

IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order

2021-RL-006

Rules Relating to Kansas eCourt

FILED

January 26, 2021

DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

The attached new Supreme Court Rule 25 is adopted, effective the date of this order.

Dated this 26th day of January 2021.

FOR THE COURT

A handwritten signature in blue ink that reads "Marla Luckert". The signature is written in a cursive style.

MARLA LUCKERT
Chief Justice

Rule 25

EXPANDED ACCESS

- (a) **Purpose.** This rule creates a stakeholder access program that allows the judicial administrator to grant governmental agencies and other entities access to information in the Kansas eCourt case management system that is not available to the general public.
- (b) **Definitions.**
 - (1) **"Expanded Access"** means access to specifically identified information in the eCourt case management system that is not available to the general public and might include access to personally identifiable information.
 - (2) **"Stakeholder"** means a governmental agency, a contractor for a governmental agency, or another entity that is not part of the Kansas Judicial Branch and that is granted expanded access through the stakeholder access program.
 - (3) **"User"** means a person performing work on behalf of a stakeholder, including an employee, a subcontractor, and an agent.
- (c) **Methods for Access.** The judicial administrator may provide for expanded access through various methods, including the following:
 - (1) an expanded access portal using a unique username and password;
 - (2) integration; and
 - (3) periodic reports.
- (d) **Standard Operating Procedures.** The judicial administrator is authorized to adopt standard operating procedures for expanded access. In developing these procedures, the judicial administrator will consult with stakeholders when appropriate.
- (e) **Powers and Duties.** In administering the stakeholder access program, the judicial administrator's powers and duties will include the following:
 - (1) determining the case groups, case types, documents, and information that a stakeholder may access;
 - (2) approving or denying a prospective stakeholder's request for expanded access;

- (3) working with a stakeholder to create methods to access information;
 - (4) approving or denying a user's request for a unique username and password that will allow expanded access;
 - (5) developing procedures to allow expanded access;
 - (6) developing procedures to safeguard information from unauthorized access, use, and disclosure;
 - (7) providing technical support for expanded access;
 - (8) monitoring adherence to rules, policies, and procedures regarding access, use, and disclosure of information by a stakeholder and its users, including the use of audits and reports; and
 - (9) periodic reporting to the Kansas eCourt project liaison justices and the Chief Justice regarding expanded access efforts.
- (f) **Stakeholder Agreement.** An approved stakeholder must enter into an Expanded Access Agreement that sets forth the following:
- (1) the procedures for accessing information;
 - (2) the procedures for safeguarding information from unauthorized access, use, and disclosure; and
 - (3) any other procedures or information the judicial administrator deems necessary.
- (g) **User Agreements.**
- (1) **Information Subscription Agreement.** To obtain expanded access through the expanded access portal, a user must enter into an Information Subscription Agreement.
 - (2) **Confidentiality Agreement.** To obtain expanded access by a method other than through the expanded access portal, a user must complete a Confidentiality Agreement.
 - (3) **Agreement Provisions.** An agreement under subsection (g)(1) or (g)(2) must set forth the following:
 - (A) the procedures regarding the allowable use of information;

- (B) the procedures for safeguarding information from unauthorized access, use, and disclosure; and
 - (C) any other procedures or information the judicial administrator deems necessary.
- (h) **Penalty for Breach.** If a stakeholder or user breaches this rule, an expanded access policy or procedure, or an agreement described in subsection (f) or (g), the following provisions will apply.
 - (1) The judicial administrator may suspend expanded access for the stakeholder or user. The decision to suspend expanded access is within the sole discretion of the judicial administrator.
 - (2) If the judicial administrator determines the breach warrants revocation of expanded access, the judicial administrator will refer the stakeholder or user to the attention of the Chief Justice.
 - (3) The Chief Justice may revoke expanded access for the stakeholder or user or impose any other lesser restriction.
- (i) **Lift of Suspension; Reinstatement.**
 - (1) The judicial administrator may lift any suspension that has been imposed under subsection (h). The decision to lift a suspension is within the sole discretion of the judicial administrator.
 - (2) Subject to any terms and conditions necessary to prevent unauthorized access, use, and disclosure of information, the Chief Justice may reinstate expanded access that has been revoked under subsection (h).