

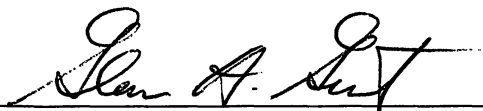
NOTICE TO THE BAR

AMENDMENTS TO RULES 1:38-3, 1:38-6, AND 1:38-7

Published with this notice are the following recent amendments to Rule 1:38 ("Public Access to Court Records and Administrative Records"):

- Amendments to **Rule 1:38-3(c)** to exclude Pretrial Services Program records from public access;
- Amendments to **Rule 1:38-3(f)** to exclude from public access Criminal/Family/Municipal/Probation investigations and reports pertaining to persons on Pretrial Release or subject to Pretrial Detention;
- Amendments to **Rule 1:38-6** delegating to the Administrative Director the authority to authorize intergovernmental exchange of information otherwise excluded from public access where "the public benefit of such disclosure outweighs the need for confidentiality"; and
- Amendments to **Rule 1:38-7(a)** to add military status as a personal identifier that must be redacted from publicly accessible Judiciary records.

As set forth in the Supreme Court's order, these amendments were effective as of September 12, 2018.



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: November 7, 2018

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rules 1:38-3, 1:38-6, and 1:38-7 of the Rules Governing the Courts of the State of New Jersey are adopted to be effective immediately.

For the Court,

A handwritten signature in blue ink, appearing to read "S. G. ...", is written over the text "For the Court,".

Chief Justice

Dated: September 12, 2018

1:38-3. Court Records Excluded from Public Access

The following court records are excluded from public access:

(a) ... no change

(b) ... no change

(c) Records of Criminal and Municipal Court Proceedings.

(1) ... no change

(2) ... no change

(3) ... no change

(4) ... no change

(5) ... no change

(6) ... no change

(7) ... no change

(8) ... no change

(9) ... no change

(10) ... no change

(11) ... no change

(12) ... no change

(13) Complaint-Warrants sealed pursuant to R. 1:38-11(e);[.]

(14) Records created or maintained by the Pretrial Services Program.

(d) ... no change

(e) ... no change

(f) Records of Other Proceedings.

(1) ... no change

(2) ... no change

(3) ... no change

(4) ... no change

(5) Criminal, Family, Municipal and Probation Division records pertaining to any investigations and reports made by court staff or pursuant to court order for a court or pertaining to persons on probation, on pretrial release, or subject to pretrial detention;

(6) ... no change

(7) ... no change

(8) ... no change

(9) ... no change

Note: New Rule 1:38-3 adopted July 16, 2009 to be effective September 1, 2009; subparagraph (b)(1) amended December 9, 2009 to be effective immediately; paragraphs (e) and (f) amended January 5, 2010 to be effective immediately; subparagraph (c)(11) amended, subparagraph (c)(12) adopted, and subparagraph (d)(10) amended February 16, 2010 to be effective immediately; subparagraph (d)(1) amended June 23, 2010 to be effective July 1, 2010; paragraph (e) amended October 26, 2010 to be effective immediately; paragraph (e) amended February 28, 2013 to be effective immediately; subparagraph (d)(12) amended July 9, 2013 to be effective September 1, 2013; subparagraphs (f)(2) and (f)(5) amended, and new subparagraph (f)(9) added December 9, 2014 to be effective immediately; subparagraph (d)(2) amended July 27, 2015 to be effective September 1, 2015; subparagraph (b)(1) amended May 30, 2017 to be effective immediately; paragraph (a) and subparagraphs (d)(1) and (d)(13) amended July 28, 2017 to be effective September 1, 2017; subparagraphs (c)(1), (d)(1), (d)(2), (d)(5), (d)(6), (d)(9), and (f)(6) amended May 15, 2018 to be effective immediately; new subparagraph (c)(13) adopted July 27, 2018 to be effective September 1, 2018; new subparagraph (c)(14) adopted and subparagraph (f)(5) amended September 12, 2018 to be effective immediately.

1:38-6. Intergovernmental Exchanges

The [Supreme Court] Administrative Director of the Courts may authorize the exchange of information, otherwise excluded from public access, with other branches of state government, with other state governments, and with the federal government when the public benefit of such disclosure outweighs the need for confidentiality. Child support information may be exchanged only to the extent allowed by federal law and regulations.

**Note: New Rule 1:38-6 adopted July 16, 2009 to be effective September 1, 2009;
amended September 12, 2018 to be effective immediately.**

1:38-7. Confidential Personal Identifiers

(a) Definition of Confidential Personal Identifiers. A confidential personal Identifier is a Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, [or] active credit card number, or information as to an individual's military status.

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

(f) ... no change

(g) ... no change

Note: New Rule 1:38-7 adopted July 16, 2009 to be effective September 1, 2009; paragraph (e) amended September 22, 2009 to be effective immediately; subparagraph (c)(2) amended June 23, 2010 to be effective July 1, 2010; paragraphs (d) and (f) amended October 18, 2011 to be effective immediately; new paragraph (g) added October 8, 2013 to be effective immediately; paragraph (d) amended April 21, 2015 to be effective May 1, 2015; paragraph (c)(3) amended August 1, 2016 to be effective September 1, 2016; paragraph (a) amended September 12, 2018 to be effective immediately.