



## Office of Pasco County Clerk & Comptroller

### INTRAOFFICE MEMORANDUM

**DATE:** August 4, 2021

**TO:** Nikki Alvarez-Sowles, Clerk & Comptroller

**FROM:** Patrice M. McBride, Inspector General 

**DEPARTMENT:** INSPECTOR GENERAL

**SUBJECT:** 2020-09 Docket & Image Privacy Audit

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Enclosed is Audit Report No. 2020-09, the docket and image privacy audit. This audit was conducted to ensure images docketed with docket codes related to the List of 23 were made available to the general public in compliance with the security requirements of the Redaction and Confidentiality Guide for Court Records (the List of 23), Florida Rules of Judicial Administration 2.420 (prior to July 1, 2021), Administrative Order 2017-064 Confidentiality of Court Records, and Supreme Court of Florida Administrative Order No. AOSC19-20 Electronic Access to Court Records.

Based on the results of the completed audit, recommendations were made to strengthen the control environment. The recommendations focused on improving practices regarding monitoring privacy levels, identifying docket codes associated with the *List of 23*, and documenting policies and procedures.

The opportunities for improvement were discussed with management and corrective action was already taken for some prior to the publication of this report. The responses from management were included in this report.

If you have questions or would like to discuss the information contained in the report, please let me know. We appreciate the cooperation and professional courtesy received from the Clerk & Comptroller teams during this audit.

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**Office of Nikki Alvarez-Sowles, Esq.**  
**Pasco County Clerk & Comptroller**

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**Docket & Image Privacy Audit**

August 4, 2021



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Report No. 2020-09

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## EXECUTIVE SUMMARY

### Background Information

As requested by the Chief Operations Officer, the Department of Inspector General (IG) conducted an audit of docket and image privacy for sensitive and confidential court records. The purpose of this audit was to determine if court records available to the general public were properly restricted and evaluate the confidentiality training materials that were provided to teammates. The audit period was as of August 19, 2020.

The Clerk & Comptroller's Office was responsible for maintaining court records and the confidentiality of information contained within court records. According to Florida Rule 2.420, there were 23 court record categories (List of 23) designated as confidential or exempt from section 119.07, Florida Statutes and article I, section 24(a) of the Florida Constitution. Court records associated with the List of 23 were required to be maintained confidential and access to these records was restricted to certain individuals, parties, or agencies.

Privacy levels for case, docket code, and image were established in the case management system (Clericus) to limit or restrict access based on applicable criteria. Privacy levels were assigned in Clericus as one of the following: sealed, confidential, OnDemand, or public. Sealed meant a record was maintained in a manner that was exempt from the public right of access under article I, section 24(a) of the Florida Constitution. Confidential meant a record was maintained as private. To view confidential records, a court order was required or the requestor proved they were the plaintiff or defendant on the case. OnDemand records required review prior to publication on the Clerk's website and records were allowed to be viewed by the general public.

Court records were received by Civil and Criminal Court teammates over the counter, during court, and through an online portal. Documents received were scanned and docketed into Clericus. Court and Archived Records (Records) teammates used an auto redaction program (Dr. Watson) to redact certain information. Images were also manually reviewed by Records teammates in Dr. Watson to verify information was properly auto-redacted or restricted prior to being released to the Clerk & Comptroller's Office website.

Members of the general public had the ability to access non-confidential court images for informational purposes through the Online Court Records Search tool on the Clerk & Comptroller's Office website. Images were made available online for the Civil Courts Department on July 6, 2015 and for the Criminal Courts Department on December 16, 2016.

### Objectives

The audit objectives were to:

- Determine if privacy levels of docket codes, associated with the *List of 23*, in Clericus were in compliance with applicable requirements.
- Determine images available to the public were in compliance with all applicable rules, regulations, and statutes.
- Determine if training materials complied with applicable requirements and were sufficient and effective in training teammates.

## Scope and Methodology

The audit period was as of August 19, 2020. The scope was to ensure images docketed with docket codes related to the List of 23 were made available to the general public in compliance with the security requirements of the Redaction and Confidentiality Guide for Court Records (the List of 23), Florida Rule of Judicial Administration 2.420, Administrative Order 2017-064 Confidentiality of Court Records, and Supreme Court of Florida Administrative Order No. AOSC19-20 Electronic Access to Court Records.

Although the IG exercised due professional care in the performance of this audit, this does not mean unreported noncompliance and/or irregularities did not exist. The deterrence of fraud and employee abuse is the responsibility of management. The audit procedures alone, even when carried out with professional care, could not guarantee that fraud, waste, or abuse would be detected.

The audit was neither designed nor intended to be a detailed study of every relevant system, procedure, or transaction. The purpose of this report was to provide an independent, objective analysis, recommendations, and information concerning the activities reviewed. It was not an appraisal or rating of management.

This audit was conducted in accordance with the *Internal Standards for the Professional Practice of Internal Auditing*, and accordingly, included such tests of records and other auditing procedures as considered necessary in the circumstances. The IG planned and performed the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the conclusion based on the audit objectives. Evidence and documentation obtained during the audit process provided this reasonable basis.

To achieve the objectives, the procedures performed included, but were not limited to, the following:

- Developed an understanding of the procedures and controls for docketing and releasing court records that contained confidential and sensitive information. Information obtained and reviewed included internal policies and procedures, Florida Statutes, Florida Rules and Administrative Orders.
- Obtained, reviewed, and analyzed reports relevant to docket codes and images docketed associated with the List of 23.
- Verified the privacy levels established in Clericus for docket codes related to the List of 23 were in compliance with applicable rules, regulations, and statutes.
- Verified statistical, random samples of images docketed with codes associated with the List of 23. Samples were selected for each redaction status (complete, pending, and unsent) and separated by Civil and Criminal. Of the 293,954 images (173,465 Civil images and 120,489 Criminal images), 987 were tested. Specifically:

Criminal:

- Redaction Complete: 361
- Redaction Pending: 96
- Redaction Unsent: 35

**Civil:**

- Redaction Complete: 369
  - Redaction Pending: 96
  - Redaction Unsent: 30
- Verified the public availability of court records was in compliance with applicable rules, regulations, and statutes for images selected for testing.
  - Reviewed training materials provided to teammates and answered the redaction and confidentiality scenario questions without relying on the answer key. Answers to these scenario questions were compared to the answer key and differences were noted.
  - Provided recommendations to improve policies and procedures, training programs, and training materials.

**Statutory Requirements and Pasco County Guidelines**

To conduct this audit, the Department of Inspector General relied on the following to serve as criteria:

- Article 1, section 24(a) of the Florida Constitution, Declaration of Rights, Access to public meetings and records
- Chapter 218.33(3), Florida Statutes, Local governmental entities; establishment of uniform fiscal years and accounting practices and procedures
- Chapter 985.04(1), Florida Statutes, Oaths; records; confidential information
- Florida Rule 2.420, Public Access to Judicial Branch Records, dated July 31, 2020
- Florida Administrative Order 2017-064, Confidentiality of Court Records, dated November 7, 2017
- Supreme Court of Florida Administrative Order No. AOSC19-20, Electronic Access to Court Records, dated April 16, 2019
- Office of Pasco County Clerk & Comptroller Redaction and Confidentiality Guide for Court Records, dated May 18, 2020

**Conclusion**

Overall, the IG concluded court images containing confidential or sensitive information were properly secured and not available to the general public in accordance with applicable rules, regulations, and statutes. The confidentiality requirements were understood and management implemented appropriate practices to ensure compliance was maintained. The following was noted:

- The case management systems, Clericus and Dr. Watson, had automated controls in place to protect confidential and sensitive case information and documentation maintained within.

- Civil, Criminal, and Records had designated teammates to implement internal controls that worked with the department's workflow while also ensuring consistency, efficiency, and accuracy throughout the department.
- Civil, Criminal, and Records attended legislation meetings regularly and made changes to processes and workflows when necessary to ensure conformance with legislation.

The audit disclosed some practices that could be improved related to monitoring privacy levels, identifying docket codes associated with the List of 23, and documenting policies and procedures. In addition, although the filing type assigned to one of 96 samples tested reflected an incorrect privacy level, management responded immediately and corrected the privacy level. Recommendations made in this report were offered to strengthen the control environment. Opportunities for improvement and recommendations were discussed with management and their verbatim responses were included below.

The IG commends the Civil, Criminal, and Records teams for their professionalism, cooperation, and responsiveness during this audit.

Based on the documentation reviewed and audit procedures performed, the IG identified 22 opportunities for improvement. Of the 22 recommendations, 21 were recommendations for improvements to documented processes:

No.	Dept.	Description	Page Reference
<b>Compliance:</b>			
1.	Civil	The assigned privacy level for one of 96 test samples, a Civil filing type (Invol Asm Stab) was not compliant with AO2017-064.	6
<b>Control:</b>			
2.	Civil	A comprehensive list of Civil docket codes associated with the List of 23 did not previously exist.	7
3.	Civil	A Civil docket code associated to Child Abuse and Sexual Offences, #13 on the List of 23, did not exist.	7
4.	Civil	Civil list of docket codes related to the List of 23 contained non-confidential codes.	8
5.	Civil	Image privacy levels for some Civil docket codes did not agree or were less restricted than the assigned case privacy level within Clericus.	9
6.	Civil	Some Civil docket codes associated with the List of 23 were not used.	10
7.	Civil	Privacy levels were incorrect for some Civil images tested.	11
8.	Civil	Civil docket descriptions online included more information than the basic docket description.	13
9.	Civil	Civil did not have a formal, documented training program in place for teammates learning how to maintain the confidentiality of cases, records, dockets, etc.	14
10.	Criminal	A comprehensive list of Criminal docket codes associated with the List of 23 did not previously exist.	14

No.	Dept.	Description	Page Reference
11.	Criminal	Some Criminal docket codes related to the List of 23 were not used.	16
12.	Criminal	Criminal's compensating internal controls to prevent images or dockets from becoming available to the public if case privacy levels were not assigned incorrectly were not documented.	16
13.	Criminal	Criminal's docket node spreadsheet required additional guidance for docket descriptions.	17
14.	Criminal	One Criminal image, of 361 tested, was docketed incorrectly.	18
15.	Criminal	Criminal did not have a formal, documented training program in place for new teammates learning how to maintain the confidentiality of cases, records, dockets, etc.	19
16.	Records	One OnDemand image, of 32 tested images, was not made available to the public in a timely manner.	19
17.	Records	Records did not have a formal, documented training program in place for teammates learning how to maintain the confidentiality of court records.	20
18.	Records	Records' policies, procedures, and training materials required improvement for teammates to efficiently and effectively perform assigned duties.	21
19.	Records	Records' redaction and confidentiality scenario question answer key required additional details and guidance.	24
20.	Records	Records' redaction and confidentiality scenario questions provided limited guidance to Court Division teammates.	25
<b>Observation:</b>			
21.	Civil	Civil defendant/relevant party was incorrectly flagged in Clericus.	26
22.	Civil, Criminal, & Records	Policies and procedures for handling court documents written in a foreign language did not exist for Civil, Criminal, and Records.	26

## AUDIT COMMENTS & RECOMMENDATIONS

**Compliance Activities:** Compliance is adhering to approved policies and procedures, agreements, contracts, laws, rules, and regulations. Listed below were comments that represented instances of noncompliance with these requirements.

### Civil

- The assigned privacy level for one of 96 test samples, a Civil filing type (Invol Asm Stab) was not compliant with AO2017-064.**

Pursuant to AO2017-064(II)(A)(9), Marchman Act case files and dockets were required to be sealed by the Clerk of the Circuit Court, unless otherwise ordered by the court. For one image included in testing with a pending redaction status, the case privacy level was public and the filing type was "Invol Asm Stab," which was required to be sealed.

Civil management stated the filing type for a case type set the privacy level for the case and there were different filing types for mental health cases. According to management, Marchman Act cases were filed with mental health filing type "Invol Asm Stab." However, this filing type was assigned the public privacy level.

**Recommendation:**

Although compliance with agreements, contracts, laws, rules, regulations, policies, procedures, and administrative directives was expected, consider reaching out to Information Technology to determine if the case privacy level could be set automatically in Clericus if Mental Health case type "Invol Asm Stab" was selected.

**Management Response:**

*Management agrees with this finding and has taken corrective action.*

**Corrective Action Plan:**

*Operations team set the privacy level in Clericus to automatically set the case privacy to confidential for this filing type.*

**Target Implementation Date:**

*Completed February 11, 2021*

**Control Activities:** Listed below were comments that represented opportunities to strengthen the internal controls. For each comment, a recommendation was included.

Civil

**2. A comprehensive list of Civil docket codes associated with the List of 23 did not previously exist.**

A comprehensive list of Civil docket codes related to the List of 23 did not exist prior to the initiation of this audit. As a result, this list was not provided in a timely manner and required multiple revisions after being reviewed by the IG team for completeness. The initial request for the list of codes was made verbally to management during a meeting on June 5, 2020 and the final list of codes used was provided on July 20, 2020.

According to Rule 2.420(d), the Clerk of the Court was required to designate and maintain the confidentiality of information contained within a court record. Proper guidance must be provided to teammates to ensure images are docketed properly and maintain the confidentiality of court documents in compliance with Rule 2.420.

**Recommendation:**

- Maintain an up-to-date list of confidential, sealed, OnDemand, etc. docket codes. On this list, include the privacy level, types of documents that are docketed with the code, and the authority which requires the court document be maintained confidential, sealed, OnDemand, etc.
- Establish a policy and procedure that requires the list of codes to be periodically reviewed to ensure it is complete, accurate, and up-to-date with all applicable rules, laws, administrative orders, etc. and that all privacy levels are accurate.

**Management Response:**

*Management agrees with recommendation.*

**Corrective Action Plan:**

*The operations team will create and maintain a list of docket codes and privacy levels. The team will also establish guidelines that require the codes to be periodically reviewed to ensure it is complete, accurate, and updated with all applicable rules, laws, and AOs.*

**Target Implementation Date:**

*July 01, 2021*

**3. A Civil docket code associated to Child Abuse and Sexual Offences, #13 on the List of 23, did not exist.**

According to Rule 2.420 and procedures for determining Confidentiality of Court Records (the List of 23), the Clerk of Court shall designate and maintain the confidentiality of protected information regarding victims of child abuse or sexual offenses. A list of Civil docket codes did not exist for records associated with item #13. According to Civil management, there was not a list because the number of documents related to this item was vast.

Instead, Civil used a specific case type for sexual violence protective injunctions. Teammates were required to manually mark documents within the case as confidential. However, documents manually marked as confidential may be missed or improperly marked in error. This increased the risk of documents with confidential information being made available to the public.

**Recommendation:**

Internal controls must be documented and implemented to ensure Civil teammates redact the specific victim information from court documents in accordance with Rule 2.420. Implement a dual control that requires a secondary review of documents manually marked to ensure they were properly recorded. If possible, work with IT to create a quality control report to assist with a second review by filing type. Revise existing procedures to require this second review to be documented. Documentation could be either via audit trail within the system or via a docket entry.

**Management Response:**

*Clericus case privacy hierarchy is case, docket, image in that order. However, management concurs with the recommendation to implement dual control for specific filing types.*

**Corrective Action Plan:**

*The operations team will work with IT to allow secondary verification for all documents within these specific filing types that include manual redaction.*

**Target Implementation Date:**

*Task is projected to take more than 37.5 hours to complete. To be added to the "Action Plan List" and assigned a project number with an anticipated completion date of FY 21-22*

**4. Civil list of docket codes related to the List of 23 contained non-confidential codes.**

There were a total of 102 codes included on the list codes associated with the List of 23 for Civil. Of the 102 codes, seven (7%) were determined not to be confidential. During the audit,

privacy level updates were made within Clericus for five of the seven codes. The following was noted:

- Codes 1397 (Name Change Form To Florida Dept Of Law Enforcement) and 1579 (Form Number 427 To Bureau Of Vital Statistics Name) included on the list, management stated these codes were associated with name change cases and were public record. Further research was required to determine why they were included on the list of codes related to the List of 23.
- Code 4142 (Order To Show Cause Guardianship) included on the list was not applicable to the List of 23. According to management, this code was used when the court ordered additional information. The code and image was not required to be maintained confidential because it did not include confidential information.
- Code 8000 (Motion to Determine Confidentiality of Court Records) did not apply to an item on the List of 23 because the motion to determine confidentiality contained the location of confidential information, not confidential information itself.
- Code 4623 (Notice Of Confidential Information) did not apply to an item on the List of 23 because the notice did not contain confidential information.
- Code 3401 (Confidential Sealed Order) did not apply to an item on the list of 23 because the order did not always contain confidential information. If there was information subject for redaction, it would be redacted during the redaction process.
- Code 1517 (Confidential Sealed Envelope) did not apply to an item on the List of 23 because the envelope did not reflect confidential information.

**Recommendation:**

- Maintain an up-to-date list of docket codes that must be maintained confidential, sealed, OnDemand, etc. On this list, include the privacy level, types of documents that are docketed with the code, and the authority which requires the court document be maintained confidential, sealed, OnDemand, etc.
- Establish a policy and procedure that requires this list of codes to be periodically reviewed to ensure it is complete, accurate, and up to date with all applicable rules, laws, administrative orders, etc.

**Management Response:**

*Management agrees with the recommendation.*

**Corrective Action Plan:**

*The operations team will create and maintain a list of docket codes and privacy levels. The team will also establish guidelines that require the codes to be periodically reviewed to ensure it is complete, accurate, and updated with all applicable rules, laws, Administrative Orders.*

**Target Implementation Date:**

*July 1, 2021*

**5. Image privacy levels for some Civil docket codes did not agree or were less restricted than the assigned case privacy level within Clericus.**

According to Civil management, the image privacy levels were required to agree, or be more restricted than the case and docket privacy levels. For the following six docket codes, the image privacy levels required revisions to be consistent with case privacy levels. During the audit, the IG verified the privacy levels for the following docket codes were corrected in the system.

- Image privacy level was changed from Public to Confidential for code 899, Petition for Termination of Parental Rights.
- Image privacy level was changed from Public to Confidential for code 7163, Notice on Petition for Adoption. Adoption cases were set to Confidential, so this docket would not be viewable.
- Image privacy level changed from Confidential to OnDemand for code 1517, Confidential Sealed Envelope. As noted above, this did not apply to an item on the List of 23 because the envelope did not reflect confidential information.
- Image privacy level was changed from Confidential to OnDemand for code 3401, Confidential Sealed Order. As noted above, this order did not contain confidential information.
- Image privacy level was changed from Confidential to OnDemand for code 4623, Notice of Confidential Information. As noted above, this did not apply to an item on the List of 23 because the notice did not contain confidential information. The privacy level was changed to OnDemand pursuant to Rule 2.420(d)(2).
- Image privacy level was changed from Confidential to OnDemand for code 8000, Motion to Determine Confidentiality of Court Records. As noted above, this did not apply to an item on the List of 23 because the motion to determine confidentiality contained the location of confidential information, not confidential information itself. The privacy level for this was changed to OnDemand pursuant to AO2017-064.

**Recommendation:**

Maintain a comprehensive list of codes related to the List of 23. Review images docketed with these codes to verify their privacy levels agree with the case privacy level. When a new docket code is created, verify the privacy level tier is consistent and in compliance with applicable authorities.

**Management Response:**

*Management concurs with recommendation.*

**Corrective Action Plan:**

*The operations team will create and maintain a list of 23 docket codes and privacy levels. The team will also establish guidelines that require the codes to be periodically reviewed to ensure it is complete, accurate, and updated with all applicable rules, laws, and Administrative Orders.*

**Target Implementation Date:**

*July 1, 2021*

**6. Some Civil docket codes associated with the List of 23 were not used.**

A documented policy and procedure that required codes to be reviewed periodically did not exist and reviews of docket codes were only conducted on an as needed basis. As a result, of the 102 docket codes associated with the List of 23, eight (8%) were active but were either replaced or not recently used. The following was noted:

- Code 1149, Order for Involuntary Hold, was last used January 1, 2003. According to management, Civil used code 1843 to record this document.
- Code 1174, Writ of Habeas Corpus in Probate, was last used January 1, 2009. According to management, Civil used code 1604 to record this document.
- Code 147, Final Order of Affirmation of Parental Status, and code 2502, Amended Petition Seeking Involuntary Treatment, did not have history of being used dating back to 1990.
- Code 1558, Elect File Accounting on Fiscal Year, was last used January 1, 2005. According to management, Civil used codes 1748 and 1448 to record these types of filings.
- Code 1743, Screening Certification of MH Center, was last used August 23, 2011.
- Code 1854, Certificate of Professional Initiating Involuntary, was last used June 10, 2011.
- Code 3047, Notice of Petition Cert to Admit to Zephyrhills Corr. Ins., was last used October 27, 2011.

**Recommendation:**

Deactivate all docket codes that are no longer used in current operations to prevent use in error. Implement a policy that requires docket codes to be reviewed periodically to determine the usage of each code and the necessity to maintain as active or to deactivate to ensure codes are deactivated in a timely manner.

**Management Response:**

*Management agrees with deactivating unused docket codes.*

**Corrective Action Plan:**

*The operations team will create and maintain a list of docket codes and privacy levels. The team will also establish guidelines that require the codes to be periodically reviewed to ensure it is complete, accurate, and updated with all applicable rules, laws, and Administrative Orders. This will enable the team to deactivate all docket codes that are no longer utilized in current operations to prevent use in error.*

**Target Implementation Date:**

*July 1, 2021*

**7. Privacy levels were incorrect for some Civil images tested.**

Privacy levels of existing images were not periodically reviewed for privacy level compliance or consistency. As a result, privacy levels were incorrect for the following images included in testing:

- Two sealed cases had images with OnDemand privacy levels and the dockets had public privacy levels. According to management, the appropriate privacy level for the image and docket was sealed. The privacy levels of these images and dockets required updating to agree with the case privacy level to reduce confusion and promote consistency. During the audit, the IG confirmed the privacy level for the images was corrected in the system. Civil management also stated the docket code 1581, Form Number 527 to Bureau of Vital Statistics Adop, was updated so that it would automatically seal the image when it was added to a sealed case.
- For one case, the image privacy was confidential and the docket privacy was public. However, for other images included in testing with the same case type (adoption), the image and docket privacy levels were sealed. The privacy levels were corrected during the audit and were verified by the IG team.
- According to Civil management, images docketed with code 4142, Order to Show Cause Guardianship, were available to the public. One image docketed with this code had an image privacy level of confidential. According to management, this image was marked confidential in error and was corrected.
- Nineteen images docketed with codes 675, Petition for Injunction for Protection Against Domestic Violence; 678, Petition for Injunction for Protection Against Stalking; and 1397, Name Change Form to Florida Dept. of Law Enforcement, were assigned a public image privacy level; however, according to Civil management, the images were required to be maintained as confidential.
- For one image, the privacy level was confidential rather than sealed like similar images included in testing. According to Civil management, the similar images were docketed within the FACTS system. During the conversion from FACTS to Clericus, the code 1451, Annual Report Of Physician, used to docket these images was set as confidential. There was an update in authoritative language when AO2017-065 superseded 2010-065, which may have led to the confusion of images docketed with 1451 was to be confidential rather than sealed.

For images added to a sealed case, management stated the privacy level for the docket and image was not automatically changed to reflect being sealed. The teammate was required to manually change the image and docket privacy level to reflect it as sealed.

**Recommendation:**

- Document a procedure to require periodic reviews of privacy levels to ensure assigned privacy levels do not contradict one another. Consider including in this procedure a requirement to periodically run a quality control report to monitor privacy levels and ensure accuracy throughout.
- Review similar images that are required to be maintained as confidential or sealed as assigned in Clericus based on docket code to ensure privacy levels were accurate for current authorities and make privacy level revisions, as necessary.
- Review codes that were revised by Civitek during the conversion from FACTS to Clericus to ensure the revisions to those privacy levels were made in compliance with applicable laws, rules, regulations, etc. When interpretation of legislative changes is challenging, request assistance from the Clerk & Comptroller's attorney,

with interpreting revisions or additions to laws, rules, administrative orders, etc. to ensure proper privacy level assignments. Document the advisement from the Clerk & Comptroller's attorney so the team can use it as a tool in the future.

- Revise policies and procedures to include a requirement to revise the privacy level of an image and docket when an image is added to a sealed case.
- Create a policy or procedure that requires oversight for cases that are not available to the public. In this procedure, include a requirement for a secondary review before the case progresses to review by Court Records.

**Management Response:**

*Management concurs with the recommendation.*

**Corrective Action Plan:**

*The operations team will establish a report to be used for periodic reviews of privacy levels to ensure assigned privacy levels match. A guideline will be created to verify cases that are not available to the public (will include a requirement for a secondary review before the case progresses to review by Court Records). The review of codes that were revised by Civitek during the conversion from FACTs to Clericus to ensure their revisions to those privacy levels were made in compliance will be maintained during verification process of docket codes/privacy list.*

**Target Implementation Date:**

*July 1, 2021*

**8. Civil docket descriptions online included more information than the basic docket description.**

For 130 (26%) of the 495 Civil images tested, the docket description on the website included more information than the basic docket description in Clericus. Of the 130 images, 42 (32%) of those images were sealed. The following was noted:

- 98 were images with a complete redaction status; 36 of these were sealed images.
- 17 were images with a pending redaction status.
- 15 were images were in the queue with an unsent redaction status; six of these were sealed images.

According to Civil management, when the former case management system (FACTS) was used, procedures instructed teammates to enter more detailed descriptions into the system because images were not available to view online during that time. The descriptions entered into FACTS were not reviewed and compared to the docketing guide when Clericus and the docketing guide were implemented.

**Recommendation:**

Review the docket descriptions for sealed and confidential images to ensure the description does not include confidential information. Review the docketing guide to ensure guidance is up to date and not out of compliance with applicable legislation.

When possible, require docket descriptions to not contain more information than the basic docket description as authorized customers and attorneys are able to view the document. Ensure this requirement is clearly documented within policies and procedures.

**Management Response:**

*Management concurs with the recommendation.*

**Corrective Action Plan:**

*The operations team will create a quality assurance report containing docket descriptions for sealed and confidential images to ensure the description does not include confidential information. A guideline will be created for the quality assurance process.*

**Target Implementation Date:**

*July 1, 2021*

**9. Civil did not have a formal, documented training program in place for teammates learning how to maintain the confidentiality of cases, records, dockets, etc.**

At the time of the audit, Civil did not have a finalized training program. A formalized training program that outlined the objectives, needs, strategy, and curriculum for teammates is crucial to help teammates understand the purpose their training and to aid in ensuring policies and procedures were properly and consistently followed. Training programs shall also measure goals and benchmarks to ensure teammates were grasping the material effectively and efficiently.

**Recommendation:**

- Finalize the formal documented training program. Ensure this program provides sufficient guidance and training to teammates of all training levels. This formal training program must include training for new teammates, progressing teammates, and teammates learning new tasks. Also, ensure that the training program included confidentiality guidance to all teammates.
- When finalizing the training program, ensure there is a training checklist to document the level of training that each teammate will complete to record each trainee's progress. Since Civil has numerous teammates, documenting the level of training that each teammate has executed would benefit management by helping to ensure the teammates were not assigned to a task for which they were not sufficiently trained. In this training checklist policy and procedure, require the teammate, trainer, and supervisor to sign off on the checklist once each were confident that the trainee was sufficiently trained.

**Management Response:**

*Management agrees with the recommendation.*

**Corrective Action Plan:**

*The operations team is currently working with the leadership team to establish "on-boarding guidelines" which will incorporate the IG's recommendations. The checklist will document all training levels.*

**Target Implementation Date:***August 1, 2021***Criminal****10. A comprehensive list of Criminal docket codes associated with the List of 23 did not previously exist.**

A comprehensive list of Criminal docket codes related to the List of 23 did not exist prior to the initiation of this audit. As a result, the list of codes requested was not provided in a timely manner. The initial request for the list of codes was made verbally during a meeting on June 5, 2020. The final list used during the audit was provided on July 20, 2020. The following was noted:

- According to management, compiling a comprehensive list was more labor intensive than originally anticipated and required multiple teammates to research and gather the requested information.
- The original list provided required four revisions after being reviewed by the IG team for completeness.
  - The original list provided included question marks and N/A's next to some docket codes that were later removed from the list. According to management, further research was necessary to determine if these docket codes were related to the List of 23.
  - The final list of docket codes associated with the List of 23 did not include codes related to item #16, Grand Jury. Two codes, INDC, Indictment-Capital, and INDT, Indictment, were included on the original list of docket codes associated with the List of 23, but were removed from the list during the revisions. However, it was later determined (on February 15, 2021) that the two codes were used for Grand Jury indictment documents.
- Some docket codes that were related to the List of 23 were also used for non-confidential court documents (e.g., NOFI, Notice of Filing; PETN, Petition; STMT, Statement). By using the same docket code for confidential and non-confidential information, there was an increased risk of publicizing a confidential document.

Prior to July 1, 2021, according to Rule 2.420(d), the Clerk of the Court was required to designate and maintain the confidentiality of information contained within a court record. Proper guidance must be provided to teammates to ensure images are docketed properly and maintain the confidentiality of court documents in compliance with Rule 2.420.

**Recommendation:**

- On the Docket Node spreadsheet, clearly identify docket codes that are related to the List of 23 to ensure they can be easily recognized by teammates. Additionally, include the criterion that requires the image privacy level to be confidential, sealed, OnDemand, etc.
- Assign docket codes INDT and INDC to #16, Grand Jury, as the authority requiring confidentiality.

**Management Response:**

*Agreed*

**Corrective Action Plan:**

*Docket codes that are programmed confidential in the system based on the list of 23 will be identified on the docket node spreadsheet. This will avoid providing two separate reference resources to teammates.*

*The grand jury docket codes will be added to the list of confidential docket codes.*

**Target Implementation Date:**

*August 2021*

**11. Some Criminal docket codes related to the List of 23 were not used.**

A documented policy and procedure that required codes to be reviewed periodically did not exist. As a result, of the 34 docket codes associated with the List of 23, three (8%) were active but were not frequently used. The following was noted:

- Active docket code BEHS, Behavior Summary, was not used since 2017.
- As of August 19, 2020, active docket code AFJT, Amended Final Judgment of Termination of Parental Rights, was not used in Clericus or CJIS.
  - As of August 19, 2020, active docket code PCPB, Petition to Commit Minor to DCF For Adoption, was not used in Clericus or CJIS.

**Recommendation:**

- Establish a documented policy and procedures that requires all docket codes that are not used or not used frequently to be reviewed periodically to determine the necessity of those codes and deactivate as necessary.
- Consider deactivating active docket codes noted in the condition above that are not used.

**Management Response:**

*Agreed*

**Corrective Action Plan:**

*A policy/procedure will be created documenting an annual review of the activity of docket codes and a determination of the need to be deactivated.*

**Target Implementation Date:**

*September 2021*

**12. Criminal's compensating internal controls to prevent images or dockets from becoming available to the public when case privacy levels were assigned incorrectly were not documented.**

For 60 Criminal images included in testing, the case privacy levels were confidential. However, the image and docket privacies were OnDemand and Public respectively. According to management, there would not be a perfect alignment of assigned privacy levels based on the docket code and the actual document filed. The following compensating controls were in place but, were not documented:

- The security matrix implemented by Information Technology was the first level of control.
- Images that were assigned an OnDemand privacy level were required to undergo a request to view process called view on request (VOR).
- Teammates were provided extensive training before they were assigned to a queue.
- If a case was made sealed or expunged, everything within the case would be made sealed or expunged.

Policies and procedures must be comprehensive to ensure cases, dockets, and images/court documents are handled efficiently, effectively, and responsibly. By having comprehensive policies and procedures, teammates will have the ability to follow proper procedures and rules and promote a clear and consistent understanding of the required polices.

**Recommendation:**

- Document all compensating controls (e.g., VORs and training) to ensure there was a backup level of protection for the confidential information.
- Since it is not feasible to require the docket and image privacy levels to be either confidential or more restricted than the case privacy level, document and implement a quality control procedure that requires management to perform quality control monitoring. This monitoring shall include periodically obtaining a report of all images where the privacy levels do not align to verify all documents were presented or restricted in compliance with applicable criteria. Ensure all monitoring is documented and maintained in compliance with applicable retention requirements.

**Management Response:**

*Agreed*

**Corrective Action Plan:**

*Compensating controls currently in place will be documented into the written procedures. Quality control measures for accuracy of docket privacy will be reviewed and implemented.*

**Target Implementation Date:**

*September 2021*

*August 2021*

### 13. Criminal's docket node spreadsheet required additional guidance for docket descriptions.

The docket description for numerous images included more information than the basic docket description. According to management, some images shared a generic docket code. For these images, the default docket description was modified to help clarify what was actually docketed to the case without having to view the image.

The docket node spreadsheet was created to provide guidance to teammates when docketing. However, this spreadsheet did not provide guidance for when to include or not include additional language or information in the docket descriptions for docket codes. Policies and procedures related to the docket code review process also were not documented.

#### **Recommendation:**

- Document policies and procedures for activities such as reviewing docket codes and legislative reviews to promote consistency and guidance for new filings.
- Review and update the docket node spreadsheet to ensure the spreadsheet provides guidance to teammates for all dockets. Include sufficient detail for each docket code used to reduce the risk of adding incorrect language.

#### **Management Response:**

*Acknowledged. Docket node spreadsheet currently provides a section for the literal to be added, if required. If the section is blank, then no literal is required.*

#### **Corrective Action Plan:**

- *A written documented guide will be created to identify the different actions performed for reviewing and ensuring docket codes are up-to-date and accurate.*
- *The docket node spreadsheet will be updated with "No Literal" in place of being left blank.*

#### **Target Implementation Date:**

- *September 2021*
- *July 2021*

### 14. One Criminal image, of 361 tested, was docketed incorrectly.

Docket codes were chosen based upon the image being docketed to ensure the proper privacy level and description on the docket. However, for one image tested, the description on the image and the image docket description did not agree. The image was a Return of Service and it was docketed with docket code NOFI, Notice of Filing.

According to Criminal management, the filing was received via the portal with a Notice of Filing as the docket code selected by the filer. The docket was not changed to reflect Return of Service.

#### **Recommendation:**

Document a policy and procedure that require teammates to review and appropriately revise docket codes that were incorrectly selected within the portal.

**Management Response:**

*Agree*

**Corrective Action Plan:**

*Current written procedure will be updated to specifically address incorrect filing category of documents from the portal.*

*The document filing type is what is docketed to the case. The supporting documentation of the filing is not included on the case docket.*

**Target Implementation Date:**

*September 2021*

**15. Criminal did not have a formal, documented training program in place for new teammates learning how to maintain the confidentiality of cases, records, dockets, etc.**

At time of audit, a formal, documented training program did not exist. A formalized training program that outlined the objectives, needs, strategy, and curriculum for teammates is crucial to help teammates understand the purpose of their training and to aid in ensuring policies and procedures were properly and consistently followed. Training programs shall also measure goals and benchmarks to ensure teammates were grasping the material effectively and efficiently.

**Recommendation:**

- Create a formal, documented training program with training materials to provide sufficient guidance and training to teammates of all training levels. This formal training program must include training for new teammates, progressing teammates, and teammates learning new tasks.
- Create a training checklist to document the level of training that each teammate will complete to record each trainee's progress. Since Criminal has numerous teammates, documenting the level of training that each teammate has executed would benefit management by helping to ensure the teammates were not assigned to a task for which they were not sufficiently trained. In this training checklist policy and procedure, require the teammate, trainer, and supervisor to sign off on the checklist once each were confident that the trainee was sufficiently trained.

**Management Response:**

*Agreed*

**Corrective Action Plan:**

*A formal documented training plan for docketing will be created for use in training teammates. The training plan will include the needed materials and guidance, including progress tracking documentation and performance review.*

**Target Implementation Date:**

*Task is projected to take more than 37.5 hours to complete. To be added to the "Action Plan List" and assigned a project number with an anticipated completion date of FY 21-22.*

Records**16. One OnDemand image, of 32 tested images, was not made available to the public in a timely manner.**

Images assigned with an OnDemand image privacy level were required to be requested online and reviewed by the Records team. During this review, the Records team verified the image did not require redactions or was not required to be maintained as confidential. The image also was required to be made available to the public in a timely manner if it was not confidential.

During testing, one OnDemand image was requested to be viewed on October 22, 2020 and again on October 30, 2020. However, the image was not made available until management was notified on November 23, 2020. According to Records management, there was an information technology control error that caused a "Courts 23 rule banner" to be assigned to this image in the Dr. Watson redaction system. This resulted in the over restriction of the image.

**Recommendation:**

- Require teammates who were adequately trained to perform these review requests to ensure instances such as this do not occur. This requirement shall ensure that each request was reviewed by trained teammates to decipher records that must be public and those that must not be public pursuant to applicable criteria.
- Consider working with Information Technology to obtain a report that includes pertinent information (ex: redaction statuses, teammate who performed VOR review, availability, when the request was made, and when it was made available, etc.). Create a policy that requires periodic reviews of images and create a procedure that provides guidance for how to perform these reviews to ensure images were properly made available to the public or retained as confidential.
- Revise existing procedures to ensure steps for removing the banner are clearly outlined. These procedures must guide the teammate not only on how to remove the banner, but what scenarios, situations, and/or instances it is proper to do so. Ensure that teammates are encouraged to request assistance from management if there is any uncertainty.

**Management Response:**

*Records agrees with all recommendations.*

**Corrective Action Plan:**

*Records will ensure management provides access to Internet Image Request system to ensure requests are released timely. Records will add clarification on document privacy level versus case privacy level with banners in the guide.*

**Target Implementation Date:**

*October 31, 2021*

**17. Records did not have a formal, documented training program in place for teammates learning how to maintain the confidentiality of court records.**

At the time of the audit, a formal, documented training program did not exist. A formalized training program that outlined the objectives, needs, strategy, and curriculum for teammates is

crucial to help teammates understand the purpose of their training and aid in ensuring policies and procedures were properly and consistently followed. Training programs shall also measure goals and benchmarks to ensure teammates were grasping the material effectively and efficiently.

**Recommendation:**

- Revise and make additions to training materials to include sufficient guidance to teammates of all training levels. When revising these materials, ensure each issue in the statement of condition above is addressed.
- Document and formalize a training program for new teammates, progressing teammates, and teammates learning new tasks.
- Implement a training checklist to record the level of training that each teammate will complete to document each trainee's progress. Since Court Records has numerous teammates, documenting the level of training that each teammate has completed would benefit management by helping to ensure the teammates were not assigned to a task for which they were not sufficiently trained. In this training checklist policy and procedure, require the teammate, trainer, and supervisor to sign off on the checklist once each were confident that the trainee was sufficiently trained.
- Create a policy for management to periodically review the training program and training materials to ensure all guidance to teammates and management are up to date with current operations, workflows, laws, rules, AOs, etc.

**Management Response:**

*Records agrees with all recommendations.*

**Corrective Action Plan:**

*Records has a training matrix that identifies where teammates are trained presently, this will be updated as applicable. Records will add a training program curriculum to the guide to clarify and ensure training is uniform using Dr. Watson Queues. Records will expand on the training matrix to include a checklist. Management will perform a bi-annual review of the material to ensure compliance. Additional reviews will take place whenever there are legislative changes.*

**Target Implementation Date:**

*October 31, 2021*

**18. Records' policies, procedures, and training materials required improvement for teammates to efficiently and effectively perform assigned duties.**

The existing training materials (Redaction and Confidentiality Guide, Scenario Questions, Power Point Presentation, and the Redaction Validation procedure) related to confidentiality and redaction contained limited guidance and did not address all the key controls and procedures that needed to be followed. The PowerPoint presentation provided information regarding the basics of redaction and image privacy. The redaction and confidentiality guide provided authoritative guidance for certain information to be maintained confidential, sealed, or available to the public. Scenario questions provided situational guidance to assist teammates in applying laws, rules, AOs, etc. to real-life situations.

For teammates to efficiently, effectively, and correctly answer the scenario questions and complete appropriate steps to maintain confidentiality of documents, the training materials required improvement. The following was noted:

- The Redaction and Confidentiality Guide (R&C Guide) only referenced the Florida Statute section that included the appropriate authority to help the teammate determine the confidentiality of a document or information being requested from a customer. This did not provide sufficient guidance to teammates since some Florida Statutes can be difficult to fully understand.
- The training materials did not state when it was required to place confidential documents into an envelope or where to place the envelope as noted on the scenario answer key for numbers 27.2, 30.2, 33.1, 34.2, 36.2, and 39.2. Additionally, they did not provide guidance for how to handle documents that were electronic in a similar scenario.
- The training materials did not provide an explanation of Parties to a case. It also did not provide guidance on how to properly identify a party in situations where documents or case information were being requested.
- The training materials did not instruct teammates to contact leadership in certain scenarios when required; only brief instruction was provided in scenario question answers for numbers 4, 19, and 26. Specifically, the existing policies and procedures did not clearly guide teammates when they were required to contact the supervisor and/or leads of Civil or Criminal Courts if the privacy level of an image required a change. There also was not guidance for how to contact Civil or Criminal regarding the error in privacy level.
- The training materials did not include a glossary of terms and abbreviations. Additionally, materials provided by Records did not reference documents that were strictly confidential for teammates to use as a quick reference.
- Records management did not require documentation of which queue and confidence level that each teammate was authorized to work.
  - According to management, the teammate could choose to work in all case types or work one case type at a time. Anyone outside of Records was verbally restricted and asked to work in only one specific case type based on their training/knowledge. Within Records, whether a teammate works in one or all queues was determined based on exposure to the filing section, document types and content therein, and the completion of relevant training associated with such section(s). In addition, it was related to teammates that they may filter docket codes or work in multiple depending on their training/knowledge.
- Requirement of a secondary review or supervisory approval was not required to change a Courts 23 Rule in Dr. Watson.
  - According to management, anyone could change the rule (add, remove, or update). Changes to rules did not require approval because the decision was determined by the content of the document.

- Guidance for which scenario questions were for the less experienced teammate(s) was unclear within the existing training materials.
- Existing policies and procedures did not include a requirement or guidance for teammates to refer to a referenced Florida Statute (accessible via OfficeNet) when necessary to determine the proper confidentiality requirements of certain documents.

**Recommendation:**

- Review and revise to improve existing training materials to ensure teammates are provided complete and proper guidance for efficiently and effectively performing their assigned duties. To make determinations and decisions in compliance with applicable laws, rules, regulations, etc. revise training materials to include tips, tricks, and easy-to-find resources for teammates to quickly access and understand.
- Consider including the specific Florida Statute language on the R&C Guide for teammates to easily access.
- Within the training materials, include guidance on when, and/or when not, to place a document in an envelope.
- Ensure guidance for electronic documents was included. Include explanation about Parties to a case and how to properly identify a party.
- Revise policies and procedures to clearly instruct teammates to contact leadership in certain scenarios when required and instruct teammates to contact leadership for assistance when a clear determination in a scenario could not be made.
- Make revisions to include a glossary of terms and abbreviations within the training materials. Quick references and glossaries could be helpful to new teammates when training to alleviate misunderstanding of information and stress of potential error. Also, encourage teammates to refer to the Florida Statute referenced to determine the proper confidentiality requirements of certain documents.
- Create a policy to require management to periodically monitor released images for exceptions to identify issues in a timely manner. Also, create a policy that requires management to document the queues and confidence levels in which teammates were authorized to work.
- Require a documented secondary review or supervisory approval to change a Courts 23 rule in Dr. Watson.
- Consider organizing the scenario questions from beginner level training to advanced level training and in order of ease of answering, and label each to make it clear as to which questions were for each level of training.
- Create a policy that requires Records teammates to contact the supervisor and/or leads of Civil and Criminal Courts as appropriate if a privacy level required updating or change. Require changes to privacy levels be documented.

**Management Response:**

*Records agrees with all recommendations except one as noted in the Corrective Action Plan.*

**Corrective Action Plan:**

*Policies, procedures, and training materials will be improved for teammates to efficiently and effectively perform assigned duties. Records will provide links to the full statute language for easy access. Records will include guidance on when, and/or when not to place a document in an envelope in the training materials. Records will add an explanation about parties to a case and how to properly identify a party to the guide. Records will include when to contact leadership to the guide. Records will create a glossary of terms and abbreviations in the training materials. Records will ensure management provides access to Internet Image Request system to ensure requests are released timely. Records created a training matrix which documents where teammates are authorized to work. Records disagrees that supervisory approval is needed to change a Courts 23 rule in Dr. Watson. Records will reach out to IT to see if we can get a report created for quality assurance of this process. In turn, Records will include documented procedures for the quality assurance process. Records will update the guide to have clearly labeled sections with scenarios tailored for the individual departments. Ex. Criminal, Civil, Records.*

**Target Implementation Date:**

*October 31, 2021*

**19. Records' redaction and confidentiality scenario question answer key required additional details and guidance.**

The existing scenario question answer key provided limited explanations as to why some answers were the correct answer. The following was noted:

- Number 15.2, stated that the case was to be confidential. However, the Florida Statute referenced on the R&C Guide stated that the document was to be sealed not that the case was to be confidential.
- Number 23, the R&C Guide did not provide guidance as to why the confidentiality of tattoo descriptions did not apply to defendants.
- For number 39, the answer key was unclear that the customer may only view the redacted document.
- According to the end of the scenario questions, numbers one through 39 only had one legal authority related to the scenario whereas number 40 was a scenario with multiple related legal authorities. The number of legal authorities to answer the scenario questions was unclear at the beginning of the document.

A comprehensive redaction and confidentiality manual that outlined policies was critical to ensure teammates followed the proper procedures and rules, and promote a clear and consistent understanding of the required policies.

**Recommendation:**

Review and revise the scenario questions to include more guidance for teammates so they are able to more efficiently and effectively answer the questions and perform daily operations to the best of their ability. Consider the following:

- Include the language from the Florida Statute on the R&C Guide rather than only referencing the chapter and section numbers.
- Include guidance for teammates to properly identify a party. This guidance shall guide the teammate when redacting information, making documents public, when customers call or come into the office and request information, etc.
- Consider rearranging the scenario question answer for number 39 to state the customer could view a redacted version of the document rather than stating that the customer could view the document prior to stating they must redact all confidential information.
- Consider stating which scenarios that have only one legal criteria/authority in the beginning of the document. Also, consider including other scenarios that involve multiple authorities governing the decision the teammate must make. These scenarios could have two, three, or four different authorities.

**Management Response:**

*Records agrees with all recommendations. As noted in the Corrective Action Plan.*

**Corrective Action Plan:**

*Records will provide links to the full statute language for easy access. Records will add guidance for teammates to properly identify a party to the guide. Records' focus is to train for expertise on confidential documents and confidential data within documents that are not confidential not the non-confidential documents themselves. Records will clarify the answer to 39. The one scenario with multiple authorities is being removed. All others have only one authority which will be clarified on the cover page.*

**Target Implementation Date:**

*October 31, 2021*

**20. Records' redaction and confidentiality scenario questions provided limited guidance to Court Division teammates.**

The redaction and confidentiality scenario questions were created for the Records Department. However, it was noted that the Records training materials (once complete and finalized) will also be distributed to Civil and Criminal teammates. There were only two scenario questions related to Criminal and Civil Courts (numbers 13 and 41).

**Recommendation:**

If feasible, separate the questions by department. Work with Civil and Criminal Courts to develop scenario questions that could be used as part of the training materials.

**Management Response:**

*Records agrees with the recommendation.*

**Corrective Action Plan:**

*Records will collaborate with Civil and Criminal Departments and update the guide to have clearly labeled sections with scenarios tailored for the individual departments. Ex. Criminal, Civil, Records.*

**Target Implementation Date:***October 31, 2021*

**Observations:** Observations were items observed during the audit that were outside the scope of the audit, but were worthy of being brought to the attention of management.

Civil**21. Civil defendant/relevant party was incorrectly flagged in Clericus.**

For one Civil image included in testing, the defendant/relevant party was not reflected on the Online Court Records Search because it was marked as juvenile in Clericus. However, the party to this case was born in 1965 and was not a juvenile. During the audit, management corrected this issue and the party's name was made available online.

**Recommendation:**

Verify if other cases had relevant parties marked as a juvenile to ensure all case information is presented in compliance with appropriate laws, rules, regulations, etc. Document a policy and procedure to require a periodic review of all cases that maintain the relevant parties as confidential. Consider requiring this review to include the running of a system report to determine if the checkbox was checked on any Civil case.

**Management Response:**

*Management concurs with the recommendation.*

**Corrective Action Plan:**

*The operations team will run quality assurance report to verify parties marked as juvenile. The team will also create a guideline to allow periodic review of all cases that maintain the relevant parties confidential.*

**Target Implementation Date:***July 1, 2021*Civil, Criminal, and Records**22. Policies and procedures for handling court documents written in a foreign language did not exist for Civil, Criminal, and Records.**

Court documents were required to be sufficiently reviewed to ensure confidential information was not available to the public when posted on the website or provided to the public. During testing, one OnDemand image included a Plea form that was written in Spanish. There was also an image docketed that was the English translation of the Spanish plea. However, there was limited documented guidance for teammates to reference for documents that contained foreign language.

**Recommendation:**

Create a documented policy and procedure to guide teammates on handling documents written in a foreign language. In this procedure, provide guidance and instruct teammates to obtain guidance for documents they were unable to read.

Civil:

**Management Response:**

*Management concurs with the recommendation.*

**Corrective Action Plan:**

*The operations team worked with the clerk's legal counsel. A guideline has been created, approved, and implemented.*

**Target Implementation Date:**

*Completed 3/12/2021*

Criminal:

**Management Response:**

*Agreed*

**Corrective Action Plan:**

*In alignment with legal counsel direction, a written policy/procedure will be created to guide teammates on the handling of documents filed in a foreign language.*

**Target Implementation Date:**

*May 2021*

Records:

**Management Response:**

*Recommendation from legal counsel as noted below:*

*Per legal counsel:*

- 1. The clerk can only record items that are recognized/authorized by law F.S. 28.222;*
- 2. As to foreign language instruments, these may only be recorded when accompanied by an English translation;*
- 3. Legal counsel found nothing regarding court filings that suggests any alternate procedure, so Legal counsel follows the same principals unless otherwise specifically directed by a Court Order.*

*In both circumstances, the material that must be redacted under law must be redacted in the translated instrument. It seems logical that if such information is readily identifiable in the foreign instrument (e.g., a SS#), then such material; should be redacted in the foreign instrument.*

**Corrective Action Plan:**

*Will include information in the guide and procedures addressing court documents filed in a foreign language.*

**Target Implementation Date:**

*October 31, 2021*