

Committee on Access to Court Records Subcommittee Updates

The **Subcommittee to Identify Interest and Values Associated with Privacy** convened by conference call on May 11 to discuss assignments and preparations for the July 5 full committee meeting. The subcommittee handed out assignments related to policy issues concerning electronic access to court records—pro and con—and a general understanding of the type of information found in a court record.

Del. Sharon Grosfeld and Ari Schwartz, from the Center for Democracy and Technology, will address privacy concerns raised by public access to electronic court records.

Carol Melamed, from *The Washington Post*, will research the benefits of public access to electronic court records from the point of view of the media.

Suzanne Smith, from the ACLU of Maryland, and William Leighton, representing the Investigating Profession and Security Industry, will review the benefits of access to electronic court records from the point of view of individual citizens—including crime victims and others.

Lesa Hoover, from the AOBAs, will identify the businesses that use data from electronic court records and explain the benefits of access to such records from their point of view.

Draft reports for each assignment should be completed by June 8, with final drafts finished by June 22.

The **Subcommittee on Legal Framework, Including Definition of Terms** convened by conference call on May 22 and divided their work assignments as follows:

Alice Lucan, Esq., will provide background on court access law, with emphasis on access to court records.

Judith Wood, Department of Public Safety and Correctional Services, will provide an overview of state statutes and regulations, including what is being accessed in CJIS and the courts. Wood's analysis will also include statutory inconsistencies.

Sen. Jimeno will provide the current and past legislative history on access to records including committee studies.

The subcommittee will meet on June 25 at the Baltimore City Circuit Courthouse to discuss their findings, and to prepare for the July 5 full committee meeting.

Two of the four subcommittees of the Committee on Access to Court Records met May 29 during the 'Seminar on Privacy and Access Involving Criminal Justice Records,' held at the Judiciary Training Center in Annapolis, Md.

The **Subcommittee on Comparisons with Other States and Federal Courts** discussed goals they wanted to accomplish before the entire committee meets on July 5. Three of the subcommittee members—Deborah Eisenberg, from the Public Justice Center; Christopher Rahl,

of Provident Bank, sitting in for Robert Davis; and Marcia Reinke, from the League of Women Voters—attended the May 29 meeting. Warren Weaver, of Whiteford, Taylor & Preston, was just appointed to represent the Maryland State Bar Association and was unable to attend.

The subcommittee members agreed to divide the 50 states (excluding Maryland), the District of Columbia, and the federal court system into four groups, with each member researching one group and writing a one-page summary on each state or federal court policy on access to court records. The following questions were proposed as a guideline for gathering information from each state or federal court:

How do you define a record?

Have you made a distinction between paper and electronic records?

If you have a policy on electronic access to court records, please describe the policy. Is there a fee for users? Who can use it? What type of information is available? Are there restrictions?

If you employ guidelines for electronic access to court records, were these guidelines a derivative of policy, legislation, or influence from a private group or organization?

If you provide electronic access to court records, how comprehensive is the data offered?

Do you have a central repository for your records?

Do you address the possible misuse of information?

The subcommittee will meet on June 12 at the Public Justice Center to share their findings and prepare for the July 5 full committee meeting.

The **Subcommittee on Technological Aspects of JIS and CJIS Databases** visited JIS after the seminar to communicate with JIS employees and learn first-hand how the dial-up access program functions. In attendance were Judge Paul Alpert (Ret.), Committee Chair; Sen. Patrick Hogan; Del. Joseph Getty; John Baer, of Giant Food; and Carol Shelton, of the Criminal Justice Information System.

Subcommittee members expressed interest in the details of the program—what specifically the program does and does not offer, understanding how the information on the screen is read, defining the codes and acronyms, how expungements, mental records, and sealed records are handled, etc.

Subcommittee members also inquired about the users, and the ability for private organizations to mine the database for specific information and package it for resale. Several questions were posed about the accuracy and legality of the system—has JIS ever been sued, are they responsible for the information once it is downloaded by a user, how do they check the database for accuracy, etc.

The subcommittee will conduct a similar visit to CJIS before the July 5 meeting of the entire Committee on Access to Court Records.

