PACFILE BULLETIN



Bulletin # 1-18

January 6, 2018

Appellate Help: (717) 795-2097

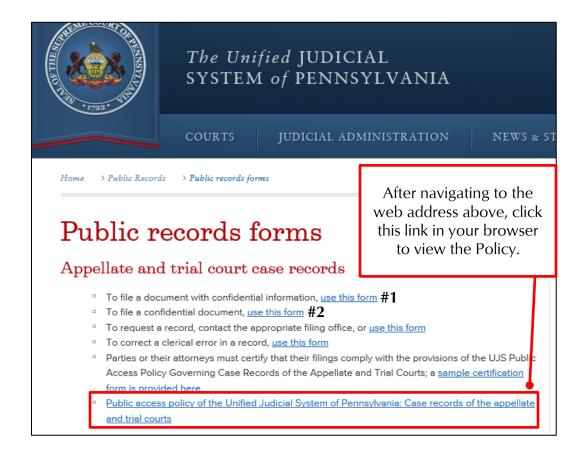
Common Pleas Help: 1-877-227-2672

Unified Judicial System Web Portal

The Public Access Policy & PACFile

Effective January 6, 2018, there will be new filing requirements in the Pennsylvania trial and appellate courts. Adopted by the Supreme Court, the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts ("Policy") will establish standards to safeguard certain sensitive information and documents. The Policy will govern access by the public to case records of the appellate and trial courts. More information about the policy and related forms can be found at:

http://www.pacourts.us/public-records/public-records-forms



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Under the Policy:

1. Certain types of information, such as social security numbers, cannot be included in documents filed with the appellate and trial courts. Instead, the information specified in Section 7.0 of the Policy, must be identified on a Confidential Information Form and attached to the filing. The Confidential Information Form is not available to the public, but the filing would.

As an alternative to filing the Confidential Information Form, a court may require redacted (excluding the confidential information) and unredacted versions (including the confidential information) be filed. Only the redacted version will be available to the public. Please note all three appellate courts have chosen the redacted/unredacted option.

For more information about whether a court is requiring the filing of a Confidential Information Form or redacted/unredacted versions, you can access court rules and regulations at:

http://www.pacourts.us/public-records/public-records-policies

2. Certain documents, such as tax returns and credit card statements, must be filed with a Confidential Document Form under Section 8.0 of the Policy. Any document filed with this form will not be accessible to the public; however, the Confidential Document Form will be accessible.

The responsibility of safeguarding the confidential information and documents, specified in the Policy, is the sole responsibility of the filer (e.g. attorney, pro se filer, etc.). Consequently, the burden is on the filer to assess the need to safeguard sensitive information.

As a result of the Policy, there are two notable changes within the PACFile filing process.

- Assigning confidentialities to documents
- **Acknowledging compliance with the Policy**

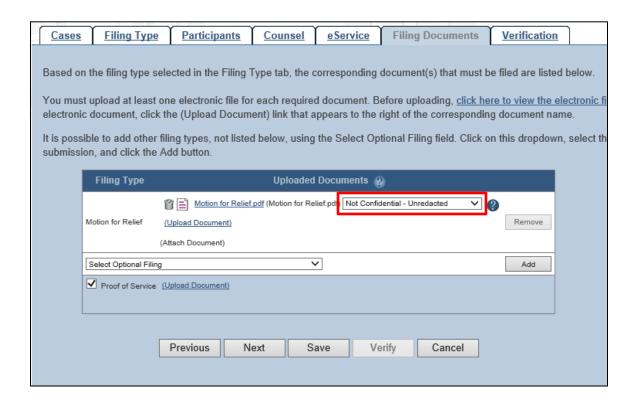
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Assigning confidentialities to documents

When you create a new PACFiling, an additional step is now required whenever you upload a document through the Documents tab of the Filing Wizard.

After a document has been uploaded, a dropdown menu now appears to the right of the document's name.



You must select one of the following options that describes the document as it relates to the Policy:

- Not Confidential Unredacted The document contains no sensitive information and has no redacted content.
- Redacted The document contains sensitive information that has been suitably hidden (ex. blacked out) in a way that is visible to a reader or replaced by a reference to a Confidential Information Form. A redacted document must be submitted with an unredacted version or a Confidential Information Form.
- Confidential Unredacted The document contains sensitive information that is visible to a reader. Unless the corresponding case is exempted from public access, an unredacted confidential document must be submitted with a redacted version or a Confidential Document Form.

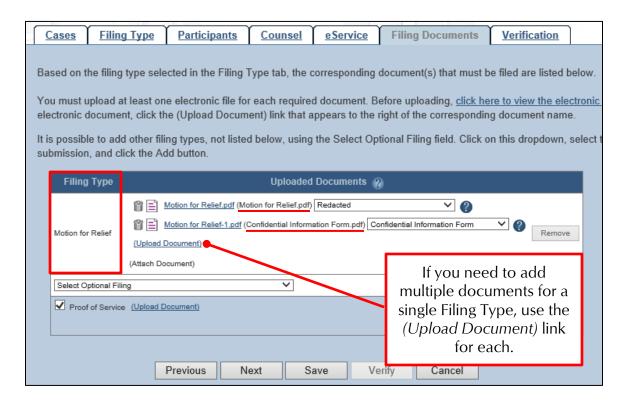
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- ◆ Confidential Document Form Refers to the standardized cover page that identifies the submission of one or more documents considered wholly confidential by the Policy (i.e. financial source documents, a minor's educational records, medical records, etc.). See the picture on page 1 (#2) to see where to access this form through your browser. When a Confidential Document Form is used, the document containing the sensitive content should be uploaded separately with a confidentiality of 'Confidential Unredacted'.
- Confidential Information Form Refers to the standardized document that explicitly spells out the sensitive information that was redacted in a corresponding document. See the picture on page 1 (#1) to see where to access this form through your browser. When a Confidential Information Form is used, the redacted document must be uploaded separately with a confidentiality of 'Redacted'. This option is not available for Appellate Court filings.

<u>Note:</u> If you are submitting a filing with any of the following document combinations, it must be stressed that each document <u>must be uploaded separately</u> to the corresponding Filing Type and with distinct confidentialities.

- 1. A redacted and unredacted version of the same document.
- 2. A Confidential Document Form and the corresponding confidential document.
- 3. A Confidential Information Form and the corresponding redacted document.

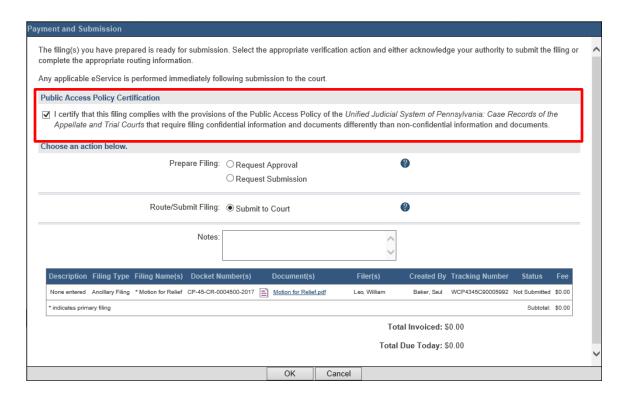


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Acknowledging compliance with the Policy

When you are ready to submit a filing, the Payment and Submission screen will now require you to acknowledge that the documents you are submitting comply with the Policy. This checkbox must be selected on every filing you submit through PACFile.



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