

STATE OF MINNESOTA

IN SUPREME COURT

C4-85-1848

ORDER REGARDING ACCESSIBILITY TO  
FIRST JUDICIAL DISTRICT APPRAISAL PROJECT

WHEREAS, the First Judicial District, as part of its Total Quality Management effort, is conducting a personnel appraisal of the judges of the district ("Appraisal Project"), which involves surveying court personnel regarding a judge's relationship with employees, judicial demeanor, time management and communication skills, and reporting the results of the survey to the judge; and

WHEREAS, personnel records of both the judicial and executive branches are inaccessible to the public pursuant to Rule 5, subdivision 1, of the Rules of Public Access to Records of the Judicial Branch and Minnesota Statutes, section 13.43, respectively; and

WHEREAS, the integrity and success of the Appraisal Project also requires that the identity of individuals responding to the survey be inaccessible to the court personnel being evaluated;

NOW, THEREFORE, pursuant to Rule 5, subdivisions 1 and 13(c), of the Rules of Public Access to Records of the Judicial Branch, and by virtue of and under the inherent and statutory authority of the Minnesota Supreme Court to regulate access to records maintained by the judicial branch, IT IS HEREBY ORDERED that the following provisions apply to information collected, created, received, maintained, or disseminated by the First Judicial District as part of the Appraisal Project, including questionnaires and reports (collectively referred to herein as "Appraisal Project Records"):

1. Appraisal Project Records shall be inaccessible to the public and shall not be subject to discovery in any proceeding; provided, however, that:
  - a. subject to paragraph 2 of this order, information regarding an individual being evaluated shall be accessible to that individual; and
  - b. information that does not identify any of the participants and from which neither their identities nor any other characteristic that could uniquely identify any participant is ascertainable, may be made accessible to court personnel at the discretion of the Chief Judge of the First Judicial District.
2. Information in Appraisal Project Records identifying any court personnel responding to the survey or from which the identity of any such personnel or any other characteristic that could uniquely identify any such personnel is ascertainable shall not be disclosed to any individual being evaluated; provided, however, that this information may be disclosed to the Judicial District Administrator and staff where such disclosure is necessary to carry out the Appraisal Project as determined by the Chief Judge of the Judicial District.
3. The Chief Judge of the Judicial District shall implement appropriate safeguards, including but not limited to destruction of the completed survey response forms, to ensure the confidentiality provided by this order.


Dated: December 1, 1994

OFFICE OF  
APPELLATE COURTS

DEC 1 1994

**FILED**

BY THE COURT



A. M. Keith  
Chief Justice