

2.100 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION,
REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING

(1) Purpose

- (a) This rule establishes procedures for a person to identify and segregate protected personal information when submitting a document to a court in a case and to request the information be kept from inspection by the general public.
- (b) This rule establishes a process for a court, when it grants a request under this rule, to protect the segregated, protected personal information from nonprotected information in a uniform way with an appropriate record.
- (c) UTCR 2.130 establishes separate procedures and processes for protecting personal information in proceedings brought under ORS chapters 25, 106, 107, 108, 109, 110, and 416.

(2) Information Covered. As used in this rule:

- (a) "Protected personal information" means specific individual facts that, unless segregated, would otherwise be in a submitted document to identify a person submitting the document or another person beyond that person's name or to identify the financial activities of either and which the court is allowed or required by law to keep confidential.
- (b) "Protected personal information" includes, but is not limited to:
 - (i) Social Security numbers, credit card numbers, bank or other financial account numbers, bank or other financial account locations, driver license numbers, financial account access numbers, or similar information that is used for financial transactions and can be kept confidential under ORS 192.502(2).
 - (ii) Maiden names, birth dates, and places of birth that can be kept confidential under ORS 192.502(2).
 - (iii) Facts about a person's identity or the identity of the person's financial activities that is other than contact information and that can be exempt from public inspection under the Oregon Public Records Law (OPRL, ORS 192.410 to 192.505).
 - (iv) Facts other than contact information that can otherwise be protected under specific law, including, but not limited to, information protected by existing court orders.
- (c) "Protected personal information" does not include entire documents, contact information, or, except as ordered by a court, information that is not both personal and related to a person's identity beyond their name or their financial activities.
- (d) "Contact information" means: the name of a person submitting a document or of a person on whose behalf a document is being submitted; telephone numbers; personal or business addresses; email addresses; employer identification and address; or similar facts that make it possible for another to contact a person who is named in a document.

- (3) Relationship to Other Law. The following all apply to this rule:
- (a) Parties to proceedings under ORS 107.085 or 107.485 must segregate all Social Security numbers from all documents they submit related to the proceedings in the manner provided by UTCR 2.130. These Social Security numbers are confidential in the custody of the court as ORS 107.840 provides. Other than as this paragraph, UTCR 2.130, or SLR 2.101 of a court provides, this rule is not the exclusive means for a court to protect personal information from public inspection.
 - (b) All judicial districts must allow requests to segregate protected personal information under this rule as a way to keep it separate from information subject to public inspection. However, courts may use SLR to establish other procedures related to identifying and protecting information courts are allowed or required to keep confidential. But, SLR 2.101 is preserved for purposes of a court to:
 - (i) require use of forms or procedures under this rule as the exclusive way to identify specific protected personal information so a court can segregate the information and protect it from public inspection; and
 - (ii) establish requirements supplemental to this rule as necessary to help administer this rule.
 - (c) Nothing in this rule precludes a court from protecting information by appropriate court order.
 - (d) Nothing in this rule affects or applies to procedures for identifying and protecting contact information:
 - (i) Of crime victims that is submitted to courts for processing restitution payments when restitution is sought and the information about a crime victim is kept confidential under ORS 18.048(2)(b).
 - (ii) That can be made confidential under ORS 25.020(8)(d), 109.767(5), 110.375, or 192.445.
- (4) Procedure to Follow. A person may only request protected personal information be segregated and protected under this rule when submitting it to a court in a case. The procedures under this rule may be used to identify and separately present protected personal information from any submitted document or form that is used to give information to a court. To do so, a person must do the following:
- (a) Place in the document from which the protected personal information is being segregated a written notation to the effect that the information is being separately submitted under UTCR 2.100.
 - (b) Complete an affidavit in substantially the form provided in UTCR Form 2.100.4a. The affidavit:
 - (i) Need not be notarized but must be signed by the requestor and contain language that the person knowingly gives the information under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if the person provides false information to the court.

- (ii) Must describe generally the protected personal information and set out the legal authority for protecting the information.
 - (c) Complete an information sheet in substantially the form provided in UTCR Form 2.100.4b to duplicate the protected personal information sought to be segregated. The information sheet must be submitted as a separate document, not as an attachment to the affidavit prepared under UTCR 2.100(4)(b).
 - (d) File the completed forms and attachments with the court along with, but not attached to, the document from which the protected personal information is segregated.
 - (e) For purposes of UTCR 2.080, mail or deliver to parties a copy of the affidavit only, and not the information sheet or any attachments to the information sheet.
- (5) More Than Once in a Case. If a court segregates specific protected personal information from a specific document under this rule:
- (a) The court is under no obligation to look for or segregate the same protected personal information from other documents in the file for that case or other cases that were not specifically addressed by a request under this rule or from any documents subsequently submitted to the court except when procedures under this rule to segregate from the specific document are again used.
 - (b) As long as the specific protected personal information remains current, a person need not submit an affidavit and information sheet under this rule each subsequent time the already segregated information would be submitted in that case. The person may simply add a written notation to any document subsequently submitted to the effect that the information has already been submitted in that case under UTCR 2.100.
- (6) Court Response. When a completed request is filed under this rule and the court grants the request to segregate, the court will do the following:
- (a) Separate the UTCR Form 2.100.4b from the affidavit and maintain that form and any attachments to it as not subject to public inspection unless there is a question about the court's legal authority to keep the specific information from public inspection. The requestor need not obtain the signature of a judge. As official custodian of the case file under the OPRL, the trial court administrator will resolve any question about whether, or the extent to which, information may be kept from disclosure under this rule unless statute or court order expressly provides otherwise. A request under this rule to keep information confidential, segregated, or exempt from public inspection is not subject to challenge and hearing except as specifically required by law.
 - (b) Keep the affidavit in the case file.
 - (c) Send notice confirming that a request is granted or denied only if the person includes a self-addressed, postage prepaid postcard that the court can use for that task. The postcard must also include the following text, to be filled in as indicated for the court to mail:

"Dear _____ (*person requesting print your name here*), Your request of _____ (*insert date of request*) to segregate specific protected personal information from information the general public can inspect in the case file for case number _____ (*insert case number*) in the Circuit Court

for _____ (insert county) County (the court will check and complete the appropriate following response before mailing):

Was granted on _____ (court will insert date) and the segregated information sheet you submitted will be maintained separately from information available for public inspection. _____ (initial of appropriate court employee)

Was denied in part or entirely because (court will explain and provide contact information for further action): _____”

(7) Limits on Protection. When the court grants a request under this rule, the court will protect the submitted Form 2.100.4b from being placed where the general public can inspect it. However, the following limits apply to this confidentiality:

- (a) A person may inspect the information sheet or attachments that person submitted.
- (b) A person other than the person who submitted the information sheet or attachments may inspect the information sheet or attachments with a currently effective release by the person whose information is protected. The release must be signed by the person giving the release, dated, and establish a period during which the release will be effective.
- (c) Any person who has a right by law to inspect the information sheet or attachments may do so. This includes Oregon Judicial Department personnel who require the information for their work.
- (d) Courts will share the information sheets and attachments with other government agencies as required or allowed by law, without court order or application under subsection (8) of this rule, for purposes of the business of those agencies. Those agencies are required to maintain the information as confidential as provided under ORS 192.502(10).
- (e) Courts will share the information sheets and attachments with the entity primarily responsible for providing support enforcement services under ORS 25.080 and under the requirements of 42 USC 666 without application under subsection (8) of this rule in any case in which spouse or child support is ordered.

(8) Inspecting or Copying Protected Personal Information. Except as specifically provided in subsection (7) of this rule, any person who seeks to inspect or copy information segregated and kept from public inspection under this rule must make the request by using a form substantially like UTCR Form 2.100.8 and copy the requestor shown on the affidavit and parties to the case as required by UTCR 2.080. A court will only grant a request if the person requesting has a right by law, including this rule, to see the information. The court will indicate on the form its response to the request and maintain a copy of all the request forms, with its response, in the case file as a public record.

(9) Denied Requests. If a court denies a request under this rule:

- (a) For every piece of personal information on a UTCR Form 2.100.4b, the court will attach the affidavit and form to the document from which the information was segregated and place all in the case file.

- (b) For only some of the personal information on a UTCR Form 2.100.4b, the court will:
 - (i) create a copy of the form where the information to be protected is redacted,
 - (ii) protect the original form as otherwise provided in this rule, and
 - (iii) attach the affidavit and the redacted copy of the form to the document from which the information was segregated and place the affidavit and redacted copy of the form in the case file.