



Supreme Court of Wisconsin

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INFORMATIONAL BULLETIN #16-03(a)

Date: June 21, 2016

To: Clerks of Court
Registers in Probate
Juvenile Clerks

From: J. Denis Moran
Director of State Courts

Subject: Protection of Information in Circuit Court Records

The Supreme Court has approved Rule Petition 14-04, Protection of Information in Circuit Court Records. As of July 1, 2016, three new statutes will apply to all documents filed in circuit court.

1. **Wis. Stat. § 801.19** protects five specific numbers often found in court records: social security, employer and tax identification, financial account (such as banks and credit cards), driver license, and passport numbers. The rule applies in all cases, even in confidential matters such as juvenile and guardianship proceedings.

For documents filed on or after July 1, the rule requires that these five kinds of numbers be omitted or redacted from documents filed with the circuit court. If the numbers are necessary to the court proceeding, the party must submit them on a new confidential form. The court may require the submitting party to produce the original unredacted document if necessary, but it need not be routinely submitted.

Forms are available to request redaction of protected information from previously filed documents and from transcripts. The rule provides options to the courts for dealing with improperly submitted information.

Redaction is not required for electronic citations and certain other documents filed through TraCS and PROTECT. CCAP will mask the driver license number from public view, but the court and interface partners will still be able to see it. A list of these documents is being distributed to clerks, TraCS and PROTECT users. Access to protected information for parties and justice agencies is still allowed as provided by law.

2. **Wis. Stat. § 801.20** requires parties to identify certain documents and case types as confidential at the time they are filed. A checklist and instructions are provided on a new form.

The director's office has also identified case types and documents that will be automatically treated as confidential without a motion. Proceedings for adoption, guardianship, children's and juvenile justice codes, substance abuse and mental health, and protective services and placement will be recognized confidential without any motion or notice by the parties. Likewise, presentence investigation reports, family financial disclosures, and confidential petition addendum forms will be recognized as confidential without a motion.

3. **Wis. Stat. § 801.21** provides a procedure for motions to seal. A party seeking to protect information not covered above must move to seal or redact the information and must specify the authority for restricting public access. This rule is procedural in nature and is not intended to expand on the current case law. The information may be filed under a temporary seal, making it inaccessible to the public or even to the other party until the court rules on the motion. New forms are provided.

Forms: The following forms have been approved by the Records Management Committee and will be posted on the court website at <https://www.wicourts.gov/forms1/circuit/index.htm>.

GF-241	Confidential Disclosure of Protected Information
GF-242	Motion/Order to Redact Protected Information in Court Record
GF-243	Motion/Order to Redact Protected Information in Transcript
GF-244	Cover Sheet for Confidential Records
GF-245	Confidential Disclosure of Information to Be Sealed or Redacted
GF-246	Motion/Order to Seal or Redact a Court Record
GF-247	Motion/Order to Seal or Redact a Transcript

Please make sure local agencies are aware of these changes. Local forms and procedures may need to be reviewed to make sure protected information does not appear in the court file.

Resources: The public court website contains additional information with links to the new statutes, forms, informational brochures for the public, and frequently asked questions. *See* <https://www.wicourts.gov/services/attorney/redact.htm>. An article on "Protecting Information in Court Records: Clarifying Three Problem Areas" was published in the May 2016 edition of the *Wisconsin Lawyer* magazine. The State Bar is offering a one-hour continuing legal education program on the new statutes.

Training was presented at the spring conferences for clerks of circuit court, juvenile clerks, and registers in probate. For judges, the new rules were addressed last November at the Judicial Conference, at the civil evidence seminar in June, and at some district meetings.

The Court Reporter Manual is being revised to provide information on handling requests for redaction and sealing of transcripts.

If you have questions, please contact Marcia Vandercook, Circuit Court Legal Advisor, Office of Court Operations, Marcia.Vandercook@wicourts.gov.

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cc: District Court Administrators