

## EXPLANATORY REPORT

### AMENDMENTS TO THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

On September 15, 2020, effective in 30 days, upon the recommendation of the Administrative Office of Pennsylvania Courts, the Court amended Sections 7.0, 8.0, and 10.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* to clarify existing provisions of the Policy. The specific amendments are detailed below.

Sections 7.0(A) and 8.0(A) have been amended to require filers to safeguard confidential information and/or documents, even when applicable authority requires the confidential information and/or document be included in the filing with the court. Specifically, if the applicable authority (i.e. rule, statute) requires confidential information or a confidential document to be included in the filing, the filer must still follow the respective protocols to safeguard that information and/or document.

Sections 7.0(D) and 8.0(D) have been amended to provide that the certification described in those sections is not required to appear on a separate piece of paper attached to each filing. Rather, the certification has been included on many forms used in the courts, such as the Confidential Information Form, Confidential Document Form, various magisterial district court forms, and PACFile screens. Thus, if a person is filing a form on which the certification is provided, there is no need to file a separate certification form. However, the Administrative Office of Pennsylvania Courts has created a sample Certification Form that parties and attorneys may use as a stand-alone document or incorporate in their documents when needed. This form is available on the Unified Judicial System's website, [www.pacourts.us](http://www.pacourts.us).

In addition, the Commentary following Sections 7.0 and 8.0 have been amended to remind attorneys that Rules 1.1 and 1.6 of the Rules of Professional Conduct require familiarity and compliance with this Policy. In Section 10.0, a reference to the Probate, Estates, and Fiduciaries Code has been updated.