

UNIFIED JUDICIAL SYSTEM

Policy 215

June 30, 1999

DATA ACCESS AND DISSEMINATION

A. Purpose

The intent of the North Dakota judicial system is to secure and safeguard computer-based information systems by establishing a policy governing judicial, public, criminal justice, law enforcement, and selected private agency access to trial court information stored electronically.

B. Statement of Authority and Intent

Under Article VI, Section 3, of the North Dakota Constitution, the Supreme Court has the authority to promulgate rules of procedure to be followed by all courts of the state. The Supreme Court has administrative responsibility over all courts of the state and may establish rules to exercise that authority as it deems necessary or desirable for the effective management of court records (27-02-05.1, NDCC).

C. Definitions

1. "User" is an individual who has appropriately requested and received authorization to use the computer based information systems.
2. "Access" is the ability to view and print data stored within the information system and the supreme court administrative office will determine access level granted.
3. "Public information" is information deemed public by appropriate administrative rules.
4. "Access Levels".
 - a. Level 1 Access (Typically Public Access).
 - 1) Read-only access (no add, update, or delete capabilities).
 - 2) All information accessed has been deemed "public information".
 - 3) Information deemed confidential will not be printed or displayed.
 - b. Level 2 Access (Typically Law Enforcement).
 - 1) Read-only access (no add, update, or delete capabilities).

- 2) All information accessed has been deemed "public information".
 - 3) Access to open cases initiated by the law enforcement agency requesting access.
- c. Level 3 Access (Typically State's Attorneys).
- 1) Read-only access (no add, update, or delete capabilities).
 - 2) Access to all information deemed "public information".
 - 3) Access to selected confidential record series information.
 - i) Paternity proceedings.
 - ii) Deferred impositions resulting in dismissal.
 - iii) Protection orders.
 - iv) Ability to view and print the judge's calendar.
 - v) Ability to view and print the contact card.
- d. Level 4 Access (Typically Clerks of Court).
- 1) Add, update, and delete access to all information for their respective county.
 - 2) Read only access (no add, update, or delete capabilities) for public information for other counties or districts.
- e. Level 5 Access (Typically State Court Personnel).
- 1) Add, update, and delete access to all information for their respective district.
 - 2) Read only access (no add, update, or delete capabilities) for public information for other counties or districts.

D. Effect of Policy

This policy governs access to and dissemination of information stored electronically by or for the unified judicial system. Access to trial court information systems or data will only be granted according to this policy.

E. Public Access to Computer Based Data and Information Systems

1. Electronic access to computer based data or information systems by non-government entities or individuals shall not be allowed, except as provided below.

- a. Reports specifically developed for electronic transfer approved by the state court administrator.
- b. Terminals or computers for the public's access to court information systems will be allowed to access information which would otherwise be available.
2. Reports. Reports which are generated in the normal course of business are available if the report does not contain information which is confidential by law, court rule, or court order.
3. Special Reports. Special reports for non-court entities will not be produced except as directed by the state court administrator.
4. Records or documents that are stored electronically and are otherwise available to the public by law or court rule are available upon a specific request.

F. Criminal Justice, Law Enforcement, and Selected Private Agency Access to Computer Based Data and Information Systems

1. Electronic access to computer based data and information systems by criminal justice agencies, law enforcement agencies, and private agencies providing probation extender services on contract with the judiciary will only be authorized according to the terms below.
 - a. An Online Access Request and Nondisclosure Agreement will be submitted by a public criminal justice agency, law enforcement agency, or appropriate private agency providing probation extender services to the state court administrator. The agency director/administrator shall attest that the data will be for legitimate organizational objectives only.
 - b. Upon receipt of Online Access Request and Nondisclosure Agreement, the state court administrator will circulate the request to the presiding judge and appropriate staff for comment prior to authorization being granted.
 - c. When granted, authorization will be in accordance with the terms listed in the Online Access Request and Nondisclosure Agreement.
 - d. All costs for computer hardware, communications, software, and personnel to support agency access to computer based data and information systems shall be the responsibility of the agency requesting access.

- e. Multiple levels of access will be available.
 - 1) Each level will allow access to different classes of information.
 - 2) Each user will be granted access to only one level.
 - 3) Access authorized will be determined by the state court administrator's office.

 - f. Agencies must list on the Online Access Request and Nondisclosure Agreement the name of each person requesting access.
 - 1) Each person authorized access will be given a unique user identification code.
 - 2) User identification codes are for a single individual and are not to be shared.

 - g. The Online Access Request and Nondisclosure Agreements will be maintained by the state court administrator's office.
2. Any authorized agency understands their access can be discontinued if the access adversely impacts the system performance to court users. If the information is used outside the scope of legitimate organizational objectives, access may be terminated immediately. A written notification will be provided to the agency director or administrator.

Approved by the Supreme Court 06/30/99

UCIS Access and Nondisclosure Agreement

Name of individual requesting access: _____

Requesting Entity: _____ Telephone Number: _____

Address: _____ Email Address: _____

Procedures

Each person requesting access to Unified Court Information System (UCIS) must complete this form, including the name of each person for whom access is requested. Once complete, the form should be signed by the individual requesting access and an authorized agent of the entity then sent to the State Court Administrator's Office at the address listed below for review and approval. If approved, the State Court Administrator's staff will review the agreement and assign user IDs and access levels for the persons requested. Users specified will be notified of IDs assigned.

Terms of Access

All users granted access to Judiciary information systems agree to be bound by the following terms of access:

Availability: The specific hours of availability shall be established by the State Court Administrator's Office, which will make reasonable efforts to attempt to provide a minimum of 9 hours of online access time per standard work day. Availability is subject to periods of downtime caused by maintenance or other factors. Uninterrupted access is not guaranteed and time periods of availability may vary.

System resources: The Judiciary is the primary user of the system and as the primary user receives the highest priority for system resources. User access is limited to the available system resources and as such, users shall avoid processor-intensive use during high-use time periods.

Confidentiality: The user agrees not to disclose to any third party any non-public information retrieved from the system and that the system will be used only for official business of the requesting entity.

Passwords: Promptly following the issuance of the User ID, the user shall log into the system and change the password from the default that was issued to a unique password determined by the user. Passwords must be a minimum length, cannot be re-used within a specific period of time and must be changed on a regular basis. Passwords are for a specific individual and user ID and are not to be written down or otherwise shared.

User IDs: User ID is issued to a single, specific individual and are not to be shared. Each user must have their own, unique user ID. Upon a user's termination of employment, the entity requesting access shall notify the Director of Technology that the user's ID is no longer in use.

Security: User agrees to take necessary steps as directed to ensure the security and integrity of the information system.

Liability: The Judiciary and its employees shall not be held liable for actions resulting from access or non-access to the information systems. No warranties are made as to the completeness or accuracy of data retrieved from the system.

Hold Harmless: User agrees to hold harmless, defend and indemnify the Judiciary from and against any claims or lawsuits, including costs and reasonable attorney's fees, that arise or result from the use of the information systems.

Fees: The Judiciary reserves the right to charge reasonable access fees at such time that it is deemed appropriate. Prior to implementing such charges, all users will be notified in writing and given the opportunity to cancel this agreement.

Termination of access: The Judiciary reserves the right to terminate access at any time. The user may terminate access by submitting a written request to the Director of Technology, State Court Administrator's Office.

Data Ownership: The Judiciary is the owner of any and all data and applications residing on the information system. Users cannot copy for redistribution, delete, alter or otherwise harm such data or applications

Security reviews: The Judiciary reserves the right to conduct verifications and security reviews of all personnel granted access to the information systems.

Support: Support is limited to direct support of the information system and can be received via the Judiciary Help Desk by calling (701) 328-4218.

Signature - individual requesting access

Date

Signature - authorized agent for requesting entity

Date

Return To:
Director of Technology
State Court Administrator's Office
600 E Boulevard Ave Dept 180
Bismarck, ND 58505-0530

Actions by Court Administrators Office

Date Received: _____ Approved: _____ Denied: _____ Date notification sent: _____

If approved:
ID assigned: _____

Access level assigned: _____