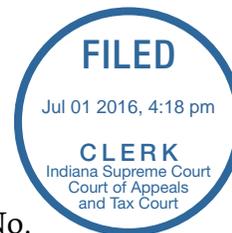


In the
Indiana Supreme Court



IN THE MATTER OF THE REQUEST
BY DR. SARAH WIEHE, M.D., M.P.H.
FOR RELEASE OF BULK DATA OR
COMPILED INFORMATION
EXCLUDED FROM PUBLIC ACCESS

Supreme Court Case No.
94S00-1605-MS-286

ORDER GRANTING REQUEST OF DR. SARAH WIEHE, M.D., M.P.H.
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

Dr. Wiehe 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 QUEST Case Management Systems of the Marion County Juvenile Court to study health care utilization and quality, particularly as it relates to sexually transmitted infection and HIV-related care, in the period following juvenile detentions. Her study is supported by grants from the Agency for Healthcare Quality and Research and the National Institute of Health and is nearly identical to her previously approved 2014 request. Dr. Wiehe's study is supported by Judge Marilyn Moores of the Marion County Juvenile Court.

Dr. Wiehe seeks access to case record data of all individuals detained and charged in juvenile delinquency cases in Marion County, Indiana from the beginning of 2000 to present date. The data elements requested are:

1. name of the individual,
2. residence address,
3. crime location address,
4. post-incarceration address (release listing),
5. statute count/description/severity indicating charges associated with current episode,
6. outcome of charges,
7. arrest (detention) date,
8. detention/incarceration date,
9. release date,
10. location of detention/incarceration,
11. referral agency,
12. prior history of detention/incarceration, and

13. court orders for probation, placement, probation services, detention infractions, and mental health screening as a part of detention services.

These elements are requested at intervals of three months and six months after initial detention or charge.

The request also seeks use of the following identifiers:

1. social security number - last four digits,
2. date of birth,
3. gender, and
4. race/ethnicity.

Dr. Wiehe proposes to link the requested data with data from other sources, including clinical, public health, and other incarceration (adult jail/prison) data and needs identifying data such as the social security number and date of birth. After linking the detention data with the other data sources, she will delete name and social security number in order to create a longitudinal analysis data set. This data set will then be used to understand the health care utilization and quality, particularly as it relates to sexually transmitted infection and HIV-related care, in the period following detention.

The other data sources that Dr. Wiehe will use are as follows:

1. Indiana Department of Corrections,
2. Marion County Sheriff,
3. City of Indianapolis/Marion County arrest data,
4. Indiana Network for Patient Care data,
5. Indianapolis Emergency Medical Services,
6. Anthem claims data and, perhaps,
7. eHars, a separate database of HIV positive individuals.

Dr. Wiehe seeks the data concerning the name and address of the juvenile because of the need to use unique identifiers in order to link individuals.

All of the data sought will be de-identified by the juvenile court in QUEST. In each instance, Dr. Wiehe will receive a compilation created in response to its requested data points.

All data contained in the case records sought is excluded from public access. The purpose of the request is for governmental and academic research and evaluation to study and analyze the involvement of juveniles within the juvenile justice system.

Indiana has a substantial interest in promotion of improvements to its juvenile justice system. As a result, the Court desires to cooperate to the fullest extent possible with successful completion of Dr. Wiehe's project while balancing and protecting the privacy rights and interests of individuals whose data will be examined.

The transfer of data from the juvenile court shall utilize PGP encryption and SFTP transfer. Access to the data will be restricted by user-level password. Expungement of the data from all Indiana University utilized storage drives will occur through use of Secure Shredder functionality that renders data files unreadable even with the use of advanced hardware recovery techniques. Analytical work on the data will only occur in the Indiana University IT 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, Dr. Wiehe will securely wipe any sections of computer hard drives on which the requested data is stored.

Accordingly, the Court finds that Dr. Wiehe has shown by clear and convincing evidence that she 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 Dr. Wiehe 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.

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.

Dr. Wiehe 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)(4)(a)(v) 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.

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 outweigh 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 Dr. Wiehe'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;
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; and
5. The requesting party must pay the reasonable costs of responding the request as determined by the Court.

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

The Court hereby grants the Dr. Wiehe's request for Bulk Data/Compiled Information under Administrative Rule 9(F)(4) with the following restrictions:

1. names of juveniles and social security number information shall not be provided, and
2. date of birth information shall only include month and year of birth.

However, the unique QUEST identification number regarding a juvenile may be provided.

In the event that Dr. Wiehe is unable to achieve individual offender matches for offenders using the foregoing confidential data, as limited, she may provide the Court, through the Division of State Court Administration, with a list of these individuals suggested by the other utilized sources that she seeks to match with court record data from the juvenile court. Upon review, the Court will determine whether to lessen or remove the foregoing restriction related to disclosure of social security numbers and/or dates of birth.

The Division shall refer the request to the Marion County Juvenile Court and its clerk which may provide data to Dr. Wiehe, to the extent discussed herein, from the case records contained in its QUEST Case Management System after receipt of an executed User Agreement from the Division.

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



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.