



## State of New Hampshire Judicial Branch

### E-Filing Policy #4

(Architecture of Document Management)

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**Issue:** (State the issue and whether it is specific to certain level of court or case type)

*Should the case files be stored centrally? Can documents be stored in a vendor hosted system?*

**Discussion:** (Provide the factual setting or context for the issue)

In the spirit of following best practice, the Administrative Office of the Courts Information Technology Team is committed to having policy, with underlying goals, that will drive the Document Management System (DMS) design phase. A policy should be adopted in which increasing access and availability of files, not the local physical custody of the file, is the goal. How fast can the file be accessed? For example, if files must be accessed in 15 seconds, that would be a design criteria that would impact other decisions.

Questions presented: Who has “custody” of the case files? Should there be limits to custody? What if the electronic case “file” is stored out of state, or at a centralized facility in state, or out of the country? Do existing statutes and court rules require that case filings be in the custody of the court of jurisdiction? The objective is one central point for document storage that is accessible to all authorized persons in the Judicial Branch. In order to create public confidence in the security of the electronic storage technology, the Judicial Branch should retain close control of the DMS. The document storage system must be highly available, have a high level of security and be resilient to disaster.

(See New Hampshire e-Court Project e-Court Issues and Choices Part 2 , pp. 4-13 at <http://www.courts.state.nh.us/nh-e-court-project/NH-eCourt-Issues-and-Choices-Part-II.pdf>.)

**Authorities:** (references to statutes, rules, codes or administrative orders pertinent to the issue)

NH Constitution Part 2 [Art.] 73-a [Supreme Court, Administration]  
NH Constitution Part 1 [Art.] 8, [Accountability of magistrates and Officers;  
Public's Right to Know]

**Alternative Solutions:** (list all identified alternative solutions for the issue)

***Alternative 1 – Courthouse Custody of the Case File***

Server and document management application in each court. The server and the document management applications house the electronic case files just like existing file rooms hold paper files at each court site. The difference is that these servers and document management applications can be networked together so case files can move among courts seamlessly.

***Alternative 2 – Court Housed but Centralized Case Files***

Central DMS houses all case files for the entire state court, potentially in a centrally located court-owned and operated facility. Digital case files would be accessible by local court staff. The case file would still be in the control and custody of the court system.

***Alternative 3 – Hybrid***

Combines two previous alternatives. In an “as needed” fashion, each court has a local copy of the case files they need for any particular day. All case file changes are replicated to the central DMS nightly and unused case files are purged from the courthouse server. Newly required case files are downloaded from the central DMS to the courthouse server.

***Alternative 4 – Cloud Hosted DMS***

Cloud technology enables the use of information systems (hardware and software) over the internet. In a “public” cloud, the same servers and applications are used by multiple businesses simultaneously, but this option opens the courts up to numerous vulnerabilities, therefore the “public” cloud option has been ruled out. A “private cloud” enables an individual or business—or the courts in this case—to specify servers and software that a vendor will host in its data center. In a private

cloud the resources (servers, software, etc.) are not shared among the cloud vendor's customers.

**Position/Recommendation** (does the NH e-Court Advisory Committee have a recommendation on this issue)

The Court (NH e-Court Project Rules and Statutes team and NHJB general counsel) should determine the custody requirements for court documents and case files. If the Court determines there is no requirement for physical custody of the case file, the Court should articulate the specific design goals that underlie the tradition of physical custody such as :

- a. Access control
- b. Availability
- c. Authenticity
- d. Chain of custody

**Decision:**

There is no requirement for physical custody of the case files in court locations provided that the vendor provided hosting service meets the following criteria: accessibility of documents to authorized persons; availability with minimal delay; storage security that ensures authenticity of documents; ability to trace and track changes in all documents.

The New Hampshire Judicial Branch Administrative Council recommended that the New Hampshire Supreme Court adopt the recommendation made by the NH e-Court Advisory Committee. The Supreme Court adopted the recommendation.