

**SUPREME COURT OF ARKANSAS**

Opinion Delivered June 20, 2013

IN RE ADMINISTRATIVE ORDER  
NO. 19 – ACCESS TO COURT  
RECORDS

**PER CURIAM**

Our Committee on Automation has recommended several amendments to Administrative Order Number 19 because court records are now accessible to the public over the Internet. The committee has advised the court that, since the adoption of Administrative Order Number 19, technological changes related to optical-character recognition and search-engine indexing make it much easier for the public to locate and even target confidential information when conducting an Internet search of court records. We recognize the potential harm making this information readily accessible over the Internet.

These amendments impose a redaction requirement on pre-2009 documents if they are publicly accessible over the Internet; impose a responsibility on document-management system vendors to limit exposure, to redacted information through Internet search engines, and; give courts a role in deciding which court documents will be publicly accessible to the public over the Internet.

We agree with the committee's request, adopt the amendments, and republish

Administrative Order Number 19(I) and (V) as set out below. The amendments are illustrated in the Endnote and are effective on September 1, 2013.

**ADMINISTRATIVE ORDER NUMBER 19 –  
ACCESS TO COURT RECORDS**

**Section I. Authority, Scope, and Purpose.**

A. Pursuant to Ark. Const. Amend. 80 §§ 1, 3, 4; Ark. Code Ann. §§ 16-10-101 (Repl. 1999), 25-19-105(b)(8) (Supp. 2003), and this Court's inherent rule-making authority, the Court adopts and publishes Administrative Order Number 19: Access to Court Records. This order governs access to, and confidentiality of, court records. Except as otherwise provided by this order, access to court records shall be governed by the Arkansas Freedom of Information Act (Ark. Code Ann. §§ 25-19-101 et seq.).

B. The purposes of this order are to:

- (1) promote accessibility to court records;
- (2) support the role of the judiciary;
- (3) promote governmental accountability;
- (4) contribute to public safety;
- (5) reduce the risk of injury to individuals;
- (6) protect individual privacy rights and interests;
- (7) protect proprietary business information;
- (8) minimize reluctance to use the court system;
- (9) encourage the most effective use of court and clerk-of-court staff;
- (10) provide excellent customer service; and

(11) avoid unduly burdening the ongoing business of the judiciary.

C. This order applies only to court records as defined in this order and does not authorize or prohibit access to information gathered, maintained, or stored by a non-judicial governmental agency or other entity.

D. Disputes arising under this order shall be determined in accordance with this order and, to the extent not inconsistent with this order, by all other rules and orders adopted by this Court.

E. This order applies to all court records; however, clerks and courts may, but are not required to, redact or restrict information that was otherwise public in case records and administrative records created before January 1, 2009. However, confidential information shall be redacted from pre-January 1, 2009 case records and administrative records before remote access is available to such records.

...

#### **Section V. Remote Access.**

A. Courts should endeavor to make at least the following information, when available in electronic form, remotely accessible to the public:

- (1) litigant/party/attorney indexes to cases filed with the court;
- (2) listings of case filings, including the names of the parties;
- (3) the register of actions or docket sheets;
- (4) calendars or dockets of court proceedings, including case numbers and captions, date and time of hearings, and location of hearings;

(5) judgments, orders, or decrees.

B. Remote access to information beyond this list is left to the discretion of the court as follows:

(1) In the district courts, the district judge(s) shall decide whether to allow public remote access;

(2) In the circuit courts, the administrative judge of the judicial circuit, with input from the circuit clerk, and, if applicable, the Ex Officio Circuit Clerk for the Probate Division, of the counties within the circuit, shall decide whether to allow public remote access;

(3) In the appellate courts, the Arkansas Supreme Court shall decide whether to allow public remote access.

C. Public remote access is permitted only upon compliance with sections (I)(E) and (VII), and the implementation of appropriate security measures to prevent indexing by Internet search engines.

END NOTE

### **Section I. Authority, Scope, and Purpose.**

...

E. This order applies to all court records; however clerks and courts may, but are not required to, redact or restrict information that was otherwise public in case records and administrative records created before January 1, 2009. However, confidential information shall be redacted from pre-January 1, 2009 case records and administrative records before remote access is available to such records.

### **Section V. Remote Access.**

A. Courts should endeavor to make at least the following information, when available in electronic form, remotely accessible to the public, ~~unless public access is restricted pursuant~~

~~to section VII:~~

- (1) litigant/party/attorney indexes to cases filed with the court;
- (2) listings of case filings, including the names of the parties;
- (3) the register of actions or docket sheets;
- (4) calendars or dockets of court proceedings, including case numbers and captions, date and time of hearings, and location of hearings;
- (5) judgments, orders, or decrees.

B. Remote access to information beyond this list is left to the discretion of the court as follows:

(1) In the district courts, the district judge(s) shall decide whether to allow public remote access;

(2) In the circuit courts, the Administrative Judge of the Judicial Circuit, with input from the Clerk, and, if applicable, the Ex Officio Circuit Clerk for the Probate Division, of the counties within the circuit, shall decide whether to allow public remote access;

(3) In the appellate courts, the Supreme Court shall decide whether to allow public remote access.

C. Public remote access shall be permitted only upon compliance with sections (I)(E) and (VII), and the implementation of appropriate security measures to prevent indexing by Internet search engines.