

# eCourt Applications Privacy Policy

*Last updated: August 26, 2019*

Welcome to eCourt, the web-based case management system and public-access portal for the Georgia Office of State Administrative Hearings (“OSAH”). The term “eCourt” collectively refers to all of the following: (1) the internal case management system, used exclusively by OSAH staff; (2) the public-access portal (“ePortal,”), which is available to parties who have contested cases before OSAH; and (3) the corresponding mobile apps. eCourt is OSAH’s proprietary system designed and developed by Azul Arc, LLC.

The following constitutes the Privacy Policy regarding the use of OSAH’s eCourt by external parties (i.e., non-OSAH staff). OSAH reserves the right to supplement, change, delete, or update any of the terms contained herein.

This Privacy Policy has been compiled to better serve those who are concerned with how their “Personally identifiable information” (“PII”) is being used online. PII, as used in U.S. privacy law and information security, is information that can be used on its own or with other information to identify, contact, or locate a single person, or to identify an individual in context. OSAH also is bound to comply with any applicable federal, state, or local law, rule, or regulation.

Please read the following Privacy Policy carefully to get a clear understanding of how OSAH collects, uses, protects, or otherwise handles any PII on eCourt.

## **What personal information does OSAH collect from external users who wish to use eCourt?**

When registering an account with eCourt’s ePortal feature, you are asked to enter your name and email address. Attorneys are asked to enter their Bar numbers. Law enforcement officers are asked to enter their badge numbers.

Additionally, OSAH will collect and retain, as part of official case records and in the course of its statutory role, any personal information contained in documents that are eFiled in your respective case (“eFiling” meaning electronic submission of a document through eCourt’s ePortal feature). This information is solely for use in adjudicating your contested case before OSAH. Nevertheless, the opposing party in a case will have access to the full case record, as will you. Additionally, certain case information, including filed documents, may be subject to public inspection through Georgia’s Open Records Act, O.C.G.A. § 50-18-1 *et seq.* (The same would apply whether you utilized eCourt or filed your case records with OSAH through more traditional means.)

## **When does OSAH collect information?**

OSAH collects your name and email address when you first register for an ePortal account. (Bar numbers for attorneys and badge numbers for law enforcement officers also are collected.) OSAH also collects and records information when you eFile any documents in your respective case(s); or send an email to the designated tech-help site.

## **How does OSAH use an external user’s information?**

eCourt will send email notifications to you whenever an update has been posted to your case, as long as you are a party of record in that case AND you have verified your identity using a unique 8-digit verification code provided to you by OSAH. Email notifications on case updates also will be sent to the attorneys and law enforcement officers associated with those cases. Attorneys and officers can gain access to each case by verifying their identities with a unique 8-digit verification code provided by OSAH, or by being matched to cases using their unique Bar numbers and badge numbers. All external users may opt out of these email notifications at any time.

Any documents that you eFile in a case will be reviewed by OSAH staff in the normal course of its business as the administrative court of Georgia. You are solely responsible for the accuracy of any and all information provided by you in connection with the electronic transmission or delivery of any document via eCourt. If eCourt displays

incorrect contact information for you regarding a case, you are responsible for contacting an OSAH staff member promptly to make the update.

### **How does OSAH protect an external user's information?**

OSAH maintains administrative, technical, and physical safeguards, consistent with legal requirements, designed to protect against unlawful or unauthorized destruction, loss, alteration, use or disclosure of, or access to, the personal information provided via eCourt, or accessible through eCourt. OSAH utilizes a secure server to house all information stored in eCourt.

OSAH retains all case files, including any personal information therein, in accordance with the retention schedules set forth by applicable law.

Your individual case information, as accessed via eCourt, can be viewed only through the accounts set up by yourself or other parties of record in the case. Parties must confirm their identities with a unique 8-digit code provided by OSAH (or by Bar or badge numbers for attorneys and law enforcement officers, respectively).

You are solely responsible for training and monitoring any employees, agents, independent contractors, or consultants you authorize, designate, or otherwise permit to access your eCourt account on your behalf (collectively, "Authorized Users").

You will be solely responsible for maintaining the security and confidentiality of your username/password to your eCourt account. You will be responsible for promptly notifying OSAH if your username/password is lost, stolen, no longer valid, or has been misused or compromised in any manner; once notified, OSAH will take steps to review access to the relevant case files and promptly cancel the username/password.

OSAH will immediately suspend or disable an eCourt account if it suspects unauthorized use of a username/password, or in the event of any user activity that may compromise eCourt, or if a username/password is compromised in any way. OSAH shall have no liability to you or any of your Authorized Users, or any third party (including, without limitation, your clients or customers, if any) for any claim based upon misuse of a username/password.

If you believe there has been unauthorized use of an eCourt account, you must notify OSAH immediately by emailing [publicportal@osah.ga.gov](mailto:publicportal@osah.ga.gov).

### **Does OSAH share eCourt information with individuals not involved in the case?**

In no instance will OSAH sell or trade eCourt information, including but not limited to your PII. OSAH also does not include or offer third-party products or services through eCourt.

OSAH may release your information to third parties when it concludes release is appropriate to comply with the law. This includes any case-related documents or information that are subject to public inspection under Georgia's Open Records Act, O.C.G.A. § 50-18-1 *et seq.* OSAH also may disclose your information in connection with an investigation of suspected or actual fraud, illegal activity, or security or technical issues. Other parties who formally assist OSAH in operating eCourt, including Azul Arc, may have access to eCourt's stored information to the extent needed to assist with operations, and only upon agreeing that all information shall be kept confidential.

### **Does eCourt use "cookies"?**

Yes. Cookies are small files that a site or its service provider transfers to your computer's hard drive through your web browser (if you allow) that enables the site's or service provider's systems to recognize your browser and capture and remember certain information. eCourt uses cookies for session management.

**How does eCourt handle “do not track” signals?**

eCourt does not honor “do not track” sensors, because there is no need to do so: eCourt is not tracking location or sending any information to third parties.

**Does eCourt allow third-party behavioral tracking?**

No, OSAH does not allow third-party behavioral tracking.

**Does eCourt utilize Google Analytics?**

Not at this time.

**How is OSAH complying with COPPA (Children Online Privacy Protection Act)?**

When it comes to the collection of personal information from children younger than 13, the Children’s Online Privacy Protection Act (COPPA) puts parents in control. The Federal Trade Commission, the nation’s consumer protection agency, enforces the COPPA Rule, which spells out what operators of websites and online services must do to protect children’s privacy and safety online.

As an administrative court and a State agency, OSAH does not specifically target eCourt for the use of children younger than 13.

**How is OSAH complying with Fair Information Practices principles?**

The Fair Information Practices principles form the backbone of privacy law in the United States, and the concepts they include have played a significant role in the development of data protection laws around the globe. Understanding the Fair Information Practice principles and how they should be implemented is critical to comply with the various privacy laws that protect personal information.

In order to be in line with Fair Information Practices, OSAH will take the following responsive action, should a data breach occur:

- OSAH will notify the users via in-site notification within seven (7) business days.
- OSAH maintains multiple channels (mail, phone, email, fax, in-person visits) by which parties may contact OSAH staff to correct the contact information of record in a case, including but not limited to name spellings, mailing addresses, phone or fax numbers, and email addresses.

**Changes to this Privacy Policy**

This Privacy Policy may be updated periodically and without prior notice to you to reflect changes in OSAH’s information practices, or any applicable law. OSAH will indicate at the top of this Privacy Policy when it was most recently updated.

**Contacting OSAH**

If there are any questions regarding this Privacy Policy, you may contact OSAH using the information below.

225 Peachtree Street NE  
Suite 400  
Atlanta, GA 30303

[publicportal@osah.ga.gov](mailto:publicportal@osah.ga.gov)