



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-097

For business meeting on: May 21, 2021

Title	Agenda Item Type
Judicial Branch Administration: Judicial Branch Data and Information Governance Policy Concepts	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
n/a	n/a
Recommended by	Date of Report
Information Technology Advisory Committee, Hon. Sheila F. Hanson, Chair Hon. Tara M. Desautels, Workstream Co-executive Sponsor Mr. David Yamasaki, Workstream Co-executive Sponsor	April 23, 2021
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Executive Summary

The Information Technology Advisory Committee recommends that the Judicial Council accept the attached report on Data and Information Governance Policy Concepts. This report is the final workproduct of the Data Analytics Workstream, which was charged with recommending a data analytics strategy for the branch that included developing branchwide data and information governance policy recommendations. Adopting these policy concepts will lay the foundation for future policy development and will help execute a new vision for data analytics in the judicial branch: *to analyze, use, and share data to inform decision-making in order to enhance and expand vital and accessible services for all the people of California.*

Recommendation

The Information Technology Advisory Committee recommends that the Judicial Council accept the attached report on Data and Information Governance Policy Concepts.

Relevant Previous Council Action

This work follows several major initiatives around the intersection of technology, data, and policymaking. The 2016 Budget Act provided funding for a Court Innovations Grant Program pilot project to improve data management for analytical purposes, work that later informed the technical track of the Data Analytics Workstream. Then, the 2017 *Report to the Chief Justice: Commission on the Future of California's Court System* encouraged expanded use of technology in order to improve efficiency and increase access to justice.¹ And, at its November 30, 2018 meeting², the Judicial Council approved the *Strategic Plan for Technology 2019-2022*, which outlines a goal to Promote the Digital Court³ including “increas[ing] court-to-court data sharing for data-driven decision making.”⁴

Analysis/Rationale

In 2018, the Information Technology Advisory Committee (ITAC) formed a Data Analytics Workstream with co-executive sponsors Hon. Tara Desautels and Mr. David Yamasaki and participants from across the judicial branch. Its mission was to recommend a data analytics strategy for the branch that included developing branchwide data and information governance policy recommendations.

The report on policy concepts (see Attachment A) contains recommendations for policy development in key areas of data and information governance: classification; access; use; sharing; maintenance; and disposal/retention. The report defines key concepts in each of these areas and, in some cases, provides examples to explain how the concept applies to the judicial branch. The proposed concepts are organized around the data and information lifecycle, a general organizing framework for data and information. They are intended to align with a draft vision and guiding principles for judicial branch data and information governance, which are included in the report as reference. Also included in the proposal are definitions for key roles and responsibilities for data and information management. The report also identifies a few areas of future policy development. These are areas that the workstream deemed were important but that should be addressed subsequent to the initial, key areas of policy development.

¹ <https://www.courts.ca.gov/documents/futures-commission-final-report.pdf>

² <https://jcc.legistar.com/View.ashx?M=F&ID=6786818&GUID=8F2A8400-854F-4724-A32B-9C46FDEBF002>

³ <https://www.courts.ca.gov/documents/jctc-Court-Technology-Strategic-Plan.pdf>

⁴ <https://www.courts.ca.gov/documents/jctc-Court-Technology-Strategic-Plan.pdf>

Policy implications

The report on policy concepts is intended to guide future policy development but does not contain policy recommendations. If approved, the council will decide how these policy concepts could be used to develop data and information governance policies.

Comments

Over the course of its work, the workstream solicited comments from many different entities both inside and outside the judicial branch. Regular progress reports were made at ITAC and the Judicial Council Technology Committee (JCTC); updates and presentations were given to trial and appellate court leaders and administrators, advisory committees, and the court information technology community. The workstream also solicited feedback from other state entities, the National Center for State Courts, and engaged with Gartner Consulting, as many others are similarly focused on data and information governance policy development.

In preparation for this agenda item the Judicial Council received an update and overview of the draft Judicial Branch Data and Information Principles and Policy Concepts at its November 13, 2020 meeting.

And, in December 2020, ITAC issued an Invitation to Comment (SP 20-09) to solicit public input on the policy concepts to encourage public dialogue and to incorporate any feedback while the concepts were still being finalized. One comment was received but it was not specific to the proposal (see attachment B).

The report was presented to ITAC during its public meeting on March 24, 2021. By unanimous vote, the report was accepted and moved to the Technology Committee for its review. Then, at its public meeting on April 12, 2021, the Technology Committee received the report and approved it unanimously for submission to the Judicial Council. The Technology Committee also discussed the need for ongoing work on this topic beyond the conclusion of the workstream's work and final report.

Alternatives considered

ITAC considered various aspects of a branch strategy for data analytics and solicited input from numerous judicial branch entities to guide their work. From those discussions, data and information governance emerged as the most important area for policy development. In turn, the proposed policy concepts were identified as the most essential and fundamental components of judicial branch data and information governance.

Fiscal and Operational Impacts

The report on policy concepts is intended to guide future policy development. Therefore, there is no fiscal nor operational impact at this stage.

Attachments and Links

1. Attachment A: Report on Data and Information Policy Concepts
2. Attachment B: Chart of comments on proposal SPR 20-09.

Data and Information Governance Policy Concepts

DATA ANALYTICS WORKSTREAM
REPORT

MARCH 2021



JUDICIAL COUNCIL
OF CALIFORNIA

INFORMATION TECHNOLOGY
ADVISORY COMMITTEE



Judicial Council of California
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Document Revisions

Version	Date	Name	Change Description	Sections
1.0	3/1/2021	ITAC	Report for ITAC review	All

Additional information

For more information, contact research@jud.ca.gov.

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Message from the Chairs

The Data Analytics Workstream has brought together judicial officers, court leaders, operations managers, and information technology specialists from across the state to collaborate and develop a data analytics strategy to support the judicial branch’s goal of improving access to justice for all Californians.

Data analytics is essential to achieving this goal. Informed, data-driven decision-making will improve operations throughout the branch, facilitate resource management, and assist in fact-based budget advocacy. At a time when technological advances have made data analytics easier, faster, and more cost-effective, every judicial jurisdiction, whether large or small, can benefit from accessible and effective data analytics practices.

Workstream discussions over the last two and a half years have highlighted the need to develop agreed-upon standards and principles to address data access, quality, use, sharing, and security that will increase data reliability and foster collaboration. Accordingly, the workstream has developed the set of proposed data governance policy concepts described in this report. Our hope is that these policy concepts provide the initial foundation for a judicial branch data governance model and, eventually, a judicial branch data analytics strategy. Establishing a solid foundation is essential to ensure future progress toward that goal.

Tara Desautels, Co-executive Sponsor and
Presiding Judge of the Superior Court of Alameda County

David Yamasaki, Co-executive Sponsor and
Court Executive Officer of the Superior Court of Orange County

Executive Summary

Data tells a story about our court community: about the people we serve, their needs, how they use court services, and how we can improve those services. It tells a story about how courts function, the problems we are working on today, and how we might be able to anticipate and address the problems of the future.

The Data Analytics Workstream of the Information Technology Advisory Committee was formed with the mission to scope and recommend a data analytics strategy for the branch. Through extensive discussion and consensus-building, the workstream proposes a framework for judicial branch data and information governance that includes a vision for branchwide data and information, guiding principles, roles and responsibilities, and proposed policy concepts.

Following several major initiatives at the intersection of technology, data, and policymaking, the workstream was tasked with scoping and recommending a data analytics strategy for the branch. Over the course of its work, the workstream engaged in projects and activities along two tracks, technology and governance. The technology track focused on technologies, tools, and templates to help the branch utilize data analytics, while the governance track—the main focus of this report—established the framework of judicial branch data and information governance, starting with a branchwide vision for data and information:

The judicial branch will analyze, use, and share data to inform decision-making in order to enhance and expand vital and accessible services for all the people of California.

This work represents an evolution in the way the judicial branch uses and thinks about data. In support of that new mindset, guiding principles will inform and lead the judicial branch's thinking around data and information. The judicial branch will:

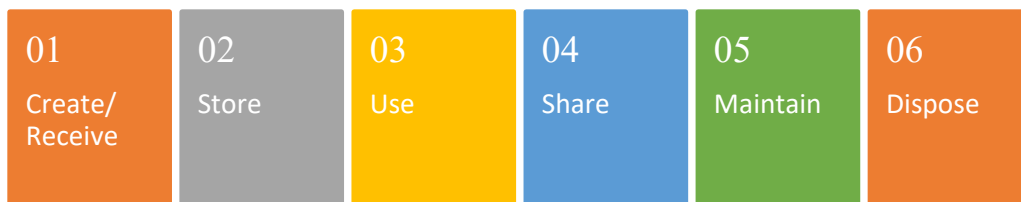
- Collect, use, and share data and information as appropriate to promote and support informed decision-making;
- Be clear about the use and purpose of data and information;
- Promote data transparency;
- When available, use the highest-quality, validated data and information;
- Assess data and information to ensure it is fit for the intended purpose or correctly represents the real-world construct that it describes;
- Follow published standards and governance principles when sharing data;
- Secure all data and information; and
- Manage data and information according to established retention requirements.

Proposed Data and Information Governance Policy Concepts

The judicial branch’s proposed data and information governance policy concepts represent an evolution in thinking about judicial branch data. They encapsulate numerous conversations within California’s judicial branch but also consider similar federal and state court efforts nationally. This progression reflects a change in the public’s data-related expectations and recognizes the judicial branch’s responsibility to steward its own data and information.

The policy concepts are organized around the framework of the data and information life cycle, with each policy concept addressing one or more of the stages of the life cycle.

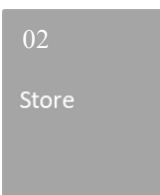
The Data and Information Life Cycle



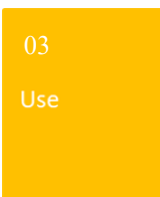
Policy Areas



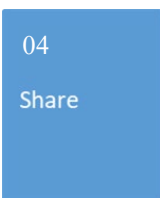
Create/Receive: Data and information will be collected, used, and shared to promote and support informed decision-making. Data and information classifications will be used to identify the source, use, and purpose of judicial branch data and information, helping to quickly and uniformly identify appropriate access and security levels, while upholding confidentiality and privacy rights.



Store: After data are stored, data and information access will be permissions-based to support and promote data transparency while also safeguarding nonpublic data and information.



Use: The use and purpose of judicial branch data and information should be clear, as well as the responsibilities inherent in using such data.



Sharing: Better data and information sharing can help promote and support informed decision-making. Published standards and principles will facilitate sharing. Some data and information may be exempt from public disclosure, such as data for judicial administrative purposes.

05

Maintain

Maintenance: High-quality, validated data and information is crucial for informed decision-making. Data is of high quality if it is fit for the intended purpose of use or if the data correctly represents the real-world construct that the data describes. Data and information quality should be measured, and standards for data quality should be established. Data should be secured and managed appropriately.

06

Dispose

Disposal/retention: Data should be archived or disposed of according to established retention schedules.

In addition, the workstream recognizes the need for future policy development in the following areas:

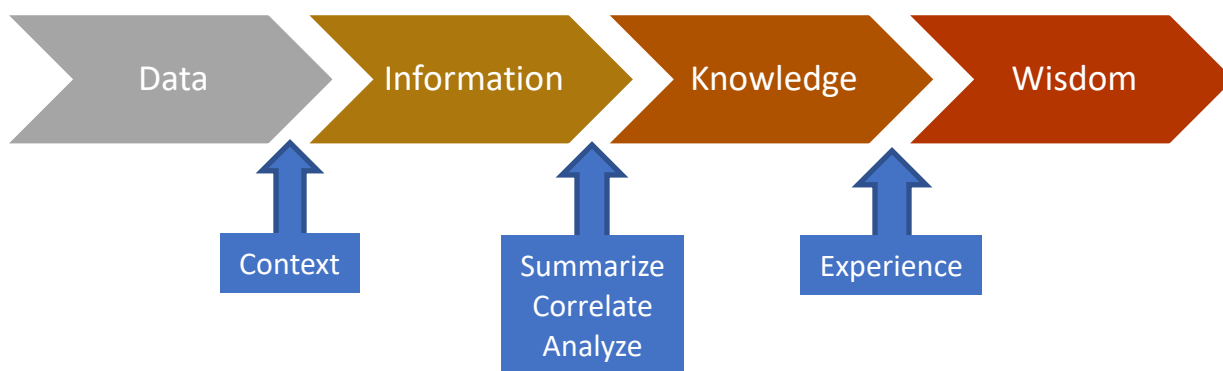
- Data and information management policies
- Data and information preservation
- *Trial Court Records Manual* and rules of court updates

The judicial branch data and information governance policy concepts are the foundation for the judicial branch data governance model. The policies will evolve over time and incorporate new concepts and changes as needed to accommodate and reflect any changes in the law or in branch priorities and requirements.

Introduction

Data analytics is the process by which information or data is collected and analyzed to draw informed conclusions and make business recommendations that are based on facts rather than anecdote or intuition. The path to wisdom starts with data, which becomes information when contextualized. Through analysis, information becomes knowledge, and finally, with the benefit of experience, knowledge ideally transforms to wisdom (figure 1).

Figure 1. From Data to Wisdom



The path to wisdom requires effective governance. Established data and information governance policies will enable judicial branch entities to quickly locate critical information in order to facilitate informed and consistent decision-making, while also ensuring that data is properly validated and protected. Any related information sharing must be properly authorized and legally compliant.

These policy concept proposals represent an evolution in thinking about judicial branch data. They encapsulate numerous conversations within California’s judicial branch but also consider similar federal and state court efforts nationally. This progression reflects a change in the public’s data-related expectations and recognizes the judicial branch’s responsibility to steward its own data and information.

Prior Branchwide Initiatives

This work stems from multiple branchwide initiatives to use technology to innovate and increase access to justice, as well as the almost universal recognition of the importance of analytics-based decision-making. Advancements in data analytics tools have made analyzing data easier and more accessible than ever before. When combined with court-related technological improvements (e.g., modern case management systems, electronic filing, electronic juror summons, human resources platforms), these tools have created an opportunity for the judicial branch to enhance business practices and operations by making data-driven decisions. Information technology modernization (e.g., inexpensive storage, increased computing power,

cloud technology) and, in particular, case management system modernization, provide the necessary foundation to support and enable a comprehensive data analytics strategy.

As part of the Budget Act of 2016, the Legislature appropriated \$25 million for the judicial branch for competitive grants known as the Court Innovations Grant Program. The funds were designated for trial and appellate courts to use for programs and practices that promote innovation, modernization, and efficiency. One of the awardees, the Superior Court of Orange County, received funding to expand the use of data analytics to facilitate court operations-related decision-making. This innovation grant and the Orange court’s resulting experiences later formed the basis for the Data Analytics Workstream’s technical research.

Additionally, recommendation 5.1 of the report of the Commission on the Future of California’s Court System encouraged the expanded use of technology in order to improve efficiency and increase access to justice.¹ Subsequently, at its meeting on November 30, 2018,² the Judicial Council approved the *Strategic Plan for Technology 2019–2022*, which outlines the goal to promote the digital court³ (figure 2). One of the main objectives of this goal is to “increase court-to-court data sharing for data-driven decision-making.”⁴

Figure 2. Promote the Digital Court (*Strategic Plan for Technology 2019–2022*)



¹ Commission on the Future of California’s Court System, *Report to the Chief Justice* (Apr. 2017), p. 213, <https://www.courts.ca.gov/documents/futures-commission-final-report.pdf>.

² Judicial Council of Cal., Technology Com. Rep., *Judicial Branch Administration: Strategic Plan for Technology 2019–2022* (Nov. 9, 2018), <https://jcc.legistar.com/View.ashx?M=F&ID=6786818&GUID=8F2A8400-854F-4724-A32B-9C46FDEBF002>.

³ Judicial Council of Cal., *Strategic Plan for Technology 2019–2022* (May 2019), pp. 8–11, <https://www.courts.ca.gov/documents/jctc-Court-Technology-Strategic-Plan.pdf>.

⁴ *Id.* at p. 9.

The *Tactical Plan for Technology 2019–2020* also outlined specific goals and objectives for this data-specific work:

- Create data collection, retention, sharing, reporting, and destruction standards that can be adopted by judicial branch entities.
- Create both local and branchwide data analytics governance models to facilitate the consistent and intentional use of data analytics, as well as public disclosure of analytics results, where appropriate.
- Consider potential local and statewide rule amendments or legislative proposals to clarify appropriate data analytics collection, governance, and publication.
- Investigate appropriate data analytics solutions for the branch and develop associated data analytics training and implementation resources.
- Consider a potential statewide request for proposal and master services agreement for data analytics products, software, and services, and make related proposals, if appropriate.
- Identify and prioritize areas of focus that might be appropriate subjects of a data analytics pilot program.⁵

The Budget Act of 2019 provided one-time funding to the judicial branch for business intelligence/data analytics projects in order to develop a common data warehouse platform. This funding model was designed to replicate the Superior Court of Orange County’s court innovations grant at a statewide level; it provided support for five additional courts to participate in the first phase of a data analytics pilot program.

Formation and Mission of the Data Analytics Workstream

In 2018, the Data Analytics Workstream was formed with the mission to scope and recommend a data analytics strategy for the branch. The workstream had the following key objectives:

- Identify, evaluate, and prioritize possible policies, processes, and technologies to help the branch utilize data analytics to improve business effectiveness.
- Develop appropriate governance recommendations at the local court and branch level.
- Assess and report priorities for data collection.
- Identify and evaluate possible data analytical tools and templates.
- Identify whether new or amended rules of court and/or statutes are needed and advise the Rules and Policy Subcommittee of the Information Technology Advisory Committee for follow-up.

⁵ Judicial Council of Cal., *Tactical Plan for Technology 2019–2020* (Dec. 2019), p. 22, <https://www.courts.ca.gov/documents/jctc-Court-Technology-Tactical-Plan.pdf>.

- At the completion of these objectives, seek approval of the Information Technology Advisory Committee, the Technology Committee and, if appropriate, the Judicial Council, and formally sunset the workstream.

Judge Tara Desautels of the Superior Court of Alameda County and Court Executive Officer David Yamasaki of the Superior Court of Orange County were selected as the co-executive sponsors; the group's membership was approved in August 2018.

Methodology

Initially, the workstream engaged in three foundational activities: it conducted a branchwide survey gauging interest in data analytics, performed an overview of available data analytics technologies, and engaged consultants to create a framework to develop data governance policies.

Branchwide survey

The survey's objective was to understand the prevalence of data analytics in the trial courts and courts of appeal, as well as the tools and resources needed to implement a more robust data analytics program. With significant statewide participation, the following survey findings guided the workstream's subsequent efforts:

- To the extent courts attempt to use data for decision-making, most continue to rely on Microsoft Excel spreadsheets, pre-programmed case management system reports, and manual analysis.
- The majority of respondents assessed their respective courts' current data analytics ability level as beginning to intermediate, at best.
- All respondents identified "advocacy for resources/funding," followed by "evaluation of resources/impacts of policy changes," as the highest priority areas to address with data analytics. Other identified priorities fell into operational categories such as calendar management, staffing allocation, and compliance reporting.
- Respondents reported that lack of expertise and bad data were the biggest barriers to implementing a consistent data analytics strategy.
- Correspondingly, survey respondents identified personnel training and systems/infrastructure seed funding as the top areas of need.

The responses were fairly consistent across court size and geographic location and confirmed that while the judicial branch, overall, was in the earliest stages of data analytics development, courts expressed high interest in and appreciation for better data and information management.

Technology track

Early on, the workstream divided its work into two tracks, technology and governance. The technology track objectives were to identify, evaluate, and prioritize possible technologies, tools,

and templates to help the branch utilize data analytics to improve business effectiveness in the areas of data preparation, data aggregation, and data visualization.

Workstream members brainstormed initial criteria for technology solutions, noting that they should be cost-effective, easy to learn/deploy/share/use/integrate, potentially cloud-based, and flexible. Members stressed that courts would need adequate training and support to render any selected tool or technology fully effective.

While technology track members engaged in a number of vendor visits to explore potential technology solutions, the Superior Court of Orange County's innovations grant for data analytics reached a major milestone in its program: it unified data from several different case management systems into a single, cloud-based warehouse that could be used for analytical purposes. This scalable model could meet branchwide data and analytic needs and satisfy the criteria suggested by the technology track members.

Five courts are participating in pilot projects based on the model used at the Superior Court of Orange County and funded with a fiscal year 2019–20 budget change proposal for business intelligence/data analytics. These pilots are designed to help courts use data more effectively to understand business practices. While initially using case management system data, the pilot projects are also exploring data uses in other areas, such as jury summoning and self-help. Funding received in the Budget Act of 2020 for technology modernization will support additional data analytics pilots to increase the types of trial court case-level data that can be analyzed. This work will ideally improve data reporting and help fulfill branch goals and technology initiatives to improve data quality and make timely data reporting easier.

Governance track

The governance track of the workstream focused on establishing a vision, principles, roles and responsibilities, and the proposed governance policy concepts described in this document. Workstream members discussed various use cases for court information to ensure that any proposed policy concepts would be both practical and adhere to the law. Consultants from Gartner, Inc., a global research and advisory company, provided additional expertise concerning key data governance concepts and helped guide some workstream meetings.

Terminology

The following terms are used throughout this document:

Data	Facts and statistics assembled for reference or analysis.
Information	Data that has been validated, organized, and contextualized. It is the basis for analysis and decision-making. The governance policy concepts apply to both data and information.
Judicial branch entity (JBE)	The California Supreme Court, each Court of Appeal, each superior court, or the Judicial Council—collectively referred to in these policies as the judicial branch.
Data steward	A JBE role that determines data access and sets requirements for data quality, accuracy, and completeness. The data steward also validates data, establishes procedures and guidelines for data integrity, and addresses data-sharing requests. A JBE can identify one or more data stewards from within the JBE as needed based on local resources and requirements.
Data administrator	A JBE role responsible for maintaining and storing the data. It is a business role, associated with each data source, that ensures the confidentiality, integrity, and availability of data. It also implements related policies, standards, procedures, and guidelines. A JBE can identify one or more data administrators from within the JBE as needed based on local requirements.

Vision

The judicial branch will analyze, use, and share data to inform decision-making in order to enhance and expand vital and accessible services for all the people of California.

Data tells a story about our court community: about the people we serve, their needs, how they use court services, and how we can improve those services. It tells a story about how courts function, the problems we are working on today, and how we might be able to anticipate and address the problems of the future.

Data does not replace human judgment. It informs us, so that we can use facts and information to make better decisions.

Data will help the branch to focus our scarce resources on the areas of greatest need or greatest potential impact. But this data will also need to be protected and preserved to ensure the confidentiality of personal information maintained within the courts.

Principles

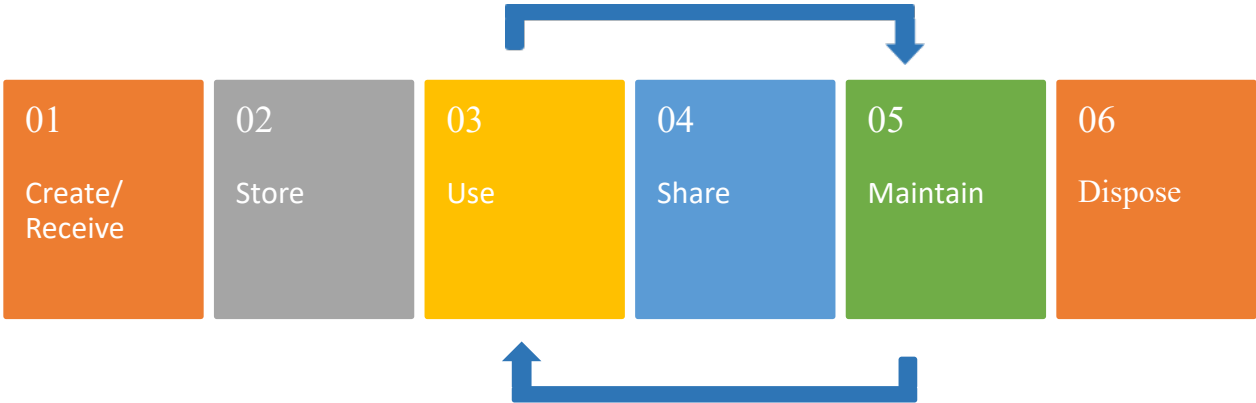
This work represents an evolution in the way the judicial branch uses and thinks about data. In support of that new mindset, the judicial branch will:

- Collect, use, and share data and information as appropriate to promote and support informed decision-making;
- Be clear about the use and purpose of data and information;
- Promote data transparency;
- When available, use the highest-quality, validated data and information.
- Assess data and information to ensure it is fit for the intended purpose or correctly represents the real-world construct that it describes.
- Follow published standards and governance principles when sharing data;
- Secure all data and information; and
- Manage data and information according to established retention requirements.

The Data and Information Life Cycle

Data and information are managed through a series of stages called the data and information life cycle (figure 3).

Figure 3. The Data and Information Life Cycle



- 01 Create/Receive** Data is first created or received.
- 02 Store** It is then stored locally or on the internet.
- 03 Use** The data is then used in calculations or analysis, or combined with other data.
- 04 Share** It may then be provided to others internal or external to an organization.
- 05 Maintain** Data may be updated when new information is received or corrections are needed.
- 06 Dispose** When data reaches the end of its usefulness or retention period, it may be destroyed. If data must be preserved permanently, it is archived.

Data and information may cycle through steps 03 through 05 several times while they are used, shared, and refined before they are disposed of or archived.

Proposed Data and Information Governance Policy Concepts

The judicial branch’s proposed data and information governance policy concepts are organized around the framework of the data and information life cycle. Each individual policy concept addresses one or more of the stages of the life cycle.

Classification



Data and information will be collected, used, and shared to promote and support informed decision-making. Classifications will be used to identify the source, use, and purpose of judicial branch data and information, helping to quickly and uniformly identify appropriate access and security levels.

Judicial branch data and information classifications. Data and information should be classified as “public,” “nonpublic,” or “restricted” based on the nature of the data or information.

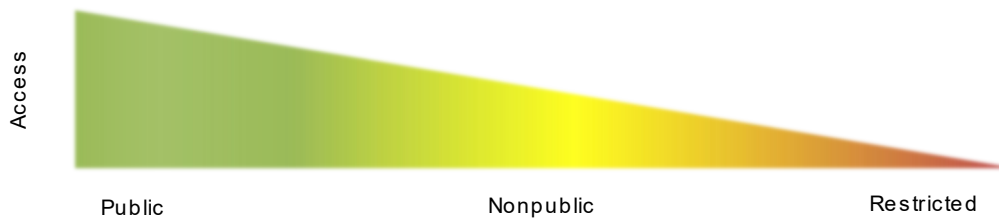
- **Public.** Most documents filed in court cases and most judicial administrative records, including data drawn from public case records, are subject to public access and are therefore classified as “public.”⁶
- **Nonpublic.** Some case records are confidential by law or sealed by judicial order and, therefore, are classified as nonpublic (or not subject to public access).⁷ Information drawn from such case records would also be nonpublic—for example, parties’ personal identifying information. Similarly, some judicial administrative records may be exempt from public access and classified as nonpublic, although shareable between judicial branch entities for purposes of judicial branch administration.⁸
- **Restricted.** Some branch records require a higher level of restriction—for example, to protect privacy or security interests—dictating access limits within the judicial branch entity itself.

⁶ See, e.g., Cal. Rules of Court, rule 10.500(a) & (e)(1); *Estate of Hearst* (1977) 67 Cal.App.3d 777, 782–783.

⁷ See, e.g., Welf. & Inst. Code, § 827 (juvenile court records).

⁸ See Cal. Rules of Court, rule 10.500(f) & (h)(2)(C).

Figure 4. Classifications of Judicial Branch Data and Information



Confidentiality. Categories of court case records that are confidential by law or may be subject to judicial sealing orders are identified in statute, the California Rules of Court, and the *Trial Court Records Manual*.

Individual privacy rights. In using and sharing data and information, JBEs will strive to protect the individual privacy rights of court users. When possible, only aggregate de-identified data and information (i.e., containing no information that would identify an individual litigant, witness, or other interested party) will be shared or disclosed to non-JBEs, unless greater detail is required by law. Private personal information about people who work at the court will also be protected.

Example: The number of visitors to a JBE’s self-help center or website and the general purpose of the visit would be classified as public information, while visitor names and other identifying data would be nonpublic and nondisclosable.

Access



Data access policies support and promote data transparency while also safeguarding nonpublic data and information.

Permissions-based access. Individuals are granted access to data and information at the level appropriate for the authorized function. Unauthorized access is prevented.

Example 1: An attorney could view electronic copies of official records filed in cases in which they are the attorney of record but would not have unrestricted access to all electronic case records filed with a court.⁹

Example 2: A court clerk may view public and nonpublic (or confidential) case records using the court’s case management system but may not view the personnel records of other court employees.

⁹ *Id.*, rules 2.518, 2.519.

Use



The use and purpose of judicial branch data should be clear, as well as the responsibilities inherent in using such data.

Possessing data (or a copy of data) confers responsibility and authority to make disclosure determinations upon a request from the public. Viewing data does not. A judicial branch entity has authority and responsibility to make disclosure decisions about data and information in its possession upon request from a member of the public—both data it has collected and copies of data provided by others. A person or entity viewing data or information does not have the same responsibilities as one who receives a physical or electronic copy of data or information. The fact that JBEs share nonpublic data with each other does not convert the nonpublic data to public data.¹⁰

Example 1: Several JBEs attend a webinar given by JBE 1. In that webinar, JBE 1 presents data for which JBE 1 is the data steward. If a request for a copy of that data is received by any JBE that attended the webinar, that JBE does not have the responsibility to disclose the data because they only viewed it and did not receive a copy. They must advise the requester that they have no responsive records.

Example 2: JBE 1 sends JBE 2 a copy of a spreadsheet that is a judicial administrative record subject to public disclosure under rule 10.500 of the California Rules of Court. JBE 2 has the responsibility to grant public access to the spreadsheet upon request and may not merely refer the requester to JBE 1.

Example 3: JBE 1 shares a copy of its security plan with JBE 2 to assist JBE 2 in updating its own plan. By sharing the plan with JBE 2 for purposes of judicial branch administration, JBE 1 does not lose the right to treat its plan as nonpublic.¹¹

¹⁰ *Id.*, rule 10.500(f)(6) & (h)(2)(C).

¹¹ *Ibid.*

Sharing



Better data sharing can help promote and support informed decision-making. Published standards and principles will facilitate sharing.

Data and information exempt from public disclosure. Preliminary, incomplete, unvalidated, untested data and information or draft analysis and reports that are collected or prepared solely to inform internal decision-making on a specific point and that would not ordinarily be retained may be exempt from public disclosure in some circumstances if the balance of the public interest clearly favors nondisclosure.

Example: A court administrator informally collects preliminary data to quickly evaluate the impact of potential changes to the court’s allocated state funding. The court administrator does not test the data or rely on it to make any decision. The data is exempt from public disclosure because it is preliminary and predecisional, and disclosure could lead to public misunderstanding regarding the court’s actual budget and available resources.

Data for purposes of judicial branch administration. JBEs may share otherwise exempt or nonpublic data and information with each other to advance branch goals while still treating the data and information as exempt from public disclosure.¹²

Example: The court administrator in the previous example may decide to share the preliminary analyses with another court administrator in the spirit of collaboration. By sharing the exempt data within the judicial branch, the court administrator does not lose the right to treat the data as exempt from public disclosure.

Data and information sharing. Standards and principles for data sharing differ based on the relationship between the sharing entities.

- **Sharing judicial branch data with non-judicial branch entities.** A data-sharing agreement may be appropriate.

Example: A JBE may wish to share data with another agency or organization. If the JBE determines that the data is public data, then no data-sharing agreement is needed. If the JBE determines that there should be some restrictions on how the

¹² See Cal. Rules of Court, rule 10.500(h)(2)(C) (waiver), (f) (exemptions).

non-JBE uses the data (e.g., data can be republished if the source of the data is clearly labeled), then a data-sharing agreement may be appropriate.

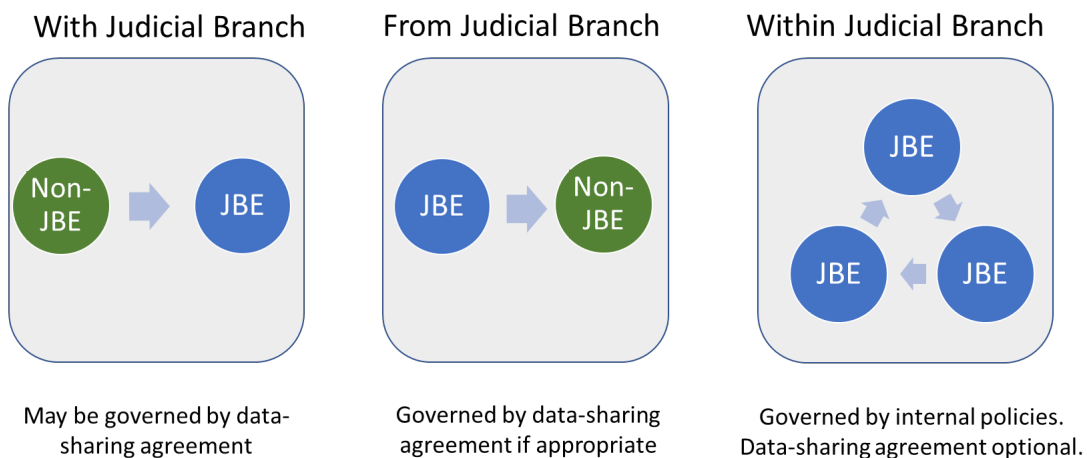
- **Sharing non-judicial branch data with JBEs.** Such sharing may be governed by a non-JBE data-sharing agreement. If one JBE receives data or information from an external source under an agreement limiting use of the data, that JBE may only share the data or information with another JBE under conditions stated in the agreement, and the use restrictions must be observed by the second JBE.

Example: A JBE receives preliminary nonproprietary information from an external organization and signs a data-sharing agreement allowing it to share the information with other JBEs provided the original JBE notifies the vendor. All JBEs then must comply with the agreed-upon data-sharing limits and the notification requirement.

- **JBE sharing within the branch.** Data sharing among JBEs should adhere to published judicial branch policies and local policies. Typically, a data-sharing agreement is optional between JBEs. However, if certain handling of the data is required, a data-sharing agreement may be helpful.

Example: Test data is used between multiple JBEs during a project with the understanding that the data should be deleted once the project is completed. Instructions should be provided to clarify the understanding between the participating JBEs to avoid uncertainty or misunderstandings—for example, if there are staffing changes within one of the JBEs.

Figure 5. Differing Data-Sharing Policies Based on the Sharing Relationship



Obligation to disclose data or information; consultation with data steward. Existing law states that each JBE has an independent obligation to publicly disclose nonexempt data or information in its possession upon request.

If a JBE receives a public request for data or information that it obtained from another JBE and has not previously published or publicly disclosed the data (e.g., in a report to the Legislature), the JBE that received the data or information request will:

- Notify the JBE that originally provided the data of the request;
- Consider the provider's position about disclosure; and
- Consider any corrections or updates to the data that the provider may wish to submit to accompany any disclosure of the original data.

Maintenance



High-quality, validated data and information is crucial for informed decision-making. Data is of high quality if it is fit for the intended purpose of use or if the data correctly represents the real-world construct that the data describes. Data should be secured and managed appropriately. Responsibility for maintenance of the data resides with the data administrator.

Data integrity

- **Data and information quality must be measured.** Data and information quality has many dimensions, including, for example, accuracy, reliability, and timeliness. Not all aspects of data quality will be equally relevant to all types of data. Assessing the different aspects of data quality applies to all phases of the data life cycle and gives greater confidence in the information being used for decision-making.
- **Standards and measurement of data quality.** Establishing data quality standards, putting mechanisms in place to measure the data against those standards, and continually monitoring performance measures and determining course corrections as needed are all part of improving data quality.
- **Best practices.** Sharing best practices and techniques will facilitate data improvement.

Data availability

- **Data protection.** Data and information assets (whether in electronic or physical form) should be protected by appropriate electronic safeguards.
- **Appropriate protection.** The level of security and safeguarding of data and information should be commensurate with the level of sensitivity of the content.
- **Backups and disaster recovery.** Appropriate backups and disaster recovery measures should be administered and deployed for all data and information.

Disposal/Retention



Data should be archived or disposed of according to established retention schedules.

Future Policy Development

The workstream recognizes the need for future policy development in the following areas:

- Data and information management policies
- Data and information preservation
- *Trial Court Records Manual*, *Privacy Resource Guide*, and California Rules of Court updates

Conclusion

The judicial branch data and information governance policy concepts are the foundation for the judicial branch data governance model. The policies will evolve over time and incorporate new concepts and changes as needed to accommodate and reflect any changes in the law or in branch priorities and requirements.

Appendix: Workstream Membership

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SP20-09**Judicial Branch Data and Information Governance Policy Concepts**

Simple comment chart template—your first choice in comment charts

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	<i>Margie Lara</i>	N/A	<i>Comments not specifically related to proposal.</i>	No response required.