

May 3, 2016

Hon. Peter M. Lauriat  
Chair, Public Access to Court Records Committee  
Superior Court Administrative Office, 13<sup>th</sup> Floor  
Three Pemberton Square  
Boston, MA 02108

RE: Proposed Trial Court Rule XIV -  
Internet Access to Criminal Case Docket Entries and Files

Dear Judge Lauriat:

I am the Legal Director at GLBTQ Legal Advocates & Defenders (GLAD), a legal rights organization, which is headquartered in Boston and serves the lesbian, gay, bisexual, transgender (LGBT) and HIV communities in the six New England states. Since our founding in 1978, our mission has been to end discrimination based on sexual orientation, HIV status and gender identity and expression.

We at GLAD understand that there are interests on both side of the question of public access to court records in criminal cases, but we believe that the interests and concerns in protecting these records from broad public access clearly outweigh any countervailing interest favoring disclosure. We recognize that the proposed rule limits criminal case searches to case numbers, and not defendant names; however, we are concerned that continually increasing sophistication in data mining will erode any protections that might be afforded by numbers-only searching.

Information released online surely gains a life of its own and tends to become accessible forever. Therefore, it is reasonable to believe that this will hurt people who need jobs the most. In the same vein, this availability seemingly still runs into conflict with our laws on the sealing of records whether immediately or within a period of years and with the spirit of our reformed CORI laws.

We are also aware of how the criminal justice system negatively and wrongly impacted gay men for many years. Now, and historically, the racial disparities in our criminal justice system raise serious concerns about harms to people in communities of color as a result of internet access to records.

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Lastly, we are concerned about errors in court records and how those unintentional errors become effectively compounded by broad dissemination by individuals and the criminal background checking industry. And, of course, both with and without errors, there is the danger of criminal use of court records to harass, bully and otherwise harm individuals who have reason to believe that their privacy should be protected in such matters.

Thank you for your consideration of these comments.

Sincerely,

/s/ Gary Buseck

Gary Buseck, Legal Director

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