

Bulk Distribution of and Compiled Information from Judicial Records

Included in Court Administration's April 25, 2019 letter to the House Legislative Oversight Committee (LOC). This information was provided in response to the following question in LOC's March 21, 2019, letter to Court Administration:

4. Please list the governmental agencies, of which court administration is aware, that utilize data in court administration's database on a regular basis and for each, the data the agency utilizes.

In addition to providing the information in this document, Court Administration provided the following response:

In addition to maintaining and processing both criminal and civil state trial court cases, CMS is also pivotal in Court Administration's (SCCA) compilation of judicial statistical information on all courts statewide. For General Sessions, the Clerk of Court must select the data to transmit to SCCA via CMS. The Clerks must transmit at least once a month, although daily transmissions are encouraged. The data is then maintained in the web based County Stats Portal (Portal). The data fields routinely transmitted are: Case Number , Warrant/Ticket Number , File Data, Restore Date, Transfer Date, Arrest Date, Offense Code (CDR), Initial Judge Code/ Summary Court Judge Code, Defendant Name, Defendant Address , City, State, Zip Code, Defendant Sex, Defendant Race, Defendant Social Security Number, Defendant Date of Birth, Defendant Driver's License State, Defendant Driver's License Number, Defendant's Attorney, Solicitor, Disposition Date, Disposition Code, Conviction Code (CDR), Sentence, and Judge Code.

The South Carolina Law Enforcement Division (SLED), the South Carolina Department of Motor Vehicles (DMV), and the South Carolina State Election Commission (SEC) have data sharing agreements with the South Carolina Judicial Branch . SLED uses the data for NICS (gun checks) and general background checks. DMV uses the data to update traffic and driving records and to notate Crimes of Violence on a defendant 's driver license. The SEC uses the data to obtain a list of all persons convicted of felonies or crimes against election laws.

The Solicitors, Attorney General's Office, and County Clerks of Court have access to the Portal to review specific case records and to run standard reports. The Portal helps Solicitors and the Attorney General's Office reconcile their data with the County Clerk of Court's data.

The summary courts on the CMS can transmit data to SLED and DMV using the CMS. However, the summary courts do not currently enter their data in the Portal. Summary courts transmit data to SCCA on an annual basis and is compiled in an annual report.

Statistical information on Circuit Court (General Sessions and Common Pleas), Family Court, and to a limited degree, Probate Court and Summary Court can be found on the Judicial Branch's website at www.SCcourts.org . CDR code searches can be run on specific criminal offenses on that website. In addition, CMS has the ability to run special reports for entities, subject to compliance with Rule 610, SCACR, Bulk Distribution of and Compiled Information from Judicial Records, copy attached. SCCA responds to data requests from state and local entities, to include, but not limited to, the Legislature, various governmental agencies, special-interest groups, and the press.

**RULE 610
BULK DISTRIBUTION OF AND COMPILED
INFORMATION FROM JUDICIAL RECORDS**

(a) For the purpose of this rule:

(1) Bulk distribution is defined as a distribution of all, or a significant subset, of the information in judicial records, as is and without modification or compilation.

(2) Compiled information is defined as information that is derived from the selection, aggregation or reformulation of the information from more than one individual judicial record.

(3) Judicial records shall include all records maintained by any court, commission, board, committee, office or other entity within the South Carolina Judicial Department, regardless of whether that entity is funded in whole or part by state or local funds.

(b) The South Carolina Judicial Department shall not provide bulk distribution of or compiled information from judicial records where those records are sought for any commercial purpose.

(c) Unless authorized by the Office of Court Administration, a bulk distribution of judicial records will not be made.

(d) Unless authorized by the Office of Court Administration, compiled information from judicial records will not be provided. This restriction shall not apply to:

(1) Compiled information that may be contained in statistical or other reports that have been previously released to the general public.

(2) Compiled information that can be obtained by a person using the search functions available to the public on websites maintained by the South Carolina Judicial Department or any court of this state.

(e) The Office of Court Administration may authorize bulk distribution of or compiled information from judicial records if it determines, in its discretion, that the resources are available to compile the information; the substantial public interest will be served through significant scholarly, governmental, journalistic, research, evaluation, or statistical purposes; and the identity of specific individuals is ancillary to the request. The Office of Court Administration shall determine whether to provide the information as follows:

(1) All requests shall be made to the Office of Court Administration. The requestor must:

- (i) identify the specific bulk records or compiled information sought, and identify the court or courts from which the records are sought;
- (ii) set forth the substantial public interest the requestor has for the scholarly, governmental, journalistic, research, evaluation, or statistical purposes as it relates to the requested information;
- (iii) describe how fulfilling the request is an appropriate use of public resources;
- (iv) indicate whether the requestor is willing to pay a fee for the search, retrieval, or redaction of records should redaction be required;
- (v) explain how the bulk records or compiled information will be stored and secured and agree the bulk records or the compiled information will not be sold and will not be used for any commercial purpose or for the purpose of solicitation.

(2) A request may be denied on the basis that:

- (i) the requestor may obtain the information using the search functions available to the public on websites maintained by the South Carolina Judicial Department or any court of this state;
- (ii) fulfilling the request may interfere with normal Judicial Department operations;
- (iii) the requested information contains confidential data or financial information that may not be provided.

(3) If providing the data will require the expenditure of more than one hour of personnel time, including that of any vendor or contractor, the Office of Court Administration may charge the requestor the actual cost of that personnel time. If the estimate costs exceed \$100, the requestor may be required to pay that fee in advance.

(4) Information may be provided without charge or at a reduced charge if it is determined that a waiver or reduction of fees primarily benefits the general public.

Amended by Order dated December 20, 2017.