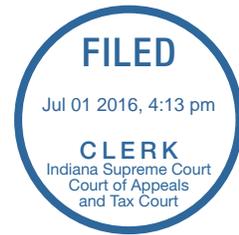


In the
Indiana Supreme Court



IN THE MATTER OF THE REQUEST
BY PROFESSOR MARGARET F.
BRINIG FOR RELEASE OF BULK
DATA OR COMPILED
INFORMATION EXCLUDED FROM
PUBLIC ACCESS

Supreme Court Case No.
94S00-1605-MS-284

ORDER GRANTING PROFESSOR MARGARET F. BRINIG'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

Professor Margaret F. Brinig 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. Professor Brinig seeks data from 2010 St. Joseph County Juvenile Paternity (JP), Juvenile Status (JS), Juvenile Delinquency (JD), and Juvenile CHINS (JC) case types and to review activity through 2015. JP cases will be reviewed and evaluated to find unmarried individuals with children and then follow them regarding support and parenting time patterns, domestic violence, CHINS, and delinquency to identify connections between parenting time and child support payment, between parenting time and domestic violence, as well as between paternity, CHINS, and delinquency cases. Upon completion of the study, Professor Brinig and the Probate Court may apply for federal or private grant funding to create pilot interventions to avoid CHINS and delinquency involvement with unmarried families. The St. Joseph County Probate Court supports Professor Brinig's request.

The case record data sought by Professor Brinig from St. Joseph County is not contained in Odyssey but rather in its QUEST case management system. Under the procedures of Admin. R. 9(F), approval of the request will require Professor Brinig to seek the approval and cooperation of the St. Joseph County Probate Court and clerk in order to receive the approved confidential data.

The case data sought would not be downloaded or transmitted from the QUEST system and would be reviewed within QUEST. The reviewed case record data will be coded by Professor Brinig so that confidential data will not be transferred out of the QUEST system. The

coding will be cross checked by two research assistants with Institutional Review Board clearances. The coded records will not contain information that could reveal the identity of individual children or families and case record data containing identifying information will not be removed from the court or kept by the researchers.

Indiana has a substantial interest in the creation and maintenance of tools which improve the juvenile justice system. The proposed study may provide a better understanding of parenting, child support, and domestic violence among unmarried couples. As a result, the Court desires to cooperate to the fullest extent it can with successful completion of this 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. Professor Brinig 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. Professor Brinig has advised the Court that the confidential identifying information will not be removed or retained.

Accordingly, the Court finds that Professor Brinig 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 Professor Brinig 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 Professor Brinig's analysis and conclusions from the research may be utilized in the publication of scholarly article(s), reports or grant applications as described herein,

2. the confidential information will not be used directly or indirectly to sell a product or service to an individual or the general public, and
3. the confidential information will not be copied or duplicated other than for the stated research.

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

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.”

Professor Brinig made such a request in the petition and the Court finds the potential increase in juvenile justice improvement that could result from a successful study constitutes the “exceptional circumstance” that justifies releasing more data than would normally be restricted under Administrative Rule 9(F)(4)(d).

The Court hereby grants Professor Brinig's request for Bulk Data/Compiled Information under Administrative Rule 9(F)(4) and the Division shall refer the request to the St. Joseph Probate Court and its clerk.

Done at Indianapolis, Indiana, on 7/1/2016.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.