

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 17.1-293 of the Code of Virginia, relating to secure remote access to*
3 *court records.*

4 [H 2483]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 17.1-293 of the Code of Virginia is amended and reenacted as follows:**

8 § 17.1-293. Posting and availability of certain information on the Internet; prohibitions.

9 A. Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2 or subsection B of this section, it
10 shall be unlawful for any court clerk to disclose the social security number or other identification
11 numbers appearing on driver's licenses or information on credit cards, debit cards, bank accounts, or
12 other electronic billing and payment systems that was supplied to a court clerk for the purpose of paying
13 fees, fines, taxes, or other charges collected by such court clerk. The prohibition shall not apply where
14 disclosure of such information is required (i) to conduct or complete the transaction for which such
15 information was submitted or (ii) by other law or court order.

16 B. Beginning January 1, 2004, no court clerk shall post on the Internet any document that contains
17 the following information: (i) an actual signature, (ii) a social security number, (iii) a date of birth
18 identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with
19 a particular person, (v) any financial account number or numbers, or (vi) the name and age of any minor
20 child.

21 C. Each such clerk shall post notice that includes a list of the documents routinely posted on its
22 website. However, the clerk shall not post information on his website that includes private activity for
23 private financial gain.

24 D. Nothing in this section shall be construed to prohibit access to any original document as provided
25 by law.

26 E. This section shall not apply to the following:

27 1. Providing access to any document among the land records via secure remote access pursuant to
28 § 17.1-294;

29 2. Postings related to legitimate law-enforcement purposes;

30 3. Postings of historical, genealogical, interpretive, or educational documents and information about
31 historic persons and events;

32 4. Postings of instruments and records filed or recorded prior to 1907; and

33 5. Providing secure remote access to any person ~~and~~, his counsel, *or staff which counsel directly*
34 *supervises* to documents filed in matters to which such person is a party.

35 F. Nothing in this section shall prohibit the Supreme Court or any other court from providing online
36 access to a case management system that may include abstracts of case filings and proceedings in the
37 courts of the Commonwealth.

38 G. The court clerk shall be immune from suit arising from any acts or omissions relating to
39 providing remote access on the Internet pursuant to this section unless the clerk was grossly negligent or
40 engaged in willful misconduct.

41 This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity
42 already existing in statutory or common law, or to affect any cause of action accruing prior to July 1,
43 2005.

ENROLLED

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