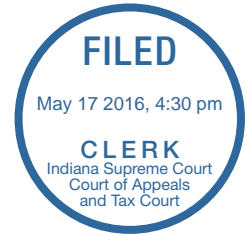


In the  
**Indiana Supreme Court**



IN THE MATTER OF THE REQUEST BY  
THE UNIVERSITY OF CINCINNATI  
CORRECTIONS INSTITUTE FOR  
RELEASE OF BULK DATA OR COMPILED  
INFORMATION EXCLUDED FROM  
PUBLIC ACCESS

Supreme Court Case No.  
49S00-1512-MS-718

ORDER GRANTING UNIVERSITY OF CINCINNATI CORRECTIONS INSTITUTE'S  
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

The University of Cincinnati Corrections Institute (UCCI) has filed a Verified Request for Bulk Data/Compiled Information under Administrative Rule 9(F)(4). This request seeks to obtain specific data that is excluded from public access under Administrative Rule 9 contained in the Indiana Court Information Technology Extranet (INcite) and the case management systems of Indiana courts exercising juvenile jurisdiction. UCCI seeks data from two thousand juvenile cases, equally divided between 2014 and 2015, which will include:

1. all Indiana Youth Assessment System (IYAS) information containing a youth's overall score, risk level, and individual measures across IYAS domains (peers and social support network, pro-social skills, substance abuse, mental health, and personality),
2. case disposition and treatment types (probation, placement) as well as treatment records or programming received (cognitive-behavioral, education, substance abuse),
3. demographics (race/ethnicity, age, gender), and
4. official recidivism data (new arrests, new felony adjudications/convictions, and return to custodial placement).

UCCI seeks records that include social security numbers, dates of birth and addresses of affected individuals.

All data contained in Juvenile Delinquency Case Records and in the IYAS applications is excluded from public access. The purpose of the request is for governmental research and evaluation to study and analyze the Indiana's youth risk assessment system, IYAS.

A final component of UCCI's request is the Youth Follow-Up Self Report Subsample which consists of a random subsample of one hundred juveniles invited to participate in a two-year intensive study. The Subsample seeks to understand how juvenile justice decision-making based upon IYAS affects youth. Obtaining youth outcome information in conjunction with agency-wide factors, will allow for a comprehensive study of usage of the IYAS in relation to important youth outcomes. The additional information cannot be readily obtained from the IYAS database or official records.

UCCI has received a grant from the Office of Juvenile Justice and Delinquency Prevention to conduct the assessment which also includes the risk assessment systems adopted by Indiana, Ohio, and Arizona.

Indiana has a substantial interest in the creation and maintenance of a valid youth risk assessment system. The proposed study may provide, not only the Indiana Court System but other state and local agencies with a better understanding of the causes of the process for assessing risk for youthful offenders. Use of the risk assessment system can lead to the development of tools and resources to aid in the treatment of youth offenders and reduce recidivism in the State of Indiana. As a result, the Court desires to cooperate to the fullest extent it can with successful completion of the UCCI study while balancing and protecting the privacy rights and interests of individuals whose data will be examined.

The records sought are generally excluded from public access under Administrative Rule 9(G) and access to bulk or compiled case records excluded from public access may be granted by this Court only under specific circumstances under Administrative Rule 9(F)(4)(c). Under Administrative Rule 9(F)(4)(a)(v), a request for bulk distribution or compiled information that includes information excluded from public access must provide for individual notice to all persons affected by the release of the information unless, upon prior notice to the Indiana Attorney General and a reasonable opportunity to respond, such individual notice requirement is waived by this Court. UCCI requested the Court to waive the requirement for provision of individual notice to all persons affected by the release of the information.

The Indiana Attorney General has filed a Response as provided for under Administrative Rule 9(F)(5) and does not oppose the requested waiver.

The Court finds that the request involves a significant number of individual case files and notice, if required, would result in notifying a large number of individuals. UCCI has advised the Court that it will disassociate the confidential identifying information as soon as possible and retain it in UCCI Secure Data Room in a network zone protected by an additional firewall with a tightly controlled access list. Analytical work on the data will only occur in this facility by credentialed employees or agents who may not bring or remove materials to or from the room. All security for the data will comply with or exceed standards of the National Institute for

Standards and Technology (NIST) 800-53 R4. Upon completion of the study, but no later than May 1, 2017, unless an extension of time is granted due to federal requirements concerning data retention or other reasonable basis, UCCI will securely wipe any sections of computer hard drives on which the requested data is stored.

Accordingly, the Court finds that UCCI has shown by clear and convincing evidence that it has satisfied the requirements of Admin. R. 9(F)(4)(a)(i), (ii), (iii), and (iv), and the public interest will be served by allowing access.

The Court further finds the information sought by UCCI is consistent with the purposes of this rule, resources are available to prepare the information, and fulfilling the request is an appropriate use of public resources.

After consideration of the request for waiver of individual notice to individuals affected by release of the information excluded from public access, the Court finds by clear and convincing evidence that the purposes for which the information is sought substantially outweighs the privacy interests protected by this rule. Accordingly, due to the highly secure manner for the protection of the data, the Court waives the requirement of individual notice to all parties affected by release of the sought information to which public access is prohibited or restricted.

An order granting a request under this subsection may specify particular conditions or requirements for use of the information, including without limitation:

1. the confidential information will not be sold or otherwise distributed, directly or indirectly, to third parties; provided, however, that the results of UCCI's analysis and conclusions from its research may be utilized in the publication of scholarly article(s) or reports,
2. the confidential information will not be used directly or indirectly to sell a product or service to an individual or the general public,
3. the confidential information will not be copied or duplicated other than for the stated research, and
4. access to the storage media containing the confidential data will be limited and, as appropriate, kept and stored in the secure data facility when not being used.

The Court finds that these conditions shall apply to the data sought by UCCI.

Administrative Rule 9(F)(4)(d) specifies that “[w]hen the request includes release of social security numbers, dates of birth, or addresses, the information provided may include only the last four digits of social security numbers, only the year of birth, and only the zip code of addresses. The restrictions on release of social security numbers, dates of birth, and addresses may be waived only upon a petition to the Executive Director of the Division of State Court

Administration (Division) and a finding of exceptional circumstances by the Indiana Supreme Court.”

UCCI made such a request in its petition and the Court finds the potential increase in juvenile justice improvement that could result from a successful study by reducing recidivism and improved risk assessment constitutes the “exceptional circumstance” that justify releasing more data than would normally be restricted under Administrative Rule 9(F)(4)(d).

The Court hereby grants the UCCI request for Bulk Data/Compiled Information under Administrative Rule 9(F)(4) and the Division shall provide data to UCCI, to the extent discussed herein, from the case records contained in the Odyssey Case Management System and records concerning cases on INcite from IYAS. UCCI’s initial identification of 2000 cases for study will be equally and randomly selected from two one year periods from IYAS. However, with regard to social security numbers and dates of birth, and addresses, the data provided is limited to the following:

1. social security numbers – the last four digits, and
2. dates of birth – the month and year of birth, and
3. addresses – zip code only,

except as required for establishment of contact for the Youth Follow-Up Self Report Subsample.

UCCI, if it chooses, may contact courts with juvenile jurisdiction using case management systems other than the state Odyssey system and ask for the confidential data for its study as approved herein. Courts contacted for such data shall determine whether to provide the data as provided under Admin. R. 9(F)(2)(c) but must ensure that any data is transmitted, received, and used in complete accordance with the same security protocols and standards as specified in this order for data from the Odyssey Case Management System. Transfers of non-Odyssey data to UCCI shall only occur after the sufficiency of the security methods has been demonstrated through testing. If access is granted to data from other case management systems, then UCCI may also receive data related to those cases from IYAS on INcite.

Due to the distance involved, the Court grants UCCI’s request that it be allowed to replicate the Indiana Office of Technology secure room at its facility in order to avoid the need to send its credentialed researchers to Indianapolis to work with the data. UCCI shall implement and/or utilize enhanced security standards. Enhanced security standards require:

1. utilizing of PGP encryption and SFTP transfer for the transfer of data from the Division of State Court Administration to the recipient,
2. after the transfer, access will be restricted by user-level password,
3. disassociation of the confidential identifying information as soon as possible,

4. retention of all data in a secure locked room within the University,
5. performance of all analytical work on the data restricted to the University secure room by credentialed employees or agents who cannot bring or remove materials to or from the room,
6. all security for the data compliant with standards of the National Institute for Standards and Technology (NIST), and
7. upon completion of the study, but no later than (a date to be specified) any sections of computer hard drives on which data is stored would be securely wiped.

Upon the conclusion of its project, UCCI shall provide the Court, for review purposes only, any report and findings produced under this project based, in whole or in part, upon the data provided under UCCI's Request. Provision of such report and findings shall occur a reasonable time prior to publication or release.

IT IS, THEREFORE, ORDERED that the Division of State Court Administration provide UCCI the data described in this order within four (4) days of the execution of a Confidential Bulk Data/Compiled Information User Agreement.

Done at Indianapolis, Indiana, on 5/17/2016.



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Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.