

SAN JUAN COUNTY DISTRICT COURT

350 Court Street - P.O. Box 127 - Friday Harbor, WA 98250

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Judge

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Frequently Asked Questions Regarding Administrative Records of the Judicial Branch

The agencies of the Washington State Judicial Branch would like to assist you in understanding the Washington law governing access to administrative court records, as well as the process for obtaining those records. This is meant to be only a guide – it is not a legal document. For more details about public access to judicial branch records, please consult and review General Court Rule 31.1 (GR 31.1) in its entirety.

Does the Public Records Act apply to the Judicial Branch?

No, access to judicial records is governed by court rules not the Public Records Act (PRA). There are two types of judicial records addressed by court rules: (1) “court (or case) records” (records filed with the court in a judicial proceeding that are usually maintained by the court clerk); and (2) “administrative records” (any record pertaining to the management, supervision or administration of the judicial branch).

Access to court/case records is governed by the following General Court Rules (GR): GR 31 (Access to Court Records), GR 15 (Destruction, Sealing and Redaction of Court Records), and GR 22 (Access to Family Law and Guardianship Court Records).

Access to judicial administrative records is governed by GR 31.1. The judicial branch is committed to openness, transparency, and the belief that the public should have access to most court records and administrative public records. These FAQ’s address GR 31.1, access to judicial administrative records. For information regarding access to records contained in court case files (court or case records), please consult GR 31. Instructions and forms for requesting both administrative and court records with San Juan County District Court are located at the following website www.sanjuanco.com/distcourt/default.aspx.

What is the purpose of GR 31.1?

GR 31.1 ensures the public’s right to access to judicial administrative records, clarifies the responsibilities of judicial agency officials with regard to providing access to these records, and assists in identifying exceptions to public access. This rule memorializes the state judiciary’s commitment to an open administration of justice as provided in article I, section 10 of the Washington State Constitution. It is the judiciary’s policy to facilitate access to administrative records; however, there are some exemptions and limitations that may apply to administrative records requests.

What judicial administrative records are available to the public?

Judicial administrative records in Washington State are generally accessible to the public. These records may be written or recorded information related to the management of the court, its business with the public, or the carrying out of its administrative functions. Instructions for requesting administrative public records may be found at the following website www.sanjuanoco.com/distcourt/default.aspx or by contacting the District Court Public Records Officer (PRO):

Mellissa Derksema
PO Box 127
350 Court St.
Friday Harbor, WA 98250

360-378-4017, 360-378-4099 fax
dstct@sanjuanoco.com

Why are some records not available to the public?

State and federal law require courts to exempt certain information from public disclosure. Many of the exemptions are designed to protect the privacy rights of individuals. Other exemptions are designed to protect the independent decision-making of the courts and the judicial agencies that assist them.

If a record is available to the public, why may portions of the record be blocked out (redacted)?

While most administrative records will be provided in their entirety, some records may contain sensitive or private information. This sensitive or private information may be removed or blocked out of a record. This is called "redaction." Examples of information that will be redacted include social security numbers, some financial information, home addresses, medical records and health care information. The requester will be notified when information has been redacted from a record along with the reason(s) for that redaction.

How long are administrative public records kept?

Administrative records are subject to a retention schedule. Most administrative records are retained for six years.

How do I request a record?

All requests to inspect or obtain administrative public records must be submitted in writing. Using the forms provided at www.sanjuanoco.com/distcourt/default.aspx is not mandatory, but use of the form may make it easier to understand your request. Please send the completed form to the District Court PRO. You must provide your legal name and your physical and mailing address when you submit the request.

If you need assistance to access administrative records because of a disability, please contact the District Court PRO. That contact information is:

Mellissa Derksema
PO Box 127
350 Court St.
Friday Harbor, WA 98250

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What is the process for responding to the request?

Within five business days of receipt of your administrative records request, the District Court PRO will confirm that your request was received and, when possible, will estimate the time it may take to locate and send the records to you. The court is not required to create a new public record to respond to your request if the request you submitted is for a record that does not exist. If the request is not specific enough to understand, or if the request is very broad and costly, we may call, email or write you for clarification so that we can avoid unnecessary expenses to you and to the court.

The court may notify persons to whom the record pertains that release of the record has been requested. The agency, or a person to whom the record applies, may ask a court to prevent an inspection of the record. If a court order preventing disclosure is sought, the records request will be held until further order of the court.

What if I disagree with a decision of the District Court PRO?

If you are notified that the record you requested cannot be disclosed or that the record you received has been redacted and you disagree with the decision, you may seek review of the decision. *See* GR 31.1(d). There are two separate review processes to follow, internal and external review.

1. Internal review within court. The form to request review is located at www.sanjuanco.com/distcourt/default.aspx and must be submitted within 90 days of the District Court PRO's decision. The review proceeding is informal and summary. In most situations, the review proceeding shall be held within five working days of the request. If that is not reasonably possible, then within five working days the review shall be scheduled for the earliest practical date.
2. External review. A record requester who disagrees with the court's decision may obtain further review by asking for an external review of the internal decision made by the court. Request for such review must be made within 30 days of the internal review decision of the court decision. The requester may choose between the two alternative external reviews.
 - a. Review via civil action in superior court; or
 - b. Informal review by visiting judge.

Can I view public administrative records in-person?

To view original or stored paper copies of administrative public records belonging to the court at the court you will need to complete a Records Request form found at www.sanjuanco.com/distcourt/default.aspx and submit it to the District Court PRO indicating you wish to view the records in-person. You will then need to make an appointment with the District Court PRO to view the records in-person at the court. While there are no charges or fees associated with viewing administrative records, there may be costs associated with the research necessary to find these records. See GR 31.1(h)(4) and cost discussion below.

How can I get paper copies of records?

You will need to complete the Records Request form and note that you would prefer paper copies. There are fees for copying the records and for completing research related to your request, and you will be told in advance the total that will be due.

What is the cost for obtaining or viewing administrative records?

GR 31.1(h)(2) allows the court to recoup its cost for copying or scanning records. It states, “A fee may be charged for the photocopying or scanning of administrative records. If another court rule or statute specifies the amount of the fee for a particular type of record, that rule or statute shall control. Otherwise, the amount of the fee may not exceed the amount that is authorized in the Public Records Act, Chapter 42.56 RCW.”

Also, if extensive research is required to respond to your request, you will be informed that there will be charges for the time involved and that taxes will apply to these research charges. GR 31.1(h)(4) states, “A fee not to exceed \$30 per hour may be charged for research services required to fulfill a request taking longer than one hour. The fee shall be assessed from the second hour onward.”

Costs for activities such as research, photocopying, scanning, and for materials such as CDs and USB drives are determined by the court where the records are stored. Sales tax will be added to the total you owe, as well as the cost for mailing materials to you.

The fees for San Juan County District Court are set at: Copies/Scanning \$0.15 per page, Certified Copies \$5.00 per document, Copy of Court Proceedings \$20.00 per CD, Research for Court Records \$20.00 per hour, Research for administrative records \$30.00 per hour starting with the second hour. There is no charge for viewing records at the courthouse. All fees must be paid in advance of records being released.

What happens if I do not pay for the records I requested?

The records will not be released. They will be kept for 30 days at which point the request will be deemed closed.

Does the District Court Public Records Officer keep track of requests for administrative public records?

Public records officers maintain a log of the requests they receive and the manner the requests were filled.

Is the court responsible for what happens when other people use information they received from an administrative public record?

The court cannot control the use of information it provides to the public, so the court cannot be responsible for problems that result. However, the court will not provide any administrative record if it determines that: the request was made to harass or intimidate the court or its employees; fulfilling the request would likely threaten the security of the court; fulfilling the request would likely threaten the safety or security of judicial officers, staff, family members of judicial officers or staff, or any other person; or fulfilling the request may assist criminal activity. GR 31.1(c)(7)