

Handout: SCAO Standards for Protected PII

[Administrative Order 1999-4](#), as amended on May 22, 2019, directs that the SCAO “must establish standards and develop court forms to ensure all protected personal identifying information necessary to a given court case is provided to the court separately from filed documents except as otherwise required by law.”

Michigan Trial Court Records Management Standards

https://www.courts.michigan.gov/siteassets/court-administration/standardsguidelines/casefile/cf_stds.pdf

- [\(p20\) Section 2.2 – Restricted-Access Case Records](#)

Case history (register of actions) provided through an automated public search capability must not display nonpublic cases. **In addition, courts are prohibited from publicly displaying protected personal identifying information as defined in MCR 1.109(D)(9).** For case history available only on paper, the court must make arrangements to ensure public access to nonpublic and confidential entries is restricted.

- [\(p21\) Section 2.2 – Restricted-Access Case Records, Records or Information within Case Files](#)

- The clerk of the court must take precautions to restrict access to pieces of information in restricted-access case files and other court records. This information includes nonpublic and confidential information regulated by Michigan or federal statute, federal regulation, Michigan court rule, or court order.
- When access to a document is restricted by statute, court rule, or order, the trial court should clearly mark the document “NONPUBLIC,” “CONFIDENTIAL,” or “SEALED,” as appropriate. The document should be maintained in a manner that permits the clerk to easily identify and remove that document if a request to review a public case file is made. Any confidential, nonpublic, or sealed stamp, label, or tag imprinted on or associated with a paper or electronic case file must be clearly identifiable.
- If information on a document is nonpublic or confidential, but the document itself is not nonpublic or confidential (such as a **nonpublic personal identifying information**), **the information should not be available except as permitted by statute, court rule, or order.** If a person is entitled to a copy of the document but not to certain nonpublic or confidential information on the document, the sensitive information must be redacted in accordance with court rule.

- [\(p25\) Section 2.4 – Public Access to Electronic Records at Court Location](#)

When a court's records are only available electronically, the court must provide a means for the public to view those records, while safeguarding nonpublic and confidential information. This may be accomplished by a publicly accessible computer without Internet access. The scope of access is as follows:

- Access to Public Case Files

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- Case number, case name/party names, age (when available), and public case history (docket) entries are viewable;
- **No protected personal identifying information, as defined in MCR 1.109(D)(9), is viewable;**
- Public document images (with personal identifying information redacted as required by law or court rule) are viewable;
- Copies of public records can be made available free of charge or upon payment of a reproduction fee, when a fee is permitted;
- No nonpublic, confidential, or sealed document images are viewable.
- Access to Nonpublic Case Files
 - Case number is viewable.
- [\(p25\) Section 2.4 – Public Access to Electronic Records through Internet](#)

Public records accessible from a court’s public website or other web-based portal are restricted to the case number, party names, and case history (docket) entries. Courts are prohibited from providing public access to document images through the Internet. MCR 8.119(H). Additional restrictions are:

 - Access to Public Case Files
 - Case number, case name/party names, and public case history (docket) entries are viewable;
 - **No protected personal identifying information, as defined in MCR 1.109(D)(9), is viewable;**
 - No document images are viewable;
 - Copies of public records can be requested/ordered in accordance with the court’s local administrative order on access to public records.
 - Access to Nonpublic Case Files
 - Case number is viewable.
- [\(p45\) Section 3.3.2.1 – Case History Data Standards](#)

Protected personal identifying information that may be provided by a party as part of the case initiation information includes:

 - date of birth
 - last four digits of social security number or national identification number,
 - driver’s license number or state-issued personal identification card number,
 - passport number, and
 - financial account numbers

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- **(p46) Section 3.3.2.1 – Case History Data Standards, Required Content**

The case history must contain the following information.¹

- Case Identification Information
- Case Initiation Information:
 - Addresses and telephone numbers for parties.
 - **Protected personal identifying information as defined in MCR 1.109(D)(9).**
 - CTN/TCN and SID (for criminal and juvenile delinquency only).
- Case Filing and Event Information
- Adjudicative/Dispositive Information
- Postjudgment Information
- Other Information
- Additional Caseload Information
- Records Disposal Information

- **(p64) Section 3.3.1.4 – Minimum Filing Requirements, Document Preparation**

- All documents prepared for filing with Michigan courts (except Uniform Law Citations) must be prepared in accordance with these standards. Deviation from these standards may result in a submitted filing being rejected. MCR 1.109(D) and MCR 8.119(C). See standard rejection reasons and solutions in 3.3.1.5.
- **With the exception of redacting protected personal identifying information,** these standards do not apply to documents being filed with the court that: 1) the filing party did not create or 2) the filing party created for a reason other than filing with the court. Such documents are typically attached to or accompany a document that the filing party has specifically prepared for filing with the court. Examples include, but are not limited to:
 - leases, bank statements, wills, codicils, trusts, or other testamentary documents;
 - copies of documents from a court file that preceded these standards or a printout of a register of action from a court's records;
 - documents created by local, state, or federal government agencies, such as a local tax bill, marriage license, birth certificate, or death certificate; and
 - documents prepared, executed, acknowledged, or proved outside the state of Michigan, such as a copy of a foreign judgment
- Attachments the filing party is creating for filing with the court must comply with these standards. Each attachment accompanying a document must be separately attached (connected) and referenced to the lead document to which it relates as follows. For documents that are

¹ See Section 3.3.2.1 of the Michigan Trial Court Records Management Standards for complete details.

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electronically filed, there are additional requirements regarding attachments; see Additional Requirements of Electronic Documents below:

- The last page of the lead document to which attachments pertain must contain an index subtitled “Index to Attachments” and must list the title of each attachment and its associated file name(s).
 - Each attachment must be identified as an attachment to the lead document, be numbered, and contain the title as follows: Attachment 1 [title of attachment, e.g., Lease] for [name of lead document, e.g., Complaint for Possession].
- [\(p65\) Section 3.3.1.4, Minimum Filing Requirements, Personal Identifying Information](#)
 - **Personal identifying information protected** under MCR 1.109(D)(9) must be provided to the court as required by MCR 1.109(D)(2) in an appropriate SCAO approved method or form. If by form, the form must be completed and filed with the document to which it pertains.
 - If a party is required to include **protected personal identifying information** in a public document filed with the court after **April 1, 2022**, the party shall file the document with the protected personal identifying information redacted, along with a personal identifying information form approved by the State Court Administrative Office under MCR 1.109(D)(9)(b)(i).