

Fairfield County Clerk of Courts Policy: Redaction Policy

#2014-09-16

Purpose: To document the Fairfield County Clerk of Courts (Legal Department) Redaction Policy and update the previous policy dated May 12, 2017.

Introduction: It is the policy of the Fairfield County Clerk of Courts office that openness leads to a better informed citizenry which leads to better government and better public policy. It is the policy of the Fairfield County Clerk of Courts office to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request will be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code or the Rules of Superintendence for the Courts of Ohio. If the request is in writing, said explanation must also be in writing.

Redaction of Certain Information

Pursuant to Rule 45(D)(1) of the Rules of Superintendence for the Courts of Ohio *“When submitting a case document to a court or filing a case document with a clerk of court, a party to a judicial action or proceeding shall omit personal identifiers from the document.”* Pursuant to Rule 45(D)(3) of the Rules of Superintendence for the Courts of Ohio *“The responsibility for omitting personal identifiers from a case document submitted to a court or filed with a clerk of court pursuant to division (D)(1) of this rule shall rest solely with the party. The court or clerk is not required to review the case document to confirm that the party has omitted personal identifiers, and shall not refuse to accept or file the document on that basis.”*

Pursuant to Rule 44(H) of the Rules of Superintendence for the Courts of Ohio “personal identifiers” include:

1. Social Security numbers, except for the last four digits;
2. Full financial account number including, but not limited to debit card, charge card, and credit card numbers;
3. Employer and employee identification numbers; and
4. A juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or a generic abbreviation such as “CV” for child victim.

As a service, the Fairfield County Clerk of Courts office attempts to redact in accordance with the items listed in the Rules of Superintendence [[See Sup. R. 45.](#)]. Filers are on notice; however, that pursuant to Superintendence Rule 45, the responsibility for omitting personal identifiers remains at all times with the party or individual that files the document.

In addition to the foregoing, those filing documents are responsible for taking appropriate steps to protect any other information the release of which is prohibited by state or federal law.

It is the responsibility of the filing party and counsel to remove personal and private information from a document filed with the Clerk of Courts' office. The responsibility of the filing party and counsel to remove personal and private information extends to and includes exhibits or addenda attached to filing, such as preliminary and final judicial reports which itemized state tax liens that use Social Security numbers as case numbers or medical records.

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The Clerk of Courts and deputy clerks shall have no responsibility for the removal of any personal and private information filed in a public document in the Fairfield County Clerk of Courts' office.

Personal and private information must be submitted in a separate filing which will be deemed by the Court as a non-public record. The information will be kept in a separate envelope within the case file marked as follows:

“The enclosed personal and private information has been deemed by the court as non-public. It is for the use of the court, attorneys of record listed in the case and Clerk of Courts' office only. Any other person must have a court order to view the contents of this envelope. Violation of this order shall be contempt of court.”

Journal entries that necessarily include personal and private information must be submitted to the Clerk of Courts' office as follows: a copy that includes the personal and private information for placement in the non-public envelope and a copy with personal and private information redacted for placement in the public file. The copy not containing the personal and private information (for the public file) will have the notation "redacted" at all places in the document where such information was removed. The Court will sign both journal entries.

The Clerk of Courts will not remove any personal and private information from a file-stamped document, including records or transcripts transmitted to this court from another court, without a court order to do so. **The Clerk of Courts may refuse to accept for filing any document that contains personal and private information that has not been redacted or submitted in accordance with this order.**

Any personal and private information in documents filed prior to the implementation of this rule is considered public. Any personal and private information in records or transcripts transmitted to this court from another court is considered public. A party or an attorney in a case, or any other person whose personal and private information is contained in a public record of this court may petition the court for removal of the personal and private information, and if the request is granted, the personal and private information will be removed from a file-stamped document and placed in a separate envelope and deemed a non-public record. The petition shall contain the caption of the particular case.

If the filing party is redacting any personal identifiers per Sup.R.44(H) and 45(D), please complete and file the Personal Identifier Form. Note: The Personal Identifier Form will not be available for public inspection and may only be provided per Sup.R.45(D)(2).