

## **RULES OF JUDICIAL ADMINISTRATION**

### **RULE 14. SENSITIVE DATA IN COURT CASE RECORDS**

**14.1 Defined.** The following data is sensitive:

- (a) social security numbers;
- (b) bank account, credit card, or other financial account numbers;
- (c) driver's license numbers, passport numbers, and similar government-issued personal identification card numbers;
- (d) date of birth;
- (e) the address and phone number of a person who is a crime victim, as defined by Article 56.32, Code of Criminal Procedure, in the proceeding in which the case record is filed or a related proceeding; and
- (f) the name and address of a minor child.

### **14.2 Duty of Parties.**

- (a) Sensitive data must not be filed or included in a case record, as defined by Rule of Judicial Administration 15.2, except in a separately filed Sensitive Data Form approved by the Supreme Court of Texas and printed on pink paper. Sensitive Data Forms must not be electronically filed.
- (b) If a court rule, court order, or statute requires sensitive data to be filed or included in a case record, the following abbreviations must be used:
  - (1) only the last four digits of social security numbers and financial account numbers.
  - (2) only the initials of minor children.
  - (3) only the month and year of an individual's birth date.
- (c) A party must file the Sensitive Data Form at the same time the first case record containing the abbreviated sensitive data is filed. A party must file additional Sensitive Data Forms in a particular cause only if a case record is filed containing abbreviated sensitive data not previously included in a Sensitive Data Form.

### **14.3 Duty of Court and Court Clerk.**

- (a) The court or court clerk must keep Sensitive Data Forms physically separated from case records.
- (b) The court or court clerk must limit access to the forms to a party or an attorney of record in the cause in which the sensitive data form is filed, and court officials, court personnel, or other governmental entities, including a Title IV-D agency and law enforcement agencies, whose duties require access to this sensitive data. However, a court or court clerk may compare information

provided by a third party to information in a Sensitive Data Form and confirm or affirmatively negate that the third party's information matches the information in the Sensitive Data Form.

(c) The court or court clerk has no obligation to review a case record for sensitive data.

**14.4 Sanctions.** A court may impose appropriate sanctions for a party's violation of this rule.

## **RULE 15. REMOTE ACCESS TO COURT CASE RECORDS**

**15.1 Scope.** This Rule covers remote access to case records in all Texas courts. The rule does not govern access to records that are governed by Rule of Judicial Administration 12 or other non-adjudicatory records such as title records, vital statistics, birth records, naturalization records, voter records, and instruments recorded for public notice.

### **15.2 Definitions.**

(a) *Case record* means a document filed in a matter before a court acting in its adjudicative function.

(b) *Remote access* means searching, inspecting, printing or copying information in a case record through an internet or other electronic connection other than through a public-access terminal supplied by a court, a court clerk, or a governmental entity.

### **15.3 Remote Access permitted.**

(a) A court or court clerk may allow remote access to case records. If remote access is allowed, procedures for such access must

(1) use appropriate security measures, procedures, devices and software to ensure records are maintained in the form as originally filed,

(2) permit access only by case number, caption, or the first and last name of a party, unless the case record is an index, calendar, docket, minute, or register of actions, and

(3) otherwise comply with this rule.

(b) If a court or court clerk allows remote access, the court or court clerk has the discretion to adopt a system that requires users to register with the court or court clerk, obtain a log-in and password, and pay a fee authorized by law.

**15.4 Case Records Excluded from Remote Access.** Notwithstanding anything in Rule 15.3, a court or court clerk must not allow remote access to the following case records:

(a) a document to which access is restricted by law or court order;

(b) a medical, psychological or psychiatric record, including an expert report based on a medical, psychological or psychiatric record;

- (c) a pretrial bail or pre-sentence investigation report;
- (d) a statement of reasons or defendant stipulations in a criminal case, including attachments;
- (e) an income tax return;
- (f) a case record in a Family Code proceeding, other than a case record, such as a judgment, index, calendar, docket, minute, or register of actions, created by a court in its adjudicative function;
- (g) an exhibit tendered or admitted at a hearing or during a trial;
- (h) a document filed with a court in camera, solely for the purpose of obtaining a ruling on the discoverability of such documents; and
- (i) any other document excluded from remote access by court order for good cause shown.

#### **15.5 Procedures If Remote Access Allowed.**

- (a) A party filing a case record containing information excluded from remote access under Rule 15.4 must type or stamp in 36-point font “CONTAINS INFORMATION EXCLUDED FROM REMOTE ACCESS” at the top of the first page of the case record.
- (b) A court or court clerk has no duty to review a case record that does not contain a notice under Rule 15.5(a) to determine whether it contains information excluded from remote access under Rule 15.4.

**15.6 Third-Party Technology Providers.** If a third party is under contract to provide remote access to case records for a court or court clerk, the contract must require the third-party to comply with this rule.

#### **15.7 Exempt Individuals and Entities.**

- (a) This rule does not limit an individual’s remote access to case records filed in a proceeding in which the individual is a party or an attorney.
- (b) This rule does not limit remote access to case records by court officials and personnel or governmental entities entitled to access by law or court order.

**15.8 Requests for Deviations.** A court may submit for approval a written request to the Supreme Court of Texas to deviate from this rule.

**15.9 Sanctions.** A court may impose appropriate sanctions for a party’s violation of this rule.