

Chief District Judge
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53rd DISTRICT COURT POLICY REGARDING OPERATION OF COURT COMPUTER NETWORK, INTERNET, AND ELECTRONIC MAIL.

PURPOSE:

The purpose of this policy is to provide a framework for the operation of the computer network, internet, and electronic mail (email) of the 53rd District Court (Court) and to establish the working relationship between the Court and Livingston County (County) regarding technology services and equipment and ownership of information produced through technology.

The Court has an interest in defining its role as sole owner of all data and communications generated by the Court and confirming that the Court has control over its data and communications. The Court will maintain its data and communications in a confidential manner.

The Court acknowledges that its data and communications are created and transmitted using equipment and technology services provided by the County. The Court also acknowledges that the County adopted an Information Technology Resources Policy (IT Policy) in July 2007¹ which intends to address the daily operations of technology services for all County departments.

Constitutionally, Courts are a separate, independent branch of government. One key example of their independence is that Courts are exempt from compliance with requests for information pursuant to the Michigan Freedom of Information Act (FOIA).

The Michigan Supreme Court issued an Administrative Order² requiring that Chief Judges, to the extent possible, adopt personnel policies consistent with the written employment policies of their funding unit. The Court intends to comply with the County IT policy to the extent possible without compromising its control and ownership of Court generated data and communications.

¹ Livingston County Board of Commissioners Resolution 2007-08-200.

² Supreme Court Administrative Order 1998-5.

POLICY:

1. OWNERSHIP AND CONTROL OF DATA AND COMMUNICATIONS

- All data and communications generated by the Court, including judges, employees, contractors or volunteers are the property of the Court. The County has no ownership rights to Court data and communication.
- All data, information, or records generated by any communications system used by the Court, including judges, employees, contractors or volunteers are the property of the Court and may not be released or communicated to any individual or public or private entity without the prior written approval of the judge responsible for the creation of the data, information, or records. If the data, information or records were created by someone other than a judge or her staff, the chief judge's written approval must be obtained prior to release.
- Each judge is responsible for and retains the right to monitor and review all court data and communications generated by herself and her personal staff.
- The chief judge is responsible for and retains the right to monitor and review all court data and communications generated by the employees, contractors and volunteers of the Court, with the exception of the Court data and communications generated by the judges of the Court and their personal staff.
- The Court, including judges, employees, contractors and volunteers, are required to comply with the County IT Policy regarding proper use of County information technology systems. The County has the right to scan email communications for viruses, spyware and other potentially damaging interferences with computer system operations. The scanning shall be conducted in a confidential manner. Aside from normal system back-ups, the County shall not make copies of any data or communications without informing the judge responsible for the creation of the data and communications as to the reason for making copies.
- Each judge has the exclusive authority to take appropriate disciplinary action for an employee, contractor or volunteer of her office for violations of this Policy or the County's IT Policy.
- The District Court Law Clerk(s) is subject to disciplinary actions for violations of the County IT Policy or this Policy by the judge responsible for the creation of the Court data or communications at issue.
- The judge responsible for the creation of the data or communications at issue, or their designee, will collaborate with the County to minimize threats or damage to the IT system as a result of Court use. In case of an immediate threat or emergency to the County IT system, the County reserves the right to take immediate, appropriate action to resolve the threat or emergency. As soon as practical, the County will inform the

judges of the problem and the judges and County will collaborate on developing a long term solution to the threat or emergency.

II. TECHNICAL AND OPERATIONAL STANDARDS

- The files, email, data, records, and information of the Court created by or for judges, employees, contractors, or volunteers will be kept in distinct files in the IT system in accordance with policies established by the County.
- The Court will comply with the operational standards for system utilization adopted by the County through its IT Policy. Exception will be made only when it is mutually agreed by the Court and the County that the standards are in conflict with the efficient operation of the Courts.
- The County will retain responsibility for routine administration of Court email and files that support Court users, back up files, and assists with recovery of lost files or data recovery.

III. OWNERSHIP OF EQUIPMENT AND SOFTWARE

- All computer equipment shall be the exclusive property of the County.
- All software and programming shall be the exclusive property of the County.

IV. ADDRESSING REQUESTS FOR COURT INFORMATION

- If the County receives any request or demand for Court data, information or records the County shall immediately refer the request or demand to the judge responsible for the Court data, information or records. If the request applies to a judge or judge's staff, the judge will be entitled to make the decision as to the appropriate response. If the data, information or records were generated by someone other than a judge or her staff, the chief judge will be entitled to make the decision as to the appropriate response. Demands include subpoenas, court orders or Freedom of Information requests. The chief judge, judges and County will collaborate in responding to a subpoena or court order to the extent possible.

V. POLICY ACKNOWLEDGMENT AND JOINT AGREEMENT

The 53rd District Court and Board of Commissioners for Livingston County acknowledge this policy and agree to abide by its terms.

Dated:



Theresa M. Brennan
Chief Judge, 53rd District Court

Dated: 11/30/11



Maggie E. Jones
Chairperson, Board of Commissioners