Policies & Notices for MNCIS Government Access Login Accounts

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The Minnesota Judicial Branch recognizes that government agencies (hereinafter "agency" or "agencies") may need special access to case records of the Minnesota Judicial Branch (hereinafter "the State"), for the efficient performance of their duties as required by law and court rules. Therefore, Rule 8, subd. 4(a), of the Rules of Public Access to Records of the Judicial Branch, authorizes government agencies to access public case records in any form or manner, without the remote access restrictions that are imposed on the general public under Rule 8, subd. 2. The Rules of Public Access to Records of the Judicial Branch are posted on the Minnesota Judicial Branch web page: http://www.mncourts.gov/default.aspx?page=511 (located under "Public Access").

The State offers two access points for government agencies to electronically and remotely access case records within the Minnesota Court Information System (MNCIS), which are explained in detail in Section 2:

1) **MPA** (MNCIS Public Access, courthouse version).

2) **OA** (Odyssey Assistant).

Both access points require submission of an application, execution of a nondisclosure agreement, and approval by the State, because they provide government agencies with more access than provided to the general public under the Rules of Public Access. The application process is explained in Section 5.

This document contains policies and notices that govern the use of MPA and OA by government agencies, and is made part of the nondisclosure agreement signed by agencies, by reference. The State may publish updated Policies & Notices from time to time and such updates shall become part of the agreement referenced in section 5.3 herein, and it is the obligation of agencies to check from time to time for updated Policies & Notices and be familiar with the contents thereof. The State reserves the right to deny access at any time for any reason.

Policies & Notices and application materials are posted on the MNCIS Government Access web page: http://www.mncourts.gov/mncis/govaccess. Questions about the application process should be directed to your State Access Representative as described in the List of State Access Representatives at that site, or send an email to: MJCMNCISGovtAccessProcedural@courts.state.mn.us.

1. Eligible Agencies

Eligible Agencies. Currently, only Minnesota state and local agencies are eligible for remote access through MPA and OA. This includes state, county, city, and other local government agencies within Minnesota. Eligible state agencies may submit an application at any time. County and local eligible agencies must wait to submit an application until their respective district court implements MNCIS. You will be notified of implementation dates by the local court administrator.

Clarifications on Eligibility:

- If a private attorney or independent contractor is under contract with a Minnesota state or local agency, that person may obtain access through the agency, for government use only. The agency must submit the application and provide the login account information to the private attorney or independent contractor.
- A rural county attorney that conducts government business from his or her private office may apply directly and include the private address office on the application, but must indicate the official office under which the request is made.
- Minnesota non-profit corporations are not eligible agencies, unless they are a criminal defense corporation as described in M.S. §611.216.

Ineligible Agencies. Currently, agencies that are not within the governmental structure of the State of Minnesota are ineligible for remote access through MPA and OA. For example, federal agencies, agencies from other states, foreign agencies, and tribal agencies are not eligible at this time. Please check back periodically for updates on eligibility: http://www.mncourts.gov/mncis/govaccess.

2. Offerings – Case Record Classifications

Eligible agencies must specify in their application the case record classifications needed (in Section 4 of the Request Form and the Change Request Form). Court case records have many classifications and it is important for agency staff to understand these classifications. This section describes the case record classifications available to eligible agencies.

Public vs. Confidential Case Records. Requesting agencies must consider whether they need public case records and/or confidential case records. If confidential case records are needed, agencies must then consider whether they are authorized by court rule to access such confidential records or whether they need to obtain a court order. Public Access Rule 8, subd. 4(b) is the only source of authorization for government agency access to confidential court case records, which authorizes Minnesota county attorneys, Minnesota state public defenders, Minnesota state and local corrections agencies, and Minnesota state and local social services agencies to obtain bulk and remote access to statewide case records in MNCIS that are not accessible to the public and are classified as Civil Domestic Violence, Juvenile, and Parent/Child Relationship case records, subject to a nondisclosure agreement and other requirements of the state court administrator.

Agencies should consider their needs for case record types at the business unit level, and not request broader access for a business unit than needed. Multiple accounts may be requested to serve the needs of different business units. Please also read Section 3 which explains certain features and limitations of the two access points, MPA and OA.

2.1. Statewide Public Case Records

All eligible agencies may request and receive statewide public case records, which includes all records classified as accessible to the public under Public Access Rule 4, Accessibility to Case Records. This offering does not require a court order or other authorization to view records.

2.2. Confidential Case Records – Authority & Jurisdiction Information

Authority. Confidential case records are offered on a more restricted basis than public case records. Eligible agencies must consider whether they have authority to access confidential records under Public Access Rule 8, subd 4(b), or whether a court order is needed. A specific discussion of authority is included under each confidential offering, below. Applications that request confidential records for which they have no authority or for which authority may be difficult to obtain, may be significantly delayed and possibly rejected. *Tip:* Begin by requesting only those offerings that appear to be easily available to your agency, and later submit one or more Change Request Forms to attempt to obtain offerings that appear more difficult to obtain. If you have questions, contact your State Access Representative or send an email to: MJCMNCISGovtAccessProcedural@courts.state.mn.us.

Jurisdiction. When confidential case records are needed, agencies must also request the jurisdiction, according to the jurisdiction categories offered: a single county, multiple counties within one district, or all counties "statewide." If records are needed from more than one county that is not in the same district and the statewide option is too broad, special instructions exist in Section 5.2 on how to make this request.

The jurisdiction selected may affect an agency's ability to get a court order, if needed, to authorize access to the requested confidential records. Do not select "statewide" unless you are authorized under court rule, have discussed the possibility of obtaining a Supreme Court order, or are willing to

wait a significant amount of time while your request is considered (you may be asked to submit more information).

2.2.1. Juvenile/Parent-Child Relationships/Civil Domestic Violence (prior to service) Case Records

This offering provides access to case records that are classified as confidential and that fall under the major classifications of Juvenile, Parent-Child Relationships, and Civil Domestic Violence. It should be noted that Civil Domestic Violence cases are accessible to the public and available under the Statewide Public Access offering above in Section 2.1, except for specific cases that have not yet been served and are therefore deemed confidential.

Authority. Rule 8, subd. 4(b) of the Rules of Public Access to Records of the Judicial Branch provides the authority for Minnesota county attorneys, Minnesota state public defenders, Minnesota state and local corrections agencies, and Minnesota state and local social services agencies to obtain access to these records on a statewide basis, subject to the execution of a nondisclosure agreement and a determination by the State Court Administrator that the disclosure of such records will not compromise the confidentiality of any of the records.

Alternatively, if Rule 8, subd. 4(b) does not apply the requesting agency must obtain a court order authorizing access to these records. Your State Access Representative will assist in this process if the request is for single-county records or multiple counties within one district, and if the request is properly documented and justified on the Request Form. Requests for statewide records that are not authorized under Rule 9 subd 4(b) require a Supreme Court order and may take a significant amount of time to process. We suggest you submit such requests separately on the Change Request Form after you have received your account information, to prevent delay in processing your request for public records and other offerings for which you may be authorized.

2.2.2. Civil Domestic Violence (prior to service) Case Records

This offering provides access to civil domestic violence case records that have not yet been served. After service, civil domestic violence case records are public and available through the Statewide Public Case Records offering.

Authority. The requesting agency must obtain a court order authorizing access to these records. Your State Access Representative will assist in this process if the request is for single-county records or multiple counties within one district, and if the request is properly documented and justified on the Request Form. Requests for statewide records require a Supreme Court order and may take a significant amount of time to process. We suggest you submit statewide requests separately on the Change Request Form after you have received your account information, to prevent delay in processing your request for public records and other offerings for which you may be authorized.

2.2.3. Paternity Case Records

This offering provides access to confidential case records classified as paternity case records.

Authority. The requesting agency must obtain a court order authorizing access to these records. Your State Access Representative will assist in this process if the request is for single-county records or multiple counties within one district, and if the request is properly documented and justified on the Request Form. Requests for statewide records require a Supreme Court order and may take a significant amount of time to process. We suggest you submit statewide requests separately on the Change Request Form after you have received your account information, to prevent delay in processing your request for public records and other offerings for which you may be authorized.

2.2.4. Adoption Case Records

This offering provides access to confidential case records classified as adoption case records.

Authority. The requesting agency must obtain a court order authorizing access to these records. Your State Access Representative will assist in this process if the request is for single-county records or multiple counties within one district, and if the request is properly documented and justified on the Request Form. Requests for statewide records require a Supreme Court order and may take a significant amount of time to process. We suggest you submit statewide requests separately on the Change Request Form after you have received your account information, to prevent delay in processing your request for public records and other offerings for which you may be authorized.

2.2.5. Custom View of Confidential Case Records

A custom view of confidential case records may be requested if the other four confidential offerings do not suit your needs. Please consider the other options carefully and only use this option in rare cases. You may also want to consult your State Access Representative or send an email to MJCMNCISGovtAccessProcedural@courts.state.mn.us for more information.

Authority. The requesting agency must obtain a court order authorizing access to these records. Your State Access Representative will assist in this process if the request is for single-county records or multiple counties within one district, and if the request is properly documented and justified on the Request Form. Requests for statewide records require a Supreme Court order and may take a significant amount of time to process.

3. Offerings – Login Account Options (MPA or OA)

Login accounts are offered to government agencies at the business unit level, for shared use by staff within the business unit. Therefore, each business unit should submit a separate Request Form to request the appropriate Login Account Options for that business unit. If multiple login account options are needed within an agency business unit, multiple requests can be submitted. However, individual user accounts are discouraged.

Two types of login accounts are offered to government agencies:

3.1. MPA (MNCIS Public Access)

MPA provides access to Register of Actions information on public case records, which includes party information, documents filed, hearings, dispositions, sentences, fines, and fee information. It does not provide access to confidential case records. If you need access to confidential case records, you must request OA, as described immediately below. MPA is a web-based tool, accessible from the Internet, and requires no installation.

3.2. OA (Odyssey Assistant)

OA provides access to the same information as MPA, but provides a richer view with additional search capabilities, including the ability to view calendars. It also provides access to confidential case records, for authorized agencies. If you need access to confidential case records, you must request OA.

Technical Requirements for OA
OA is a client-based access tool that requires technical support, installation, and has several technical prerequisites:

- IP ADDRESSES: On the Request Form, agencies must include either:
  1) a single Static IP Address (for a single computer or gateway that acts as a proxy for multiple computers);
  2) a list of non-sequential Static IP Addresses; or
  3) a block of sequential Static IP Addresses that is not overbroad.
- Windows 2000 or XP
- Processor Speed: 1.28 GHZ PIV or higher
- Memory: recommend 512 MB; minimum 256 MB
- Browser: IE 6.0 service pack 1 or higher
- Browser security set to "Medium"
- 1024x768 screen resolution
- Power user rights or greater
- Domain or Local Administration rights to install the Odyssey application
- Bandwidth: recommend over 256kbps, which delivers marginal performance
  Test your bandwidth at: http://www.cable-modem.net/features/oct99/speed.html
- Dial-up is not an option and is not supported
- Word 2000 or higher
- Must be able to ping the DNS name http://mncisnc.courts.state.mn.us

4. Fees

Currently, there are no fees for MNCIS government access login accounts. However, the nondisclosure agreement includes fee provisions, in the event that fees may be introduced at a future date. Agencies will be notified before any fees are imposed.

5. Application Packet

Obtain the most recent application packet at: http://www.mncourts.gov/mncis/govaccess.

The following list of documents is part of the application packet. Be sure you download the most recent version of these documents at the time you submit an application:

5.1. Policies & Notices

Policies and notices govern the use of MNCIS Government Access Login Accounts, availability, usage restrictions, and other important information. Agencies must make this available to all users to read and understand, and obtain updated copies periodically.

5.2. Request Form & Change Request Form

The Request Form and Change Request Form are used for submitting requests for MNCIS Government Access Login Accounts.

Jurisdiction. Under Section 4(b) of the Request Form, you have the option of selecting multiple confidential case record offerings. Similarly under Section 4(a) of the Change Request Form, you have the option of selecting multiple confidential case record offerings. For each confidential offering, a jurisdiction must be specified. The jurisdictions are: single county, statewide, and multiple counties within the same district. DO NOT request multiple counties in multiple districts on the same form. If you desire multiple counties for multiple districts, we suggest that you first complete the Request Form requesting counties in one district. Later after you receive your login account information, you may submit a Change Request Form to a State Access Representative from the second district, requesting that counties in that district be added. Each district has limited authority to grant access to confidential case records in the district, which requires that each district request be processed separately. Requests for statewide confidential case record offerings that are not authorized under Public Access Rule 8, subd 4(b) can be submitted to one district State Access Representative, but that district will have to determine whether it is willing to recommend to the Supreme Court that an order be issued to authorize the statewide access requested.

5.3. Master Nondisclosure Agreement

Each agency must sign one nondisclosure agreement, which may cover multiple requests for login accounts for that same agency. Agencies must attach a copy of their most current nondisclosure agreement to the Request Form and the Change Request Form, or complete and attach a new nondisclosure agreement. The agency name that is identified on the Master Nondisclosure Agreement must match the agency name that is identified under the Applicant Information on the Request Form and the Change Request Form.

5.4. Table of Limits

This table provides information on record classifications and limits of public access. Agencies must make this available to all users to read and understand, and obtain updated copies periodically.

5.5. State Access Representatives for Government Agency Requests

This list contains contact information for all state access representatives that accept applications from government agencies.

6. Application Submission

After completing the appropriate documents in the Application Packet, as described in Section 5, above, print two complete paper copies, provide handwritten signatures on both copies of the Request Form and Agreement (if applicable), and deliver to the appropriate State Access Representative identified in Section 5.5, above. As described in the list of *State Access Representatives for Government Agency Requests* referenced in Section 5.5, Minnesota county and other local government agencies should submit their applications to the Judicial District Administration office for their respective counties. Minnesota state agencies should submit their applications to the state court administration representative.

7. System Availability for OA and MPA

The following schedule applies to both Odyssey Assistant (OA) and Minnesota Trial Court Public Access (MPA) accounts:

Core Hours of Availability: 7:00AM to 5:30PM, Mon through Fri, excluding holidays.
Unavailability may occur during core hours for:

- System Failure
- Unscheduled Emergency Maintenance

Non-core Hours of Availability: 5:30PM to 7:00AM, Mon through Fri, holidays, & weekends.
Unavailability may occur during non-core hours for:

- System Failure
- Unscheduled Emergency Maintenance
- Scheduled Maintenance
- Future County Conversions to MNCIS

Definitions:

System Failure. There will be situations where system failures will occur that are beyond our control that will cause OA and/or MPA to be unavailable. For these failures it's likely that no warning will be possible. Examples are: data circuit problems, database server failure, multiple web server failures, disk subsystem failure, power failure, or data center air conditioner failure.

Unscheduled Emergency Maintenance. There will be emergency situations where only short notice is possible before terminating OA and/or MPA availability. The ITD Technical Systems Unit has unquestioned authority to decide if and when emergency maintenance is necessary. This is an infrequent occurrence, which happens once or twice per year, on average.

Scheduled Maintenance. There are activities that must be periodically performed on many components within the infrastructure supporting OA and/or MPA including hardware, software and firmware upgrades to: firewalls, switches, web servers, database servers, and disk storage devices to keep them operational and at a supported level by our vendors. In order to balance our customer's needs for consistent access to these applications, and to recognize that our support personnel only work the day shift Monday through Friday, scheduled maintenance will not be performed during Core Hours. Even in those instances where we plan to perform scheduled maintenance outside of the core hours, we would provide 24 hour notice when possible.

Future County Conversions to MNCIS. As each county is converted to MNCIS it will be necessary to stop OA and/or MPA at 5:00pm in order to facilitate the TCIS to MNCIS data conversion process. You will be notified in advance of the specific date and time for each county conversion.

All of the items mentioned above, with the exception of the data circuits are under the control of ITD, and we have purchased redundant hardware for each of these to minimize the possibility of downtime.

8. Login Account Usage & Passwords

Login account ID's and passwords will be provided to government agencies after their requests have been approved. Agencies are responsible for securing their passwords and preventing unauthorized use of their accounts. Agencies may request a new password at any time it deems necessary for the purpose of keeping their login account information secure, through the Change Request form provided at: http://www.mncourts.gov/mncis/govaccess. This is advised at any point in time that the agency becomes concerned about a security risk, including termination of employment of individuals with access to account ID's and passwords. ITD may also reassign passwords, at its discretion.

9. Training

Agencies will have access to online help screens, tutorials, and other written materials.

10. Support

See the support options described at: http://www.mncourts.gov/mncis/govaccess.