



**STATE OF MICHIGAN
17TH JUDICIAL CIRCUIT COURT**

**PAUL J. SULLIVAN
CHIEF JUDGE**

**SUITE 10500 C
180 OTTAWA AVENUE NW
GRAND RAPIDS, MICHIGAN 49503-2751**

**STATE OF MICHIGAN
IN THE 17TH CIRCUIT COURT FOR THE COUNTY OF KENT**

**IN RE: POLICY FOR THE OPERATION OF COMPUTER NETWORK,
INTERNET ACCESS, & EMAIL
LOCAL ADMINISTRATIVE ORDER: 2007 – 04**

**At a session of said Court, held in the Kent County Courthouse
in the City of Grand Rapids in said County on October 17, 2007**

**Present: Hon. Paul J. Sullivan
Chief Circuit Judge**

Whereas, the purpose of this Order is to provide a framework for the operation of the Court's computer network, Internet access, and e-mail; and

Whereas, the County provides certain information technology services and equipment to the Court; and

Whereas, the Court has a specific interest in confirming its sole ownership and control of its data and communications where such data and communications are handled or transmitted using the services and equipment provided to the Court by the County under separate agreement; and

Whereas, the State Court Administrative Office (SCAO) has recommended to the courts of Michigan, including this Court, that when a court is provided any of its communications systems through its funding unit, the court should establish policies and procedures, written in collaboration with the funding unit, for the control and monitoring of the court's information to assure that the information is maintained in a protected and confidential manner; and

Whereas, pursuant to MCL 15.232(d)(v), the judiciary is not a "public body" for the purposes of the Michigan Freedom of Information Act and its judicial documents are exempt from FOIA; and

Whereas, the Court and the County wish to respond to the SCAO's recommendation and confirm and agree in writing that the data and communications created by or on the behalf of the Court using the services and equipment provided to the Court by the County under separate agreement is the sole property of the Court and will be maintained in a confidential manner by the County;

Therefore, the Court, and Kent County acting through its Information Technology Department, agree and state as follows:

1. Ownership and Control of Data:

- a. All data generated in all forms, by or resulting from the actions of the Court, its judges, employees, contractors, or volunteers is the property of the Court and the County has no property interests therein.
- b. All data, information, or records generated in or by any communications systems utilized by the judges and employees of the Court are the property of the Court and shall not be disseminated without written approval of the Chief Judge or his/her designee.
- c. The judges and all Court employees shall comply with the County's Acceptable Use Policy regarding the use of the County's information technology systems. Notwithstanding the foregoing, only the Court will have the authority to monitor and review all data, information, or records generated by the judges and employees of the Court. The Court acknowledges that as part of the services provided, the County scans or otherwise checks email communications, including attachments, for computer viruses, bugs, spy-ware and other damaging or potentially damaging programming. This scanning or checking may necessitate the review of communications and attachments but all such review shall be done in a confidential manner. Absent circumstances that are believed by the County to constitute a threat to the County's information technology systems or the information technology systems serving the Court, the County shall not make or maintain any copies of Court communications outside the normal back-up procedures. If, under the preceding sentence, the County makes any copies of Court communications, the County shall inform the Court or the Chief Judge within 48 hours of making the copy along with the reason for making the copy.
- d. The Chief Judge or his/her designee has the sole authority to authorize appropriate action should any Court employee abuse the use of any County information technology systems or violate any standard of operation. However, the Chief Judge or his/her designee will work with the County to minimize any threat to or damage of the County's information technology systems. In the event of an emergency or an imminent threat to the County's information technology systems, the County may take immediate emergency measures to address the threat or emergency. As soon as practical, the County will inform the Court of the situation and the County and the Court will jointly agree on a long term solution to the threat or emergency.
- e. In the event that a subpoena or court order is received by the County requesting access to or copies of Court communications or data, the County, unless specifically prohibited by such court order, shall convey a copy of the subpoena or court order to the Court. If the Court wishes to contest the subpoena or court order, the Court may do so and will inform

the County of the actions taken by the Court to contest the subpoena or court order.

2. Technical and Operation Standards

- a. The County will create a separate logical grouping within the email and file shares for judges and all court employees, court identified volunteers, and contractors. Included as part of this action will be the establishment of a separate post office for email.
- b. The Court will comply with operational standards adopted by the County for the utilization of systems maintained by the County so long as such standards do not interfere with the effective and efficient operation of the Court.
- c. Pursuant to a separate agreement, the County will be responsible for routine administration of Court email and files shares, including but not limited to support for Court users, back-up of files and communications, and file recovery.

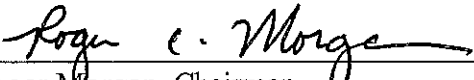
3. Ownership of Equipment and Software

- a. All physical equipment shall be the sole property of the County.
- b. All software and programming shall be the sole property of the County.

4. Handling of Requests for Court Information

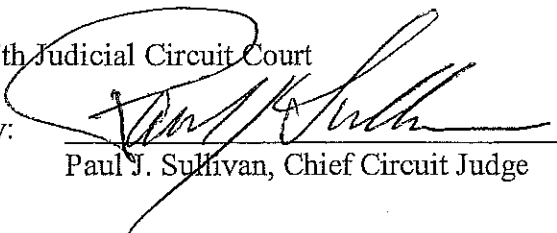
- a. Upon receipt, the County shall refer all requests for Court communications or data covered by the Agreement/Policy to the Court for response to the requestor and shall inform the person making the request for Court communications that the request has been referred to the Court for response.
- b. If the request received by the County is in the form of a subpoena or court order, the County will inform the Court of the request as soon as possible. If the Court elects to contest the subpoena or court order, in whole or in part, the County will cooperate with the Court in responding to the subpoena or court order.

County of Kent

By: 
Roger Morgan, Chairman
Board of County Commissioners

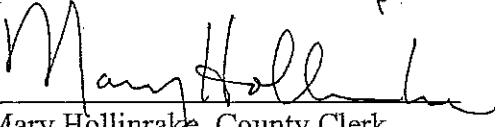
Date: 6-23-07

17th Judicial Circuit Court


By: 
Paul J. Sullivan, Chief Circuit Judge

Date: 10.24.07

Attest:


Mary Hollinrake, County Clerk

Approved as to Form:


Sherry Batzer, Corporate Counsel