



## Inspector General Insights

**Background:** An annual review of information determined as confidential is required by the Administrative Order of the Supreme Court of Florida ([AOSC-21-45 "Access to Electronic Court Records"](#)). The purpose of this audit is to ensure that Courts procedures and processes are following administrative rules.

**Objective:** The objective of the audit included the following:

1. Ensure confidential information is properly redacted by Courts staff.
2. Evaluate the internal controls governing the redaction of confidential information per applicable laws.

**Scope/Methodology:** The Office of Inspector General (OIG) reviewed a sample of court documents filed between 2020-2022 for compliance with Florida Court Clerks and Comptrollers Best Practices for Confidential Judicial Records as revised on April 6, 2022. The OIG conducted interviews with management, documented the high-level process and controls, and performed control and substantive testing regarding confidential information held by the Courts.

**Observations:** The OIG worked with Courts management to document three primary controls supporting two key process objectives related to the processing of confidential court records.

### What's Working:

- ✓ Overall, the OIG was impressed with the level of training and awareness of the Clerk's staff in ensuring proper confidentiality.
- ✓ In the OIG sample, all information that was required to be redacted, was redacted.
- ✓ The Courts Training Department is continually updating the curriculum and training practices to ensure Clerk staff have Florida Statute requirements and Best Practices to reference as tools and resources.
  - This reference material empowers staff to make accurate and concise decisions for proper redaction on all court filings.
  - These requirements are subject to change with related legislation or changes in court rules, which has been substantial in recent years. For example, the Florida Supreme Court ruled on November 30, 2023, to reduce the required redactions under Marsy's Law, which had formerly shielded the names of crime victims and Florida police officers automatically.

For Awareness:

Our primary test was to make sure confidential information was redacted. In our audit, we noticed some additional items for discussion with Courts staff.

- During our review, we noted two out of 25 samples in which Courts staff had redacted more information than required.
  - o Courts staff secured protected health information (PHI) on a case, although this was not required.
    - PHI is not on the list of 23 types of information allowable to be immediately redacted.
    - FCCC Best Practices indicate that this type of information may be determined confidential by a court.
  - o Trust and Power of Attorney documents were redacted on a case when it was not required.
    - Staff should have issued a notice determining not confidential.
    - The same documents were not secured on amended complaint filed.
- We noted two out of 25 samples had an issue with redactions not being removed on the 11<sup>th</sup> day, as no motion to determine confidentiality was received.
  - o Redaction was not removed timely on two cases reviewed. If no motion to determine confidentiality is received, FCCC Best Practices – “Confidential Judicial Records – Processing” indicates redaction removals should occur on the 11th day.

There were a few samples in which the OIG could not definitively determine the appropriateness of the redaction or lack thereof, due to various statutes and best practice rules which could be interpreted differently. We brought our concerns to Courts senior staff, who did not identify any items which warranted a change.

**Recommendations & Actions:** The OIG will work with Courts management to identify and recommend clarification to any FCCC Best Practices rules, which are reviewed annually by the FCCC.

**Conclusion:** Internal controls are designed and operating effectively to provide reasonable assurance that Court records are redacted when required.

Total # 2021-2022 Transactions	Amounts Audited or Reviewed	Questioned Costs	Taxpayer Savings	# Observations / Recommendations
25	N/A	N/A	N/A	4