IN THE SUPREME COURT OF THE STATE OF ALASKA

SPECIAL ORDER OF THE CHIEF JUSTICE

ORDER NO. 8133

AMENDED

Confidentiality of Filings in Quarantine/Isolation/Testing/Screening Cases

The Alaska Legislature has enacted statutes that provide for court proceedings to authorize the Department of Health and Social Services to test, examine, screen, isolate, or quarantine individuals to prevent the spread of a contagious disease. AS 18.15.375.385. In addition, a number of municipal, borough, and other local governments have enacted provisions that address situations and provide remedies that are substantially similar to what is addressed in the state statute.

Under the state law, the public is excluded from these proceedings unless the respondent elects to have an open hearing. AS 18.15.375(e); AS 18.15.385(f).

As required by these statutes, the department has adopted regulations to protect the privacy rights of respondents subject to these proceedings. 7 AAC 27.890-.899.

The public interest in disclosure of court records in these proceedings is outweighed by the privacy interests of the respondents and the department's legitimate interest in public safety. See Alaska Administrative Rule 37.6.

IT IS THEREFORE ORDERED that, pending further rule or order by the Alaska Supreme Court, all court records in court proceedings under AS 18.15.375-.385 and under municipal, borough, or other local government provisions addressing testing, examination, isolation, and/or quarantine of individuals to prevent the spread of a contagious disease shall be confidential records as defined by Alaska Administrative Rule 37.5(c)(4). This Order applies to all case records of this type, regardless of date of filing.

DATED: May 26, 2020

Joel H. Bolger
Chief Justice

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