

### **ITEM 8.5.0 | BACKUP OF ELECTRONIC COURT RECORDS**

Electronic court records custodians are responsible for the security, availability, and integrity of electronic court records (images and data) under their care. Custodians shall ensure that:

- Electronic court records in their care are securely backed up and any backup data stored at a third-party location must also be encrypted. The custodian of the electronic court records shall have exclusive access to the encryption key. In instances where vendors are supporting appliances onsite and are required to maintain an encryption key, the custodian will have operational policies and procedures that serve as a control prohibiting vendor access without invitation and monitoring.
- The production data or backup copy will reside in a hardened (CAT 5) facility. If a hardened (CAT 5) facility is unavailable, a tertiary copy (redundant backup) will also be maintained in its own offsite, independent facility. The production electronic court records and at least one copy of the backup(s) shall not be housed in the same building.
- Agreements with third-party offsite vendors acknowledge the confidentiality of electronic court data they store and prohibit data mining and other access/use of the data for any purpose other than to make the data accessible to the custodian.
- All backup copies of court data must be readily available to the custodian for access and restoration.
- Random sample testing is performed annually to verify that data is accessible and recoverable.
- Any known breach, or other malicious events, is reported to the chief judge or his/her designee and the Chief Information Security Officer at the Office of the State Courts Administrator Office of Information Technology as part of the custodian's Computer Security Incident Response plan.
- All court backup data is stored in the United States.
- Physical and electronic data transfer processes conform to the confidentiality and security guidelines outlined in the Data Exchange Standards.



These standards are minimum standards. If a custodian stores court-related data from another jurisdiction or agency with stricter requirements, the custodian must comply with the stricter standards for that data.

