

Limits on Public Access To Judicial Records Maintained by the York County Clerk of Courts

Unless a court order, federal law, state law, or state court rule specifically states otherwise, **the public is entitled to access a judicial record** and the information it contains, and **access shall not be denied or restricted by the York County Clerk of Courts**. The public's right to access judicial records is grounded in the First Amendment of the U.S. Constitution, Article I §§ 7, 9, and 11 of the Pennsylvania Constitution, and the common law.

This chart lists the restrictions on public access set out in applicable laws and court rules. It is based on the Unified Judicial System's chart titled "Limits on Public Access to Unified Judicial System Case Records," but includes only restrictions relevant to criminal case records.

UJS Policy: When responding to requests for public access to judicial records, whether made in person or via email, the Clerk of Courts shall continue to redact information in accordance with the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* ("**UJS Policy**") **Section 7.0, Confidential Information** and **Section 9.0, Limits on Public Access to Case Records at a Court Facility**. The Clerk of Courts shall **not** redact or restrict access pursuant to **Section 10.0, Limits on Remote Access to Case Records** **nor** the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania*.

Timing: The Clerk of Courts shall provide public access to requested judicial records as promptly as possible under the circumstances, except for inconsequential deviations and extraordinary circumstances.

Public Posting: This chart shall be posted in the York County Clerk of Courts office and on the York County Clerk of Courts website and may be updated to reflect changes in applicable laws and state court rules.

| Type of Record / Information | Accessibility | Authority |
|--|-------------------------|--|
| Social Security Number | No public access | UJS Policy § 7.0(A) |
| Financial Account Number | No public access | UJS Policy § 7.0(A) |
| Driver's License Number | No public access | UJS Policy § 7.0(A) |
| State Identification (SID) Number | No public access | UJS Policy § 7.0(A) |
| Minors' names and dates of birth Except when a minor is charged as a defendant in a criminal matter | No public access | UJS Policy § 7.0(A) |
| Abuse victim's address and other contact information Including employer's name, address, and work schedule, in family court actions as defined by Pa. R. Civ. P. 1931(a), <u>except for victim's name, which is public</u> | No public access | UJS Policy § 7.0(A) |
| Adult victims' information, including name, address, and other contact information Excluding the contact information of adult abuse victims and names of human trafficking victims | Public access | Not restricted under UJS Policy §§ 7.0(A), 9.0 |

| Type of Record / Information | Accessibility | Authority |
|---|-------------------------|--|
| Adults' dates of birth | Public access | Not restricted under UJS Policy §§ 7.0(A), 9.0 |
| A party's street address | Public access | Not restricted under UJS Policy §§ 7.0(A), 9.0 |
| The name and street address of the location where alleged illegal activity occurred | Public access | Not restricted under UJS Policy §§ 7.0(A), 9.0 |
| Confidential Information Form | No public access | UJS Policy § 9.0 |
| Any document filed with a Confidential Document Form as set forth in UJS Policy § 8.0 | No public access | UJS Policy § 9.0 |
| Information sealed or protected pursuant to court order Including, when sealed: indictments, records concerning mental health experts, written statements pertaining to protective orders, plea agreements, verdicts, motions filed by attorneys for the Commonwealth to present a matter to an indicting grand jury and subsequent order | No public access | UJS Policy § 9.0; <i>see also, e.g.,</i> Pa. R. Crim. P. 556.11(E), 569, 573(F), 590, 649, 556.2 |
| Information to which access is otherwise restricted by federal law, state law, or state court rule | No public access | UJS Policy § 9.0 |

| Type of Record / Information | Accessibility | Authority |
|--|---|--|
| <p>Information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, <u>as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice.</u> The Court Administrator shall publish notification of such determinations in the Pennsylvania Bulletin and on the Unified Judicial System’s website. This provision cannot be used by parties or courts in an individual case.</p> | <p>No public access</p> | <p>UJS Policy § 9.0</p> |
| <p>The Unredacted Version of any document filed in accordance with prior versions of the UJS Policy</p> | <p>No public access</p> | <p>UJS Policy § 9.0</p> |
| <p>Information subject to limited access under the Clean Slate Act, pursuant to official designation in the Common Pleas Case Management System (“CPCMS”)</p> | <p>No public access</p> <p>When information is related to a charge that is <i>not</i> subject to Clean Slate limited access, that information is public and shall not be redacted.</p> | <p>18 Pa. C.S. §§ 9121, 9122.1, and § 9122.2</p> |

| Type of Record / Information | Accessibility | Authority |
|---|---|--|
| Sealed affidavit of probable cause for a search warrant | <p>No public access while sealed</p> <p>The affidavit may not be sealed for more than 60 days unless an extension is received. Extensions may not be longer than 30 days, but an unlimited number of extensions are available. Public may access the affidavit after it has been unsealed.</p> | Pa. R. Crim. P. 211 |
| Unexecuted search warrant | <p>No public access until warrant is executed</p> | Pa. R. Crim. P. 212(A) |
| Arrest warrant information | <p>A court may delay public access for good cause for up to 72 hours. In addition, a court may seal arrest warrant information for a longer period of time.</p> | Pa. R. Crim. P. 513(C), Pa. R. Crim. P. 513.1 |
| Information obtained from or concerning the defendant by a bail agency | <p>No public access</p> <p>Information only accessible by the defendant, counsel for the defendant, the issuing authority or judge setting bail, the attorney for the Commonwealth, and the department of probation or parole preparing a presentence report regarding the defendant.</p> | Pa. R. Crim. P. 530(C) |

| Type of Record / Information | Accessibility | Authority |
|---|--|---|
| All indicting grand jury proceedings and related documents | No public access Disclosure may be granted to attorney for the Commonwealth, defendant in a criminal case, witnesses, law enforcement personnel, and upon motion when necessary. | Pa. R. Crim. P. 556.10 |
| Juror's name | Public access | <i>Commonwealth v. Long</i> , 922 A.2d 892 (Pa. 2007) (pursuant to the First Amendment) |
| Juror's address | No public access | Access is not required under <i>Commonwealth v. Long</i> , 922 A.2d 892 (Pa. 2007) |
| Juror qualification forms | No public access | Pa. R. Crim. P. 625(A)(3) |
| Juror information questionnaires | No public access Questionnaires are retained in a sealed file and shall be destroyed upon completion of the jurors' service, unless otherwise ordered by the trial judge. | Pa. R. Crim. P. 632 |
| Notes taken by jurors | No public access | Pa. R. Crim. P. 644(B)(7) |
| Pre-sentence reports and related psychiatric psychological reports | No public access | Pa. R. Crim. P. 703(A) |

| Type of Record / Information | Accessibility | Authority |
|---|---|--|
| Wiretap applications, final reports and orders | No public access except upon showing of good cause before a court of competent jurisdiction | 18 Pa. C.S. § 5715 |
| Names of human trafficking victims | No public access , unless otherwise ordered by a court in a prosecution involving a victim of human trafficking. | 18 Pa. C.S. § 3019(a) |
| Names of minor victims of sexual or physical abuse | No public access A minor victim who is 18 years of age or older at the time of the commencement of the prosecution may waive this protection and allow the court to release the name of the minor victim. | 42 Pa. C.S. § 5988 |
| Records concerning persons in treatment under the Mental Health Procedures Act | Limited public access in compliance with the Mental Health Procedures Act and controlling case law | 50 P.S. § 7111 |
| Proceedings and records involving juveniles charged with a summary offense before the minor judiciary, the Philadelphia Municipal Court or a Court of Common Pleas | No public access | 42 Pa. C.S. §§ 6303(c), 6307(c), and 6336(g) |
| Financial Source Documents | No public access | UJS Policy § 8.0 |

| Type of Record / Information | Accessibility | Authority |
|---|-------------------------|------------------|
| Minors Educational Records | No public access | UJS Policy § 8.0 |
| Medical / Psychological Records | No public access | UJS Policy § 8.0 |
| Children and Youth Services' Records | No public access | UJS Policy § 8.0 |
| Marital Property Inventory and Pre-Trial Statement | No public access | UJS Policy § 8.0 |
| Income and Expense Statement | No public access | UJS Policy § 8.0 |
| Agreements Between Parties as used in 23 Pa.C.C 3105 | No public access | UJS Policy § 8.0 |

Note: This may not be a complete listing; the Clerk of Courts is directed to consult up-to-date federal and state statutes, court rules, and case law. The common law, First Amendment, and Pennsylvania Constitution create a presumption of access to judicial records in criminal proceedings.

Last updated September 29, 2022