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# **Select Committee to Protect Personal Information**

**Tuesday, December 11, 2007  
1:30 PM – 3:30 PM  
Morris Hall**

## **Action Report**

**Marco Rubio  
Speaker**

**William L. Proctor  
Chairman**

**COMMITTEE MEETING REPORT**  
**Select Committee to Protect Personal Information**  
**12/11/2007 1:30:00PM**

**Location:** Morris Hall (17 HOB)

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
William Proctor (Chair)	X		
Sandra Adams	X		
Ronald Brisé	X		
Larry Cretul	X		
Joseph Gibbons	X		
Audrey Gibson	X		
Michael Grant	X		
Denise Grimsley	X		
D. Alan Hays	X		
Bill Heller	X		
Ed Homan	X		
Janet Long	X		
Carlos Lopez-Cantera	X		
Stephen Precourt	X		
Dennis Ross	X		
Maria Sachs	X		
David Simmons			X
William Snyder	X		
<b>Totals:</b>	<b>17</b>	<b>0</b>	<b>1</b>

Committee meeting was reported out: Tuesday, December 11, 2007 4:43:40PM

**COMMITTEE MEETING REPORT**  
**Select Committee to Protect Personal Information**

**12/11/2007 1:30:00PM**

**Location:** Morris Hall (17 HOB)

**Other Business Appearance:**

Access to Court Records

Honorable Judith, Chair (At Request Of Chair) - Information Only  
Supreme Court Committee on Access to Court Records  
Lawson E. Thomas Court Center 175 NW 1st. Avenue  
Miami FL 33128

Identity Theft

Mr. Kevin Frein, Assistant State Attorney (State Employee) (At Request Of Chair) - Information Only  
State Attorney Office  
866 Old Hickory Road  
Jacksonville Florida 32207  
Phone: 904.630.2564

Information Security

Dr. Jim Zingale, Interim Director (Lobbyist) (State Employee) (At Request Of Chair) - Information Only  
Agency for Enterprise Information Technology  
LL05, The Capitol  
Tallahassee Florida 32399  
Phone: 850.488.4505

Protection of confidential & Exempt Information

Mr. Gerard Clark, Program Manager (State Employee) (At Request Of Chair) - Information Only  
Department of State, State Archives  
500 S. Bronough Street  
Tallahassee Florida 32399-0250  
Phone: 850.245.6639

Committee meeting was reported out: Tuesday, December 11, 2007 4:43:40PM

**COMMITTEE MEETING REPORT**  
**Select Committee to Protect Personal Information**

**12/11/2007 1:30:00PM**

**Location:** Morris Hall (17 HOB)

**Summary:** No Bills Considered

**Committee meeting was reported out: Tuesday, December 11, 2007 4:43:40PM**

Florida Supreme Court  
Committee on Access to Court Records

The Honorable Judith L. Kreeger  
Chair

December 11, 2007

## **Background:**

**2002 – Judicial Management Council study, Privacy and the Electronic Release of Court Records**

**2002-2003 – Participation on Legislative Public Records Study Committee**

**2003-2005 – Committee on Privacy and Court Records**

**2006-2008 – Committee on Access to Court Records**

**Selected Recommendations of  
Committee on Privacy  
and Court Records:**

## **Recommendation One: Privacy Protection Reform**

### **Legislation to Protect Personal Information**

The Committee recommends that the Florida Legislature enact laws that effectively protect the interests of Floridians regarding personal information in the possession of state agencies and data companies. Regulation should go beyond requiring consumer notification of an improper release of information, and should define the rights of consumers, the responsibilities of data companies, remedies for violations, and an effective enforcement system. In addition, the Legislature should encourage meaningful privacy protection at the federal level by passage of a legislative resolution to the United States Congress calling for strong federal privacy protections as well as preservation of the independent powers of states to provide greater protections than the protections provided by federal law.



## **Recommendation Eleven: General Policy on Electronic Access to Court Records**

### **Access as Goal**

The Committee recommends that the judicial branch of Florida adopt as a goal the provision of general public electronic access to court records through remote means in jurisdictions where conditions described in Recommendation Twelve are satisfied.

## Recommendation Twelve: Conditions for Electronic Access

### Conditions for Electronic Access

The Committee recommends that Rule of Judicial Administration 2.051 be revised to allow remote access to court records in electronic form to the general public in jurisdictions where the following conditions are met, provided that no confidential or exempt information is released:

## Recommendation Twelve: Conditions for Electronic Access

### Conditions for Electronic Access (cont.)

- a. Recommendations Two, Three, Six, Seven, Eight, Nine and Ten are implemented;
- b. screening and redaction processes are in place to ensure that confidential information is not released without authorization;
- c. access to court records remains in effect at the courthouse without costs other than those authorized by statute;

## **Recommendation Twelve: Conditions for Electronic Access**

### **Conditions for Electronic Access (cont.)**

- d. court records within the jurisdiction remain fully accessible to judges and court staff for judicial purposes;
- e. adequate revenues are projected to ensure ongoing fiscal support for electronic records access; and,
- f. records arising under the rules of family, juvenile or probate law, other than Official Records, are not made available for remote electronic release.

## Recommendation Two: Scope of Confidentiality

### Reexamination of Rule 2.051(c)(8).

The Committee has concluded that implementation of a system that allows large volumes of court records to be released electronically cannot be responsibly achieved under the current Rule 2.051. The Committee therefore recommends that the Supreme Court direct a review of the effective scope of Rule 2.051(c)(8) and explore revision of the rule for the purpose of narrowing its application to a finite set of exemptions that are appropriate in the court context and are readily identifiable.

## **Recommendation Six: Materials Recommended for Protection**

### **Materials Recommended for Protection**

The Committee recommends that the Supreme Court direct the appropriate rules committees to propose revision to court rules to provide that psycho-social evaluations, psychological evaluations, and guardian ad litem reports be placed under seal by the clerk of court and unsealed only by judicial order on a showing of good cause.

## **Recommendation Six: Materials Recommended for Protection**

### **Confidentiality of Certain Drug Court Information**

The Committee recommends that the Supreme Court direct the Treatment-Based Drug Court Steering Committee to make recommendations regarding the appropriate scope of confidentiality regarding medical, mental health and drug treatment information within drug court cases.

## **Recommendation Seven: Revision of Rules and Forms Leading to Extraneous Personal Information**

### **Review of Rules and Forms**

The Committee recommends that the Supreme Court direct a comprehensive judicial branch initiative to review and revise rules of court and approved court forms across all case types for the purpose of modifying rules and forms to avoid the filing of personal information which is not necessary for adjudication or case management.



# Major Tasks of on Access to Committee Court Records:

Propose revision of Rule of Judicial  
Administration 2.240 to sort application of  
statutory exemptions to court records.

(Administrative Order SCAO06-27, In Re Committee  
on Access to Court Records)

# Major Tasks of Committee on Access to Court Records:

Oversee initiative to minimize the  
introduction of personal information into  
court records.

(Administrative Order SCAO06-27, In Re Committee  
on Access to Court Records)

# Major Tasks of Committee on Access to Court Records:

Propose interim policy on electronic  
access to court records.

(Administrative Order SCAO06-27, In Re Committee  
on Access to Court Records)

# **Major Tasks of Committee on Access to Court Records:**

**With Florida Court Technology  
Commission, provide oversight to pilot  
program in Manatee County to provide  
public internet access to court records.**

**(Administrative Order SCAO06-27, In Re Committee  
on Access to Court Records)**