

Rule 1. Scope of Rules

Subdivision 1. Application; Conflicts; Local Rules. These rules govern access to the records of all courts and court administrators of the judicial branch of the state of Minnesota. To the extent that there is any conflict between these rules and other court rules, these rules shall govern. Any court may recommend rules, whether denominated as a rule or standing order, governing access to its records that do not conflict with these rules or the General Rules and Practice for the District Courts, and those recommended rules or standing orders shall become effective as ordered by the Supreme Court.

Subd. 2. Exclusions. These rules do not govern access to records of the Tax Court, the Workers' Compensation Court of Appeals, the Office of Administrative Hearings, or the State Guardian ad Litem Board, which are part of the executive branch of the state, except to the extent that such records are submitted in an appeal or proceeding in a judicial branch court. In addition, these rules do not govern access to the substantive and procedural records of the various Boards or Commissions of the Supreme Court as they are governed by independent rules promulgated or approved by the Supreme Court. A partial list of Boards and Commissions is set forth in Appendix A. Finally, except as provided in Rule 4, subd. 1(b), with respect to case records, these rules do not govern access to records of judicial branch court services departments or probation authorities. Access to these records is governed by Minnesota Statutes, section 13.84, or any successor statute, and other applicable court rules and statutes.

Subd. 3. Retention Unaffected. Nothing in these rules shall affect the disposition of records as authorized by Minnesota Statutes, section 138.17, or any successor or prevent the return of documents or physical objects to any person or party in accordance with a court rule or order.

Subd. 4. Filer's Obligations and Enforcement Sanctions Addressed Elsewhere. Various other court rules place obligations on parties and participants filing documents with the court to correctly designate non-public documents when filing (e.g., Minn. Gen. R. Prac. 14 (electronic filing)), to redact certain data elements from documents before filing (e.g., Minn. Gen. R. Prac. 11.02 (restricted identifiers such as Social Security numbers and certain financial account numbers); Minn. R. Juv. Prot. P. 8 (various elements in juvenile protection matters)), and to face sanctions for failure to comply (e.g., Minn. R. Civ. P. 5.04 (rejection of filings for inclusion of non-public information); Minn. Gen. R. Prac. 11.05 (appropriate sanctions including costs of redaction and potential striking of pleadings)). Following these rules correctly is critical to ensuring appropriate public access to court records as court staff are not required to review every word of every document submitted to the court for filing to determine if it is appropriately accessible to the public. To the extent that noncompliance is brought to the attention of the court, various rules may require, among other possible relief or action, that a document be temporarily segregated from public view until the redaction rules can be enforced.

(Amended effective July 1, 2005; amended effective July 1, 2015; amended effective January 1, 2021; amended effective August 10, 2023.)

Advisory Committee Comment - 2015

Rule 1 is amended in 2015 to recognize that these rules control in case of conflict with other court rules. A list of rules that are consistent with these access rules is included in Rule 4, subd. 1(o).

Rule 1 is amended in 2015 to recognize that courts may seek approval from the Supreme Court for local rules addressing public access issues that do not conflict with these rules. A standing order that affects more than one case is considered a rule subject to the approval of the Supreme

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Court. This is consistent with other rules. See, e.g., Minn. R. Civ. P. 83; Minn. R. Crim. P. 1.03. Rule 1 is also modified to clarify that public access to the personnel records of the various Supreme Court boards are governed by Rule 5, subd. 1, of these rules, but that public access to other procedural and substantive records of such boards are governed by independent rules promulgated or approved by the Supreme Court.

Rule 1 is amended in 2015 to clarify that records of various executive branch entities, such as the Tax Court, Workers' Compensation Court of Appeals, and Office of Administrative Hearings are not governed by these rules unless and until they are submitted to the judicial branch in an appeal to the Minnesota Court of Appeals or the Minnesota Supreme Court, or become part of some other proceeding in the District Court. Some of these executive branch records are not accessible to the public in the hands of the executive branch, but once submitted to the judicial branch they are presumed to be accessible to the public under Rule 2 of these rules and parties will need to ensure that sensitive items, including Social Security numbers and financial account numbers, are properly redacted according to the governing court rules.

Rule 1 is amended in 2015 by adding a new subdivision 4 explaining obligations imposed on filing parties to protect certain private information from public disclosure in court filings. These obligations are set forth in other court rules and are necessary to ensure that the appropriate level of public access is maintained particularly for records maintained in electronic format.