

Frequently Asked Questions (FAQs) Regarding the Extension of the PII Court Rules.

Why was the effective date extended?

The extension of the effective date allows the time necessary to complete reprogramming of JIS court case management system (CMS) generated forms and to enable courts and users to implement necessary revisions in their practices to accommodate the new rules.

Does this mean that the PII court rules will change again?

There are no plans to change the rules again.

Does this mean that there will be more forms changing due to PII?

Additional form changes are not anticipated. But JIS continues to make programming changes to court generated forms, and those forms will be rolled out as they are available to JIS courts.

Which version of the forms should we use until the new effective date?

The SCAO forms website will continue to include the revised forms that were previously released. While the version of a form used will not be required to comply with the PII rules at this time, the form must still comply with all other relevant statutes and/or court rules unrelated to PII that were already incorporated.

Is it okay to use the new forms (MC 97 forms) even though the rule is not in place yet?

A filer is not required to use MC 97, MC 97a, and MC 97b until January 1, 2022. Nonetheless, a filer could still choose to use MC 97, MC 97a, and MC 97b (some revised forms have instructions to use them). These three forms have been revised to clarify that they will not be considered nonpublic. When these forms are filed after January 1, 2022, when the PII rules take effect, they will be nonpublic. If the 10/20 version of these forms are filed before January 1, 2022, we recommend that the statement about the form being nonpublic be redacted.

MC 97m, MC 97o, and MC 97r may not be used until the new court rules take effect on January 1, 2022. These forms have been temporarily removed from the SCAO forms website.

Do courts still need to redact PII from court-issued documents when providing copies to the general public?

No, that requirement will apply only to documents filed on or after January 1, 2022.

What does this mean for local forms?

Courts may use local forms based on the previous SCAO versions, or courts could use local forms based on the recently revised SCAO forms.

What does this mean for courts that have already completed changes to their processes?

Courts that have already completed changes to their processes in conformity with the rules may follow those revised processes. However, note that until January 1, 2022, there is no requirement (or authority) to redact protected PII from court-issued documents, and the previous version of the form should still be accepted. Significantly, courts should also accept forms which have been modified or created in preparation for compliance with the previous July 1, 2021, PII court rules start date. If the 10/20 version of MC 97, MC 97a, and MC 97b are filed before January 1, 2022, we recommend that the statement about the form being nonpublic be redacted (or simply crossed off).