

2002 SESSION

ENROLLED

HOUSE JOINT RESOLUTION NO. 89

Establishing a joint subcommittee to study the protection of information contained in the records, documents and cases filed in the courts of the Commonwealth.

Agreed to by the House of Delegates, March 6, 2002

Agreed to by the Senate, March 5, 2002

WHEREAS, new technology is rapidly changing the manner in which records, documents and case files may be accepted, handled and stored by the courts of the Commonwealth; and

WHEREAS, there is underway a pilot project for the electronic filing of Law and Chancery cases in Fairfax County that will have substantial impact on the public's access to case files by remote electronic means; and

WHEREAS, most court records and case files are currently available for public inspection; however, such records and case files are inspected manually one record or file at a time and require the person's physical presence in the office of the clerk; and

WHEREAS, the new technology that enables the electronic filing of cases and the files, motions and other papers in those cases will allow access by remote electronic means via the Internet, allowing a person to inspect numerous files very quickly; and

WHEREAS, extremely confidential information is often filed with the clerk's office, including social security numbers, bank account numbers and balances, credit card accounts and credit card numbers, allegations of adultery, abuse and neglect and other highly personal information; and

WHEREAS, it is necessary to review the effect of the new technology of electronic access to the information contained in the files of the clerks of the courts of the Commonwealth upon the privacy interests of those persons who have matters settled by these courts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the protection of information contained in the records, documents and cases filed in the courts of the Commonwealth. The joint subcommittee shall be composed of 10 members, which shall include 6 legislative members and 4 nonlegislative members as follows: 4 members of the House of Delegates to be appointed by the Speaker of the House in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; 2 members of the Senate to be appointed by the Senate Committee on Privileges and Elections; 2 nonlegislative members to be appointed by the Speaker of the House of Delegates, of whom 1 shall be a clerk of a circuit court and 1 shall be a representative from the Virginia Freedom of Information Advisory Council; 1 nonlegislative member to be appointed by the Senate Committee on Privileges and Elections; and the Executive Secretary of the Supreme Court of Virginia or his designee to serve with full voting privileges.

The direct costs of this study shall not exceed \$6,800.

The Division of Legislative Services shall provide staff support for the study. Technical assistance shall be provided by the Office of the Executive Secretary of the Supreme Court of Virginia. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work by November 30, 2002, and shall submit its written findings and recommendations to the Governor and the 2003 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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