

Supreme Court of Kentucky

2026-30

AMENDED ORDER

**IN RE: COURT OF JUSTICE FRAMEWORK & GUIDING PRINCIPLES
FOR POLICY REGARDING ACCESS TO COURT RECORDS &
INFORMATION**

The Court of Justice has a duty to maintain court records¹ for the use of Court of Justice personnel and to ensure public access to those records, in furtherance of the public's trust, for the fair administration of justice. The constant evolution of technology presents the Court of Justice with unprecedented challenges in determining the balance between access to court records, protection of personally identifying information, and the public's right to privacy.

Pursuant to Sec. 116 of the Kentucky Constitution and Supreme Court Rule 1.010, and in order to continue to guide the business decisions involving access to court records of the Court of Justice of Kentucky, it is hereby ORDERED that the Court of Justice Framework and Guiding Principles for Policy Regarding Access to Court Records/Information, adopted by the Supreme Court of Kentucky, Administrative Order, entered February 17, 2000, is renamed the Court of Justice Guiding Principles for Policy Regarding Next Generation Access to Court Records, Information, and Data and is replaced in its entirety as follows:

**COURT OF JUSTICE GUIDING PRINCIPLES FOR POLICY
REGARDING NEXT GENERATION ACCESS TO COURT RECORDS**

PRINCIPLE 1: Court records are subject to disclosure except as defined by statute and court rule. Denial of access to court records has the potential to compromise the judiciary's role in society, inhibit accountability, and endanger public safety, and any limitation of access should be scrutinized.

¹ "Court records" refers to the official record of a proceeding per CR 79.05 and RAP 27, as well as the associated data collected by the clerk of the court in the regular course of business through use of electronic systems and business processes mandated by the Supreme Court.

PRINCIPLE 2: Compliance with all laws governing confidentiality of court records and the protection of personally identifiable information is foundational.

PRINCIPLE 3: Court records are a public trust. The ownership and control of court records is vested in the Supreme Court and should not be transferred to other parties for any use except as authorized by the Supreme Court.

PRINCIPLE 4: The highest public benefit of court records is in their use to further a public mission. The public-benefit test should be employed in determining legitimate governmental or business uses of court records. Commercial use is inconsistent with a public mission.

PRINCIPLE 5: Court records should be utilized to further judicial efficiencies, justice, and a public mission. Business decisions utilizing court records should consider risks and appropriate safeguards related to unnecessary disclosure of information by which a person can be identified and certain court matters of a more personal nature.

PRINCIPLE 6: Protection of personally identifiable information and certain personal matters must not impede the business and judicial needs for access to the information and strong societal reasons for allowing public access to court records, including individual Due Process rights.

PRINCIPLE 7: The Court of Justice should not restrict access to information about the maintenance of or access to court records except when necessary to prevent disclosure of a vulnerability.

PRINCIPLE 8: In-person access to the official court record at the record custodian's facility should remain open and free in accordance with the law. Any other access to court records, provided as a convenience or courtesy service, should further a public mission.

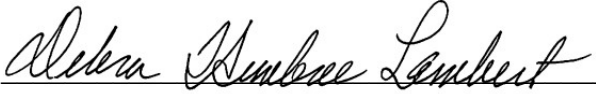
PRINCIPLE 9: Financial disincentives should not be used to restrict or limit access to court records.

PRINCIPLE 10: Fees reflective of the associated administrative costs should be considered when necessary to provide any type of enhanced access to court records.

PRINCIPLE 11: Whenever necessary to further a public mission or safeguard against the unnecessary disclosure of other personally identifying information and certain personal matters, access to court records should be subject to terms of use.

All sitting. All concur.

ENTERED this 18th day of August, 2026.


CHIEF JUSTICE