

**CONFIDENTIALITY GUIDELINES FOR CRIMINAL PROCEEDINGS:**  
**A CLERK'S GUIDE**

<b><u>Criminal Cases:</u></b> <b><u>Confidential Records</u></b>	<b><u>Who may have access to or view records?</u></b>	<b><u>Authority</u></b>
Defendant's criminal history record (i.e., rapsheet, NYSIIS sheet)	<ul style="list-style-type: none"> <li>● Defendant</li> <li>● Defendant's Attorney</li> <li>● District Attorney</li> </ul>	<ul style="list-style-type: none"> <li>● 42 USC § 3789(g)</li> <li>● 28 CFR Part 20</li> <li>● NYS UCS &amp; NYS DCJS Use &amp; Dissemination Agreement</li> </ul>
NYC Criminal Justice Agency	<ul style="list-style-type: none"> <li>● Defendant</li> </ul>	<ul style="list-style-type: none"> <li>● NYS Pretrial Release</li> </ul>
Alcohol/Drug Treatment records	<ul style="list-style-type: none"> <li>● Patient</li> <li>● Patient's attorney or other person or entity with respect to whom patient has given written consent to disclosure which complies with 42 CFR Part 2.31</li> <li>● Person or entity specified in disclosure order that complies with 42 CFR Part 2 (subpart E)</li> </ul>	<ul style="list-style-type: none"> <li>● 42 CFR Part 2</li> </ul>
Documents that identify a victim of a sex offense (P.L. § 255.25), or an offense that involves the transmission of HIV, and portions of documents which tend to identify such victim	<ul style="list-style-type: none"> <li>● Victim</li> <li>● Any person or agency upon victim's written consent to such disclosure</li> <li>● Public officers or employees charged with investigation or prosecution of case or keeping records of case</li> <li>● Defendant</li> <li>● Defendant's attorney</li> <li>● Any person upon court order for good cause shown</li> </ul>	<ul style="list-style-type: none"> <li>● Civil Rights Law § 50-b</li> </ul>
Grand Jury Minutes	<ul style="list-style-type: none"> <li>● District Attorney</li> </ul>	<ul style="list-style-type: none"> <li>● C.P.L. § 190.25(4)(a)</li> <li>● P.L. § 215.70</li> </ul>
Probation reports and Pre-sentence memoranda	<ul style="list-style-type: none"> <li>● Defendant</li> <li>● Defendant's Attorney</li> <li>● District Attorney (to be made available by court for examination and copying by above, not less than one court day prior to sentencing and also in</li> </ul>	<ul style="list-style-type: none"> <li>● C.P.L. § 390.50(2)</li> </ul>

	connection with an appeal in the case)	
Juror questionnaires and documents which contain juror's names & addresses, and/or information obtained from juror questionnaires	<ul style="list-style-type: none"> <li>● County Jury Board only, except as otherwise permitted by the Appellate Division</li> </ul>	<ul style="list-style-type: none"> <li>● Judiciary Law § 509(a)</li> <li>● <u>Matter of Newsday v. Sise</u>, 71 NY2d 146</li> </ul>
Mental Health records submitted in connection with criminal court proceedings	<ul style="list-style-type: none"> <li>● Person authorized to obtain same pursuant to M.H.L. § 33.13(c), including, but not limited to, person with respect to whom patient has given written consent</li> <li>● Defendant's attorney &amp; District Attorney where permitted or required by C.P.L. § 330.20 or C.P.L Article 730</li> </ul>	<ul style="list-style-type: none"> <li>● C.P.L. § 330.20</li> <li>● C.P.L Article 730</li> <li>● Mental Hygiene Law Articles 9 &amp; 15</li> <li>● Mental Hygiene Law § 33.13(c)</li> </ul>
Orders of Commitment of mentally ill inmates (and all papers in commitment proceedings)	<ul style="list-style-type: none"> <li>● Parties to the proceeding and, upon court order, persons "properly interested" in the proceedings</li> </ul>	<ul style="list-style-type: none"> <li>● Corrections Law § 402(6)</li> </ul>
Sealed records in cases which end favorably to the accused	<ul style="list-style-type: none"> <li>● Person accused</li> <li>● Attorney or "designated agent" of person accused</li> <li>● Persons or agencies enumerated in C.P.L. § 160.50(1)(d)</li> </ul>	<ul style="list-style-type: none"> <li>● C.P.L. § 160.50(1)(d)</li> </ul>
Conditionally sealed cases following successful completion of a judicially sanctioned drug treatment program	<ul style="list-style-type: none"> <li>● Person accused</li> <li>● Designated agent" of accused</li> <li>● Qualified agencies under Executive Law § 835(9) for law enforcement purposes</li> <li>● state or local police or agencies responsible for issuing gun licenses in connection with an application</li> <li>● prospective employers of police or peace officers</li> </ul>	<ul style="list-style-type: none"> <li>● C.P.L. § 160.58(6)</li> </ul>
Sealed records of criminal cases against juvenile offenders that are removed to family court	<ul style="list-style-type: none"> <li>● No access except by court order or where a relevant statute expressly permits or requires access</li> </ul>	<ul style="list-style-type: none"> <li>● C.P.L. § 725.15</li> <li>● Family Court provisions</li> </ul>

<p>Youthful Offender (Y.O.) Records</p>	<ul style="list-style-type: none"> <li>● Youthful offender</li> <li>● Youthful offender's attorney</li> </ul> <p>of "designated agent"</p> <ul style="list-style-type: none"> <li>● Designated Educational official (notice of Y.O. adjudication only)</li> <li>● Parole or probation, in accordance with C.P.L. § 720.35(2)</li> <li>● Statewide OP registry may</li> </ul> <p>maintain OP or TOP (or OP warrant) issued in Y.O. cases</p> <ul style="list-style-type: none"> <li>● Person or entity authorized pursuant to sentencing court's unsealing order</li> </ul>	<ul style="list-style-type: none"> <li>● C.P.L. § 720.35(2)</li> </ul>
<p>Pending records of an apparently eligible youthful offender (YO)</p>	<ul style="list-style-type: none"> <li>● No access to accusatory instrument by general public</li> </ul>	<ul style="list-style-type: none"> <li>● C.P.L. § 720.15(1)</li> </ul>
<p>Criminal Court Sex Offender Registry Forms</p>	<ul style="list-style-type: none"> <li>● Defendant</li> <li>● Defendant's attorney</li> <li>● District Attorney</li> </ul>	<ul style="list-style-type: none"> <li>● Correction Law § 168-b</li> </ul>
<p>Past records of convicted and incarcerated sex offenders (for purposes of civil commitment proceedings)</p>	<ul style="list-style-type: none"> <li>● Commissioner of Mental Health</li> <li>● Attorney General</li> <li>● "Case Review Panel" assigned to review defendant's case</li> </ul> <p>* If you receive a request for confidential information under Article 10 of the Mental Hygiene Law, you should ask for guidance from the Chief Clerk's office.</p>	<ul style="list-style-type: none"> <li>● Mental Hygiene Law Article 10</li> </ul>