

Rule 112. Non-Public Materials and Information on Appeal**Rule 112.01 Treatment of Non-Public Materials and Information on Appeal**

Subdivision 1. Presumption of Public Access. Appellate case records are presumptively public, unless a specific statute, court rule, or court order directs otherwise.

Subd. 2. Duty to Maintain Confidentiality. Every party to an appeal must take reasonable steps to prevent the public disclosure of non-public materials and information in appellate case records.

(Added effective January 1, 2010; amended effective July 1, 2014; amended effective September 1, 2019; amended effective April 1, 2025.)

Rule 112.02 Determining Whether Materials are Non-Public on Appeal

Subdivision 1. Non-Public Designation in Trial Court Automatically Retained on Appeal. Materials filed in the trial court as "confidential" or "sealed" pursuant to Rules 11 or 14 of the General Rules of Practice, or in another manner that made the materials unavailable to the public, will remain non-public on appeal without the need for a motion, unless the trial court or appellate court orders otherwise.

Subd. 2. Non-Public Designation Automatically Required by Specific Statute, Court Rule, or Court Order. Materials required to be designated "confidential" or "sealed" by a specific statute, court rule, or court order may be filed on appeal in a separately designated confidential addendum without the need for a motion.

Subd. 3. Motion Otherwise Required. If a party seeks to restrict public access to materials filed on appeal beyond the materials covered by subdivisions 1 and 2, the party must file a motion seeking a non-public designation. The motion must be filed publicly and must identify the specific rule or other authority for restricting public access to the materials. The motion must be accompanied by an addendum, filed separately and designated as non-public, containing the materials for which the party seeks a non-public designation.

(Added effective January 1, 2010; amended effective July 1, 2014; amended effective September 1, 2019; amended effective April 1, 2025.)

Rule 112.03 Determining Whether Information is Non-Public on Appeal

Information contained only in materials designated as non-public under Rule 112.02 must be treated as non-public on appeal, unless a specific statute, court rule, or court order directs otherwise. Information contained in non-public materials that has been disclosed in publicly accessible documents in the trial court record must be treated as public on appeal, unless a specific statute, court rule, or court order directs otherwise.

(Added effective January 1, 2010; amended effective July 1, 2014; amended effective April 1, 2025.)

Rule 112.04 Treatment of Non-Public Materials in Addenda

Any non-public materials under Rule 112.02 that a party wishes to file with the appellate court must be filed separately in a confidential addendum. The separate confidential addendum must include a brief statement explaining why each of the materials is non-public.

(Added effective January 1, 2010; amended effective April 1, 2025.)

Rule 112.05 Treatment of Non-Public Materials and Information in Other Written Filings

Subdivision 1. Duty to Make Appellate Filings Publicly Accessible if Possible. To the extent possible, every party on appeal must prepare briefs and other written filings other than separately designated confidential addenda in a manner such that they can be publicly accessible.

Subd. 2. Specific Non-Public Information. Social Security, employer identification, and financial account numbers must not be included in written filings to the appellate courts. If Social Security, employer identification, or financial account numbers are strictly necessary to the legal issue being addressed, they must be fully redacted or referred to by a descriptive term. Jurors, minors, and non-deceased victims of a criminal or delinquent act must not be specifically identified but may be referred to by initials or a descriptive term.

Without limiting any other applicable laws or court rules, and in order to address privacy concerns created by remote access, it is recommended that the disclosure of home street addresses, personal email addresses, personal phone numbers, and the identity of non-expert witnesses be limited to what is necessary and relevant for the purposes of the written filing to the appellate courts.

Subd. 3. Seeking Leave to File Redacted and Unredacted Versions of Written Filings. If the inability to disclose non-public information in a written filing other than a separately designated confidential addendum would preclude a party from a fair presentation of the party's argument, the party may move for leave to file a redacted version of a written filing for public access and an unredacted, non-public version. Any such motion must demonstrate that the proposed redactions are strictly limited to non-public information under Rule 112.03 or Rule 112.05, subd. 2. The motion must be accompanied by the proposed redacted and unredacted versions of the written filing.

(Added effective April 1, 2025.)

Rule 112.06 Treatment of Non-Public Materials and Information at Oral Argument

Appellate arguments are public hearings. Parties must take reasonable steps to avoid disclosing non-public materials or information at oral argument. Such steps include referring to people whose identities are non-public information by their initials or description rather than by name or describing confidential information in terms of its specific location in the separately designated confidential addendum without disclosing the information itself.

(Added effective April 1, 2025.)

Rule 112.07 Failure to Comply

Any party or non-party may bring a violation of Rule 112 to the attention of the preparer of the filing on appeal. If the violation is not promptly corrected, the violation must be brought to the attention of the clerk of the appellate courts first, followed by the service and filing of a prompt motion to strike or redact. At the direction of the appellate courts, the clerk of the appellate courts may restrict public access until a motion to strike or redact has been decided. The appellate court, on its own initiative or on motion, may impose sanctions for the failure to comply with Rule 112.

(Added effective April 1, 2025.)

Advisory Committee Comment - 2025 Amendment

Rule 112 was substantially amended in 2025 to facilitate remote access to appellate briefs and to clarify parties' responsibilities regarding the filing of non-public material and information on appeal.

Rule 112.01, subd. 1, clarifies that appellate case records are presumptively public, unless a specific statute, court rule-such as the Minnesota Rules of Public Access or Rules 11 and 14 of the Minnesota General Rules of Practice for the District Courts-or a court order directs otherwise. Subdivision 2 clarifies that parties are responsible for taking reasonable steps to prevent public disclosure of non-public materials and information on appeal.

Rule 112.02 provides that materials designated as non-public in the district court, as well as materials required to be non-public by a specific statute, court rule, or court order, may be filed on appeal in a separately designated confidential addendum without the need for a motion. A motion is required to restrict public access to any other materials on appeal.

Rule 112.03 provides that information contained only in non-public materials must be treated as non-public on appeal, unless such information has been disclosed in publicly accessible documents in the trial court record.

Rule 112.04 provides that any non-public materials a party wishes to file with the appellate court must be separately filed in a confidential addendum. The separately filed confidential addendum must include a brief statement explaining why each of the materials is non-public. That statement may be included in the table of contents of the addendum, on a separate page, or on a cover page before each document.

Rule 112.05 governs the treatment of non-public materials and information in appellate briefs and other written filings. Subdivision 1 provides that parties must prepare briefs and other written filings in a manner that allows them to be publicly accessible. For example, when practicable, parties are encouraged to use descriptive terms such as "Victim 1," "Trade Secret A," or "health condition," to maintain the confidentiality of non-public information while allowing a filing to be publicly accessible. Subdivision 2 governs specific types of non-public information. Subdivision 3 outlines the procedure for filing redacted and unredacted versions of written filings.

Rule 112.06 governs the treatment of nonpublic materials and information at oral argument.

Rule 112.07 governs violations of Rule 112.