

MASTER SUBSCRIBER AGREEMENT AMENDMENT FOR "FAST ACCESS"

THIS AGREEMENT AMENDMENT is entered into by and between
City of Lake Elmo

(Government Subscriber Name / Name of Entity)

of 3800 Lavern Avenue North, Lake Elmo, MN 55042

(Government Subscriber Address)

(hereinafter "Government Subscriber") and THE STATE OF MINNESOTA

Office of State Court Administration

(Judicial District OR Office of State Court Administration)

of 25 Rev. Dr. Martin Luther King Jr. Blvd. St. Paul, Minnesota 55155

(Address)

(hereinafter "the Court").

Recitals

This Master Subscriber Agreement Amendment for FAST Access ("Amendment") modifies and supplements the Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies between Government Subscriber and the Court ("Agreement"). This Amendment provides the framework for Government Subscriber's Individual Users access to FAST Access. FAST Access provides certain, qualified individual users with web-based access to Court Records and Court Documents in cases where they qualify for access.

Amendment

The Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies is modified and supplemented by the addition of the following provisions:

1. DEFINITIONS. The definitions of the Agreement are incorporated herein.

- 1.1 "Minnesota Government Access" means the web-based software that provides government agencies with remote Internet access to electronic records in MNCIS. Formerly known as MPA.
- 1.2 "FAST Access" (First Appearance Support Track) means a Minnesota Government Access login that provides Government Subscriber's Individual Users with access to Court Records and Court Documents at the court facility and any detention area, as designated by county court administration, in cases scheduled on the first appearance, bail hearing, and arraignment calendars where prosecutors and defense attorneys typically do not yet have a case file and need access to the documents filed with the court. [Individual Users that qualify for

FAST Access are currently limited as described in Clause 1.3 of this Amendment.] Government Subscriber's Individual Users will be provided with daily passwords to FAST Access by county court administration for use during the court calendar.

- 1.3 "FAST Access County Pilot" means the pilot FAST Access program being tested in eCourtMN Pilot County Adult Criminal Courts. Under the FAST Access County Pilot, qualified Government Subscriber's Individual Users will be limited to government attorneys and contract attorneys, and any student attorneys under their supervision, who practice in Pilot County Criminal Court proceedings on behalf of Government Subscriber. During the initial phase of the County Pilot, the State will not charge Government Subscriber or Government Subscriber's Individual Users for access to FAST Access. The State may charge for access to FAST Access at a later date.

2. **DATA ACCESS SERVICES PROVIDED TO GOVERNMENT SUBSCRIBER'S INDIVIDUAL USERS.** This clause modifies Clause 3 of the Agreement. Following execution of the Agreement and this Amendment by both parties, Government Subscriber's Individual Users who qualify for access must sign the FAST Access User Acknowledgement form to be granted the access through the MNCIS Government Access application to the extent described in this clause.

2.1 **FAST Access County Pilot Access.**

- 2.1.1 **Pilot County Access.** In the FAST Access County Pilot, Government Subscriber's Individual Users who are present in court to represent parties in court on that day, and who have signed the FAST Access User Acknowledgement form, may access and use certain Court Records and Court Documents in Pilot County adult criminal cases only for a "Legitimate Governmental Business Need." For purposes of FAST Access, a "legitimate governmental business need" is limited to a requirement, duty or obligation for the efficient performance of governmental tasks or governmental responsibilities that is required or authorized by law or court rule in connection with the Individual User's cases on the court calendar for that day. Such access and use of Court Documents will be limited to Court documents that have been assigned the following security classifications: Public1, Public2, Public2 Citation, Confidential1, and Confidential2. Such access and use will not include Court Documents that have the security classification Sealed1. Access is limited to the court calendar for which access was granted, for legitimate government business needs as defined above, and is limited to access from the designated court and detention facilities. Access at any other time, for any other purpose, or from any other location is prohibited.

- 2.2 **FAST Access.** [Access provided to FAST Access users outside of the County Pilot is reserved.]

3. AUTHORIZED ACCESS TO FAST Access.

3.1 Access for Government Subscriber's Individual User. Individual Users who are granted access to cases through FAST Access will be provided with a login and password if they are attorneys or student attorneys appearing in court under the supervision of an attorney. Passwords will change on a daily basis and will be received by court administration and provided to qualified Individual Users who appear for a daily calendar. Passwords may not be shared.

3.2 Notice When a Government Subscriber's Individual User should no Longer Receive FAST Access. Individual Users that no longer work for Government Subscriber, or who no longer need FAST Access to fulfill a "Legitimate Governmental Business Need" as defined in the Agreement, should not have FAST Access. Government Subscriber shall immediately notify the Court whenever an Individual User no longer works for Government Subscriber or no longer needs FAST Access to fulfill a "Legitimate Governmental Business Need" as defined in the Agreement.

4. WARRANTY DISCLAIMERS. The warranty disclaimers listed in Clause 15 of the Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies is modified to include the following. **THE COURT IS NOT LIABLE FOR ANY COURT RECORDS OR COURT DOCUMENTS NOT AVAILABLE THROUGH FAST ACCESS DUE TO COMPUTER OR NETWORK MALFUNCTION, MISTAKE OR USER ERROR. THE COURT MAKES NO WARRANTIES AS TO THE COMPLETENESS OR ACCURACY OF THE COURT RECORDS AND COURT DOCUMENTS PROVIDED THROUGH FAST ACCESS.**

5. ACKNOWLEDGMENT BY INDIVIDUALS WITH ACCESS TO COURT RECORDS AND COURT DOCUMENTS UNDER THIS AGREEMENT. Pursuant to Clause 7 of the Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies, Government Subscriber's Individual Users are required to sign an Acknowledgment Form before being provided access to Court Data. For FAST Access, Government Subscriber's Individual Users are required to sign a FAST Access specific Acknowledgment Form before being provided a FAST Access login and password.

IN WITNESS WHEREOF, the Parties have, by their duly authorized officers, executed this Agreement in duplicate, intending to be bound thereby.

1. GOVERNMENT SUBSCRIBER
Government Subscriber must attach documented verification of authority to sign on behalf of and bind the entity, such as a council resolution, board authority or legally binding decision maker and attach same as Exhibit C.

2. THE COURT

By _____
(SIGNATURE)

Date _____

Name (typed) Dean Zuleger

Title City Administrator

Office _____

By _____
(SIGNATURE)

Date _____

Name (typed) Mark Moore

Title CIO/Director

Information Technology
Division of State Court
Administration

Office _____