



Michigan Supreme Court

State Court Administrative Office
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Thomas P. Boyd
State Court Administrator

MEMORANDUM

DATE: June 30, 2021

TO: All Judges
cc: Court Administrators
Probate Registers

FROM: Thomas P. Boyd

SUBJECT: Amendment of Court Rules Regarding Personal Identifying
Extended to January 1, 2022

More than two years ago, the Court approved revisions of court rules to protect Personal Identifying Information (PII) as part of a long-term project to both protect the public and provide additional access to court records. While both SCAO and local trial courts have been working diligently to make the changes necessary to implement the rule, the Court decided today in [ADM File No. 2017-28](#) and [ADM File No. 2020-26](#) that an additional six months (to January 1, 2022) are needed to complete reprogramming of court computer systems and to enable courts and users to implement necessary revisions in their practices to accommodate the new rules.

This has been a massive project, revising hundreds of SCAO-approved court forms to protect against inappropriate disclosure of PII in court records. Whenever possible, SCAO-approved forms that previously contained fields for protected PII were modified to remove those fields. New forms were created to allow PII to be filed on a SCAO-approved form that is nonpublic as needed. Additionally, when certain protected PII, such as date of birth, is necessary for the court, law enforcement agencies, or another party to accurately identify an individual, the forms were modified in such a way that allows limited access to the protected PII.

Further, many forms that are generated by the JIS court's case management system requiring modification have been updated; however much labor intensive and time consuming reprogramming remains. At the same time, local courts that do not use JIS systems also need additional time to implement the rule changes.

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Finally, as noted by the Michigan State Police who administer the system, “[ICHAT](#) is the only public resource for name-based Michigan criminal history background checks.” The accessibility and cost (currently \$10 per search) of this data is determined by the Michigan legislature. Some in the background screening industry choose to search court records to avoid this charge. This business process decision transfers the workload from the ICHAT system, created and funded by user fees for that purpose, to the courts. Moreover, the rule contemplated the need for access to court records and specifically allows for an individual to consent. The additional time will allow those who need to do so to conform their practices to the rules.

SCAO continues its work toward the best and safest way to make access to records more widely available, while protecting PII. In a system where many courts operate under unique case management and document management systems, this requires intentional collaboration and commitment. Thank you for working with us to reach this goal.