

COURT & CLERK RECORDS: ACCESS & MAINTENANCE PUBLIC REQUESTS FOR BULK DISTRIBUTION AND COMPILED INFORMATION Administrative Rule 9(F)	CONTACT: Richard T. Payne richard.payne@courts.in.gov
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Under Ind. Administrative Rule 9(F)(1) and (2), the public may request approval from the Indiana Supreme Court Office of Judicial Administration (OAJ) for distribution of bulk data or compiled information from court records. Requests may encompass public as well as confidential information. OAJ may also approve provision of documents and financial information by written contract. The responsibility for receipt and review of requests has been delegated to the Indiana Office of Court Services (IOCS).

Trial Court and Clerk Authority to Provide Compiled Information

Under Admin. R. 9(F)(2)(b), courts and clerks within a judicial circuit may provide non-confidential, compiled information from their case management system to any applicant if the information is normally available to the public through public access.

Fees Charged for Bulk Data or Compiled Information

Under Admin. R. 9(F)(3), the Chief Administrative Officer of OJA may establish fees for provision of bulk data or compiled information. The currently authorized fees are located at <http://www.in.gov/judiciary/iocs/3285.htm>.

Application and Review Standards

Non-Confidential Bulk Data or Compiled Information

- Does the applicant have other related business entities that will participate in the use and dissemination of the data?
- What specific bulk data or compiled information is sought including time frame and court source(s)?
- What frequency of distribution is sought?
- What is the purpose of the request for data or information and how is release of the sought data or information consistent with the purposes of Administrative Rule 9?
- How will fulfilling the request be an appropriate use of public resources?
- Provide a copy of applicant's policies or user agreement used with subscribers, customers, clients, or other party that governs use of the requested data.
- Is the applicant willing to pay the established fees for receipt of the data or information and, if not, why should payment be waived?

Confidential Bulk Data or Compiled Information

- What substantial interest or bona fide research activity does Requestor have for scholarly, journalistic, political, governmental, research, evaluation or statistical purposes wherein the identification of specific individuals is ancillary to the purpose of the inquiry?
- What specific bulk data or compiled information is sought including time frame and court source(s)?
- What is your interest in the sought records and the purpose of your inquiry?
- How will provision of the records benefit the public interest or education?
- What provisions will be used to securely protect the records?
- Should affected persons receive notice of your request and, if not, why?
- How will the public interest be served by allowing access?
- Will denial of access create a serious and imminent danger to the public interest and, if so, how?
- Will denial of access cause substantial harm to a person or third party and, if so, how?
- Is the applicant willing to pay the established fees for receipt of the data or information and, if not, why should payment be waived?

While IOCS reviews and approves the official request for information, when a request does not involve information in the Odyssey Case Management System, the approval will be subject to the ability of OJA to obtain the information without undue hardship or interference with the normal operations of the non-Odyssey court, challenge the court's resources or otherwise pose a substantial difficulty for the court/clerk.

Forms related to Requests for Bulk Data/Compiled Information Distribution are published to the Indiana Supreme Court website. OJA requires specific information from the requesting party. The names of approved entities along with the signed contracts and related attachments are posted on the website.

In November of each year, IOCS alerts all approved requesting parties that their contracts will expire the following January 15th. The requesting parties can apply to renew their contracts and will receive information on the protocol. Upon approval, the new contracts, replacing the expiring contract, are executed and posted on the website.

If a trial court clerk or court receives a request for bulk data distribution and is not provided a copy of the approval letter and contract provided by OJA, please contact the IOCS immediately.

Frequently Asked Questions

Are there different forms for Bulk Distribution Approval based on type of requesting party?

No, IOCS uses the same forms but if there are portions of the form that do not apply to the request, the requester may indicate "N/A" accordingly.

Once approved, are the counties obligated to provide the data distribution as requested?

No. IOCS encourages and will seek to obtain the data for the applicant. However, provision of bulk distribution or compiled information is not required if

- resources are not available to obtain the data or
- providing the data will interfere with the normal operation of the court.

Further, the provision of data may be made contingent upon the requester paying the fair market value of the information.

Can an entity request routine distributions of bulk data or compiled information directly from a county?

Yes, under Admin. R. 9(F)(2)(b), the applicant may request distributions of **non-confidential, compiled information** on a frequency to which the county and entity agree. These requests are limited to information from their case management system that is normally available to the public through public access. All other applications for data, whether bulk or compiled, may only be made through OJA.

Can an entity request for approval for bulk distributions from the entire state, or individual courts or counties?

A requesting entity can submit a request for data from one, several or all counties or courts.

Can a requesting party distribute the data received in bulk to another party?

No. Currently the Court prohibits a requester from further distributions of data in bulk (meaning the whole or a substantial part of the bulk file received from the court).