STATE OF INDIANA

DIVISION OF
STATE COURT ADMINISTRATION

RANDALL T. SHEPARD, CHIEF JUSTICE

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SUPREME COURT

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INDIANAPOLIS, IN 46204-3568
(317) 232-2542
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August 14, 2008

Cindy Spence
Clerk of Circuit Court
Hendricks County
51 W. Main Street, Ste 104
Danville, IN 46122

Dear Ms. Spence:

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) – Initial Request

*You must complete this form prior to posting court information on the Internet.*

**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: **Hendricks** Date of Request: 8 / 11 / 07

Clerk: **Cindy Spence** Vendor* (if any): **Doxpop, LLC**

*See Important Notes above

Requestor Name: **Cindy Spence** Phone Number **( 317) 745-9388**

Requestor E-Mail Address: **cspence@co.hendricks.in.us**

Requestor Address: **51 W. Main St. St. 104**

**Danville, IN 46122**

Requestor Office/Position/Title: **Clerk of Circuit Court**

**Section 1- For New Postings:**

Pursuant to Trial Rule 77(K), I, **Cindy Spence**, Clerk of **Hendricks** 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.

A. Proposed start date for posting electronic information: **6** / **1** / **2008**

B. Name of Vendor (if any): **Doxpop, LLC**

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 |
|---|---|
| **None** | $ |
| | $ |
| | $ |

D. List the responsible party for each of these costs, e.g., County Commissioners, vendor reimbursement:

**NA**

E. Will Internet access to records be available at all times? **X** yes ☐ no

F. If Internet access is available only during particular hours, list hours here _____

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

1. Fund/account revenues will be deposited to: **NA**
2. Did your Court comply with Admin.R. 9(E), if applicable? ☐ yes ☐ no
3. Expected revenues for first year: $ _____

H. Who will be able to access the electronic information? (Check those that apply)

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. X 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? **X** Yes **(not all users—unregistered users may obtain limited information)** ☐ No

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? **X** Yes ☐ No If yes, how much? $ **Cost is based on search plan level--Please see the attached fee schedule, Attachment 4, Exhibit B**

2. What information may a **subscriber** obtain electronically? **See Appendix.**

3. Is there an additional cost for **subscribers** to access specific records? ☐ Yes **X** No If yes, how much is the cost to **subscribers**? $_____ and how is it assessed (per record, per search, etc.)? _____

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

1. What information may the **general public** obtain electronically? **See Appendix.**

2. Is there an additional cost for the **general public** to access specific records? ☐ Yes **X** No If yes, how much is the cost to the **general public**? $_____ and how is it assessed (per record, per search, etc.)? _____

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? **See Appendix.**

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?

**See Appendix.**

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

| 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 |
| ☐ | ☐ | Other (please describe below) |

If you selected "other", please describe: _____

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

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**? **X** Yes ☐ No
Describe: **See Appendix.**

_____

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**? **X** Yes ☐ No
Describe: **See Appendix.**

_____

_____

Q. Is the court's case management system web-based or will the information be transferred to a vendor's server?
Please explain: **The information is transferred to Doxpop's server for Internet publication.** _____

_____

_____

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:
**See Appendix.**

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:

**See Appendix.**

**Section 2 – Required For All Requests**

*ATTACHMENTS:* Please attach the following to this request:

1. Copy of the Consent of the Judges for posting the records under Trial Rule 77(K).
2. Copy of samples of web pages or screen prints.
3. Copy of the agreement between the Court/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.*

| | |
|---|---|
| **Cindy Spence** | **Clerk of Hendricks County Circuit Court** |
| Requestor's Name (Please Print) | Requestor's Title |
| Cindy Spence | 8-11-08 |
| Requestor's Signature | Date |

Appendix to Request to Post Court Information on the Internet

## Hendricks County Courts 2008

### Extended answers to application questions

Please see references to these sections on the Application pages 1 through 5.

**Question I.2**: The subscriber may obtain most information entered on the local Case Management System with the exception of information deemed confidential per Federal statute, State statute, AR-9 sections (G) and (H) or the local courts. For a complete list of the fields displayed by the Doxpop System, see Attachment 2.

**Question J.1**: The general public, which we are here interpreting to mean "anonymous users governed by Doxpop's Standard User Agreement", is allowed access at no cost to the Case Caption, Cause Number, File Date, Disposition Date, Case Type and Party List for all pending cases that are not deemed confidential by the Court. The general public may execute queries based on a cause number or the name of any party involved in the case and may view the calendar (Docket) of any court that opts to make its calendar public.

**Question K**: The Clerk is not responsible for monitoring subscribers or providing customer support. This is solely the responsibility of Doxpop. No formal audit or other form of oversight is required by the contract between the local court(s) and Doxpop. Notwithstanding the above, both parties to the Internet Publishing Agreement have a duty to notify the other party if they become aware of any inadvertent publication of confidential information and Doxpop has a duty to respond immediately to such notification by removing the confidential information and providing confirmation of removal.

**Question L:** Any subscriber violating the Doxpop Registered User Agreement will have access terminated by Doxpop. The local courts have no responsibility in this regard. There are no consequences other than termination of access. If law enforcement authorities suspect that information obtained from the web site was used during the perpetration of a crime, Doxpop is prepared to cooperate with authorities seeking access logs via properly executed subpoena. Viewing public information is, by definition, a permissible activity, so there are few direct "misuses" of the system possible. Because confidential data simply does not exist on the web site, the only possible misuse would be attempts to break into the system or use a "screen scraper" to obtain data in bulk. Both situations are monitored for in an automated fashion by Doxpop and these automated systems have detected and prevented such abuse in the past.

Doxpop and the local courts are parties to the "Court Record Internet Publishing Agreement", which provides that:

> "If any party shall breach any provision contained in this Agreement and such breach is not cured within 30 days after

> receiving written notice of such breach from another party, the party giving such notice may then deliver a second written notice to the breaching party, terminating this Agreement, in which event this Agreement shall terminate on the date specified in such second notice"

**Question N**: The site is updated at the end of every working day by an automated transaction-logging process supplied by the CMS vendor in cooperation with Doxpop.

**Questions O, P**: In addition to the provisions of AR-9 effective January 1, 2005, Doxpop applies all AR-9 rules to court information filed before that date. This includes scanning CCS minute entries for numbers resembling a Social Security Number and redacting the minute entry to mask these before adding them to the Doxpop database. The local court may also flag any individual case as confidential either on a short term or permanent basis for various reasons. For instance, this allows the ability to hide a case after a probable cause entry has been made and defendant information added, but before a warrant is served if the subject is deemed to be a flight risk.

**Question R**: First, no confidential information is stored on the Doxpop database. Information identified as confidential by the local Court is never exported from the sending system and thus never resides on Doxpop's server. All screening for inadvertently included information such as an SSN in a minute entry is done while loading the information and confidential information is discarded. This means that there is no information on the Doxpop system that any member of the public would not normally be allowed access to. This both reduces the motivation to "hack" into the system and makes the consequences minor. A person might be motivated to attempt to change the information, but this would be to little avail because all of our user agreements make it clear that the official record does not reside on the Doxpop system. None of this means that we do not take security seriously. Rather, it means that because we have taken great pains to isolate the Court's official record from the Doxpop copy, the official record remains safe and safeguarding the Doxpop copy simply becomes a business imperative of highest priority. In addition, because Doxpop handles credit card information, our entire network, including the court servers is subject to the extremely rigorous security requirements imposed by the credit card industry and Doxpop has successfully passed two (all) external compliance audits.

To achieve complete isolation between the Doxpop copy and the official record residing on the Court's CMS, we employ a system in which all actions are initiated only by the CMS, which is solely under the control of the Court. Rather than authorizing Doxpop to query the CMS, the CMS is authorized to deposit information on the Doxpop server. At every update interval, the CMS bundles up all transactions that have occurred involving non-confidential information and deposits them in a package on the Doxpop receiving system. The Doxpop system then picks up the information, loads it, and places a flag on the receiving server to acknowledge that the information was received and processed. Even a person with full administrative privileges on the Doxpop system would have no ability to access a local court CMS.

**Question S**: When information is initially loaded on the web site, it is placed in a staging area, and the update process started. The password to the staging area is then supplied to the clerk with the invitation to involve any number of people in a review process. Since thousands of cases are involved, it is not possible to check all of them, so we recommend that a random sample of closed

cases be checked initially. Then the staff members updating cases in process follow those cases closely for several days on the Doxpop staging area to ensure that updates are both timely and accurate. After this review process is complete, the information is moved to the Doxpop production area, where it becomes accessible to the general public and Doxpop subscribers. In addition, Doxpop runs "exception reports" to look for situations such as a disposition date preceding a file date. Although these reports have never detected an error in the Doxpop loading process, many clerks have used these reports to correct typographical errors on the source system that have been undetected prior to Doxpop's review.

In the production environment, a large number of Doxpop subscribers who are also involved in the cases regularly access the information. This provides a constant review process that simply cannot be matched by any internal review. Doxpop provides access to thousands of registered users who do thousands of searches every day. Most of these users are quite familiar with the cases involved and may be counted upon to sound the alarm if anything appears amiss. One or two local reviewers in each county could not hope to do a better review.

# Attachment 1

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

**Hendricks County**
**Order of Consent for**
**Electronic Posting of Court Records**

Pursuant to Trial Rule 77 of the Indiana Rules of Procedure, the Hendricks County Circuit and Superior Courts hereby consent to the electronic posting of court records and order the Clerk of Circuit Court to seek the permission of the Division of State Court Administration for such posting using the software and services of Doxpop.

Ordered adopted and effective this 6th day of August, 2008.

Jeffrey V. Boles, Judge
Hendricks Circuit Court

8-6-08
Karen M. Love, Judge
Hendricks Superior Court 3

Robert W. Freese, Judge
Hendricks Superior Court 1

8-6-08
Mark A. Smith, Judge
Hendricks Superior Court 4

David H. Coleman, Judge
Hendricks Superior Court 2

Stephenie LeMay-Luken, Judge
Hendricks Superior Court 5