

STATE OF MINNESOTA
IN SUPREME COURT
ADM10-8050



**ORDER REGARDING MINN. STAT. § 624.7171
AND THE RULES OF PUBLIC ACCESS TO RECORDS
OF THE MINNESOTA JUDICIAL BRANCH**

Records of all courts in the State of Minnesota “are presumed to be open to any member of the public for inspection or copying.” Minn. R. Pub. Access to Recs. of Jud. Branch 2. Certain medical records, financial records, and some restricted identifiers, such as social security numbers, are not accessible to the public. Minn. R. Pub. Access to Recs. of Jud. Branch 4, subd. 1(f); Minn. Gen. R. Prac. 11.01–.02. Submission of documents that contain non-public information is governed by the General Rules of Practice for the District Courts. The documents must be submitted either with the appropriate cover sheet or e-filed with a specific non-public filing code. Minn. Gen. R. Prac. 11.03(a); 14.06(a).

The Minnesota Legislature has enacted amendments to statutes governing the submission of health records and other health information to the district court in extreme risk protection order proceedings. Act of May 19, 2023, ch. 52, art. 14, § 2, subd. 4(l) (“2023 Legislation”). This legislation designates all health records and information provided in a petition or during the proceeding as non-public, and then grants law enforcement agencies access to the health records and health information. *See id.* The provision is effective January 1, 2024.

Access to records of the judicial branch “is governed by rules adopted by the supreme court.” Minn. Stat. § 13.90, subd. 2 (2022). *See also State v. C.A.*, 304 N.W.2d 353, 358 (Minn. 1981) (explaining that controlling court records is an essential judicial function). The 2023 Legislation expands the classification of non-public documents or information in extreme risk protection order proceedings beyond what is defined and authorized in the Rules of Public Access to Records of the Judicial Branch (“Access Rules”). The Access Rules protect medical records, not medical information. *See Minn. R. Pub. Access to Recs. of Jud. Branch* 4, subd. 1(f). Furthermore, aside from civil commitment cases, the Access Rules require the medical records be submitted with the use of a cover sheet or e-filed with a specific filing code. If not submitted as required, the medical records are publicly accessible.

Finally, Supreme Court orders grant the State Court Administrator the authority to determine the documents shared electronically with government and law enforcement agencies based on a demonstrated legitimate business need. *See, e.g., Authorizing Disclosure of Certain Case Records to Government and Law Enforcement Agencies*, No. ADM10-8050, Order at 4 (Minn. filed June 25, 2015).

Based on all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that notwithstanding the 2023 Legislation, the public or non-public status of health record and health information submissions to the district court in extreme risk protection order proceedings shall continue to be governed by the Rules of Public Access to Records of the Judicial Branch. In addition, notwithstanding the

2023 Legislation, all submissions shall continue to comply with Rules 11 and 14 of the General Rules of Practice for the District Courts.

Dated: August 8, 2023

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lorie S. Gildea". The signature is written in a cursive, flowing style.

Lorie S. Gildea
Chief Justice