

**Rule 8. Inspection, Copying, Bulk Distribution and Remote Access.**

**Subdivision 1. Access to Original Records.** Upon request to a custodian, a person shall be allowed to inspect or to obtain copies of original versions of records that are accessible to the public in the place where such records are normally kept, during regular working hours. However, copies, edited copies, reasonable facsimiles or other appropriate formats may be produced for inspection if access to the original records would: result in disclosure of information to which access is not permitted; provide remote or bulk access that is not permitted under this rule; jeopardize the security of the records; or prove otherwise impractical. Unless expressly allowed by the custodian, records shall not be removed from the area where they are normally kept.

**Subd. 2. Remote Access to Electronic Records.***(a) Definitions.*

(1) "Register of actions" means a register or list of the title, origination, activities, proceedings and filings in each case [Minnesota Statutes, section 485.07, clause (1)];

(2) "Calendars" means lists or searchable compilations of the cases to be heard or tried at a particular court house or court division [Minnesota Statutes, section 485.11];

(3) "Indexes" means alphabetical lists or searchable compilations for plaintiffs and for defendants for all cases including the names of the parties, date commenced, case file number, and such other data as the court directs [Minnesota Statutes, section 485.08];

(4) "Judgment docket" means an alphabetical list or searchable compilation including name of each judgment debtor, amount of the judgment, and precise time of its entry [Minnesota Statutes, section 485.07(3)];

(5) "Remote access" and "remotely accessible" mean that information in a court record can be electronically searched, inspected, or copied without the need to physically visit a court facility. The state court administrator may designate publicly accessible facilities other than court facilities as official locations for public access to court records where records can be electronically searched, inspected, or copied without the need to physically visit a court facility. This access shall not be considered remote access for purposes of these rules.

(6) "Appellate court record" means the case records of the Minnesota Court of Appeals and the Minnesota Supreme Court, including without limitation opinions, orders, judgments, notices, motions, and briefs.

*(b) Certain Data Not To Be Remotely Disclosed.* Notwithstanding Rule 8, subd. 2 (c), (e), (f), and (g) for case records other than appellate court records, the public shall not have remote access to the following data fields in the register of actions, calendars, index, and judgment docket, with regard to parties or their family members, jurors, witnesses (other than expert witnesses), or victims of a criminal or delinquent act:

(1) social security numbers and employer identification numbers;

(2) street addresses except that street addresses of parties may be made available by access agreement in a form prepared by the state court administrator and approved by the Judicial Council;

(3) telephone numbers;

(4) financial account numbers; and

(5) in the case of a juror, witness, or victim of a criminal or delinquent act, information that either specifically identifies the individual or from which the identity of the individual could be ascertained.

Without limiting any other applicable laws or court rules, and in order to address privacy concerns created by remote access, it is recommended that court personnel preparing judgments, orders, appellate opinions, and notices limit the disclosure of items (2), (3), and (5) above to what is necessary and relevant for the purposes of the document. Under MINN. GEN. R. PRAC. 11, inclusion of items (1) and (4) in judgments, orders, appellate opinions, and notices is to be made using the confidential information form 11.1. Disclosure of juror information is also subject to MINN. GEN. R. PRAC. 814, MINN. R. CRIM. P. 26.02, subd 2, and MINN. R. CIV. P. 47.01.

(c) *Pending Criminal Records.* The Information Technology Division of State Court Administration shall make reasonable efforts and expend reasonable and proportionate resources to prevent records of pending criminal matters from being electronically searched by defendant name by the majority of known, mainstream electronic search tools, including but not limited to the court's own electronic search tools. "Records of pending criminal matters" are records, other than appellate court records, for which there is no conviction as defined in Minnesota Statutes, section 609.02, subdivision 5 (2014), on any of the charges.

(d) *District Court Case Types With No Remote Access.* There shall be no remote access to publicly accessible district court case records in the following case types:

(1) Domestic abuse (proceedings for orders for protection under Minnesota Statutes, section 518B.01);

(2) Harassment (proceedings for harassment restraining orders under Minnesota Statutes, section 609.748);

(3) Delinquency felony (felony-level juvenile delinquency proceedings involving a juvenile at least 16 years old under Minn. R. Juv. Del. P.);

(4) CHIPS, CHIPS-Permanency; CHIPS-Runaway; CHIPS-Truancy; CHIPS-Voluntary Placement; and Child in Voluntary Foster Care for Treatment (encompasses publicly accessible records of all child protection proceedings under the Minn. R. Juv. Prot. P.).

(e) *District Court Case Types With No Remote Access to Documents.* To the extent that the custodian has the resources and technical capacity to do so, the custodian shall provide remote access to the publicly accessible portions of the district court register of actions, calendars, indexes, and judgments dockets, but excluding any other documents in the following case types:

(1) All Commitment case types (encompasses all proceedings under Minn. Spec. R. COMMITMENT & TREATMENT ACT).

(f) *District Court Case Types With No Remote Access to Party/Participant-Submitted Documents.* To the extent that the custodian has the resources and technical capacity to do so, the custodian shall provide remote access to the publicly accessible portions of the district court register of actions, calendars, indexes, judgment dockets, judgments, orders, appellate opinions, and notices prepared by the court, but excluding any other documents, in the following case types:

(1) Custody, Dissolution With Child, Dissolution Without Children, Other Family, and Support (encompasses all family case types);

(2) Post-Adjudication Paternity Proceedings.

(g) *District Court Case Types with Remote Access to Documents.* To the extent that the custodian has the resources and technical capacity to do so, the custodian shall provide remote access to the publicly accessible portions of the district court register of actions, calendars, indexes, judgments dockets, judgments, orders, appellate opinions, notices prepared by the court, and any other documents, in the following case types:

(1) All Major and Minor Civil Case Types (Torrens, Tort, Consumer Credit, Contract, Employment, Forfeiture, Condemnation, Civil Other/Miscellaneous, Other Major Civil, Personal Injury, Conciliation, Implied Consent, Minor Civil Judgments, and Unlawful Detainer);

(2) Formal Probate, Other Probate, Guardianship and Conservatorship, and Trust;

(3) All Major and Minor Criminal Case Types; and

(4) All electronic case records that are accessible to the public under Rule 4 and that have been in existence for more than 90 years.

(h) *Remote Access to Appellate Court Records.* The Clerk of the Appellate Courts will provide remote access to publicly accessible appellate court records filed on or after July 1, 2015, except:

(1) The record on appeal as defined in Minn. R. Civ. App. P. 110.01;

(2) Data elements listed in clause (b)(1) - (5) of this rule contained in the appellate court records case management system (currently known as "PMACS");

(3) Appellate briefs, provided that the State Law Library may, to the extent that it has the resources and technical capacity to do so, provide remote access to appellate court briefs provided that the following are redacted: appendices or addenda to briefs, data listed in clause (b)(1) - (5) of this rule, and other records that are not accessible to the public.

To the extent that the Clerk of the Appellate Courts has the resources and technical capacity to do so, the Clerk of the Appellate Courts may provide remote access to appellate records filed between January 1, 2013 and June 30, 2015, and shall, along with the State Law Library, provide remote access to an archive of current and historical appellate opinions dating back as far as resources and technology permit. Public appellate records for which remote access is not available may be accessible at public terminals in the State Law Library or at any district courthouse.

(i) *Exceptions.*

(1) *Particular Case.* After notice to the parties and an opportunity to be heard, the presiding judge may by order direct the court administrator to provide remote electronic access to records of a particular case that would not otherwise be remotely accessible under parts (b) through (h) of this rule.

(2) *E-mail and Other Means of Transmission.* Any record custodian may, in the custodian's discretion and subject to applicable fees, provide public access by e-mail or other means of transmission to publicly accessible records that would not otherwise be remotely accessible under parts (b) through (h) of this rule.

(3) *E-filed Records.* Documents electronically filed or served using the E-Filing System designated by the state court administrator shall be remotely accessible to the person filing or serving them and the recipient of them, on the E-Filing System for the period designated by the court, and on the court's case management system to the extent technically feasible.

**Subd. 3. Bulk Distribution of Court Records.** A custodian shall, to the extent that the custodian has the resources and technical capacity to do so, provide bulk distribution of its publicly accessible electronic case records as follows:

(a) Records subject to remote access limitations in Rule 8, subd. 2, shall not be provided in bulk to any individual or entity except as authorized by order or directive of the Supreme Court or its designee.

(b) All other electronic case records that are remotely accessible to the public under Rule 8, subd. 2 shall be provided to any individual or entity that executes an access agreement in a form approved by the state court administrator that includes provisions that: (1) mandate periodic updating of the recipient's data no less often than the state court administrator's office updates its bulk records; (2) explain that records are valid only as of a certain date; and (3) address compliance, verification of records, and indemnification of the court.

(c) An individual or entity that does not execute the agreement required under clause (b) of this rule may receive electronic case records that include a case number as the only identifier.

(d) The state court administrator may also permit the release of bulk records without periodic updating provided that the recipient: (1) is an educational or noncommercial scientific institution whose purpose is scholarly or scientific research, or a representative of the news media; and (2) executes an agreement in a form approved by the state court administrator including provisions that limit use of the data.

**Subd. 4. Criminal Justice and Other Government Agencies.** Notwithstanding other rules, access to non-publicly accessible records and remote and bulk access to publicly accessible records by criminal justice and other government agencies shall be governed by order or directive of the Supreme Court or its designees.

**Subd. 5. Access to Certain Evidence.**

(a) General. Except for medical records under part (b) or this rule, or where access is restricted by court order or the evidence is no longer retained by the court under a court rule, order or retention schedule, documents and physical objects admitted into evidence in a proceeding that is open to the public shall be available for public inspection under such conditions as the court administrator may deem appropriate to protect the security of the evidence.

(b) Medical Record Exhibits. Medical records under Rule 4, subd. 1(f), of these rules that are admitted into evidence in a commitment proceeding that is open to the public shall be available for public inspection only as ordered by the presiding judge.

(c) No Remote Access to Trial or Hearing Exhibits. Evidentiary exhibits from a hearing or trial shall not be remotely accessible, but this shall not preclude remote access to full or partial versions of such records that are or were otherwise submitted to the court as a publicly accessible record.

**Subd. 6. Fees.** When copies are requested, the custodian may charge the copy fee established by statute but, unless permitted by statute, the custodian shall not require a person to pay a fee to inspect a record. When a request involves any person's receipt of copies of publicly accessible information that has commercial value and is an entire formula, pattern, compilation, program, device, method, technique, process, data base, or system developed with a significant expenditure of public funds by the judicial branch, the custodian may charge a reasonable fee for the information in addition to costs of making, certifying, and compiling the copies. The custodian may grant a

person's request to permit the person to make copies, and may specify the condition under which this copying will be permitted.

(Amended effective July 1, 2005, except as provided in Rule 8, subdivision 2, paragraph (f), regarding remote access; amended effective July 1, 2007; amended effective March 1 2008; amended effective September 1, 2012; amended effective July 1, 2015; amended effective October 1, 2016.)

#### ***Advisory Committee Comment - 2005***

*The 2005 addition of a new Rule 8, subd. 2, on remote access establishes a distinction between public access at a court facility and remote access over the Internet. Subdivision 2 attempts to take a measured step into Internet access that provides the best chance of successful implementation given current technology and competing interests at stake. The rule limits Internet access to records that are created by the courts as this is the only practical method of ensuring that necessary redaction will occur. Redaction is necessary to prevent Internet access to clear identity theft risks such as social security numbers and financial account numbers. The rule recognizes a privacy concern with respect to remote access to telephone and street addresses, or the identities of witnesses or jurors or crime victims. The identity of victims of a criminal or delinquent act are already accorded confidentiality in certain contexts [Minnesota Statutes 2004, section 609.3471 (victims of criminal sexual conduct)], and the difficulty of distinguishing such contexts from all others even in a data warehouse environment may establish practical barriers to Internet access.*

*Internet access to preconviction criminal records may have significant social and racial implications, and the requirements of Rule 8, subd. 2(c) are intended to minimize the potential impact on persons of color who may be disproportionately represented in criminal cases, including dismissals. The rule contemplates the use of log-ins and other technology that require human interaction to prevent automated information harvesting by software programs. One such technology is referred to as a "Turing test" named after British mathematician Alan Turing. The "test" consists of a small distorted picture of a word and if the viewer can correctly type in the word, access or log in to the system is granted. Presently, software programs do not read clearly enough to identify such pictures. The rule contemplates that the courts will commit resources to staying ahead of technology developments and implementing necessary new barriers to data harvesting off the courts' web site, where feasible.*

*Some district courts currently allow public access to records of other courts within their district through any public access terminal located at a court facility in that district. The definition of "remote access" has been drafted to accommodate this practice. The scope of the definition allows statewide access to the records in Rule 8, subd. 2, from any single courthouse terminal in the state, which is the current design of the new district court computer system referred to as MNCIS.*

*The exception in Rule 8, subd. 2(e), for allowing remote access to additional documents, is intended for individual cases when Internet access to documents will significantly reduce the administrative burdens associated with responding to multiple or voluminous access requests. Examples include high-volume or high-profile cases. The exception is intended to apply to a specific case and does not authorize a standing order that would otherwise swallow the rule.*

*The 2005 addition of a new Rule 8, subd. 3, on bulk distribution, complements the remote access established under the preceding subdivision. Courts have been providing this type of bulk data to the public for the past ten years, although distribution has mainly been limited to noncommercial entities and the media. The bulk data would not include the data set forth in Rule 8, subd. 2(b), or any case records that are not accessible to the public. The bulk data accessible to the public would, however, include preconviction criminal records as long as the individual or entity requesting the data enters into an agreement in the form approved by the state court administrator that provides*

*that the individual or entity will not disclose or disseminate the data in a manner that identifies specific individuals who are the subject of such data.*

*The 2005 addition of new Rule 8, subd. 4(a), regarding criminal justice and other governmental agencies, recognizes that the courts are required to report certain information to other agencies and that the courts are participating in integration efforts (e.g., CriMNet) with other agencies. The access is provided remotely or via regular (e.g., nightly or even annually) bulk data exchanges. The provisions on remote and bulk record access are not intended to affect these interagency disclosures. Additional discretionary disclosures are authorized under subd. 4(b).*

*The 2005 changes to Rule 8, subd. 5, regarding access to certain evidence, are intended to address the situation in which the provisions appear to completely cut off public access to a particular document or parts of it even when the item is formally admitted into evidence (i.e., marked as an exhibit and the record indicates that its admission was approved by the court) in a publicly accessible court proceeding. See, e.g., Minnesota Statutes 2004, section 518.146 (prohibiting public access to, among other things, tax returns submitted in dissolution cases). The process for formally admitting evidence provides an opportunity to address privacy interests affected by an evidentiary item. Formal admission into evidence has been the standard for determining when most court services records become accessible to the public under Rule 4, subd. 1(b), and this should apply across the board to documents that are admitted into evidence.*

*The changes also recognize that evidentiary items may be subject to protective orders or retention schedules or other orders. As indicated in Rule 4, subd. 2, and its accompanying advisory committee comment, the procedures for obtaining a protective order are addressed in other rules. Similarly, as indicated in Rule 1, the disposition, retention and return of records and objects is addressed elsewhere.*

#### ***Advisory Committee Comment - 2007***

*The 2007 modifications to Rule 8, subd. 2(b), recognize the feasibility of controlling remote access to identifiers in data fields and the impracticability of controlling them in text fields such as documents. Data fields in court computer systems are designed to isolate specific data elements such as social security numbers, addresses, and names of victims. Access to these isolated elements can be systematically controlled by proper computer programming. Identifiers that appear in text fields in documents are more difficult to isolate. In addition, certain documents completed by court personnel occasionally require the insertion of names, addresses and/or telephone numbers of parties, victims, witnesses or jurors. Examples include but are not limited to appellate opinions where victim or witness names may be necessary for purposes of clarity or comprehensibility, "no-contact" orders that require identification of victims or locations for purposes of enforceability, orders directing seizure of property, and various notices issued by the court.*

*The use of the term "recommends" intentionally makes the last sentence of the rule hortatory in nature, and is designed to avoid creating a basis for appeals. The reference to other applicable laws and rules recognizes that there are particular provisions that may control the disclosure of certain information in certain documents. For example, the disclosure of restricted identifiers (which includes social security numbers, employer identification numbers, and financial account numbers) on judgments, orders, decisions, and notices is governed by MINN. GEN. R. PRAC. 11. Rules governing juror-related records include MINN. GEN. R. PRAC. 814, MINN. R. CRIM. P. 26.02, subd. 2, and MINN. R. CIV. P. 47.01.*

*The 2007 modifications to Rule 8, subd. 2,(c) recognize that criminal cases often involve a conviction on less than all counts charged, and that appellate records that have long been remotely accessible have included pretrial and preconviction appeals. The clarification regarding automated*

*tools recognizes that the participant index on the court's case management system is included in the scope of the limits on remote searching of preconviction records.*

*The 2007 modification to Rule 8, subd. 2(d), authorizes the state court administrator to designate additional locations as court facilities for purposes of remote access. For example, a government service center, registrar of titles office or similar location that is not in the same building as the court's offices could be designated as a location where the public could have access to court records without the limitations on remote access. In some counties, these types of offices are located in the courthouse and in other counties they are in a separate building. This change allows such offices to provide the same level of access to court records regardless of where they are located.*

*The 2007 addition of Rule 8, subd. 2(e)(3), is intended to reinstate the routine disclosure, by facsimile transmission or e-mail, of criminal complaints, pleadings, orders, disposition bulletins, and other documents to the general public. These disclosures were unintentionally cut off by the definition of remote access under Rule 8, subd. 2(d), which technically includes facsimile and e-mail transmissions. Limiting disclosures to the discretion of the court administrator relies on the common sense of court staff to ensure that this exception does not swallow the limits on remote and bulk data access. The rule also recognizes that copy fees may apply. Some but not all courts are able to process electronic (i.e., credit card) fee payments.*

*Access Rule 8, subd. 4(b), authorizes disclosure of certain records to executive branch entities pursuant to a nondisclosure agreement. Minnesota Statutes 2006, section 13.03, subdivision 4, paragraph (a), provides a basis for an executive branch entity to comply with the nondisclosure requirements. It is recommended that this basis be expressly recognized in the nondisclosure agreement and that the agreement limit the executive branch agency's use of the nonpublicly accessible court records to that necessary to carry out its duties as required by law in connection with any civil, criminal, administrative, or arbitral proceeding in any federal or state court, or local court or agency or before any self-regulated body.*

#### **Advisory Committee Comment - 2008**

*The 2008 modifications to Rule 8, subd. 2(a), recognize that privacy concerns in regard to remote access, such as identity theft, subside over time while the historical value of certain records may increase. The rule permits remote access to otherwise publicly accessible records as long as the records have been in existence for 90 years or more. This provision is based in part on the executive branch data practices policy of allowing broader access to records that are approximately a lifetime in age. See Minnesota Statutes 2006, section 13.10, subdivision 2 (private and confidential data on decedents becomes public when ten years have elapsed from the actual or presumed death of the individual and 30 years have elapsed from the creation of the data; "an individual is presumed to be dead if either 90 years elapsed since the creation of the data or 90 years have elapsed since the individual's birth, whichever is earlier, except that an individual is not presumed to be dead if readily available data indicate that the individual is still living").*

*The 2008 modifications to Rule 8, subs. 2(c) and 3, recognize that certain juvenile court records are accessible to the public and that the remote access policy for preconviction criminal records needs to be consistently applied in the juvenile context. There are both adjudications and convictions in the juvenile process. Delinquency adjudications are governed by Minn. R. Juv. Del. P. 15.05, subd. 1(A), and Minnesota Statutes 2007 Supplement, section 260B.198, subdivision 1; traffic offender adjudications are governed by Minn. R. Juv. Del. P. 17.09, subd. 2(B), and Minnesota Statutes 2006, section 260B.225, subdivision 9; and extended jurisdiction juvenile convictions are governed by Minn. R. Juv. Del. P. 19.10, subd. 1(A), and Minnesota Statutes 2006, section 260B.130, subdivision 4. Juvenile records that are otherwise publicly accessible but have not reached the*

*appropriate adjudication or conviction are not remotely accessible under Rule 8, subds. 2(c) and 3.*

#### ***Advisory Committee Comment - 2012 Amendment***

*The 2012 addition of Rule 8, subd. 2(e)(4), is intended to recognize that documents electronically filed with the courts or electronically served using the court's internet-accessible electronic filing and electronic service system can be made remotely accessible to the parties filing or serving the same and to the recipients of such service. This continues remote access that was established through the Judicial District E-Filing Pilot Project Provisions, adopted by the court on October 21, 2010, and amended on March 10, 2011. Those provisions are being replaced by permanent rules.*

#### ***Advisory Committee Comment - 2015***

*Rule 8, subd. 2, is amended in 2015 to allow for expanded remote public access to certain court records. Subdivision 2(a) has become a definition section. Subdivision 2(b) continues existing limits on remote access to certain data elements contained in the district court case management system.*

*Rule 8, subd. 2(c), is amended to replace "preconviction" with "pending" as the latter is more consistent with the presumption of innocence. No substantive change is being made in this rule in regard to pending criminal matters. References in the rule to juvenile delinquency proceedings have been removed as they are no longer necessary in light of the Court's May 14, 2014, order amending Minn. R. Juv. Del. P. 30.02 to preclude all remote public access to delinquency cases involving felony level conduct by a juvenile at least 16 years old.*

*Rule 8, subd. 2(d) - (g), establishes a tiered approach to remote public access to district court records. Case types with no remote access are listed in clause (d), which merely continues existing practice for these case types. Proceedings for orders for protection and harassment restraining orders are already maintained with no remote access as required by the federal Violence Against Women Act, 18 U.S.C.A. section 2265(d)(3). Felony-level juvenile delinquency proceedings involving a juvenile at least 16 years old are also already maintained with no remote access under Minn. R. Juv. Del. P. 30.02. All proceedings governed by Minn. R. Juv. Prot. P. are also currently maintained with no remote or courthouse electronic access, although publicly accessible records will not be accessible at a courthouse terminal.*

*Rule 8, subd. 2(e), continues the existing level of remote access, which currently includes no documents, for all proceedings under Minn. Spec. R. COMMITMENT & TREATMENT ACT. This approach is consistent with the commendation of the Court's advisory committee on those commitment rules, and attempts to maintain current level of remote public access (register of actions, name index, and calendars) but not create additional undue hardship for litigants in such cases by making the detailed documents remotely accessible. Medical records in commitment matters also receive additional protections in Rule 8, subd. 5.*

*Rule 8, subd. 2(f), provides for remote public access to court-generated documents, along with the register of actions, index, calendars, and judgment docket, for all family law case types and post-adjudication paternity matters. There is no remote access to documents submitted by parties or participants. This means, for example, that there is no remote access in dissolution and child support matters to affidavits, which may contain highly sensitive information or, in some cases, unfounded allegations. Affidavits can be accessed at the courthouse to the extent that they are publicly accessible.*

*Rule 8, subd. 2(g), provides remote access to all publicly accessible documents in all major and minor civil and criminal cases, and all probate matters. It also continues the existing provision*



*in these rules regarding remote access in all case types to publicly accessible case records that have been in existence for at least 90 years.*

*Rule 8, subd. 2(h), attempt to clarify remote access to appellate court records. The appellate courts are able to implement remote access to party-submitted documents on a day forward basis as the appellate court case management system and case types are different than those of the district court. The exceptions to remote access are consistent with those for district court records and recognize that district court records make their way into the appellate record.*

*Rule 8, subd. 3, as amended in 2015, retains consistent treatment for bulk and remote access. Inconsistent treatment would allow one to defeat the purpose of the other.*

*Rule 8, subd. 4, is amended in 2015 to recognize that the judicial branch has developed access policies to address systemic, computerized access by various government agencies. Such policy development properly belongs outside the public access rules.*

*Rule 8, subd. 5, is amended in 2015 to establish an exception to public access for medical records admitted into evidence in commitment proceedings. These records tend to be voluminous and redaction on an individual basis is impractical. The Supreme Court Advisory Committee on Special Rules of Procedure Governing Proceedings Under the Minnesota Commitment and Treatment Act felt strongly about this approach and that committee has also codified this approach in its recommended changes to the commitment rules. A number of district courts also have standing orders accomplishing the same result. This rule change would obviate the need for such standing orders.*

*Rule 8, subd. 5, is also amended to clarify that trial exhibits are not remotely accessible. Many exhibits because of their physical nature cannot be digitized, and therefore would not be remotely accessible. This clarification attempts to provide consistency for remote public access treatment of exhibits.*

#### ***Advisory Committee Comment - 2016***

*Rule 8, subd. 2(h), is amended in 2016 to clarify that the appellate opinion archive currently maintained by the State Law Library must continue to be made remotely accessible to the public. In addition access to the appellate court case management system currently known as PMACS is now available at public access terminals in any courthouse in the state.*

*Rule 8, subd. 3, is amended in 2016 to establish a subscription approach for commercial recipients of bulk court records. The approach contemplates a subscriber agreement that would detail requirements for installing a completely refreshed database on no less than the same time frame (currently a weekly basis) that the state court administrator's office updates its bulk records, explain that the records are valid as of a certain date, and explain what compliance, verification and indemnification risks the recipient must bear. Underlying this approach is a menu of common bulk data extracts that would be made available on this subscription basis. Commercial users have requested a subscription approach, and many are already required to comply with various state and federal laws that address accuracy and verification of records, provide redress procedures, and permit enforcement from entities including the Federal Trade Commission, the Consumer Financial Protection Bureau, and state attorney generals. See, e.g., 15 U.S.C., section 1681 et seq. (Fair Credit Reporting Act); Minnesota Statutes, section 332.70 (Business Screening Services); Minnesota Statutes, section 13C.001 et seq. (Access to Consumer Reports Prepared by Consumer Reporting Agencies); 18 U.S.C., section 2721 (Drivers Privacy Protection Act); and Minnesota Statutes, sections 504B.235 to 504B.245 (tenant screening agencies).*

*Alternatives for commercial entities that do not or cannot support a subscription approach include obtaining various records through common reports that are automatically emailed out from the trial court case management system. Examples include the Disposition Bulletin, which contains criminal dispositions, and the civil judgment abstract report, which includes judgment information. These reports have the added data element of party street addresses which would otherwise be a data element that is not remotely accessible and therefore not accessible in bulk format under Rule 8, subd. 2(b)(2), unless the recipient enters into a user agreement approved by the state court administrator. The advisory committee intends that a subscription agreement permitted under new Rule 8, subd. 3(b) would meet this requirement and that street addresses could be included in the bulk data extracts available under a subscription approach. This may make the disposition bulletin and judgment abstract report less popular for commercial entities who can afford to follow the subscription approach.*

*The option in Rule 8, subd. 3(c), for bulk data without individual identifiers is most likely to be attractive to researchers who are just interested in aggregate data analysis. The exception in Rule 8, subd. 3(d) for academia and the media is based on the long standing practice of the judicial branch to waive commercial fees for researchers and the media who will limit their use to research or to preparing their news stories. This approach contemplates a fee waiver agreement that would explain that the records are valid as of a certain date, and explain what use and verification requirements and risks the recipient must bear.*