

Sup. R. 44-47 - Public Access Rules

Summary Overview

- I. Courts have voluntarily complied with R.C. 149.43 (Public Records Act).
 - A. Three major distinctions between the Public Access Rules and Public Records Act:
 1. Redaction or omission of “personal identifiers” (SSNs, financial information, juvenile names, etc.) by filing party. Submission of personal identifiers on a separate form.
 2. Expressly permits a clerk or court to provide remote (Internet) access to a court record.
 3. Codifies existing court practices that permit parties and nonparties to seek, by motion, the redaction or removal of a case document, or conversely access to a case document.
- II. Court Records - Definitions Sup. R. 44
 - A. A “court record” means a case document and an administrative document.
 - B. A “case document” means (1) a document and information in a document submitted to a court or filed with a clerk of court in a judicial action or proceeding, and (2) any document prepared by the court or clerk in the judicial action or proceeding.
 1. A case document does not include:
 - a document exempt from disclosure under state, federal, or the common law
 - personal identifiers
 - information restricted by Sup. R. 45(E)
 - certain juvenile records
 - notes, drafts, recommendations, advice and research of judicial officers and staff.
 - information on or obtained from the Ohio Courts Network and related data fees.
 - C. An “administrative document” means a document and information in a document created, received, or maintained by a court that serves to record the administrative, fiscal, personnel, or management functions, policies, decisions, procedures, operations, organization, or other activities of the court.

1. An administrative document does not include:
 - a document exempt from disclosure under state, federal, common law, or the Rules for the Government of the Bar
 - personal identifiers
 - security documents
 - court employment examination documents
 - computer programs and codes
 - information contained on or obtained from Ohio Courts Network and related data feeds.

III. Public Access – Sup. R. 45

- A. Presumption of public access
- B. Direct Access – courts and clerks shall make a court record available, promptly acknowledge the request, and respond in a reasonable period of time.
- C. Remote Access- may make a court record available by remote access as long as the online version is identical.
- D. Omission of personal identifiers
 1. Definition of personal identifiers.
 2. Omitted or redacted and filed on a separate form.
 3. Responsibility of the party filing the document.
 4. Do not refuse a document that contains personal identifiers
- E. Restricting public access
 1. Motion filed by parties or nonparties or upon a court’s own order to restrict public access to information or case document.
 2. Court to decide restriction based on clear and convincing evidence, that presumption is outweighed by a higher interest. (Factors).
 3. Least restrictive means available: redaction, restricting remote access, time, generic titles in case management systems, initials for parties’ proper names.
 4. Journal entry to reflect court’s order.
- F. Obtaining access
 1. Any person on written motion may request access to a document restricted by the court.
 2. Clear and convincing evidence, presumption outweighs the higher interest. (Factors)

IV. Bulk Distribution Sup. R. 46

- A. Any person may request a bulk distribution of information from court records.
- B. A clerk, in their discretion, may create a new compilation customized for the convenience of the person who requests the bulk distribution.

V. Application Sup. R. 47

- A. The public access rules regarding the omission, redaction, or the restricting of access to case documents will apply only to actions commenced on or after July 1, 2009.
- B. The public access rules regarding the omission, redaction or restricting access to administrative documents apply to all documents regardless of when they were created.