

Transmittal with Maine Courts Digital Records Act  
January 4, 2019

Attached you will find a current draft of the evolving Judicial Branch proposal for legislation balancing transparency and privacy related to the new system of digital court records.

The Chief Justice wanted you to have an opportunity to see and comment on this draft as we work toward a final draft to be proposed to the 129<sup>th</sup> Maine Legislature.

This draft will be officially posted on the JB website for public comment next week, and we will be asking for all comments to reach us by January 25, 2019, at noon.

Please understand that this is simply an opportunity to have additional input before the bill is formally presented to the Legislature. There will be more opportunities for written and public hearing input with the Judiciary Committee.

Here are the overarching concepts in the bill:

- *Public* case-related records will be accessible through the internet. For non-parties, there may be a fee.
- Case types, specific documents, and specific information that are already made non-public by law or rule will remain non-public.
- In drafting the description of non-public matters within this proposal, the Judicial Branch has relied heavily on the work of the Right-to-Know Advisory Committee and current Maine laws.
- In almost all cases, the litigants and their lawyers will have internet access to the case records.
- Specific identity-theft based information will not be public;

- For example, social security numbers, full dates of birth, financial account numbers, etc.
- Specific documents, particularly related to personal medical and mental health records, or detailed financial records will remain non-public.

Case types will generally be treated as follows (see proposal for details):

- Criminal cases - primarily public
  - decisions regarding non-conviction resolution are under consideration by the Criminal Law Advisory Committee
- Civil cases – primarily public
- Juvenile cases – primarily non-public
- Child protective and adoption cases – non-public
- Family cases – hybrid: family details will be non-public, summary filings and summary judicial actions may be public in some family case types
- Mental health commitments – non-public

Your comments should be sent directly to Matt Pollack, Clerk of the Supreme Judicial Court, at:  
[lawcourt.clerk@courts.maine.gov](mailto:lawcourt.clerk@courts.maine.gov)

We thank you in advance for your input and ideas regarding the critical balance between transparency and privacy as the Maine courts move into the digital world.