREME COURT

30 SOUTH MERIDIAN STREET SUITE 500
INDIANAPOLIS, IN 46204-3568
(317) 232-2542
FAX (317) 233-6586
www.IN.gov/judiciary

April 21, 2008

Stephanie Burgess
Clerk of Circuit Court
101 N. Main Street
Goshen, IN 46526

Dear Ms. Burgess:

Thank you for your request for approval to continue to post non-confidential court information for your courts on the Internet. I'm pleased to let you know that your request is approved contingent on the conditions enumerated below. This approval is administrative in nature and is granted under the provisions of Trial Rule 77(K).

1. You are authorized to post non-confidential party, attorney, case number and CCS information on the Internet. Should you decide to make any changes to what you propose to post, you must seek and obtain specific approval for such changes.

2. You must provide a copy of this approval letter to each judge of a court of record in your county.

3. Approval of this request to post information on the Internet in no way reduces the obligation of the clerk and court to make non-confidential court information available to the public through traditional means in response to in-person and telephone inquiries.

4. You, the judges in your county, and any other county entity involved in technology services for court records are responsible for taking reasonable steps to ensure that Administrative Rule 9, as well as all other applicable state and federal laws are followed, including without limitation those laws pertaining to confidentiality.

5. Your contract with your case management vendor and the Internet services provider must comply with requirements of Administrative Rule 9(K).[1]

6. Your contract with your vendor must explicitly make it clear that all information and data remain the property of the court, and any use of the data other than as specified by this authorization, is prohibited. No court data will be sold, licensed, or otherwise made available to any other entity for any other purpose.

7. You must conduct periodic audits of the data being provided over the Internet in order to assure compliance with this approval, Administrative Rule 9 and other relevant laws.

8. You must assure that the display on the Internet will provide appropriate advice and/or disclaimer to users about the non-official status of the information displayed on the Internet;

9. Counties whose County Board of Commissioners has adopted an electronic system fee to be charged in conjunction with public access to court records must have the fee approved by the Division, and the method of the fee's collection, deposit, distribution and accounting must be approved by the Indiana State Board of Accounts (See administrative Rule 9(E)).

10. The Division of State Court Administration will be collecting information from clerks and courts that provide information over the Internet to report on matters related to the posting of court records, including the number of subscribers, fees collected and any security breach issues that have arisen. This report will be required as part of the renewal process.

11. The Supreme Court and The Division of State Court Administration reserve the authority to make changes to the approval process and to the rules

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[1] Administrative Rule 9(K) provides:

(K) Contracts With Vendors Providing Information Technology Services Regarding Court Records.
(1) If a court or other private or governmental entity contracts with a vendor to provide information technology support to gather, store, or make accessible court records, the contract will require the vendor to comply with the intent and provisions of this access policy. For purposes of this section, the term "vendor" also includes a state, county or local governmental agency that provides information technology services to a court.
(2) Each contract shall require the vendor to assist the court in its role of educating litigants and the public about this rule. The vendor shall also be responsible for training its employees and subcontractors about the provisions of this rule.
(3) Each contract shall prohibit vendors from disseminating bulk or compiled information, without first obtaining approval as required by this Rule.
(4) Each contract shall require the vendor to acknowledge that court records remain the property of the court and are subject to the directions and orders of the court with respect to the handling and access to the court records, as well as the provisions of this rule.
(5) These requirements are in addition to those otherwise imposed by law.

governing both the approval and the posting of information. Any contractual arrangement should reflect acknowledgment of this authority.

12. Prior to this approval, vendors transferring court data to their own servers as part of the posting process executed and filed with the Division of State Court Administration a User Agreement for Bulk Distribution of Data, form TCM-AR9(F)-1, and a Request for Bulk Data/Compiled Information, form TCM-AR9(F)-4. If any changes occur during the year, both documents must be amended.

13. All vendors receiving bulk data transfers, including transfers for the purpose of posting court records in accord with T.R. 77(K), must fill out form TCM-AR9(F)-3, which is a Distribution Receipt form for bulk data distribution. This form is filed with the Division of State Court Administration within 30 days of the first distribution under the new agreement.

14. This approval expires on **January 31, 2009**. Renewal requests should be made using a form provided by the Division of State Court Administration, and should be made at least 10 days prior to the expiration of this approval.

Please feel free to contact me should you have any further questions or should you need any further assistance.

Sincerely,

James R. Walker
Director Trial Court Management

Indiana Supreme Court
Division of State Court Administration
Request to Post Court Information on the Internet under Trial Rule 77(K) – Renewal Request

You must complete this form regardless of prior approval!

Important Notes: A vendor who accesses court information under this request must execute a Bulk Data User Agreement with the Division of State Court Administration under Administrative Rule 9 before this request may be approved and before any court information may be released to that vendor.

If a vendor is used, the Division will not approve any request that is not accompanied by a copy of the agreement between the clerk and the vendor, which agreement must include provisions requiring the vendor to report any breaches of security and/or any unauthorized release of confidential information bi-annually, and providing for an annual audit, at vendor expense, of revenues generated by the contract.

For questions related to this form, please contact Kristin Donnelly-Miller. All materials should be submitted to the Division of State Court Administration, Attn: Kristin Donnelly-Miller, 30 South Meridian Street, Suite 500, Indianapolis, IN 46204, or by fax to (317) 233-6586.

County: Elkhart Date of Request: 3/12/08

Clerk: Stephanie Burgess Vendor* (if any): Doxpop, LLC
*See Important Notes above

Requestor Name: Stephanie Burgess Phone Number 574-535-6433

Requestor E-Mail Address: sburgess@elkhartcounty.com

Requestor Address: 101 N. Main Street
Goshen, IN 46256

Requestor Office/Position/Title: Clerk of Circuit Court
Pursuant to Trial Rule 77(K), I, Stephanie Burgess, Clerk of Elkhart County, with the consent of a majority of the judges of courts

of record in the county request to post electronic court information on the Internet as set out below.

As a renewal request, you only need to complete Sections 1 & 3. However, if your vendor, pricing or information posted has changed from your initial request, you must indicate those changes in Section 2. Is your renewal requesting any changes? X*Yes* ☐ *No If yes, please complete only those items for which a change is requested.*

Section 1 – For Renewals Only:

A. Date information was first posted to Internet: 7/03/2003

B. Does your Court post the information using in-house technology? ☐ Yes X No

C. If no, Name of Vendor: Doxpop LLC

D. Date your vendor was last approved for Admin.R. 9(F) Bulk Data access?
March 10. 2008 (*Vendors must renew Admin.R. 9(F) requests annually)*

E. Does your Court or does your vendor charge a fee for access to the Court Information? X Yes ☐ No *(If your fee structure has changed, you must indicate changes in Section 2.)*

F. If you or your vendor charges a fee, please provide the amount of revenue collected by the Court or remitted to the Court for the previous year: $1,900.00

G. Has your County Board of Commissioners adopted an electronic system fee?
☐ Yes X No.
If yes, did your Court comply with Admin.R. 9(E) with regard to the fee collection, deposit, distribution and accounting of any revenue? ☐ Yes ☐ No NA

H. List specific costs associated with the posting of information electronically, e.g., Internet access. (Please list with dollar amounts, add additional lines or pages if necessary):

Costs	Amount
NONE	
	$
	$

I. List the responsible party, e.g., County Commissioners, for each of these costs:
N/A

J. Is Internet access to records available at all times? X Yes ☐ No

K. If Internet access is available only during particular hours, please list hours: ___*NA*_

L. Please provide the following details for any and all revenues generated from the posting of court records to the Internet:

1. Revenues generated in since last request filed ***$ 3,734.25***_____
2. Fund/account revenues are deposited to: County General _____
3. Expected revenues for renewal period: ***$ 2,000.00***

If your vendor, pricing structure and the information you are posting remain the same as in your initial application, you need not complete Section 2. If your vendor, pricing or information posted has changed, you must indicate the changes in Section 2.

Section 2- For Change of Information: ***(only complete those items that have changed)***

A. Proposed start date for posting electronic information: ***Not applicable—already posting***

B. Name of Vendor (if any): ***Unchanged since original posting on 7/03/2003***

C. List specific costs associated with the posting of information electronically, e.g., Internet access, technology costs. (Please list with dollar amounts, add additional lines or pages if necessary):

Costs	Amount
Unchanged since original posting on 7/03/2003	
_____	$_____
_____	$_____

D. List the responsible party for each of these costs, e.g., County Commissioners, vendor reimbursement: _____***Unchanged since original posting on 7/03/2003***

E. Will Internet access to records be available at all times? ☐ Yes ☐ No
Unchanged since original posting on 7/03/2003

F. If Internet access is available only during particular hours, list hours here _____
Unchanged since original posting on 7/03/2003

G. Please provide the following details for any and all revenues expected to be generated from the posting of court records to the Internet:
Unchanged since original posting on 7/03/2003

1. Fund/account revenues will be deposited to:
2. Did your Court comply with Admin.R. 9(E), if applicable? _____
3. Expected revenues for first year: ***NA—this is a renewal***_____

H. Who will be able to access the electronic information? (Check those that apply)
Unchanged since original posting on 7/03/2003

1. ☐ General public (i.e. no subscribers, all users have same access)
2. ☐ Subscribers/registered users only (i.e. no general public access, all users must be registered)
3. ☐ Both subscribers/registered users and general public (i.e. more information available to registered users, but some information available to general public access)
4. ☐ Other (please describe access):

_____

_____

I. Will your system require users to subscribe or register? ☐ Yes ☐ No
Unchanged since original posting on 7/03/2003

If no, skip to Question J. If yes, please attach the subscriber agreement to this document, and answer the following questions:

1. Is there a cost for subscription? ☐ Yes ☐ No If yes, how much? ***Please see the attached Doxpop fee schedule***
2. What information may a **subscriber** obtain electronically? _____
Unchanged since original posting on 7/03/2003

_____

3. Is there an additional cost for **subscribers** to access specific records?
☐ Yes ☐ No If yes, how much is the cost to **subscribers**? $_____ and how is it assessed (per record, per search, etc.)? _____
Unchanged since original posting on 7/03/2003

_____

J. Can the **general public** access specific case records? ☐ Yes ☐ No

1. What information may the **general public** obtain electronically? _____
Unchanged since original posting on 7/03/2003

_____

2. Is there an additional cost for the **general public** to access specific records?
☐ Yes ☐ No If yes, how much is the cost to the **general public**? $_____ and how is it assessed (per record, per search, etc.)? _____
Unchanged since original posting on 7/03/2003

_____

K. How will the clerk/court monitor subscriber/vendor relations? Who is responsible for audits and oversight and how often are audits reported to the courts ***Unchanged since original posting on 7/03/2003***

L. What means will be used to terminate access if a subscriber or vendor misuses or violates the agreement, who will implement the termination, are there other consequences besides termination of access (list any), and are there any safeguards in place to prevent misuse of the system?

Unchanged since original posting on 7/03/2003

M. What information do you plan to include on your site? (Choose all that apply)

Unchanged since 7/03/2003, except as noted below

General Public Access	Subscriber Only Access	
☐	☐	Courthouse Information (driving directions, parking, **etc.**)
☐	☐	Court Information (address, phone numbers, general hours, etc.)
☐	☐	Judge Information (biographical, jurisdiction, etc.)
X	X	Index
☐	X	CCS
☐	☐	RJO
X	X	Court Calendar
☐	☐	Printable Forms
☐	☐	Self-Help Information
☐	☐	

If you selected "other", please describe: _____

N. How often will the site be updated and by what means (vendor or court/county staff)?

Unchanged since original posting on 7/03/2003

O. In addition to confidential information under Administrative Rule 9, is there particular information that will be redacted or that will not otherwise be available to the **general public**? ☐ Yes ☐ No

Describe: ***Unchanged since original posting on 7/03/2003***

P. In addition to confidential information under Administrative Rule 9, is there particular information that will be redacted or that will not otherwise be available to **subscribers**?

☐ Yes ☐ No

Describe: ***Unchanged since original posting on 7/03/2003***

Q. Is the court's case management system web-based or will the information be transferred to a vendor's server?
Please explain: ***Unchanged since original posting on 7/03/2003***

R. Please describe, in detail, what kind of security process will be used to safeguard court information that is posted to the Internet, as well as the court information/case management system on the court's own server, e.g., firewall, redundant back up:
Unchanged since original posting on 7/03/2003

S. Please provide details on your plan and/or procedure for updating the site, including the individual(s) responsible for checking information posted to the Internet, how frequently the information is reviewed, and how often updates to the web site are reported to the courts for approval of the updates:
Unchanged since original posting on 7/03/2003

Section 3 – Required For All Requests

ATTACHMENTS: Please attach the following to this request:

1. Copy of the current Consent of the Judges for posting the records under Trial Rule 77(K). (Consent must be updated with every renewal request.)
2. Copy of samples of web pages or screen prints.
3. Copy of the agreement between the Court or Clerk and any outside vendor, if applicable.
4. Copy of the Vendor Bulk Data Distribution Agreement executed by the Division of State Court Administration and the Vendor, if applicable.
5. Copy of any documentation with respect to compliance with the State Board of Accounts and the revenue accounting methods, if applicable.
6. Copy of any subscriber agreements provided by the Court or Vendor, if applicable.
7. Document Submission Checklist *(Attach to the front of your request.)*

I hereby certify that the abovementioned information is accurate and complete, and that all information will be posted in compliance with Trial Rule 77 (K) and Administrative Rule 9.

Stephanie Burgess — Clerk of Circuit Court, Elkhart County
Requestor's Name (Please Print) — Requestor's Title

Stephanie Burgess — 3/12/08
Requestor's Signature — Date

Attachment 1

Copy of the current Consent of the Judges for posting the records under Trial Rule 77(K), required.

Elkhart County
Order of Consent for
Electronic Posting of Court Records

Pursuant to Trial Rule 77 of the Indiana Rules of Procedure, the Elkhart County Circuit and Superior Courts hereby consent to the electronic posting of court records and order the Clerk of the Circuit Court to seek the permission of the Division of State Court Administration for such posting using the software and services of CSI and Doxpop as described in the attached Fact Sheet and Price Schedule.

Ordered adopted and effective this 14th day of January, 2008.

Evan S. Roberts, Judge
Elkhart Superior Court 1

Stephen R. Bowers, Judge
Elkhart Superior Court 2

George W. Biddlecome, Judge
Elkhart Superior Court 3

Olga H. Stickel, Judge
Elkhart Superior Court 4

James W. Rieckhoff, Judge
Elkhart Superior Court 5

David C. Bonfiglio, Judge
Elkhart Superior Court 6

Terry C. Shewmaker, Judge
Elkhart Circuit Court