

HOW DO I ASK THE COURT TO SEAL A RECORD?

Wis. Stat. § 801.21 provides procedures for motions to seal. If a document is not protected by statute, a party who wishes to restrict public access must file a motion to seal part or all of the document.

What is a motion to seal?

“Seal” means to order that a portion of a document or an entire document not be accessible to the public. Sealing orders apply to the information in all formats, both paper and electronic.

When is a motion to seal necessary? Wisconsin public policy favors public access to government records. Wis. Stat. § 59.20(3) provides specific authority for public inspection of papers required to be kept by the clerk of courts and register in probate. Some court records are protected by Wis. Stat. § 801.19 (social security, financial accounts, and driver license numbers) and Wis. Stat. § 801.20 (listing the court records made confidential by statute). For all other records, if you wish to keep information private, you must file a motion to seal. The motion may extend to an item of information like a name or address, a document like a medical report, or in rare instances the whole case.

What procedures do I follow to file a motion to seal?

The filing party may ask the court to redact (omit or blank out) certain pieces of information, to seal a document, or to seal the whole case. Forms GF-245–247 are available for making a motion to seal the court record or the transcript. The clerk cannot seal a record; this decision must be made by the court. The filing party must cite legal authority (such as statutes, court rules, or case law) and any necessary facts to explain why the information should not be publicly available.

The CCAP software automatically places form GF-245 under temporary seal when submitted through eFiling. The filer should check the radio button labeled “seal” in order to seal the documents submitted with the GF-245. Until the court rules on the motion, the information can be viewed only by the filer. The motions to seal, GF-246A and GF-247A, and their orders, GF-246B and GF-247B, are open to the public.

Are there any statutes or case law that allow the court to seal?

Some statutes and case law provide that the court may seal certain records or seal the whole case:

- Antitrust actions (confidential business or trade secrets)
- Confidential informants (identification and testimony)
- Coroner’s inquest if district attorney agrees
- Divorce judgments when set aside after reconciliation
- Divorce judgments when parties remarry each other
- Family actions for good cause shown
- In camera inspection of alleged victim’s psychological/psychiatric/treatment records under *Shiffra/Green* [*State v. Green*, 2002 WI 68, 253 Wis. 2d 356]
- In camera inspection of potential discovery [Wis. Stat. § 971.23(6m)]
- In camera inspection of state employment records if the employee demands de novo review of the release (Woznicki notice) [Wis. Stat. § 19.356]
- John Doe proceedings
- Juror Information [*State v. Tucker*, 2003 WI 12, 259 Wis. 2d 484]
- Restraining orders and injunctions, individual at risk
- Trade secrets litigation

See our frequently asked questions for more information.

Are there other issues to be aware of? There are a number of important areas where statutory protection is unclear and the case law is not fully developed. If you wish to keep a record private, you should file a motion to seal for the following information:

- Medical and psychological records
- Crime victim and witness information, including name and address
- Children’s names in cases outside the Children’s Code (Chapter 48) and Juvenile Code (Chapter 938)
- Qualified Domestic Relations Order
- Driver records
- Personnel Records
- Victim Impact Statements

Other state statutes provide confidentiality for records when held by other custodians. These statutes may be used in support of a motion to the court, but the clerk of court will not treat that information as confidential without an order by the court (e.g. patient health care records).

Where do I go for more info? Visit the court’s website at www.wicourts.gov/services/attorney/redact/. There you will find the new rules, forms, frequently asked questions, and more.

