



PACFILE BULLETIN

Unified Judicial System Web Portal

Bulletin # 1-18

January 6, 2018

Appellate Help:
(717) 795-2097

Common Pleas Help:
1-877-227-2672

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>

The screenshot shows the website header with the seal of the Supreme Court of Pennsylvania and the text "The Unified JUDICIAL SYSTEM of PENNSYLVANIA". Navigation tabs include "COURTS", "JUDICIAL ADMINISTRATION", and "NEWS & ST". The breadcrumb trail is "Home > Public Records > Public records forms". The main heading is "Public records forms" in red, followed by the sub-heading "Appellate and trial court case records". A list of instructions includes: "To file a document with confidential information, use this form #1", "To file a confidential document, use this form #2", "To request a record, contact the appropriate filing office, or use this form", "To correct a clerical error in a record, use this form", and "Parties or their attorneys must certify that their filings comply with the provisions of the UJS Public Access Policy Governing Case Records of the Appellate and Trial Courts; a sample certification form is provided here." A red box highlights the link "Public access policy of the Unified Judicial System of Pennsylvania: Case records of the appellate and trial courts". A red callout box with a pointer to the link contains the text: "After navigating to the web address above, click this link in your browser to view the Policy."



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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 confidentiality to documents**
- ◆ **Acknowledging compliance with the Policy**



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Assigning confidentiality 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.

The screenshot shows the 'Filing Documents' tab of the PACFiling interface. At the top, there are navigation tabs: Cases, Filing Type, Participants, Counsel, eService, Filing Documents (selected), and Verification. Below the tabs, there is instructional text: 'Based on the filing type selected in the Filing Type tab, the corresponding document(s) that must be filed are listed below. You must upload at least one electronic file for each required document. Before uploading, click here to view the electronic file. If you have an existing electronic document, click the (Upload Document) link that appears to the right of the corresponding document name. It is possible to add other filing types, not listed below, using the Select Optional Filing field. Click on this dropdown, select the submission, and click the Add button.'

The main content area shows a table with two columns: 'Filing Type' and 'Uploaded Documents'. The first row shows 'Motion for Relief' with a document icon and the filename 'Motion for Relief.pdf (Motion for Relief.pdf)'. To the right of the filename is a dropdown menu with 'Not Confidential - Unredacted' selected, which is highlighted with a red box. Below the filename are links for '(Upload Document)' and '(Attach Document)', and a 'Remove' button. The second row shows 'Proof of Service' with a checked checkbox and a '(Upload Document)' link. Below the table is a 'Select Optional Filing' dropdown and an 'Add' button. At the bottom of the form are buttons for 'Previous', 'Next', 'Save', 'Verify', and 'Cancel'.

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.

Note: If you are submitting a filing with any of the following document combinations, it must be stressed that each document **must be uploaded separately** 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.

The screenshot shows the PACFILE system interface with tabs for Cases, Filing Type, Participants, Counsel, eService, Filing Documents, and Verification. The 'Filing Documents' tab is active, displaying instructions and a list of documents to be uploaded. The 'Filing Type' dropdown menu is highlighted with a red box. Below it, two documents are listed: 'Motion for Relief.pdf (Motion for Relief.pdf)' with a confidentiality of 'Redacted', and 'Motion for Relief-1.pdf (Confidential Information Form.pdf)' with a confidentiality of 'Confidential Information Form'. The '(Upload Document)' link for the first document is highlighted with a red circle, and a red arrow points from a text box to this link. The text box contains the instruction: 'If you need to add multiple documents for a single Filing Type, use the (Upload Document) link for each.' At the bottom of the interface are buttons for Previous, Next, Save, Verify, and Cancel.



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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.

Payment and Submission

The filing(s) you have prepared is ready for submission. Select the appropriate verification action and either acknowledge your authority to submit the filing or complete the appropriate routing information.

Any applicable eService is performed immediately following submission to the court.

Public Access Policy Certification

I certify that this filing complies with the provisions of the Public Access Policy of the *Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Choose an action below.

Prepare Filing: Request Approval ?
 Request Submission

Route/Submit Filing: Submit to Court ?

Notes:

Description	Filing Type	Filing Name(s)	Docket Number(s)	Document(s)	Filer(s)	Created By	Tracking Number	Status	Fee
None entered	Ancillary Filing	* Motion for Relief	CP-45-CR-0004500-2017	Motion for Relief.pdf	Leo, William	Baker, Saul	WCP4345CP0005992	Not Submitted	\$0.00
* indicates primary filing									Subtotal: \$0.00

Total Invoiced: \$0.00
Total Due Today: \$0.00

OK Cancel