



OVERVIEW OF MINNESOTA COURT DATA

A reference guide for victim advocates

INTRODUCTION

This reference guide provides an overview of court rules and statutes related to court data relevant to crime victims, including the terminology used in the court context. Frequently asked questions are listed at the end.

This guide focuses on data held or generated by the courts, not data held by government entities like law enforcement agencies, data that comes from multi-disciplinary work with stakeholders, and data held by victim service providers.

GENERAL POLICY REGARDING ACCESS TO COURT RECORDS

All records of the courts and court administrators are presumed public and open to the public for inspection or copying. Court records are accessible to the public unless there is a court rule, statute, or court order that provides otherwise.¹

PUBLIC ACCESS

The [Rules of Public Access to the Records of the Minnesota Judicial Branch](#) govern access by the public to court records. The limitations on public access to case records are summarized in a [table](#) on the Minnesota Judicial Branch (MJB) website.

Minnesota Trial Court Public Access (MPA) is a service that allows the public to view court records using a computer. The different levels of access in MPA are described below.

Description	Discussion
MPA Courthouse <i>Public access at the courthouse</i>	A person going to the courthouse and using the terminal in the public area will be able to access MPA Courthouse, which includes all public court cases statewide and viewable links to public court documents. A victim's name (which is public data) may appear in this view in court notes and public documents. The scope of access to court records in MPA Courthouse is also referred to as the "MPA Courthouse View." This phrase is also what appears on the top of the MPA webpage when using MPA Courthouse.

¹ Minnesota Rules of Public Access 2. For further discussion on the background of these rules, see the Recommendations of the Minnesota Supreme Court Advisory Committee on the Rules of Public Access to Records of the Judicial Branch, [Final Report](#), December 29, 2014, Minnesota Supreme Court ADMN10-8050.

Description	Discussion
Minnesota Court Records Online (MCRO) <i>Remote public access</i>	A person accessing case records remotely (from a computer outside of the courthouse), can access public records, with some limitations, including: (1) A name search will not yield criminal cases that are “pending” (for which there is no conviction as defined in Minn. Stat. § 609.02, subd. 5), however, a person can look up a pending criminal case using the specific case number; (2) The public does not have remote access to data fields regarding victims of criminal or delinquent acts; and (3) The public cannot access order for protection (OFP) and harassment restraining order (HRO) cases. Minnesota Court Records Online (“MCRO”) provides online access to public court records including documents. Under Minnesota Rules of Public Access 8, subdivision 8(2)(g), remote access to documents in certain court case types is allowed “to the extent that the custodian has the resources and technical capacity to do so.” In general, Rule of Public Access 8, subd. 2, governs remote access to case records. Limitations on remote access can be found at the end of the reference on the MJB website summarizing public access to case records.

GOVERNMENT ACCESS

Government agencies have the ability to use online services that permit users to remotely view court cases and documents (with different levels of access) using a computer. Government subscribers must go through a process of requesting access, demonstrating that they are a qualified subscriber, signing an agreement, and getting approval from the State Court Administrator’s Office.

Description	Discussion
Minnesota Government Access (MGA) <i>Remote government access</i>	Government agencies have the ability to access court records and documents remotely. The extent of access depends on the specific agency. For example, some MGA users can only see public information and documents, while other designated government subscribers, like prosecutors and public defenders, have access to certain confidential documents relevant to their work. An overview MGA subscriber access to documents or case events can be found on the MJB website.

RELEVANT RULES AND STATUTES

Description	Discussion	Statute/Rule Number
General policy	All court records are presumed public, with some exceptions.	Rule of Public Access 2
Confidential	Court data determined by court rule or court order to not be available to the public, but is generally available to court staff and others designated by law, court rule, or court order.	General Rule of Practice 14.01(a)(1)
Sealed	A document or record that is not available to anyone outside of the court without a court order and most court staff.	General Rule of Practice 14.01(a)(9)
Filing document as confidential or under seal	A party may submit a document for filing as a "confidential document" or "sealed document" only if one of these circumstances exists: (a) The court has entered an order permitting the filing of the particular document or class of documents under seal or as confidential. (b) This rule or any applicable court rule, court order, or statute expressly authorizes or requires filing under seal or as confidential. (c) The party files a motion for leave to file under seal or as confidential not later than at the time of submission of the document, and that motion is granted. The court may require a filing party to specify the authority for asserting that a filing is a "confidential document" or "sealed document."	General Rule of Practice 11.04 , 14.06
OFP and HRO— records prior to service on respondent	Court records related to OFP and HRO petitions are not accessible by the public until after the respondent has been served. After service, court records related to OFP and HRO petitions are accessible to the public. If a petition for an OFP is denied or withdrawn, the petition is not accessible to the public or the respondent named in the petition, absent a court order.	Rule of Pub. Access 4, subd. 1(a) ; Minn. Stat. § 518B.01, subds. 5, 7 ; Minn. Stat. § 609.748, subd. 4 ; See also: Minn. Stat. § 13.80 (domestic abuse data under MGDPA)
OFP and HRO— remote access	There is no remote access by the general public to OFP and HRO cases.	Rule of Pub. Access 8, subd. 2(d) . 18 U.S.C.A § 2265(d)(3) (VAWA)
OFP and HRO— confidential address request	Petitioners in an OFP proceeding can request that their address be identified as "confidential" in court records and documents.	Rule of Pub. Access 4, subd. 1(a) ; Minn. Stat. § 518B.01, subd. 3(b)
Minor victims in certain sex offenses	The identity of a minor victim in a criminal case is not accessible to the public where an offender is charged with a criminal sexual conduct (CSC) 1 thru 5 crimes, sextortion, sex trafficking, criminal sexual predatory conduct, and use of a minor in sexual performance.	Rule of Pub. Access 4, subd. 1(m)(1) ; Minn. Stat. § 609.3471

Description	Discussion	Statute/Rule Number
Victim identifying information – remote access	The public does not have remote access to data fields regarding victims of a criminal or delinquent act.	Rule of Pub. Access 8(2)(b)(5)
Name change	Name change proceedings are presumptively public.	Minn. Stat. § 259.10
Safe at Home (SAH) participants	The SAH address is a legal address used for court proceedings and is public.	Minn. Stat. § 5B.11
Presentence investigations	Domestic abuse: Presentence investigations (PSI) for domestic abuse cases must include the impact on the victim. Domestic abuse PSIs are classified as private data under the Minnesota Government Data Practices Act and not public under court rules, and “victim impact statements” under this provision are confidential.	Minn. Stat. § 609.2244, subd. 2; Rule of Public Access 4 subd. 1(b)
	PSI for felonies (mandatory) and misdemeanor/gross misdemeanor (discretionary): A PSI report shall contain information specified in Minn. Stat. section 611A.037, subdivision 1. The written PSI shall not disclose confidential sources of information unless the court otherwise directs. The PSI report must not be disclosed to the public without a court order.	Minn. Stat. § 609.115, subd 1(3) and subd. 4 Minn. R. Crim. P 27.03, subd. 1(B)(5).
	Victim right: The PSI prepared under section 609.115 shall include a “victim impact statement” that provides information about harm done, a statement of the disposition the victim deems appropriate, and “an attachment to the report, consisting of the victim’s written objections, if any, to the proposed disposition.” The PSI report must not be disclosed to the public without a court order.	Minn. Stat. § 611A.037, subd. 1
Victim Impact Statement	Victim right: A victim has a right to give a victim impact statement at sentencing. Note: This right is different from the right to provide input or a statement at the PSI stage. The victim impact statement is public.	Minn. Stat. § 611A.038
HIV test request	A victim can make a confidential request through the prosecutor that the offender convicted of a CSC or other offenses in which the victim has been exposed to bodily fluids be ordered to undergo an HIV exam. The prosecutor’s motion is considered <i>in camera</i> and any information related to the request, the test order, and the test results may not appear in any court record.	Minn. Stat. § 611A.19
Restricting access	A court may restrict access to public case records in a particular case only if it makes findings that are required by law, court rule, or case law precedent. In criminal matters, the court can issue an order restricting access to public records if it finds (1) access will present a substantial likelihood of interfering with the fair and impartial administration of justice, and (2) all reasonable alternatives to the order are inadequate. A restrictive order must be no broader than necessary to protect against the potential interference with the fair and impartial administration of justice.	Rule of Public Access 4, subd. 2. Rule of Criminal Procedure 25.03

FREQUENTLY ASKED QUESTIONS

Does the Minnesota Government Data Practices Act (MGDPA) apply to the courts?

No, while the MGDPA (Minnesota Statutes Chapter 13) governs “government entities,” the judiciary is specifically exempted. (Minn. Stat. § [13.90](#)) The judicial branch has its own set of rules that govern public access to court records.

What does “confidential” mean?

A confidential document means a document that will not be accessible to the public, but will be accessible to court staff and, where applicable, to certain governmental entities as authorized by law, court rule, or court order.

For example, bail studies, Rule 20 reports, probation agreements, and probation violation reports are not accessible to the public, but may be viewed by the prosecutor, public defender, and probation/supervision staff.

In general, the term “confidential” as defined under the MGDPA has a different meaning than the definition of “confidential” under court rules. [General Rules of Practice 14.01\(a\)\(1\)](#)

Isn't all victim data confidential?

No. The only provision that places a protection on a victim’s identity applies to minor victims of criminal sexual conduct in criminal cases where the offender is charged with a CSC 1 thru 5 crime, sex trafficking, and criminal sexual predatory conduct.

The provision protecting the identity of minor CSC victims does not apply to civil cases—names and details related to minors contained within OFP and divorce filings are accessible to the public. This is true even if the OFP proceeding is taking place at the same time as the criminal proceeding.

Are domestic abuse no contact orders (DANCOS) public?

Yes. A DANCO is a public court order.

Are victim impact statements public?

Yes. A written victim impact statement (VIS) submitted to the court is public and viewable, even if the statement is submitted before the sentencing. There are no provisions protecting a victim impact statement intended to be used/presented at the sentencing hearing.

With the advent of e-filing, however, there has been a change in court processing. In MNCIS, the default classification of confidential is applied to e-filed documents identified as a VIS. The documents may be accessible to some government users in MGA. This is to ensure the confidentiality of a VIS that may be part of a PSI (section 611A.037). However, this filing default classification does not dictate access and a VIS submitted as part of sentencing (section 611A.038) may be reclassified as publicly accessible.

Are statements made by a victim during a presentence investigation (PSI) public?

In general, PSI reports are not accessible to the public but are accessible to the prosecutor and defense attorney. PSIs typically include input from the victim and statements made by the victim.

Practices vary across counties regarding obtaining victim input for PSIs and VISs for sentencing. Sometimes these terms are used interchangeably, or the processes have melded together. Therefore, it is important to be clear with victims about the accessibility of information provided through the PSI process and provided as part of a VIS for the sentencing hearing.

Are restitution documents public?

In MNCIS, the default classification of confidential is applied to e-filed and paper documents identified as a restitution affidavits. However, a copy of the restitution affidavit will be provided to the defendant.

The restitution order, which names the victim, is public.

Victims who wish to have a restitution order entered as a civil judgment must complete and file the *Affidavit of Identification of Judgment Debtor* with the court. In general, this is a public document, however, at the time of filing, the victim can request via a motion that it be filed as confidential.

Do victims' names have to be included in criminal complaints and civil petitions?

No. For minor victims of certain sex offense-related crimes, the criminal complaint must not include information that specifically identifies them. Use of pseudonyms (e.g., Victim 1 or Child 1) is permitted, as is the minor victim's initials or year of birth unless otherwise ordered by the judge. (Rule of Pub. Access 4, subd 1(m))

As a practice tip, it should be recognized that, given the location and circumstances of the crime, use of initials and year of birth may be enough to identify the victim. Consequently, using a pseudonym provides greater assurance that the minor victim will not be identified.

For adult victims, prosecutors often, without a specific rule, use initials or a pseudonym in charging documents. Similarly, in civil filings, initials or pseudonyms can be used.

Do victims' names have to be included in other court documents?

It will depend on the document in question; ultimately, this is a practice issue for parties and for the court.

Rule 8, subdivision 2(b), of the Rules of Public Access acknowledges the privacy concerns created by remote access. It recommends that court personnel preparing judgments, orders, appellate opinions and notices limit the disclosure of party address and telephone numbers, and information that either specifically identifies the individual or from which the identity of the individual can be ascertained, to what is necessary and relevant for the purposes of the document.

If a person requests a confidential address when they file for an OFP, will that address be confidential in other court cases in which they're involved?

No. The confidential address applies only to the OFP case in which the request is made. If a person had a court case prior to or at the same time as the OFP filing, the addresses associated with those cases will not be changed to confidential.

If a person with a confidential address in an OFP case is involved in a *new* criminal or civil case, what address is included on the new court record?

The person's address at the time the civil or criminal case is initiated will be attached to the new criminal or civil case and will be publicly accessible. The granting of the request for a confidential address to be used in an OFP case does not extend to future cases.

Does the court update addresses of parties involved in the court system?

Yes. A person with a prior civil or criminal case (including traffic cases) will have an existing "party record" in the court case management system (Minnesota Court Information System or "MNCIS"). If the person has a new address

since their last involvement with the court, the new address may be added to that individual's party record held by the court and may apply to all cases except where an address is "locked" to a specific case.

What is a "locked" address?

This term is sometimes used to refer to the internal process under the court data management system (MNCIS) where a party address remains associated to a specific case record even if the party has a subsequent case with a new address. There is no process for a party to request that an address be "locked." This is the operation that occurs with a confidential address in an OFP case, however, locked addresses can occur with other types of cases, and a locked address may not always be confidential.

What address does a Safe at Home (SAH) program participant use?

SAH participants must provide their SAH address (which is a P.O. Box and a lot number) for any criminal or civil cases they become involved in after they enroll in the program. The SAH address is the participant's legal address and is public.

When a case is filed, the court data system may automatically update the party record (if one exists because of prior involvement in a criminal or civil case) to include the SAH address, *however*, any court documents from other cases that might list the person's physical address will not be changed. That is, court documents in prior cases that contain a SAH participant's physical address may be accessible to the public (e.g., motions, court hearing notices, service of process, etc.).

Are appellate records public?

Yes, appellate documents like motions, briefs, and orders are presumptively public. Consequently, it is important for parties to be careful in drafting their appellate motions and briefs to not include victim identifying information, especially for minor CSC victims. Again, this is a practice issue for parties. Under, Rule of Civil Appellate procedure 112.03, parties are required to "take reasonable steps to prevent the disclosure of confidential information" in otherwise publicly accessible documents submitted on appeal.

Can a person seeking a name change request that it be confidential?

Victims can submit an affidavit when filing their petition to request that the name change case be confidential or sealed. The affidavit would state the reasons for the request. The court has the ability to order that the case be confidential or sealed.

Note: The name change statute has a provision for persons in a victim/witness protection program to have the name change petition not accessible to the public, however, no such programs exist in Minnesota, so this provision has limited usefulness. The Safe at Home program is not a witness protection program.

What does it mean to "seal" a document or record?

In general, a sealed document is not accessible to the public but will only be accessible to judicial officers and court staff with the highest security level clearance.

A sealed record can only be unsealed by court order. There are some provisions related to accessing sealed expungement records without a court order (e.g., for law enforcement, prosecution, and sentencing purposes), however, these requests still require judicial review and approval.

The order sealing a document or record is presumptively public. A request to seal a document may identify others allowed access to the document, and the order, if granted, should reflect who has access to the sealed order.

Does the court have inherent authority to deem a record confidential or sealed?

Yes, the court has this authority. In addition to specific statutory provisions regarding sealing a record (e.g., as part of the expungement proceeding) or court rules restricting access, the court has inherent authority to rule on a motion to have a document or record sealed or deemed confidential.

The court may restrict access to public case records in a particular case only if it makes the findings that are required by law, court rule, or case law precedent. [Rule of Public Access 4, subd. 2](#).

Is there a standard form to make a document “confidential”?

No. A newly-created form called the *Cover Sheet for Non-Public Documents* (Form 11.2), is used to identify non-public documents when filing them, however, it doesn’t, by itself, make the document “confidential.” Similarly, writing “confidential” on a document does not make it confidential.

Parties who wish to file a confidential document or under seal must follow the General Rules of Practice [11](#) and [14.06](#).

What can I do to keep a court document or record from being public?

First, determine if a statute, court rule, or court order governs the document or record in question. If not, prepare an explanation for why the court document or record should be confidential or sealed. In either case, the party must make a request to the court through a motion for leave to file under seal or as confidential.

A request to make a specific **document** confidential must be done before or at the same time the document is filed. A request cannot be made after the document is filed. A request to make the entire **case record** confidential can be done at any time.

The person filing the document has the responsibility to identify it as confidential or under seal and specify the court rule, statute, or a court order that form the basis of this designation. It should be designated as confidential or under seal. If there is no basis (either by court rule or by permission from the court) to make a document confidential, the filing is presumed to be publicly accessible.

If a person later wishes to limit public access to a document that has already been filed, they can file for a protective order from the court via motion. However, the public version would have already been added to the court record and been available on the public access applications. A judge must review the motion and make appropriate findings before granting a protective order.

Practice tip: When requesting that a document be filed under seal or deemed confidential, talk with court administration staff and follow-up after submission to ensure court staff see the motion and forward it to a judicial officer.

Parties who wish to file a confidential document or one under seal must follow the General Rules of Practice [11.04](#) and [14.06](#).

What is MNCIS and Odyssey?

MNCIS and Odyssey are the same thing. Odyssey is the vendor product name for the system used by the Minnesota Judicial Branch to manage and give access to Minnesota court data. MNCIS stands for Minnesota Court Information System and is the name that the Minnesota Judicial Branch has given to the product.