

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: Amendment of Pennsylvania  
Rule of Judicial Administration No. 509  
Governing Access to Financial  
Records

: No. 320  
: Judicial Administration  
: Docket No. 1

ORDER

PER CURIAM:

AND NOW, this 23rd day of June, 2008, pursuant to this Court's authority under Article V, Section 10 of the Pennsylvania Constitution and the provisions set forth in Section 304 of Act 3 of 2008, Pennsylvania Rule of Judicial Administration No. 509 is amended to read as attached hereto. The amendments to Pa.R.J.A. No. 509 are promulgated in order to further facilitate public access to financial records of the Unified Judicial System. Access to financial records and publication of contract information of the Unified Judicial System shall be provided in accordance with Pa.R.J.A. No. 509.

Whereas prior distribution and publication of this rule would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration. Pa. R.J.A. No. 103(a)(3).

This Order shall be processed in accordance with Pa. R.J.A. No. 103(b) and shall be effective January 1, 2009.

Note: Added material is underlined and in bold.  
Deleted material is bracketed and in bold.

**Rule 509. Access to Financial Records.**

**(a) General Policy.** Financial records of the Unified Judicial System [in the possession or control of the Administrative Office of Pennsylvania Courts] are presumed to be open to any member of the public for inspection or copying during established business hours. The term “financial records” is defined as any account, contract, invoice or equivalent dealing with: 1) the receipt or disbursement of funds appropriated to the system; or 2) acquisition, use or disposal of services, supplies, materials, equipment or property secured through funds appropriated to the system.

*[Note: The powers and duties of the Court Administrator of Pennsylvania and Administrative Office of Pennsylvania Courts related to purchasing and financial activities are established under Rules 504 and 505.]*

**(b) Accessibility.** All financial records are accessible to the public except the following:

- (1) any part of a record setting forth information to which access is otherwise restricted by federal law, state law, court rule, court order or court policy;
- (2) any part of a record setting forth a person’s social security number, home address, home telephone number, date of birth, operator’s license number, e-mail address, or other personal information;

(3) any part of a record setting forth financial institution account numbers, credit card numbers, personal identification numbers (PINs) and passwords used to secure accounts;

(4) any part of a record setting forth information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania.

**(c) Procedure for Requesting Access.**

(1) A request to inspect or obtain copies of records accessible pursuant to this rule **and in possession or control of the Administrative Office of Pennsylvania Courts** shall be made in writing to the [AOPC] records manager, as designated by the Court Administrator of Pennsylvania. **A request to inspect or obtain copies of records accessible pursuant to this rule and in possession or control of a court of a judicial district shall be made in writing to the records manager, as designated by the president judge.** A written request may be submitted in person, by mail, by e-mail, by facsimile, or, to the extent provided, any other electronic means, on a form provided by the Administrative Office.

*Note: Information related to procedures applicable to written requests **to the AOPC** may be found on the UJS website, located at **www.courts.state.pa.us**. Information related to **procedures applicable to requests for courts within a judicial district should be posted on the local court's website.***

(2) A request should identify or describe the records sought with sufficient specificity to enable the [AOPC] records manager to ascertain which records are being requested. A request need not include any explanation of the requester's reason for requesting or intended use of the records.

(3) The [Administrative Office] records manager shall not be required to create financial records which do not currently exist or to compile, maintain, format or organize such records in a manner in which the records are [Administrative Office does] not currently compiled, maintained, formatted or organized [the records].

(4) Within 10 business days of receipt of a written request, the [AOPC] records manager shall respond in one of the following manners:

- (i) fulfill the request, or if there are applicable fees and costs that must be paid by the requester, notify requester that the information is available upon payment of same;
- (ii) notify the requester in writing that the requester has not complied with provisions in this rule and specifically identify the reason(s) why;
- (iii) notify the requester in writing that the information cannot be provided and specifically identify the reason(s) why;
- (iv) notify the requester in writing that the request has been received and the expected date that the information will be available, not to exceed 30 business days.

*Note: [This rule] Subsection (c)(4)(iv) contemplates that bona fide reasons may impede the [Administrative Office's] ability of the records manager to fulfill a [records] request within 10 business days (e.g., extensive redaction required of personal identifiers; retrieval of a record(s) stored in a remote location may be required; timely response cannot be accomplished due to staffing limitations; or the extent or nature of the request precludes a response within the requisite time period).*

(5) If the AOPC records manager denies a written request for access, the denial may be appealed in writing within 15 business days of the mailing date of the written response by the records manager to the Court Administrator of Pennsylvania or designee. Within 20 business days of receipt of the appeal, [T]he Court Administrator or designee shall make a determination and forward it in writing to the requester. This remedy need not be exhausted before other relief is sought. Any further appeal shall be subject to Chapter 15, Judicial Review of Governmental Determinations, of the Pennsylvania Rules of Appellate Procedure.

If the records manager of a judicial district denies a written request for access, the denial may be appealed in writing within 15 business days of the mailing date of the written response by the records manager to the president judge or designee. Within 20 business days of receipt of the appeal, the president judge or designee shall make a determination and forward it in writing to the requester. This remedy need not be exhausted before other relief is sought. Any further appeal shall be subject to Chapter

**15, Judicial Review of Governmental Determinations, of the  
Pennsylvania Rules of Appellate Procedure.**

**(d) Fees.**

- (1) [The Administrative Office may charge r]Reasonable costs incurred in providing public access to records **may be charged** pursuant to this rule. Such costs may include, but are not limited to, postage, photocopying, copying onto electronic media, transmission by facsimile or other electronic means, and other means of duplication.
- (2) Prior to granting a request for access in accordance with this rule, the [Administrative Office] **records manager** may require a requester to prepay an estimate of the fees associated with the request, if the fees are expected to exceed \$100.

**(e) Publication of Contract Information.**

**The Administrative Office shall make contract information  
available on the Unified Judicial System's website.**

**Note: The Pennsylvania Judiciary's long-standing practice of  
providing open, public access to its records, both administrative and  
case-related, has been formalized in this rule and other policies  
adopted by the Supreme Court. The underlying premise for public**

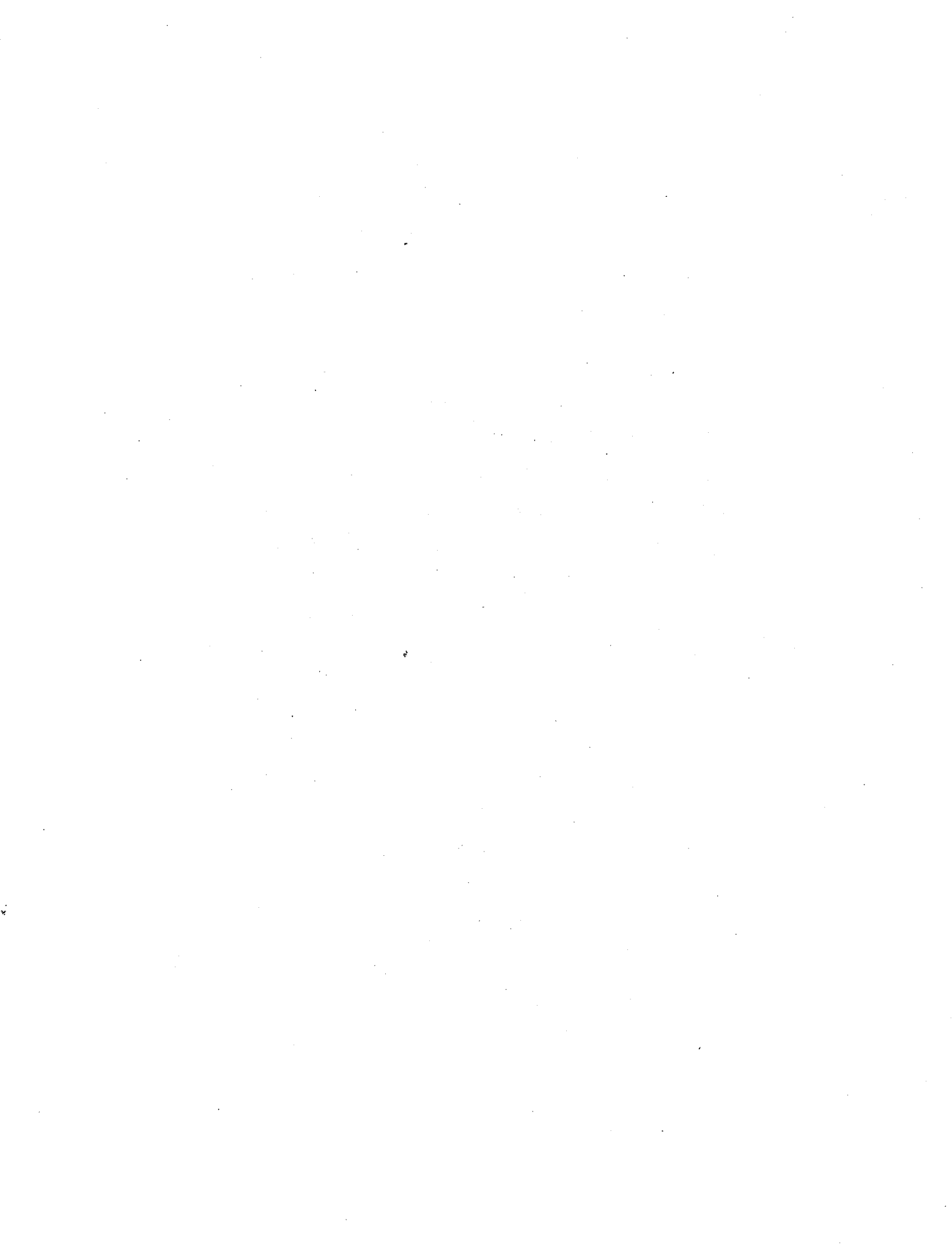
access policies and practices in the Unified Judicial System is always the presumption of open records.

Initially promulgated by the Supreme Court on May 14, 2007, this rule furthers the Judiciary's commitment to establishing systematic processes for requesting and accessing state court system records. The rule took effect July 1, 2007.

The enactment of revisions to the Right-to-Know Law (Act 3 of 2008) occurred on February 14, 2008. Act 3 includes the judiciary only as it pertains to access of financial records, as defined by the Act, and regarding the Internet publication of judiciary contracts by the Commonwealth's Treasury Department. Section 304 of Act 3 of 2008 provides that a "judicial agency shall provide financial records in accordance with this act or any rule or order of court providing equal or greater access to the records." [Emphasis added.]

This rule, as amended, is promulgated pursuant to the Pennsylvania Supreme Court's constitutional authority regarding the administration of the courts under Article V, Section 10 and Section 304 of Act 3 of 2008. The expansion of the scope of this rule is in accordance with the continuing effort to promote the Unified Judicial System's policy of the public's right of access to records that deal with the use of public funds.

Pursuant to the Supreme Court's Order of June 23, 2008, access to financial records and publication of contract information of the Unified Judicial System shall be provided in accordance with this rule.





**ELECTRONIC CASE RECORD PUBLIC ACCESS POLICY  
OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA**

**Section 1.00 DEFINITIONS**

- A. "CPCMS" means the Common Pleas Criminal Court Case Management System.
- B. "Custodian" is the person, or designee, responsible for the safekeeping of electronic case records held by any court or office and for processing public requests for access to electronic case records.
- C. "Electronic Case Record" means information or data created, collected, received, produced or maintained by a court or office in connection with a particular case that exists in the PACMS, CPCMS, or MDJS and that appears on web docket sheets or is provided in response to bulk distribution requests, regardless of format.
- D. "MDJS" means the Magisterial District Judge Automated System.
- E. "Office" is any entity that is using one of the following automated systems: Pennsylvania Appellate Court Case Management System (PACMS); Common Pleas Criminal Court Case Management System (CPCMS); or Magisterial District Judge Automated System (MDJS)."
- F. "PACMS" means the Pennsylvania Appellate Court Case Management System.
- G. "Party" means one by or against whom a civil or criminal action is brought.
- H. "Public" includes any person, business, non-profit entity, organization or association.  
  
"Public" does not include:
  - 1. Unified Judicial System officials or employees, including employees of the office of the clerk of courts, prothonotary, and any other office performing similar functions;
  - 2. people or entities, private or governmental, who assist the Unified Judicial System or related offices in providing court services; and
  - 3. any federal, state, or local governmental agency or an employee or official of such an agency when acting in his/her official capacity.

- I. "Public Access" means that the public may inspect and obtain electronic case records, except as provided by law or as set forth in this policy.
- J. "Request for Bulk Distribution of Electronic Case Records" means any request, regardless of the format the information is requested to be received in, for all or a subset of electronic case records.
- K. "UJS" means the Unified Judicial System of Pennsylvania.
- L. "Web Docket Sheets" are internet available representations of data that have been entered into a Unified Judicial System supported case management system for the purpose of recording filings, subsequent actions and events on a court case, and miscellaneous docketed items.

## **Section 2.00 STATEMENT OF GENERAL POLICY**

- A. This policy covers all electronic case records.
- B. The public may inspect and obtain electronic case records except as provided by law or as set forth in this policy.
- C. A court or office may not adopt for electronic case records a more restrictive access policy or provide greater access than that provided for in this policy.

## **Section 3.00 ELECTRONIC CASE RECORD INFORMATION EXCLUDED FROM PUBLIC ACCESS**

The following information in an electronic case record is not accessible by the public:

- A. social security numbers;
- B. operator license numbers;
- C. victim information including name, address and other contact information;
- D. informant information including name, address and other contact information;
- E. juror information including name, address and other contact information;
- F. a party's street address, except the city, state, and ZIP code may be released;
- G. witness information including name, address and other contact information;

- H. SID (state identification) numbers;
- I. financial institution account numbers, credit card numbers, PINS or passwords used to secure accounts;
- J. notes, drafts, and work products related to court administration or any office that is the primary custodian of an electronic case record;
- K. information sealed or protected pursuant to court order;
- L. information to which access is otherwise restricted by federal law, state law, or state court rule; and
- M. information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice.

### **Section 3.10 REQUESTS FOR BULK DISTRIBUTION OF ELECTRONIC CASE RECORDS**

- A. A request for bulk distribution of electronic case records shall be permitted for data that is not excluded from public access as set forth in this policy.
- B. A request for bulk distribution of electronic case records not publicly accessible under Section 3.00 of this Policy may be fulfilled where: the information released does not identify specific individuals; the release of the information will not present a risk to personal security or privacy; and the information is being requested for a scholarly, journalistic, governmental-related, research or case preparation purpose.
  - 1. Requests of this type will be reviewed on a case-by-case basis.
  - 2. In addition to the request form, the requestor shall submit in writing:
    - (a) the purpose/reason for the request;
    - (b) identification of the information sought;
    - (c) explanation of the steps that the requestor will take to ensure that the information provided will be secure and protected; and
    - (d) certification that the information will not be used except for the stated purposes.

### **Section 3.20 REQUESTS FOR ELECTRONIC CASE RECORD INFORMATION FROM ANOTHER COURT OR OFFICE**

Any request for electronic case record information from another court should be referred to the proper record custodian in the court or office where the electronic case record information originated. Any request for electronic case record information concerning

multiple magisterial district judge courts or judicial districts should be referred to the Administrative Office of the Pennsylvania Courts.

#### **Section 4.00 RESPONDING TO A REQUEST FOR ACCESS TO ELECTRONIC CASE RECORDS**

- A. Within 10 business days of receipt of a written request for electronic case record access, the respective court or office shall respond in one of the following manners:
  - 1. fulfill the request, or if there are applicable fees and costs that must be paid by the requestor, notify requestor that the information is available upon payment of the same;
  - 2. notify the requestor in writing that the requestor has not complied with the provisions of this policy;
  - 3. notify the requestor in writing that the information cannot be provided; or
  - 4. notify the requestor in writing that the request has been received and the expected date that the information will be available. If the information will not be available within 30 business days, the court or office shall notify the Administrative Office of Pennsylvania Courts and the requestor simultaneously.
- B. If the court or office cannot respond to the request as set forth in subsection A, the court or office shall concurrently give written notice of the same to the requestor and Administrative Office of Pennsylvania Courts.

#### **Section 5.00 FEES**

- A. Reasonable fees may be imposed for providing public access to electronic case records pursuant to this policy.
- B. A fee schedule shall be in writing and publicly posted.
- C. A fee schedule in any judicial district, including any changes thereto, shall not become effective and enforceable until:
  - 1. a copy of the proposed fee schedule is submitted by the president judge to the Administrative Office of Pennsylvania Courts; and

2. the Administrative Office of Pennsylvania Courts has approved the proposed fee schedule.

## **SECTION 6.00 CORRECTING DATA ERRORS**

- A. A party to a case, or the party's attorney, seeking to correct a data error in an electronic case record shall submit a written request for correction to the court in which the record was filed.
- B. A request to correct an alleged error contained in an electronic case record of the Supreme Court, Superior Court or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court.
- C. A request to correct an alleged error contained in an electronic case record of the Court of Common Pleas, Philadelphia Municipal Court or a Magisterial District Court shall be submitted and processed as set forth below.
  1. The request shall be made on a form designed and published by the Administrative Office of Pennsylvania Courts.
  2. The request shall be submitted to the clerk of courts if the alleged error appears in an electronic case record of the Court of Common Pleas or Philadelphia Municipal Court. The requestor shall also provide copies of the form to all parties to the case, the District Court Administrator and the Administrative Office of Pennsylvania Courts.
  3. The request shall be submitted to the Magisterial District Court if the alleged error appears in an electronic case record of the Magisterial District Court. The requestor shall also provide copies of the form to all parties to the case, the District Court Administrator and the Administrative Office of Pennsylvania Courts.
  4. The requestor shall set forth on the request form with specificity the information that is alleged to be in error and shall provide sufficient facts including supporting documentation that corroborates the requestor's contention that the information in question is in error.
  5. Within 10 business days of receipt of a request, the clerk of courts or Magisterial District Court shall respond in writing to the requestor, all parties to the case, and Administrative Office of Pennsylvania Courts, in one of the following manners:
    - a. the request does not contain sufficient information and facts to adequately determine what information is alleged to be error; accordingly, the request form is being returned to the requestor; and

no further action will be taken on this matter unless the requestor resubmits the request with additional information and facts.

- b. the request does not concern an electronic case record that is covered by this policy; accordingly, the request form is being returned to the requestor; no further action will be taken on this matter.
  - c. it has been determined that an error does exist in the electronic case record and that the information in question has been corrected.
  - d. it has been determined that an error does not exist in the electronic case record.
  - e. the request has been received and an additional period not exceeding 30 business days is necessary to complete the review of this matter.
6. A requestor has the right to seek review of a final decision under subsection 5(a)-(d) rendered by a clerk of courts or a Magisterial District Court within 10 business days of notification of that decision.
- a. The request for review shall be submitted to the District Court Administrator on a form that is designed and published by the Administrative Office of Pennsylvania Courts.
  - b. If the request for review concerns a Magisterial District Court's decision, it shall be reviewed by the judge assigned by the President Judge.
  - c. If the request for review concerns a clerk of courts' decision, it shall be reviewed by the judge who presided over the case from which the electronic case record alleged to be in error was derived.

## **SECTION 7.00 CONTINUOUS AVAILABILITY OF POLICY**

A copy of this policy shall be continuously available for public access in every court or office that is using the PACMS, CPCMS, and/or MDJS.

Effective January 1, 2007

**REQUEST FOR CORRECTION OF AN ELECTRONIC CASE RECORD**  
*(A separate request form must be submitted for each case)*

**Requestor Information**

Name: \_\_\_\_\_ Attorney No. (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

\_\_\_\_\_ Email Address: \_\_\_\_\_

\_\_\_\_\_ Fax Number: \_\_\_\_\_

Case caption of the electronic case record: \_\_\_\_\_ Docket number of the electronic case record: \_\_\_\_\_

Set forth in specificity the information that appears on the electronic case record referenced above which you believe to be in error. (Attach additional sheets if necessary).

Set forth in specificity sufficient facts that support your contention that the information in question is in error, including supporting documentation. (Attach additional sheets if necessary).

I, \_\_\_\_\_, verify that the facts set forth in this form are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature of Requestor

\_\_\_\_\_  
Date

**For Court Use Only**

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Please be advised that your request was received on \_\_\_/\_\_\_/\_\_\_. In accordance with the Electronic Case Record Public Access Policy of the Unified Judicial System, please be advised that:

- this request is being returned to you because it does not contain sufficient information to evaluate your request. No further action will be taken unless you resubmit the request with additional information.
- this request is being returned to you because it does not concern an electronic case record. No further action will be taken on this matter.
- it was determined an error existed in the electronic case record, and the information has been corrected.
- it was determined an error does not exist in the electronic case record.
- an additional period of time not exceeding 30 business days is necessary to complete a review of your request.

Comments:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*If an additional period of time not exceeding 30 days was necessary to complete the review of this request, please be advised that:*

- this request is being returned to you because it does not contain sufficient information to evaluate your request. No further action will be taken unless you resubmit the request with additional information.
- this request is being returned to you because it does not concern an electronic case record. No further action will be taken on this matter.
- it was determined an error existed in the electronic case record, and the information has been corrected.
- it was determined an error does not exist in the electronic case record.

Comments:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**For Use by Requestor**

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If you wish to seek review of the decision set forth above, please complete this section and submit this entire form to the District Court Administrator of the county where the electronic case record information originated within 10 business days of notification of the decision.

I, \_\_\_\_\_, request that a review of the decision set forth above be made.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date