

**PUBLIC RECORDS POLICY  
FOR THE  
MARIETTA MUNICIPAL COURT  
WASHINGTON COUNTY, OHIO**

**MISSION STATEMENT**

Transparency leads to a citizenry that is better informed about the operations of government, which contributes to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of Marietta Municipal Court to, at all times, comply with and abide by the spirit and the letter of Ohio's Public Records Act and the rules for public access set forth in the Rules of Superintendence for the Courts of Ohio released by the Ohio Supreme Court.

**DEFINING PUBLIC RECORDS**

All court records kept by Marietta Municipal Court are presumed to be public unless they are exempt under Ohio law or the Rules of Superintendence for the Courts of Ohio. All court records must be organized and maintained in such a way that they can be made available for inspection and copying.

A "court record" is defined as any case or administrative document filed or maintained by the Court.

"Case documents" include documents and information in documents submitted to Marietta Municipal Court or filed with the Clerk of Courts in a judicial action or proceeding and any document prepared by the Court or Clerk in a judicial action or proceeding. "Case documents" do not include documents exempt from disclosure under state, federal, or common law, any personal identifiers, information restricted by the Rules of Superintendence for the Courts of Ohio Section 45 (E), certain juvenile records, notes, drafts, recommendations, advice and research of judicial officers and staff, or information on or obtained from the Ohio Courts Network and related data feeds.

"Administrative documents" include a document and information in a document created, received, or maintained by Marietta Municipal Court that serves to record the administrative, fiscal, personnel, or management functions, policies, decisions, procedures, operations, organization, or other activities of Marietta Municipal Court. "Administrative documents" do not include those exempt under state, federal, or common law or the Rules for the Governance of the Bar, personal identifiers, security documents, court employment examination documents,

computer programs and codes, or information contained on or obtained from Ohio Courts Network and related data feeds.

All court records, case and administrative, except those which are exempt as listed above, may be made available to the public either through paper copy or remote access, so long as the remote access copy is identical to the original paper copy.

## **RESTRICTING PUBLIC ACCESS**

Public access to a case document or information in a case document may be restricted upon the motion of parties or nonparties in a legal proceeding or upon the Court's own motion. The Court will decide whether or not to restrict access based on clear or convincing evidence that the presumption of public access is outweighed by some other higher interest. The Court may consider any of the following in deciding the presence or absence of a higher interest: (1) whether public policy is served by restricting public access; (2) whether any state, federal, or common law exempts the document or information from public access; (3) whether factors that support restriction of public access exist, including risk of injury to persons, individual privacy rights and interests, proprietary business information, public safety, and fairness of the adjudicatory process.

When access is restricted, the court will utilize the least restrictive means possible in order to assure the maximum degree of transparency. Such measures may include, but are not limited to, redaction, restriction of remote access, time, generic titles in case management systems, or initials in place of parties' actual names.

Furthermore, a journal entry shall be prepared and made available to the public reflecting the Court's order that access to a record or case document has been restricted.

## **OBTAINING ACCESS TO A RESTRICTED DOCUMENT**

Any person may make a written motion requesting access to a document restricted by the court. The court will make its decision regarding the granting or denial of access based upon clear and convincing evidence, or the lack thereof, that the presumption of public access outweighs the higher interest that originally caused the record to be sealed or that said higher interest is no longer valid.