

## **ACCESS TO COURT RECORDS – TERMS OF REFERENCE**

The Commission will review the existing rules governing access to Court records and make proposals for any changes that are necessary and desirable. In particular the Commission is asked to consider:

- 1 What documentation held by a court or tribunal (hard copy and other) should form part of the court record and in particular what administrative documents are included.
- 2 What should be the principles and rules upon which access to court records, can be granted or withheld and specifically:
  - (a) What is the relationship between these principles and rules and those underpinning the Official Information Act 1982, the Archives Act 1957 and the Privacy Act 1993
  - (b) How does the format of the court record, whether it be hard copy or electronic or other, affect any of these principles or require additional considerations?
  - (c) Should there be special rules when requests for access are:
    - (i) by accredited news media; or
    - (ii) for research and statistical purposes
  - (d) Should there be a single access code across and within all court and tribunal jurisdictions or specific codes
  - (e) What are the principles upon which fees for accessing court and Tribunal records should be fixed?
- 3 What should be the principles and rules governing disclosure of documentation held by a Court or Tribunal which is not part of a court record.
- 4 What should be the principles and rules under which court staff operate when handling access requests.
- 5 What should be the principles and rules governing:
  - (iii) the archiving of court records; and
  - (iv) access to court files and records that have been transferred to National Archives.