LEGAL COUNSEL DIV., STATE COURT ADMIN.	LIMITS ON PUBLIC ACCESS TO ADMINISTRATIVE RECORDS*		REV. 3/23/2010
SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Appellate Court Writing Assignments	Information identifying appellate judges or justices assigned to or participating in the preparation of a written decision or opinion.	No Public Access until decision or opinion is released. (See current opinion embargo order.)	Access Rule 5, subd. 4.
Attorney Registration	Attorney registration information submitted by attorneys admitted to practice in Minnesota courts.	No Public Access, but Clerk of Appellate Courts may disclose to public upon request attorney name, address, admission date, continuing legal education category, current status, and license number, provided each inquiry is limited to a single registered attorney. [NOTE: the supreme court has a web site that allows the public to search and verify attorney information one attorney at a time.] Clerk may also disclose to public a complete list of only the name, city and zip code of all registered attorneys.	Rule 9, Rules of Supreme Court for Registration of Attorneys.
Attorney Work Product	Work product of any attorney or law clerk, employed by or representing the judicial branch, that is produced in regular course of business or representation of the judicial branch.	No Public Access.	Access Rule 5, subd. 12.

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LIMITS ON PUBLIC ACCESS TO ADMINISTRATIVE RECORDS*

SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Audit Records	Audit Records. Information, notes, and preliminary drafts of reports relating to an audit or investigation, created, collected, and maintained by the internal auditor or audit committee of the judicial branch, or persons performing audits for the judicial branch	No public access until the release of a final audit report by the judicial branch auditor or if the audit or investigation is no longer being pursued actively, except public access shall not be permitted: --as otherwise provided by applicable law or rule; --*Confidential sources*. Records on an individual who supplies information for an audit or investigation, that could reasonably be used to determine the individual's identity, are not accessible to the public if the information supplied was needed for an audit or investigation and would not have been provided to the internal auditor or person performing audits without an assurance to the individual that the individual's identity would remain not accessible to the public; --*Unreleased records*. Records related to an audit but not released in a final audit report and that the judicial branch auditor reasonably believes will be used in litigation are not accessible to the public until the litigation has been completed or is no longer being actively pursued; (continued next page)	Access Rule 5, subd. 13.

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SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Audit Records	Audit Records cont.	--R*eview of Records*. If, before releasing a final audit report, the judicial branch auditor provides a person with records relating to the audit for the purpose of review and verification of the records, that person shall not disclose the records to anyone else unless and until the information becomes accessible to the public under these rules; --*Access to records by audit committee members*. Members of an audit committee have access to records that are collected or used by the judicial branch auditor and that have been classified as not accessible to the public only as authorized by resolution of the committee; --*Duties Concerning Misuse of Public Money*. If the judicial branch auditor's examination discloses misuse of public money or other resources, the auditor may disclose records relating to the examination to the attorney general to assist in the recovery of money and other resources and to the appropriate prosecuting authority to assist in the prosecution of criminal proceedings as the evidence may warrant.	Access Rule 5, subd. 13.

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SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Bail Bond Agent Application—Criminal History Information	Criminal History Information in Bail Bond Agent Applications: Criminal history reports in bail bond agent applications/applicant files. Certain criminal history information in application files for bail bond agent approval under Gen.R.Prac. 702 containing: records of arrest not followed by conviction; expunged or annulled convictions; and misdemeanor convictions for which no jail sentence can be imposed. (affects portions of BCA report and information supplied by applicant). (Note: Bail bond agents are neither employees nor applicants for employment, so the application information is not covered by the employee/applicant record provisions discussed below.)	No Public Access.	28 C.F.R. §§ 20.33; 50.12 (criminal history reports); M.S. 364.04 (certain criminal history information in licensing application files).
Bail Bond Agent Application Denial, Complaints, Investigations, and Removal from List	Application Denial. (criminal history information related to an application for bail bond agent approval is covered separately, see above) Complaints received by the branch about bail bond agents Investigations conducted by the branch regarding applications, complaints, and removals Removal from List of approved bail bond agents	No Public Access except that when a final determination is made to deny an application or remove an agent from the approved list, the final determination, including the grounds for the decision and the facts cited in support of the decision, shall be accessible to the public. A final determination occurs at the conclusion of the appeal proceedings before the Review Panel, upon failure of the applicant or agent to appeal the State Court Administrator's decision, or upon the failure of the applicant or agent to request review by the State Court Administrator.	Judicial Branch Policy 5.04(a),section VIII.

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SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Credit Card Numbers	Account numbers collected by the judicial branch in connection with credit cards, charge cards, debit cards or other methods of electronic funds transfer for government fees and payments ordered by the court. Note: although checks may or may not constitute electronic funds transfer, the same result would apply under the security record category of the administrative records table.	No public access.	M.S. 480.237
Competitive Bids	Sealed Bids and RFP Responses. Sealed bids and responses to requests for proposals or solicitations, including the number of bids or responses received.	No Public Access until bids or responses opened in accordance with the request or solicitation.	Access Rule 5, subd. 8.
Competitive Bids	Trade Secrets. Trade secret information submitted pursuant to judicial branch bid or solicitation request.	No Public Access provided that: -- submitting party marks the document(s) containing the trade secret "CONFIDENTIAL;" --the submitting party submits as part of the bid or response a written request to maintain confidentiality; and --the trade secret information is not publicly available, already in the possession of the judicial branch, or known to or ascertainable by the judicial branch from third parties. NOTE: The existence of any resulting contract, the parties to the contract, and the material terms of the contract, including price, projected term, and scope of work, shall be accessible to the public.	Access Rule 5, subd. 8.
Continuing Education	All records and files of the Office of Continuing Education for State Court Personnel that relate to failure of an active judge to satisfy educational requirements. (See also Employee records, below.)	No Public Access.	Rule 5, Rules of Supreme Court Judicial Education for Members of Judiciary.

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SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Copyrighted Material	Computer programs and related records, including but not limited to technical and user manuals, for which the judicial branch has acquired, or is in the process of acquiring, a patent or copyright, or a license to use the same. NOTE: Copyright attaches to a work of authorship from the moment it is placed in a tangible form, whether on paper or in electronic/magnetic format. A copyright notice, e.g. "© 2005" is not necessary. Thus, it should be assumed that a computer program or related record has been copyrighted unless the material is expressly designated as available for public distribution and copying.	No Public Access. NOTE: The existence of any resulting contract, the parties to the contract, and the material terms of the contract, including price, projected term, and scope of work, shall be accessible to the public	Access Rule 5, subd. 7.
Corre-spondence	Correspondence between individuals and judges. NOTE: This category does NOT include probation reports submitted in criminal cases. Such reports are "case records," not "administrative records," and are addressed in the Access to Case Records Table under the Court Services Catch All.	No Public Access unless made accessible to public by sender or recipient.	Access Rule 5, subd. 3.
Domestic Fatality Review Team	Records of Domestic Fatality Review Team.	No public access except that the review team may disclose the name of the victim in the case(s) the review team reviewed, and the review team must submit an annual report to the governor, legislature, Supreme Court and district court, which report must consist of written aggregate recommendations of the team without reference to individual cases.	M.S. 611A.203, subds. 5, 7 (effective Aug. 1, 2009)
Employees	Collective Bargaining Planning Records. Management positions on economic and noneconomic labor relations items that have not been presented during the collective bargaining process or interest arbitration, including information specifically collected or created to prepare the management position.	No public access unless and until presented during the collective bargaining process or interest arbitration.	Access Rule 5, subd. 2(a).

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LIMITS ON PUBLIC ACCESS TO ADMINISTRATIVE RECORDS*

SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Employees	Personnel Records. All records of judicial branch employees, volunteers, and independent contractors. (See also Employment Applications, below.)	No Public Access; provided, however, that following data is accessible to public: name (includes full name if known); actual gross salary; salary range; contract fees; actual gross pension; value and nature of employer paid fringe benefits; basis for and amount of remuneration in addition to salary, including expense reimbursement; job title and bargaining unit; job description; education and training background; previous work experience (includes past salary if known); date of first and last employment; status of complaints or charges against employee, whether or not it resulted in disciplinary action; final disposition of disciplinary action and supporting documentation (see below for discussion on when action becomes "final") excluding information that would identify confidential sources who are employees of the judicial branch; the terms of any agreement settling any dispute arising out of an employment relationship; work location (not email address); work telephone number; honors and awards received; time sheets or comparable data used only to account for work time for payroll purposes, to extent it does not reveal reasons for use of sick leave or other non-public data; and county of residence. (continued next page)	Access Rule 5, subd. 1.

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SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Employees	Personnel Records cont.	A "final" disposition occurs when the person or group that is authorized to take the disciplinary action makes its final decision about the disciplinary action, regardless of the possibility of any later court proceedings or other proceedings. For arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the person, group, or arbitrator that is authorized to take disciplinary action. If an appointed officer resigns or is terminated from employment while the complaint or charge is pending, all information relating to the complaint or charge is public, unless access to the information would jeopardize an active investigation or reveal confidential sources. For purposes of this paragraph, "appointed officer" means the clerk of the appellate courts, the state court administrator, a judicial district administrator, and a court administrator of district court. (continued next page)	Access Rule 5, subd. 1.

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Employees	Personnel Records cont.	Additional disclosures (e.g., related to unions, law enforcement, workers compensation, etc.) may also be authorized under Access Rule 5, subd. 1. See that rule for details. NOTE: long distance telephone bills paid for by the state or a political subdivision are also accessible to the public under statute, M.S. 10.46.	Access Rule 5, subd. 1.
Judicial Improvement Programs	All records of a judicial improvement program, including surveys.	No Public Access.	In Re Programs on Judicial Improvement, No.s C4-85-1848; C3-90-2360 (Minn. S. Ct. Jan. 11, 1996) (order). See also *Order Regarding Accessibility to Fourth Judicial District Performance Development Program*, C4-85-1848, C3-90-2360 (Minn. S. Ct. filed Aug. 9, 2006) (order).
Employment Application	All records on applicants for employment with judicial branch. NOTE: Does NOT include applications for advisory committee memberships.	No Public Access; provided, however, that following data is accessible to public: veteran status; relevant test scores; rank on eligible list; job history; education and training; work availability; and, after applicant has been certified by appointing authority to be a finalist for a position in public employment, the applicant's name.	Access Rule 5, subd. 2(b).

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SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Interpreters	Records of the State Court Administrator, Court Interpreter Program Coordinator, and Minnesota Court Interpreter Review Panel regarding court interpreters, except the statewide roster, aggregate statistical information released at discretion of the Review Panel, a final determination to impose sanctions (including revoking or suspending certification or roster status) and the facts cited in support of the determination, and to the extent waived by an examinee.	No Public Access except by court order.	Gen. R. Prac. 8.01, 8.04, 8.05, 8.08, and 8.11; State Court Administrator's Office Enforcement Procedures for the Code of Professional Responsibility for Court Interpreters, section VIII.
Jurors	Juror Identities Sealed in Criminal Case. Names, addresses, telephone numbers and other identifying information on jurors when access has been restricted by court order in criminal case.	No Public Access. NOTE: Access restrictions might be limited to a specific time frame, so consult the court order. Access by parties is also controlled by the court order.	R.Crim.P. 26.02, subd. 2(1).
Jurors	Sealed Transcript of *In Camera* Juror *Voir Dire* in Criminal Case. The transcript of oral questioning of a potential juror with the public excluded from proceeding, when access to the transcript is restricted by court order in a criminal case.	No Public Access.	R.Crim.P. 26.02, subd. 4(4) (effective 2-1-2004).

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SUBJECT AREA	RECORD DESCRIPTION	ACCESSIBILITY	AUTHORITY
Jurors	General Juror Information. Lists of prospective grand and petit juror, and qualification questionnaires returned by jurors. Does not include supplemental juror questionnaire in criminal case (see R.Crim.P. 26.02, subd. 2(3) and form 50) or civil case (see "Supplemental Questionnaire," below), or juror names entered on official minutes prepared pursuant to M.S. 546.24-.25 (i.e., witness/juror/exhibit list IS accessible to the public) or verdict forms in publicly accessible proceedings, unless access to the names is restricted by court order (see previous panels). Includes voter registration list that is used as the juror source list. (NOTE: A voter information list (essentially the voter registration list minus dates of birth) is available to the public from the county auditor or secretary of state.	No Public Access to social security numbers. No public access to remainder of information (please note the panel to the left excludes some items such as juror names entered on courtroom minutes) except by permission of court upon written request.	Gen.R.Prac. 807(e); 814.
Jurors	Supplemental Questionnaire in civil cases. Supplemental juror questionnaires completed by jurors in civil cases. Does not include supplemental juror questionnaire in criminal case (see R.Crim.P. 26.02, subd. 2(3) and form 50) or qualification questionnaires (see "General Juror Information," above).	No public access unless formally admitted into evidence in a publicly accessible hearing or trial	R.Civ.P. 47.01.
Juvenile Placement	Names and other information that identifies a particular juvenile, contained in out of state placement reports filed with state court administrator.	No Public Access.	M.S. 260B.235, subd. 8.
Library	Records of state law library which: link a patron's name with materials requested or borrowed by patron or a subject about which the patron has requested information; or -- are submitted by a person applying for a borrower's card, other than the name of the person to whom a borrower's card has been issued.	No Public Access.	Access Rule 5, subd. 10.

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Parenting Time Expediters	Complaints and Sanctions about Parenting Time Expediters. Records maintained by district court administrators relating to complaints and sanctions against parenting time expediters.	No public access except that if final sanctions are imposed by the district court administrator the sanction and the grounds for the sanction are accessible to the public.	Gen. R. Prac. 114 Appendix Code of Ethics Enforcement Procedure, rule IV.D.
Passport	Passport applications and related documents received by court administrators, and lists of applications and documents forwarded to United States Passport Services Office.	No Public Access.	Access Rule 5, subd. 11; 22 Code of Federal Regulations 51.33.
Security	Records that would be likely to substantially jeopardize security of information, possessions, individuals, or property in possession or custody of the courts against theft, tampering, improper use, illegal disclosure, trespass, or physical injury. (E.g. security plans or codes, checks s received for payment purposes.) Note: that credit card numbers are addressed separately, above.	No Public Access.	Access Rule 5, subd. 5.
Trade Secrets	Records revealing a common law trade secret or trade secret defined in M.S. 325C.01 that is owned or licensed by the state and maintained or used by court or court administrator. (E.g. computer program source code.)	No Public Access. NOTE: The existence of any resulting contract, the parties to the contract, and the material terms of the contract, including price, projected term, and scope of work, shall be accessible to the public	Access Rule 5, subd. 6.
Under Advisement Report	Records and reports and drafts thereof maintained by SJIS, TCIS®, MNCIS and other court information systems for purposes of compliance with M.S. 546.27.	No Public Access.	Access Rule 5, subd. 9.
Wiretap	Reports filed with state court administrator by judges and county attorneys regarding applications for, and granting or denial of, warrants and orders authorizing interception of communications or use of pen registers, trap and trace devices, and mobile tracking devices.	No Public Access; provided, however, that biennial summary prepared by state court administrator and submitted to legislature is accessible to public.	M.S. 626A.17.

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