

From: [Hysjulien, Traci](#)
To: [Miller, Penny](#)
Subject: Comments on Administrative Rule 41
Date: Friday, June 1, 2018 4:20:38 PM

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT
JUNE 1, 2018
STATE OF NORTH DAKOTA

Good Afternoon Ms. Miller:

I am writing with a few thoughts on the proposed change to Administrative Rule 41.

- When I first became aware of the proposal, a situation crossed my mind from a few years ago: A frantic woman, who was escaping an abusive ex-husband and had received a traffic citation in our Court, contacted the office stating that her full address was posted on the North Dakota Courts public website and it needed to be removed immediately. After further research it was determined that data miners had extracted this information from our Courts and a separate website, that appeared to be legitimate, was created by someone. Understandably enough, the woman was very upset with our office and made her disappointment and anger very clear on the phone. Will scenarios like this happen more often with online access?
- As the walls to access come down, the potential for security issues increases. Are we opening the door for issues such as identity theft, stigma of crime victims, compromised financial information, or stalking? Could parties to an action be harassed by sensitive photograph exhibits that would be so easily accessible and distributed from a smartphone?
- How will victims' rights under Marsy's Law be protected if the information, that once had been public, could be easily posted on another site? Once a data miner has uploaded the information it is out there forever, even if it was changed to confidential minutes later.
- Would access for users not only searching online but also working in or accessing Odyssey be slowed? As someone whose job relies on Odyssey to function this is very concerning. If you remember legislation that took effect March 1st, 2017, amending Section 4 to enact and implement policies to regulate remote access to court records, it was driven by a need for the Court's technology department to develop methods to deter data miners from overwhelming the Court's public records search site with automatic records requests, activity which slows access for users.
- Would allowing such easy access to documents affect a parties ability to a fair and impartial jury? Will it be a struggle to find jury pools that do not know the details of the case, particularly in a rural area where a large number of the population knows, or is familiar, with each other?

By limiting the extent of electronic access, as we do know, we can protect privacy while ensuring transparency and public accountability.

Thank you for your time.

Traci Hysjulien

Clerk of Court
101 N Main St
PO Box 69

Stanley ND 58784
Phone: (701)628-2915
Fax: (701)628-2916