

RECORDS MANAGEMENT POLICY #4.0 - Rev. JULY 2004

FILMING SEALED RECORDS

POLICY STATEMENT:

Courts have the authority to unseal criminal, civil, family and surrogate's records for microfilming purposes. They must be filmed, however, according to the following guidelines.

A. CASE FILES

1. Sealed cases should be filmed separately from unsealed cases on separate rolls of film. The law requires that the entire record of these actions be sealed; blocking out the name(s), therefore, is not sufficient.
2. If the microfilming is to be done by an outside vendor, a judicial order unsealing the records for this purpose is required. Moreover, the agreement with the company should specify that all information contained in the sealed files is confidential and that the company will take all necessary steps to ensure that such information is not disclosed. Bonding for the company's employees is not necessary. Court orders are not required for county clerk/court filming.
3. Pursuant to §114 of the Domestic Relations Law, adoption records may be filmed only by order of the court that approved the adoption; an order is required regardless of whether the filming is to be done by an outside vendor or by a county clerk/court employee. The order must expressly provide that the confidentiality of the records shall be maintained.

4. **After filming, paper copies of records are eligible for destruction provided they have been filmed in accordance with the Micrographics Guidelines - Records Management Policy #3.0 and destruction has been approved pursuant to the Rules of the Chief Administrator (22 NYCRR 104.3).**

B. BOOKS (DOCKET BOOKS, INDEX BOOKS, MINUTE BOOKS)

1. **Sealed information must be covered or concealed when the books are microfilmed, if the film is to be used to comply with Section 255-b of the Judiciary Law requiring that these books be made available for public inspection.**

The original books may be destroyed (pursuant to the criteria in #A.4 above) only

- (a) **if two film copies are made, one with the sealed information concealed and the other with all the information, both sealed and unsealed, exposed AND only the copy with the concealed information is made available for public access; or**
- (b) **if one film copy is made, containing both sealed and unsealed information, the film is never made available for public access and the court insures that only unsealed records are made available when producing hard copy from the film.**