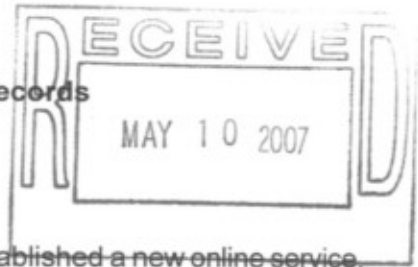


Miscellaneous Resolution # 07081

BY: Commissioner Tim Burns, District #19

RE: **Board of Commissioners – Safeguarding Public Court Records**

TO: Oakland County Board of Commissioners



Chairperson, Ladies and Gentlemen:

WHEREAS in 2006, the Oakland County Clerk/Register of Deeds established a new online service, called Court Explorer, that allows citizens, as well as, attorneys to access Oakland County Circuit Court records online; and

WHEREAS this provides a tremendous public service through the convenient and cost-effective access of information and provides a great benefit to the legal community; and

WHEREAS the public benefit, however, is mitigated when there is an infringement of personal privacy through the release of sensitive personal information, especially, financial and investment account numbers, within public court documents; and

WHEREAS users are allowed to view, for free, case information in civil, domestic and felony criminal cases, including the case summary, the parties named in the documents and the names of their attorneys; and

WHEREAS the user is not able to see the contents of the records via the internet, but, can place an order online with the County Clerk's office; and

WHEREAS federal law requires the Social Security Numbers (SSN) contained in public court documents filed after March 1, 2006 to be redacted (blacked out) in copies requested by the public; and

WHEREAS the County Clerk's office reviews requested documents and redacts all SSNs in compliance with the law before they are mailed or emailed to the purchaser; and

WHEREAS the Judicial Conference of the United States and the E-Government Act of 2002, established a policy that copies of case documents provided by the U.S. District Court Clerk's office may include Personal Data Identifiers (PDI's), such as Social Security numbers, financial account numbers, birthdates, or names of minor children, which have been redacted (blacked out) by court staff; and

WHEREAS in contrast, County Clerks in Michigan do not presently have any authority to alter a public record by redacting Personal Data Identifiers (PDI's) including financial and investment account numbers, unless mandated by federal or state law; and


WHEREAS County Clerks are also currently prohibited from redacting SSNs when true or certified copies of court records are requested; and

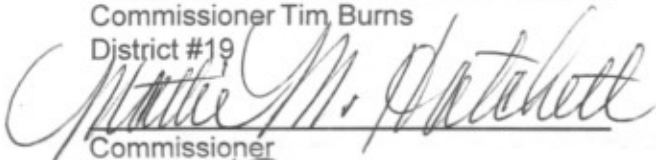
WHEREAS the Circuit Courts, District Courts and County Clerks in the State of Michigan should be empowered to protect personal privacy, while promoting electronic access to court documents, that may include Personal Data Identifiers (PDI's), such as Social Security Numbers, financial account numbers, birthdates, or names of minor children.


NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby urges the Michigan State Legislature and the Michigan Supreme Court Administrative Office to seek the enactment of legislation that permits County Clerk's to protect personal privacy by redacting Personal Data Identifiers (PDI's), such as financial account numbers, from requested copies of court documents.

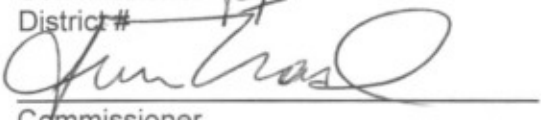
BE IT FURTHER RESOLVED that the Oakland County Clerk is requested to forward copies of this adopted resolution to the Michigan Legislature, Michigan Supreme Court Administrative Office, Oakland County Circuit Court Judges, Oakland County Court Administrator, the Michigan Association of Municipal Clerks, the Oakland County Bar Association, the Michigan Association of Counties, and Oakland County's lobbyists.


Chairperson, we move the adoption of the foregoing Resolution.



Commissioner Tim Burns
District #19



Commissioner
District # 10



Commissioner
District # 17



Commissioner
District #15

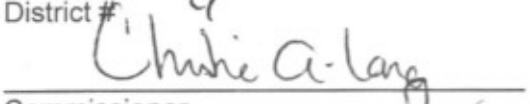

Commissioner
District # 22



Commissioner
District # 12



Commissioner
District #



Commissioner
District #



Commissioner
District # 4

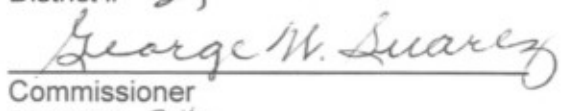

Commissioner
District # 7



Commissioner
District # 9

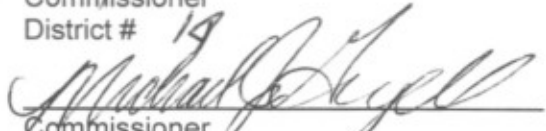

Commissioner
District # 21



Commissioner
District # 16

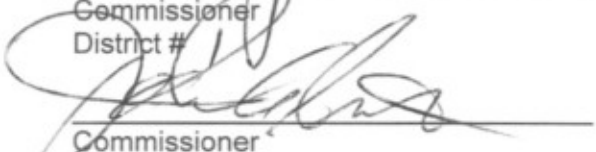

Commissioner
District # 25

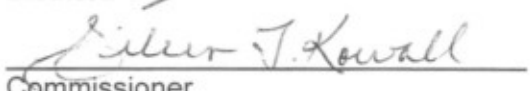

Commissioner
District # 24


Commissioner
District # 19


Commissioner
District # 3


Commissioner
District # 1


Commissioner
District # 5


Commissioner
District # 6


Commissioner
District # 11

Commissioner
District #

Resolution #07081

April 5, 2007

The Chairperson referred the resolution to the General Government Committee. There were no objections.

Resolution #07081

April 26, 2007

Moved by Middleton supported by Gershenson the resolutions (with fiscal notes attached) on the amended Consent Agenda, be adopted (with accompanying reports being accepted).

AYES: Burns, Coleman, Coulter, Crawford, Douglas, Gershenson, Gingell, Gosselin, Gregory, Greimel, Hatchett, Jacobsen, Kowall, Long, Middleton, Nash, Potter, Potts, Rogers, Scott, Spector, Suarez, Woodward, Zack, Bullard. (25)

NAYS: None. (0)

A sufficient majority having voted in favor, the resolutions (with fiscal notes attached) on the amended Consent Agenda, were adopted (with accompanying reports being accepted).



STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, Ruth Johnson, Clerk of the County of Oakland, do hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Oakland County Board of Commissioners on April 26, 2007, with the original record thereof now remaining in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the County of Oakland at Pontiac, Michigan this 26th day of April, 2007.

A handwritten signature in cursive script, reading "Ruth Johnson", is written over a horizontal line.

Ruth Johnson, County Clerk

DOES NOT REQUIRE COUNTY EXECUTIVE ACTION

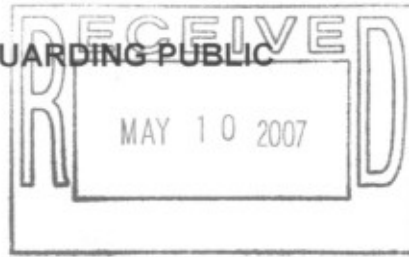
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-
4/28/07*

REPORT (MISC. #07081)

April 26, 2007

BY: General Government Committee, Christine Long, Chairperson

**IN RE: MR #07081 – BOARD OF COMMISSIONERS – SAFEGUARDING PUBLIC
COURT RECORDS**



To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

The General Government Committee, having reviewed Miscellaneous Resolution #07081 on April 16, 2007, reports with a recommendation that the resolution be adopted.

Chairperson, on behalf of the General Government Committee, I move acceptance of the foregoing report.

GENERAL GOVERNMENT COMMITTEE

Christie A Long

General Government Committee Vote:
Motion carried unanimously on a roll call vote.