

Review of Local District and Appellate Rules Governing Redaction of Private Information in Federal Court Filings

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Review of Local District and Appellate Rules Governing Redaction of Private Information in Federal Court Filings

I. Introduction

The E-Government Act of 2002 required the federal judiciary to formulate rules “to protect the privacy and security concerns relating to electronic filing of documents” in federal courts.¹ In response, the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure were amended effective December, 2007² (referred to collectively hereafter as the national “Privacy Rules”). The Privacy Rules generally require that federal court filings be publicly available electronically to the same extent they are available at the courthouse, provided that specified sensitive personal information is redacted or omitted from those filings by the attorney or the party prior to filing.³ We reviewed the local court rules of the district and appellate courts to identify rules requiring redaction of specified private information from court filings. The full text of the identified local rules is in Appendix A and B.⁴ We reviewed and reported on the local rules of the bankruptcy courts separately.⁵

Local court rules governing practice and procedure may supplement, as long as they remain consistent with, applicable Acts of Congress and Federal Rules of Practice and Procedure.⁶ Thus, we also examined the local privacy rules to identify redaction requirements that supplement or modify the national Privacy Rules. Part II of this report summary compares the district court local rule requirements to the requirements of the national rules, and Part III does the same for the court of appeals local rules.

II. Identification of District Court Local Rules Requiring Redaction of Personally Identifiable Information

To protect privacy and security concerns relating to electronic filing of documents, the E-Government Act established guidelines applicable to both the Federal Rules of Practice and Procedure and the local rules of federal district courts. These guidelines address the main components of such rules in general terms, allowing the rules to identify the specific categories of information (personally identifiable information) that must be redacted or removed from court filings available to the public and to specify the methods of redaction required and filing

¹ Public Law 107-347, § 205(c)(3), 116 Stat. 2910 (Dec. 17, 2002), *See also* 44 U.S.C. § 3501 note (text appears in the legislative note material.)

² Fed. R. App. P. 25(a)(5); Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 49.1; Fed. R. Bankr. P. 9037.

³ *Id.*

⁴ Senior research associate Marvin Astrada compiled the appendices.

⁵ Fed. R. Bankr. P. 9037. *See* Review of Local Bankruptcy Rules and Procedures Governing Redaction of Private Information in Federal Court Filings (Federal Judicial Center 2025). The bankruptcy report reviewed standing and general orders, administrative procedures, and electronic case filing manuals, in addition to local rules.

⁶ A court’s authority to prescribe local rules is governed by both statute and the Federal Rules of Practice and Procedure. *See* 28 U.S.C. §§ 2071(a)-(b); Fed. R. App. P. 47; Fed. R. Bankr. P. 9029; Fed. R. Civ. P. 83; Fed. R. Crim. P. 57.

alternatives available to the filer. Personally identifiable information (PII) refers to specified categories of sensitive private information such as social security numbers that can be used to distinguish or trace an individual's identity.⁷ Although the E-Government Act left the identification of specific PII requiring redaction and the designation of applicable redaction methods to the national Privacy Rules and district court local rules, the Act included the requirement that “[s]uch rules shall provide to the extent practicable for uniform treatment of privacy and security issues throughout the Federal courts.”⁸ The E-Government Act was also explicit that whatever rules were promulgated, insofar as those rules permitted “the redaction of certain categories of information in order to protect privacy and security concerns,” they must also permit “a party that wishes to file an otherwise proper document containing such information [to] file an unredacted document under seal” (either in addition to or in lieu of the redacted e-filed version).⁹

Federal Rule of Civil Procedure 5.2 [FRCP 5.2] and Federal Rule of Criminal Procedure 49.1 [FRCrP 49.1] implement the E-Government Act's privacy mandate in federal district courts, specifying what PII must be removed and how to redact this information before the filings are made available for public viewing. FRCP 5.2 in civil cases and FRCrP 49.1 in criminal cases or proceedings require the redaction of specified PII from electronic or paper filings before they are publicly filed with the court. Both rules provide two alternative methods of redacting and filing a document that contains some or all such PII. Local rules addressing privacy concerns in court filings may supplement the privacy protections outlined in FRCP 5.2 and FRCrP 49.1, as long as they remain consistent with those protections.¹⁰

For purposes of this review, a “stand-alone” local privacy rule was defined as a local rule that (1) that requires the redaction of specific types of PII from documents filed with the court and (2) specifies the acceptable methods of redaction and filing requirements. Forty-three districts¹¹ (46% of all districts) have such a rule. These forty-three stand-alone local privacy rules either incorporate the FRCP 5.2 or FRCrP 49.1 requirements by referring to one or both of these rules or by describing in the local rules themselves the requirements for what must be redacted and how, and the filing methods available. Several of these local privacy rules take the requirements as to what PII must be redacted and how from FRCP 5.2 or FRCrP 49.1 but describe the filing methods available in the local rule itself, or vice versa. The forty-one district courts without a stand-alone local privacy rule apply the redaction and filing requirements as

⁷ Personally identifiable information (PII) may also be referred to as personal data identifiers (PDIs). *See* Fed. R. Civ. P. 5.2 & Fed. R. Crim. P. 49.1 advisory committee's note (2007).

⁸ Pub. L. 107-347, § 205(c)(3)(A)(ii) (Dec. 17, 2002), 116 Stat. 2910, *amended by* Pub. L. 108-281, 118 Stat. 889 (Aug. 2, 2004).

⁹ *See* Pub. L. 107-347, § 205(c)(3)(A)(iv) (Dec. 17, 2002).

¹⁰ Fed. R. Civ. P. 83; Fed. R. Crim. P. 57.

¹¹ Appendix A lists these 43 districts and their relevant local rule or rules. References throughout this report to a district should be inferred as a reference to the local rule or rule included in this Appendix for that district.

specified in FRCP 5.2 and FRCrP 49.1 without additional requirements or modifications to the existing requirements.¹²

Of the forty-three identified districts, thirty-five have local privacy rules that apply to both civil and criminal cases. Of these thirty-five, twenty-one have one local rule that applies to both civil and criminal cases,¹³ while fourteen have separate local redaction rules for civil and criminal cases.¹⁴ Further, seven districts have a stand-alone local privacy rule that only applies to civil cases,¹⁵ and one district has a local privacy rule that only applies to criminal cases.¹⁶

FRCP 5.2 and FRCrP 49.1 apply to all electronic or paper documents submitted for filing with the court, including motions, pleadings, discovery responses, trial exhibits and exhibits to pleadings to the extent they are filed with the court, and any other documents submitted by any party or nonparty for filing. Local rules in two district courts mention FRCP 5.2 or FRCrP 49.1 only to clarify that the rules' redaction requirements apply to specific types of documents, such as exhibits admitted into evidence; these rules are not included in the forty-three stand-alone local privacy rules identified.¹⁷

Although the PII listed in FRCP 5.2(a) and FRCrP 49.1(a) must be redacted from the electronic transcript of a court proceeding before being made electronically available, Judicial Conference policy rather than the Privacy Rules governs procedures for redacting such transcripts.¹⁸ The local rule of one district court addressing the redaction requirements of FRCP 5.2 or FRCrP 49.1 in the context of transcripts only is not included among the local privacy rules identified.¹⁹

FRCP 5.2 and FRCrP 49.1 do not disturb the court's power to accept filings under seal or the standards the courts have developed for determining when filing under seal is appropriate.²⁰ The forty-three stand-alone local privacy rules do not include the local rules of two district courts that mention FRCP 5.2 or FRCrP 49.1 only to clarify that the court's procedures for filing sealed documents do not apply to documents filed under seal pursuant to FRCP 5.2 or FRCrP 49.1.²¹

¹² Although not equivalent to a district court's local rules promulgated pursuant to 28 U.S.C. §§ 2071(a)-(b) subject to notice and public comment, district courts without a stand-alone local privacy rule may supplement or modify the redaction and filing requirements as specified in FRCP 5.2 and FRCrP 49.1 in internal guidelines and directives issued by individual judges or the court as a whole, such as standing and general orders, administrative procedures, and electronic case filing manuals.

¹³ See Appendix A, M.D. Ala., S.D. Ala., E.D. Cal., D.D.C., N.D. Fla., M.D. Ga., D. Guam, D. Idaho, S.D. Ill., N.D. Iowa, S.D. Iowa, E.D. Mo., D.N.J., N.Y.N.D., N.D. Ohio, D. Or., W.D. Pa., D.R.I, W.D. Va., N.D.W. Va., D. Wyo.

¹⁴ See Appendix A, C.D. Cal., C.D. Ill., D. Neb., D. Nev., E.D.N.C., D.N. Mar. Is., E.D. Okla., E.D. Pa., M.D. Pa., D.S.D., D. Utah, E.D. Va., W.D. Wash., S.D.W. Va.

¹⁵ See Appendix A, M.D. La., W.D. La., N.D. Miss., S.D. Miss., N.D. Okla., D.P.R., D.V.I.

¹⁶ See Appendix A, D.N.M.

¹⁷ See S.D. Fla LR 5.3(b)(2); D. Mont. LR 5.1(b) & 26.2.

¹⁸ Guide, Vol. 6, Ch. 5, § 330 Transcripts of Court Proceedings.

¹⁹ See D. Minn. LR 5.5.

²⁰ Fed. R. Civ. P. 5.2 advisory committee's note (2007) (stating that the rule "does not limit or expand the judicially developed rules that govern sealing").

²¹ See D. Me. LCivR 7A(e); D. Minn. LR 5.6(a)(3) & 49.1(a).

Besides the subsections specifying what must be redacted and how, both FRCP 5.2 and FRCrP 49.1 have additional subsections addressing exemptions, filings made under seal, protective orders, and the waiver of protection of identifiers.²² A stand-alone local privacy rule may address the requirements of one or more, or none, of these additional subsections. However, the requirements of any subsections of FRCP 5.2 and FRCrP 49.1 not addressed in a stand-alone local privacy rule still apply to court filings requiring redaction.

Compliance with FRCP 5.2 and FRCrP 49.1 may not fulfill a filer's responsibility to redact sensitive information in district courts. Before e-filing, it is important for filers to know whether the district court has a local privacy rule that imposes additional redaction requirements and filing procedures or modifies existing requirements in the federal rules. Sections A and B below describe how each of the forty-three stand-alone local privacy rules depict the specific PII that must be redacted and the methods available for redacting and filing a document containing PII. These local privacy rule provisions were compared to the redaction and filing requirements in FRCP 5.2 and FRCrP 49.1 to identify whether the local privacy rules add additional requirements or modify existing requirements. Section C describes whether the local privacy rules addressed other subdivisions of FRCP 5.2 and FRCrP 49.1 including the Committee Notes. Section D identifies any unique topics included in the local privacy rules that are not addressed in the text or Committee Notes of FRCP 5.2 and FRCrP 49.1.

A. Personally Identifiable Information Requiring Mandatory Redaction in Local Privacy Rules

Unless an exemption applies, or “[u]nless the court orders otherwise,” FRCP 5.2(a)(1)-(4) in civil cases or proceedings and FRCrP 49.1(a)(1)-(4) in criminal cases or proceedings require that a party or nonparty making the filing partially redact from electronic or paper filings the following PII: an individual's social security number, taxpayer identification number, financial account number, birthdate, and the full name of an individual known to be a minor. In criminal cases or proceedings, FRCrP 49.1(a)(5) also requires the partial redaction of an individual's full home address.

1. Local Privacy Rules Requiring Redaction of the Same Personally Identifiable Information as Specified in Subsection (a) of FRCP 5.2 and FRCrP 49.1

Of the forty-three identified districts, eighteen have stand-alone local privacy rules that require partial redaction of the same PII as specified in Subsection (a) of FRCP 5.2 and FRCrP 49.1 with no additions or modifications. The local privacy rules in fifteen of these districts²³ incorporated by reference the mandatory requirements for the partial redaction of the PII listed in FRCP 5.2(a)(1)-(4) and FRCrP 49.1(a)(1)-(5) without repeating or paraphrasing the text of the rules. The remaining three districts²⁴ do not incorporate by reference these mandatory redaction

²² Subsection (c) of FRCP 5.2 and FRCrP 49.1 requires limitations on remote access to electronic files in social security appeals and immigration cases and in criminal actions brought under 28 U.S.C. §2241 that relate to the petitioner's immigration rights. Subsection (c) is not discussed in this review but will be addressed in a separate study.

²³ See Appendix A, S.D. Ala., N.D. Fla., S.D. Ill., M.D. La., N.D. Miss., S.D. Miss., D. Neb., E.D.N.C., N.D. Okla., D. Or., D.R.I., D. Utah, E.D. Va., W.D. Va., D.V.I.

²⁴ See Appendix A, M.D. Ga., D. N.J., D. Wyo.

requirements. Instead, the local privacy rules list the PII that must be partially redacted, with no additions or modifications from the relevant FRCP or FRCrP sections.

2. Local Privacy Rules Requiring Redaction of Personally Identifiable Information Not Included in Subsection (a) of FRCP 5.2 and FRCrP 49.1

Of the forty-three identified districts, thirteen²⁵ have stand-alone local privacy rules that require redaction of PII not listed in FRCP 5.2(a)(1)-(4) or FRCrP 49.1(a)(1)-(5). To be included in this grouping, the local privacy rule must clearly indicate that the redaction of additional PII is mandatory. This excludes local privacy rules that include additional PII considered to represent potentially sensitive information, the redaction of which is permitted (i.e., discretionary) but not mandatory. As will be described later, these rules allow the filer to make an informed decision as to whether to include or redact the discretionary PII.²⁶

In nine²⁷ of these thirteen districts, local privacy rules that apply to both civil and criminal cases include “home address” or “address of individuals” in their list of PII for which redaction is mandatory, but these rules do not include language indicating that redaction of an individual’s home address is not mandatory in civil cases. For example, the local privacy rule in the Central District of Illinois²⁸ requires redaction of all “addresses” in both civil and criminal cases. Since the redaction of home addresses is only mandatory in the national rules for filings in criminal cases or proceedings, as specified in FRCrP 49.1(a), these nine districts provide an additional redaction requirement for civil cases that filers must comply with.

Besides districts requiring redaction of an individual’s home address in civil cases, six other districts require mandatory redaction of PII that is not listed in FRCP 5.2(a) or FRCrP 49.1(a). The PII most frequently added by these local privacy rules includes passport numbers, driver’s license numbers, and names of crime victims.

- Central District of California: In civil and criminal cases, passport numbers and driver’s license numbers must be redacted entirely.²⁹
- Central District of Illinois: In civil and criminal cases, for signatures, s/name must be used, and for driver’s license numbers only the last four digits may be used.³⁰
- District of Nebraska: In criminal cases only, the specific rules regarding mandatory redaction in the Child Victims’ and Child Witnesses’ Rights Act (18 U.S.C. § 3509(d)) apply to court filings. Filer must redact entirely the name of or any other information concerning a child (under age 18) who is or is alleged to be (a) a victim of a crime of

²⁵ See Appendix A, M.D. Ala., C.D. Cal., D. Idaho, C.D. Ill. (must redact all “addresses” in civil and criminal cases), W.D. La., E.D. Mo., D. Neb., D. Nev., D.N.M., N.Y.N.D., D.N. Mar. Is., D.P.R., W.D. Wash.

²⁶ See *infra* discussion on discretionary redaction.

²⁷ See Appendix A, M.D. Ala., C.D. Cal., D. Idaho, W.D. La., E.D. Mo., D. Nev., N.Y.N.D., D.N. Mar. Is., D.P.R.

²⁸ See Appendix A, C.D. Ill.

²⁹ See Appendix A, C.D. Cal. C.D. Cal also requires redaction of an individual’s home address in civil cases.

³⁰ See Appendix A, C.D. Ill.

physical abuse, sexual abuse, or exploitation or (b) a witness to a crime committed against another person.³¹

- District of New Mexico: In criminal cases only, for any victim or material witness, the home address must be redacted entirely.³²
- Northern District of New York: In criminal cases, for the victims of sexual assault, only information that does not tend to identify victims may be used, if the involvement of victims must be mentioned, and names must be redacted to “Victim 1,” “Victim 2,” etc.³³
- Western District of Washington: In civil and criminal cases, passport numbers and driver’s license numbers must be redacted in their entirety.³⁴

3. Local Privacy Rules Requiring Redaction of Less Personally Identifiable Information Than Mandated in Subsection (a) of FRCP 5.2 and FRCrP 49.1

Of the forty-three identified districts, twenty-three have stand-alone local privacy rules that do not include one or more of the PII listed in FRCP 5.2(a)(1)-(4) and FRCrP 49.1(a)(1)-(5). In eighteen of these districts,³⁵ the local privacy rules that apply to both civil and criminal cases do not list individual taxpayer identification numbers among the PII that must be redacted from documents filed with the court. Five other districts³⁶ have local privacy rules applicable to criminal cases or proceedings that do not include home addresses in their list of PII for which redaction is mandatory, as required by FRCrP 49.1(a).

Local privacy rules that fail to include one or more of the PII that require redaction under the national Privacy Rules may result in confusion or uncertainty as to whether the federal rule or the local rule will ultimately be enforced. However, applying the principle that local rules should supplement rather than provide a substitute for the relevant federal rule,³⁷ filers in these districts should redact any PII listed in FRCP 5.2(a)(1)-(4) or FRCrP 49.1(a)(1)-(5), even if not included in their local privacy rule.

³¹ See Appendix A, D. Neb. See also Child Victims’ and Child Witnesses’ Rights, 18 U.S.C. § 3509(d).

³² See Appendix A, D.N.M. The D.N.M.’s local privacy rule only applies to the protected information of juveniles and victims in criminal cases. The personal data identifiers for juveniles and victims listed must be redacted from all pleadings filed with the Court.

³³ See Appendix A, N.Y.N.D. N.Y.N.D. also requires redaction of an individual’s home address in civil cases.

³⁴ See Appendix A, W.D. Wash.

³⁵ See Appendix A, M.D. Ala., E.D. Cal., D.D.C., D. Guam, D. Idaho, E.D. Mo., D.N.M., D.N. Mar. Is., N.D. Ohio, E.D. Okla., E.D. Pa., M.D. Pa., W.D. Pa., D.S.D (criminal LR only), N.D.W. Va., S.D.W. Va., D.P.R., W.D. La.

³⁶ See Appendix A, D.D.C., N.D. Iowa, S.D. Iowa, N.M.D., S.D.W. Va. (criminal rule only).

³⁷ Fed. R. Civ. P. 83; Fed. R. Crim. P. 57.

4. Local Privacy Rules with Conditions Required for Redaction of Personally Identifiable Information

Of the forty-three identified districts, nineteen³⁸ have stand-alone local privacy rules that require the filing party to first show that, for any PII that these rules specify must be redacted, inclusion of the PII in the document is necessary and relevant to the case. Only then is the filer permitted to publicly file the document with the PII redacted. Neither FRCP 5.2(a) nor FRCrP 49.1(a) require the filing party to show that inclusion of PII in the document is necessary or relevant to the case to permit filing with the PII redacted.

The local privacy rules in these nineteen districts preface their listing of PII for which redaction is mandatory with a statement identical or similar to the following: “parties shall refrain from including, or shall partially redact where inclusion is necessary” In addition to this prefatory statement, the local privacy rules in these districts use an if/then format to list their PII, where filing the document with PII partially redacted is conditioned on the need for the PII to be included in the document. For example, the Middle District of Alabama lists the redaction requirement for social security numbers as, “If an individual’s social security number must be included in a pleading, only the last four digits of that number should be used.”³⁹ Because failing to show the relevance or necessity of PII results in filing of documents with PII completely removed or redacted, these local privacy rules may be considered consistent with the national Privacy Rules.

Local privacy rules in five districts place additional conditions or requirements on the redaction of specific PII, resulting in the exclusion of a specific document type or type of filer from the rules’ redaction requirements for the specific PII.⁴⁰ For example, the Northern District of New York excludes a pro se litigant or defendant from the requirement to redact a home address by including only the city and state. Thus, a pro se litigant or defendant must include their complete mailing address in the signature block on all documents filed with the court in civil and criminal cases.⁴¹ Because excluding a document type or type of filer from the redaction requirements for specific PII results in filing of excluded documents with PII included or filing of documents containing PII of excluded filers, these local privacy rules may not be consistent with the national Privacy Rules. The five districts’ additional conditions or filer requirements are listed below.

- Central District of California: In civil cases only, the filer must ensure that any document that contains a home address includes only the city and state, except any proof of service filed as required by Federal Rule of Civil Procedure 4(l).⁴²
- Eastern District of California: In civil cases only, only minors’ initials may be used when federal or state law requires use of initials or when a minor’s specific identity is not necessary to the action or individual document. In civil and criminal cases, for financial

³⁸ See Appendix A, M.D. Ala., E.D. Cal., D.D.C., D. Guam, D. Idaho, W.D. La., E.D. Mo., D. Nev., N.M.D., N.D. N.Y., D.N. Mar. Is., N.D. Ohio, E.D. Okla., E.D. Pa., D.S.D, W.D. Wash., N.D.W. Va., D.P.R., D. Wyo.

³⁹ See Appendix A, M.D. Ala.

⁴⁰ See Appendix A, C.D. Cal., E.D. Cal., D.N.M., N.D. N.Y., W.D. Wash.

⁴¹ See Appendix A, N.D. N.Y.

⁴² See Appendix A, C.D. Cal.

account numbers, the name or type of account and the financial institution may be identified, but only the last digits numbers of the account number may be used.⁴³

- District of New Mexico: In criminal cases, if the involvement of a minor must be mentioned and a pseudonym is not appropriate, only the child's initials should be used. In criminal cases, if an individual's birthdate must be included in a pleading, only the year should be used, except in the case of juveniles.⁴⁴
- Northern District of New York: In civil and criminal cases, if a home address must be used, only the city and state should be cited. However, a pro se litigant or defendant must include their complete mailing address in the signature block on all documents filed with the court.⁴⁵
- Western District of Washington: In civil cases, birthdates must be redacted to year only, unless the individual is deceased. Names of minor children must be redacted to the initials, unless the individual is deceased or has reached the age of eighteen since entering the court record.⁴⁶

5. Local Privacy Rules Permitting But Not Requiring Redaction of Additional Personally Identifiable Information [Discretionary Redaction]

The local privacy rules of nine⁴⁷ of the forty-three districts list discretionary PII or additional items of potentially sensitive information, the redaction of which is not required to publicly file a document. While urging caution in the filing of unsealed documents that contain these items, these local privacy rules permit the filer to decide whether to include or completely redact the information for public filing. One district allows filer to restrict access to documents containing unredacted discretionary PII to parties of record and court users if the court so grants under the E-Government Act.⁴⁸ In seven of these nine districts,⁴⁹ the local privacy rules applicable to both civil and criminal cases include all of the following items in their listings of potentially sensitive information: (1) any personal identifying number, such as a driver's license number; (2) medical records, treatment, and diagnosis; (3) employment history; (4) individual financial information; (5) proprietary or trade secret information; (6) information regarding an

⁴³ See Appendix A, E.D. Cal.

⁴⁴ See Appendix A, D.N.M.

⁴⁵ See Appendix A, N.D. N.Y.

⁴⁶ See Appendix A, W.D. Wash.

⁴⁷ See Appendix A, D. Guam, D. Idaho, C.D. Ill., N.D. Iowa, S.D. Iowa, D. Neb., D.N.J., N.Y.N.D., E.D. Okla.

⁴⁸ See Appendix A, D. Neb. A party seeking to file a document containing unredacted PII must electronically file a motion to restrict access to the document under the E-Government Act of 2002 instead of a motion to file the unredacted document under seal, which is governed by a separate local rule and procedures. See NECivR 7.5 Sealed Documents and Objects. The motion must state why filing an unredacted document is necessary and why redaction would not reduce or eliminate the need for restriction. Whereas parties and the public in the D. Neb. do not have remote access from the docket sheet to a document that is filed under seal, when access to a document is restricted under the E-Government Act as described in the local privacy rule, parties of record and court users may routinely access the document from the public electronic docket sheet. Also, the court may grant the public leave for remote access upon motion.

⁴⁹ See Appendix A, D. Guam, D. Idaho, N.D. Iowa, S.D. Iowa, D. Neb., D.N.J., E.D. Okla.

individual's cooperation with the government; (7) information regarding the victim of any criminal activity; (8) national security information; and (9) sensitive security information as described in 49 U.S.C. §114(s).

In addition, the following discretionary PII are unique to a specific district: information concerning medical treatment or diagnosis (which includes mental health and substance abuse information), home addresses, telephone numbers, email addresses;⁵⁰ information that might bring harm to anyone, or information that should not be made public for law enforcement or security reasons;⁵¹ home street addresses, medical or psychological records, information regarding an adult crime victim (see 18 U.S.C. § 3509(d) for mandatory redaction requirements concerning a child victim), and education records as defined by 20 U.S.C. § 1232g(a)(4)(A).⁵²

B. Requirements to Redact and File Documents Containing Personally Identifiable Information in Local Privacy Rules

The E-Government Act identifies two ways to file documents containing PII: redaction and filing under seal. Redaction is a method of completely or partially removing, covering up, or replacing with a generic term sensitive data from documents before they are available for public viewing in order to protect individuals' privacy or safety. Subsection (a) in both FRCP 5.2 and FRCrP 49.1 requires partial redaction of the PII as follows: for a social security number or taxpayer identification number, only the last four digits may be included; for a birthdate, only the year may be included; for the name of a known minor; only the initials may be included; for a financial account number, only the last four digits may be included; and in criminal cases or proceedings only, only the city and state of a home address may be included.

Although the E-Government Act permits national and local rules to choose which approach to adopt, if a party wants to file a document that contains PII, the Act requires that a rule must permit the party to file the unredacted document under seal with the court either in addition to, or in lieu of, the redacted e-filed version.⁵³

- Pursuant to the first approach, adopted by the Privacy Rules as evidenced by subsections (a) and (f) of FRCP 5.2 and FRCrP 49.1, the filer's right to file an unredacted document under seal is in addition to the filer's requirement to file a redacted document in the public file. A filer has the option of filing the original unredacted document under seal *only after* the requirement to file a redacted version of the document in the public file has been met. This approach was adopted by a majority of the districts identified as having a stand-alone local privacy rule.

⁵⁰ See Appendix A, N.D. Iowa, S.D. Iowa (applies in both civil and criminal cases).

⁵¹ See Appendix A, C.D. Ill. (applies in both civil and criminal cases).

⁵² See Appendix A, D. Neb. (home street addresses and medical or psychological records may be redacted in civil cases only; information regarding an adult crime victim in criminal cases only; and education records as defined by 20 U.S.C. § 1232g(a)(4)(A) in both civil and criminal cases).

⁵³ See Pub. L. 107-347, § 205(c)(3)(A)(iv) (Dec. 17, 2002).

- Under the second approach, adopted by a minority of the districts identified as having a stand-alone local privacy rule, the filer’s right to file an unredacted document under seal is in lieu of, or instead of, the filer’s requirement to file a redacted document in the public file. Filing of a document containing PII for which redaction is required by the local privacy rule is accomplished by filing the unredacted document under seal with the court. The filing party is not required to file a redacted version in the public file.

An alternative redaction and filing method added to Section 205(c) by a 2004 amendment to the E-Government Act is available to filers as described in subsection (g) of both FRCP 5.2 and FRCrP 49.1 (“Option for Filing a Reference List”).⁵⁴ In both civil and criminal cases, a redacted document may be filed in the public record with appropriate identifiers in lieu of protected information (e.g., “Social Security Number” in place of 123-45-6789), together with a reference list that must be filed under seal. The reference list must specify an appropriate identifier that uniquely corresponds to each item of unredacted protected information listed. The reference list may be amended as of right, and the specific identifiers may be used in further filings or proceedings in the case.

1. Methods Required by Local Privacy Rules for Redacting Personally Identifiable Information

In all except three of the forty-three districts identified as having a local privacy rule, local privacy rules that mandate redaction of any of the PII listed in subsection (a) of FRCP 5.2 and FRCrP 49.1 require the same method of partial redaction as described in subsection (a). The local privacy rule in the Western District of Washington is one exception, requiring the filer in civil cases to redact an individual’s social security number or taxpayer identification number entirely, instead of including only the last four digits.⁵⁵ In criminal cases in the District of New Mexico, if the involvement of a minor must be mentioned, a pseudonym must be used instead of that child’s name; if a pseudonym is not appropriate, only the child’s initials may be used.⁵⁶ The District of New Mexico also requires that the home address of a juvenile or material witness in criminal cases be redacted entirely, instead of including only city and state.⁵⁷ In the Eastern District of North Carolina, in any litigation in which a minor is a party, the child’s name or initials must be redacted completely from all documents filed with the court, though initials if a minor’s name must otherwise be included, as in the caption.⁵⁸

Most districts that require redaction of PII not included in FRCP 5.2(a) or FRCrP 49.1(a) appear to have chosen the redaction method of complete removal of the PII over redaction by abbreviation of the PII (i.e., partial redaction).⁵⁹ One district requires that names of sexual assault victims in criminal cases be redacted by replacing the names with “Victim 1,” “Victim 2,” etc.⁶⁰ As described earlier, local privacy rules that list discretionary PII permit the filer to include or

⁵⁴ See *id.* § 205(c), amended by Pub.L. No. 108–281, § 205(c)(3)(A)(v) (Aug. 2, 2004).

⁵⁵ See Appendix A, W.D. Wash.

⁵⁶ See Appendix A, D.N.M.

⁵⁷ *Id.*

⁵⁸ See Appendix A, E.D. N.C.

⁵⁹ See Appendix A, C.D. Cal., W.D. Wash.

⁶⁰ See Appendix A, N.D. N.Y.

completely redact the sensitive information prior to publicly filing a document containing discretionary PII.⁶¹

2. Local Privacy Rules Requiring the Public Filing of a Redacted Document and Permitting the Optional Filing of the Original Unredacted Document Under Seal

Consistent with Subsections (a) and (f) of FRCP 5.2 and FRCrP 49.1, thirty-two of the forty-three districts with local privacy rules provided the option of filing the original, unredacted document under seal, but only if the rule's requirement to file the redacted document publicly was fulfilled. The local privacy rules of twenty of these districts⁶² incorporate subsections (a) and (f) of the federal rules by reference. Two districts⁶³ have local privacy rules that use the same language as the federal rules, while ten districts⁶⁴ adopt the same filing requirements as the national Privacy Rules but describe these requirements differently.

Local privacy rules in several districts have modified these filing requirements. In seven⁶⁵ districts, rules require filing of a motion to seal for court permission to seal the unredacted document. In one of the seven districts, a supporting memorandum must be filed asserting that maintenance of the unredacted material in the court record is critical to the case.⁶⁶ In the District of Nebraska, a party seeking to file a document containing unredacted PII must electronically file a motion to restrict access to the document under the E-Government Act of 2002, instead of filing a motion to seal, which is governed by a separate local rule and procedures. The motion to restrict must state why filing an unredacted document is necessary and why redaction would not reduce or eliminate the need for restriction.⁶⁷

Filers in all but two of the thirty-two districts requiring public filing of a redacted document have the option to file the unredacted original under seal but are not required to do so. Filers in the Central District of Illinois are required to file the original under seal if the redactions result in a document's intent being unclear or if ordered by the court.⁶⁸ Filers in the Eastern District of Missouri are required to file a redacted copy in the public record *and* to file the original under seal, along with a motion and memorandum citing the legal and factual reasons for

⁶¹ See *supra* fn 48 and surrounding text.

⁶² See Appendix A, S.D. Ala., C.D. Cal., D. Guam, C.D. Ill., S.D. Ill., N.D. Iowa, S.D. Iowa, M.D. La., N.D. Miss., S.D. Miss., E.D.N.C., N.D. Okla., D. Or., E.D. Pa. (civil cases only), D.R.I., D.S.D., D. Utah, E.D. Va., W.D. Va., D. V.I.

⁶³ See Appendix A M.D. Ga., N.D. Okla. (civil cases only).

⁶⁴ See Appendix A, M.D. Ala., E.D. Cal., N.D. Fla., D. Idaho, E.D. Mo. (civil cases only), D. Neb., M.D. Pa., W.D. Pa., W.D. Wash., S.D.W. Va.

⁶⁵ See Appendix A, E.D. Cal., N.D. Fla., D. Idaho, D. Neb., N.D. Okla. (civil cases only), W.D. Pa., D. Utah, W.D. Wash.

⁶⁶ See Appendix A, D. Idaho.

⁶⁷ See Appendix A, D. Neb. Whereas parties and the public in the D. Neb. do not have remote access from the docket sheet to a document that is filed under seal (*see* NECivR 7.5 Sealed Documents and Objects), when access to a document is restricted under the E-Government Act as described in the local privacy rule, parties of record and court users may routinely access the document from the public electronic docket sheet. Also, the court may grant the public leave for remote access upon motion.

⁶⁸ See Appendix A, C.D. Ill.

sealing.⁶⁹ If ordered sealed by the court, the unredacted document is filed and maintained by the clerk.

A final type of modification defines circumstances that would excuse filing a redacted document publicly and permit filing only the unredacted document under seal. The Northern District of Florida's local privacy rule permits filing of an unredacted document under seal, if a redacted copy is filed publicly, unless this is not feasible, as when a person could infer from the redacted version the substance or import of the information that called for sealing the original or the redacted version would include so little information that publicly filing it would serve no purpose.⁷⁰ In civil cases, the Eastern District of Missouri's local privacy rule requires filing a redacted copy publicly or else filing under seal a memorandum explaining why a redacted document can't be filed.⁷¹

3. Local Privacy Rules Requiring the Filing of the Original Unredacted Document Under Seal

As explained earlier, the E-Government Act provides two alternative approaches that a privacy rule can adopt to allow for the filing of documents containing PII that must be redacted while also preserving a party's right to file an unredacted version of the document under seal if desired.⁷² Pursuant to the second approach, not adopted by the national Privacy Rules, the filer's right to file an unredacted document under seal is in lieu of, or instead of, the filer's requirement to file a redacted document publicly. Filing of a document containing PII for which redaction is required by the local privacy rule is accomplished by filing the unredacted document under seal with the court. Subject to the court's discretion to order otherwise, the filing party is not required to file a redacted version in the public file. Normally, a district court's rule-making authority does not permit the adoption of a local rule that is clearly inconsistent with a national rule. However, the E-Government Act appears to permit district courts that have adopted a local privacy rule to choose either of the two approaches provided in the Act to protect a party's right to file an unredacted document under seal if desired, even though there might be a conflict with the applicable national Privacy Rule.⁷³

Of the forty-three districts identified as having a local privacy rule, rules in thirteen districts⁷⁴ consider documents containing PII that must be redacted filed and part of the case

⁶⁹ See Appendix A, E.D. Mo. (civil cases only).

⁷⁰ See Appendix A, N.D. Fla.

⁷¹ See Appendix A, E.D. Mo. (civil cases only).

⁷² Pub. L. 107-347, § 205(c)(3)(A)(iv).

⁷³ *Id.* The Act directed the Supreme Court to prescribe national Privacy Rules that provide for the redaction of certain categories of information in order to protect privacy and security concerns. The Act required the national Privacy Rules to adopt one of the alternate filing approaches as described in the Act: ". . . such rules shall provide that a party that wishes to file an otherwise proper document containing such protected information may file an unredacted document under seal, which shall be retained by the court as part of the record, and which, at the discretion of the court and subject to any applicable rules issued in accordance with chapter 131 of title 28, United States Code, shall be either in lieu of, or in addition to, a redacted copy in the public file." *Id.* §§ 205(c)(3)(A)(i), (iv).

⁷⁴ See Appendix A, D.D.C., D. Guam, W.D. La. (civil cases only), E.D. Mo. (criminal cases only), D. N.J., D.N.M. (criminal cases only), N.Y. N.D., D.N. Mar. Is., N.D. Ohio, E.D. Okla., E.D. Pa. (criminal cases only), D.P.R. (civil cases only), N.D.W. Va.

record when the unredacted document is filed under seal with the court. The filing party is not required to file a redacted version in publicly. Local rules adopting this method apply to both civil and criminal cases unless indicated otherwise. However, rules in ten of these districts⁷⁵ inform the filer that the court may still order public filing of a redacted document. In all except one district, rules require filing of the original unredacted document under seal with no additional requirements. The Northern District of West Virginia requires court approval for filing the unredacted original document under seal.⁷⁶

4. Local Privacy Rules Including the Alternative Redaction and Filing Option of Filing a Reference List Under Seal

Described in Subsection (g) of FRCP 5.2 and FRCrP 49.1 (“Option for Filing a Reference List”), thirty-three of the forty-three districts identified as having a local privacy rule provide an alternative redaction method and filing procedure for a document containing PII that must be redacted. Instead of filing a redacted version of the document, the unredacted original document under seal, or both documents, a reference list is filed under seal specifying an appropriate identifier that uniquely corresponds to each item of redacted information. A redacted document with these identifiers replacing the PII is filed on the public electronic docket sheet. The reference list may be amended as of right, and the specific identifiers may be used in further filings or proceedings in the case. Any reference in the case to a listed identifier will be construed to refer to the corresponding item of PII.

Of the thirty-three districts with local privacy rules that include this filing alternative, seventeen⁷⁷ incorporate the requirements of subsection (g) of FRCP 5.2 and FRCrP 49.1 by reference, fifteen⁷⁸ have the same requirements but describe them differently, and one⁷⁹ includes the same description provided by the national Privacy Rules.

Subsection (g) of FRCP 5.2 and FRCrP 49.1 requires that when a reference list is filed under seal a redacted copy of the related document is filed publicly with the specified identifiers taking the place of sensitive information. Twenty-seven⁸⁰ of the thirty-three districts that permit filing of a reference list under seal also require the public filing of a redacted version with identifiers. The remaining six⁸¹ districts only require filing of a reference list under seal, but the local privacy rules in four of these districts⁸² stipulate that the court may order that a redacted copy be placed on the public docket.

⁷⁵ See Appendix A, W.D. La. (civil cases only), D. N.J., D.N.M. (criminal cases only), N.D. Ohio, E.D. Okla., D.N. Mar. Is., D. Neb., E.D. Pa. (criminal cases only), D.P.R. (civil cases only), N.D.W. Va.

⁷⁶ See Appendix A, N.D.W. Va.

⁷⁷ See Appendix A, S.D. Ala., C.D. Cal., N.D. Fl., D. Guam, N.D. Iowa, S.D. Iowa, M.D. La., N.D. Miss., S.D. Miss., E.D.N.C., D. Or., E.D. Pa. (civil cases only), D.R.I., D. Utah, E.D. Va., W.D. Va., D.V.I.

⁷⁸ See Appendix A, M.D. Ala., E.D. Cal., C.D. Ill., S.D. Ill., W.D. La. (civil cases only), D.N.J., D.N.M. (criminal cases only), N.D. N.Y., N.D. Ohio, E.D. Okla., D.N. Mar. Is., M.D. Pa., W.D. Pa., N.D.W. Va., S.D.W. Va.

⁷⁹ See Appendix A, M.D. Ga.

⁸⁰ See Appendix A, M.D. Ala., S.D. Ala., E.D. Cal., C.D. Cal., N.D. Fl., M.D. Ga., D. Guam, S.D. Ill., N.D. Iowa, S.D. Iowa, M.D. La., N.D. Miss., S.D. Miss., D.N.J., E.D.N.C., N.D. Ohio, D. Or., E.D. Pa. (civil cases only), M.D. Pa., W.D. Pa., D.R.I., D. Utah, E.D. Va., W.D. Va., D.V.I., N.D.W. Va., S.D.W. Va.

⁸¹ See Appendix A, W.D. La. (civil cases only), D.N.M. (criminal cases only), N.D. N.Y., D.N. Mar. Is., E.D. Okla.

⁸² See Appendix A, C.D. Ill., W.D. La. (civil cases only), D.N.M. (criminal cases only), D.N. Mar. Is., E.D. Okla.

Several districts that require a court order granting a filer's motion to seal an unredacted document also require court approval to file a reference list under seal.⁸³

5. Filing Alternatives Adopted by Local Privacy Rules

Subsections (a), (f) and (g) of FRCP 5.2 and FRCrP 49.1 provide two alternative methods of redacting and filing a document that contains some or all of the PII listed in subsection (a). A document containing this PII can either be publicly filed redacted as specified with the unredacted original document filed under seal, if desired, or a redacted document with identifiers replacing PII can be filed on the court's public docket with a reference list for the identifiers filed under seal. Of the forty-three districts with a local privacy rule, rules in nineteen⁸⁴ have adopted the same alternative redaction and filing requirements as described in Subsections (a), (f) and (g) of FRCP 5.2 and FRCrP 49.1. Three⁸⁵ of the forty-three provide these same alternative redaction and filing requirements; however, a court order permitting filing of an unredacted document or reference list under seal must be obtained if either option is chosen.

Nine of the forty-three districts provide a different set of alternative redaction and filing requirements. Local privacy rules in these districts⁸⁶ require filing of the original unredacted document under seal or filing of a reference list under seal. Four of the districts⁸⁷ require public filing of a redacted version with identifiers when a reference list is filed under seal.

Local privacy rules in eleven of the forty-three districts only provide one way to redact and file documents containing specified PII. Six⁸⁸ of these eleven districts require the filing of a redacted version of the document in the public docket and permit filing of the original unredacted document under seal, if desired. However, three of these six⁸⁹ require court approval to file an unredacted document under seal, and one⁹⁰ allows filing under seal only if the filer believes maintaining the unredacted material in the court record is critical to the case. Four⁹¹ of the eleven districts with only one filing rule stipulate that documents containing PII that must be redacted can only be filed under seal. The District of Wyoming requires public filing of a redacted copy of a document containing PII but does not provide the option to file an unredacted document under seal.⁹²

Finally, three districts have adopted unique filing requirements. The Central District of Illinois requires filing of a redacted copy of a document containing PII on the public docket. If redactions result in a document's intent being unclear or if ordered by the court, an unredacted

⁸³ See Appendix A, E.D. Cal., N.D. Fla., W.D. Pa.

⁸⁴ See Appendix A, M.D. Ala., S.D. Ala., C.D. Cal., M.D. Ga., N.D. Iowa, S.D. Iowa, M.D. La., N.D. Miss., S.D. Miss., E.D.N.C., D. Or., E.D. Pa. (civil cases only), M.D. Pa., D.R.I., D. Utah, D.V.I., E.D. Va., W.D. Va., S.D.W. Va.

⁸⁵ See Appendix A, E.D. Cal., N.D. Fla., W.D. Pa.

⁸⁶ See Appendix A, D. Guam, W.D. La. (civil cases only), D.N.J., D.N.M. (criminal cases only), N.D. N.Y., D.N. Mar. Is., N.D. Ohio, E.D. Okla., N.D.W. Va.

⁸⁷ See Appendix A, D. Guam, D.N.J., N.D. Ohio, N.D.W. Va.

⁸⁸ See Appendix A, D. Idaho, E.D. Mo. (civil only), D. Nev., N.D. Okla., D.S.D., W.D. Wash.

⁸⁹ See Appendix A, E.D. Mo. (civil only), N.D. Okla., W.D. Wash.

⁹⁰ See Appendix A, D. Idaho.

⁹¹ See Appendix A, D.D.C., E.D. Mo. (criminal only), E.D. Pa. (criminal only), D.P.R. (civil only).

⁹² See Appendix A, D. Wyo.

document or a reference list must be filed under seal.⁹³ The Southern District of Illinois also requires public filing of a redacted document. If filers desire, either the unredacted original or a reference list may be filed under seal.⁹⁴ In the District of Nebraska, a redacted copy of a document containing PII can be filed on the public docket, or, if a party wants to file a document containing unredacted PII (including discretionary PII), a motion to restrict access to the document under the E-Government Act of 2002 must be filed; this is instead of a motion to file the unredacted document under seal, which is governed by a separate local rule and procedures.⁹⁵ The motion must state why filing an unredacted document is necessary and why redaction would not reduce or eliminate the need for restriction. Whereas parties and the public in the District of Nebraska do not have remote access from the docket sheet to a document filed under seal, when access to a document is restricted under the E-Government Act as described in the local privacy rule, parties of record and court users may routinely access the document from the public electronic docket sheet. The court may grant the public leave for remote access upon motion.⁹⁶

C. Local Privacy Rules that Address Other Provisions Included in Federal Rule of Civil Procedure 5.2 and Federal Rule of Criminal Procedure 49.1

1. Local Rules that Address Exemptions from the Redaction Requirements [Subsection (b) of FRCP 5.2 and FRCrP 49.1]

Local privacy rules in thirty-one⁹⁷ of the forty-three districts with a stand-alone local privacy rule have incorporated all of the exemptions from redaction as specified in FRCP 5.2(b)(1)-(6)⁹⁸ and FRCrP 49.1(b)(1)-(9).⁹⁹ Except for one district¹⁰⁰ that includes the complete list of exemptions in its local privacy rule, thirty districts incorporate these exemptions either by general reference to FRCP 5.2 or FRCrP 49.1 or specific mention of Subsection (b) of FRCP 5.2 and FRCrP 49.1.

⁹³ See Appendix A, C.D. Ill.

⁹⁴ See Appendix A, S.D. Ill.

⁹⁵ See Appendix A, D. Neb. See also NECivR 7.5 Sealed Documents and Objects.

⁹⁶ *Id.*

⁹⁷ See Appendix A, M.D. Ala., S.D. Ala., C.D. Cal., N.D. Fla., M.D. Ga., C.D. Ill., S.D. Ill., N.D. Iowa, S.D. Iowa, M.D. La., N.D. Miss., S.D. Miss., E.D. Mo., D. Neb., D. Nev., D.N.J., N.Y.N.D., E.D.N.C., D.N. Mar. Is., N.D. Ohio, N.D. Okla. (civil cases only), D. Or., E.D. Pa., D.R.I., D.S.D., D. Utah, D.V.I., E.D. Va., W.D. Va., W.D. Wash. (criminal cases only), N.D.W. Va.

⁹⁸ FRCP 5.2(b) provides: Exemptions from the Redaction Requirement. The redaction requirement does not apply to the following: (1) a financial account number that identifies the property allegedly subject to forfeiture in a forfeiture proceeding; (2) the record of an administrative or agency proceeding; (3) the official record of a state-court proceeding; (4) the record of a court or tribunal, if that record was not subject to the redaction requirement when originally filed; (5) a filing covered by Rule 5.2(c) or (d); and (6) a pro se filing in an action brought under 28 U.S.C. §§2241, 2254, or 2255.

⁹⁹ FRCrP 49.1(b) provides: (b) Exemptions from the Redaction Requirement. The redaction requirement does not apply to the following: (1) a financial account number or real property address that identifies the property allegedly subject to forfeiture in a forfeiture proceeding; (2) the record of an administrative or agency proceeding; (3) the official record of a state-court proceeding; (4) the record of a court or tribunal, if that record was not subject to the redaction requirement when originally filed; (5) a filing covered by Rule 49.1(d); (6) a pro se filing in an action brought under 28 U.S.C. §§2241, 2254, or 2255; (7) a court filing that is related to a criminal matter or investigation and that is prepared before the filing of a criminal charge or is not filed as part of any docketed criminal case; (8) an arrest or search warrant; and (9) a charging document and an affidavit filed in support of any charging document.

¹⁰⁰ See Appendix A, M.D. Ga. (adopts the same language as provided in FRCP 5.2(b)(1-6) and FRCrP 49.1(b)(1-9)).

Local privacy rules in two districts¹⁰¹ restate some but not all of the exemptions specified in FRCP 5.2(b)(1)-(6) and FRCrP 49.1(b)(1)-(9). This could cause some filers to assume the other non-stated exemptions do not exist.

The District of Idaho modifies the exemption for the official record of a state-court proceeding as specified in FRCP 5.2(b)(3) and FRCrP 49.1(b)(3). Instead, the district's rule exempts the lodging of a state court record in habeas corpus cases brought under 28 U.S.C. § 2241 or § 2254, to the extent that the state court record is lodged with the court in paper format.¹⁰² The Central District of Illinois's local privacy rule exempts documents filed in civil cases brought by pro se prisoners from compliance with the rule's redaction requirements unless so ordered by the presiding judge. However, nonprisoner pro se parties must comply with the redaction rule.¹⁰³ This appears to conflict with FRCP 5.2(b)(6) and FRCrP 49.1(b)(6), which exempt from compliance with the redaction requirements in subsection (a) a pro se filing in an action brought under 28 U.S.C. §§2241, 2254, or 2255.

2. Local Privacy Rules that Address Subsections (d), (e) or (h) of FRCP 5.2 and FRCrP 49.1

In a particular case where sensitive information cannot be adequately redacted or where protecting information not covered by the redaction requirements is necessary, pursuant to subsection (d) (filings made under seal) of FRCP 5.2 and FRCrP 49.1 the court may order that the entire document be filed under seal, restricting access to authorized parties only. Also, for good cause the court can require more extensive redaction than otherwise required, or limit or prohibit a nonparty from electronic remote access to a document pursuant to subsection (e) (protective orders) of FRCP 5.2 and FRCrP 49.1. Only two of the forty-three local privacy rules address the substance of subsection (d),¹⁰⁴ and only two address the substance of subsection (e).¹⁰⁵ Despite this lack of coverage, in twenty-three¹⁰⁶ of the local privacy rules a court's authority to order extra protection can be inferred from a reminder such as "unless the court orders otherwise" or "unless otherwise ordered by the court" that prefaces the description of what and how filers must redact the listed PII listed in filed documents.

The Committee Notes remind filers that because of the obvious relationship between the redaction requirement and filing materials under seal, the Privacy Rules are not intended to disturb the court's power to accept filings under seal or the standards the courts have developed for determining when filing under seal is appropriate.¹⁰⁷ Thus, it is necessary to consult a court's sealing rules for both civil and criminal cases to make sure additional requirements for filing

¹⁰¹ See Appendix A, E.D. Cal., E.D. Pa.

¹⁰² See Appendix A, D. Idaho.

¹⁰³ See Appendix A, C.D. Ill.

¹⁰⁴ See Appendix A, N.D. Fla., M.D. Ga. (identical to Subsection (d) of FRCP 5.2 and FRCrP 49.1).

¹⁰⁵ See Appendix A, E.D. Cal., M.D. Ga. (identical to Subsection (e) of FRCP 5.2 and FRCrP 49.1).

¹⁰⁶ See Appendix A, M.D. Ala., E.D. Cal., D.D.C., M.D. Ga., D. Guam, D. Idaho, N.D. Iowa, S.D. Iowa, W.D. La., E.D. Mo., D. Nev., D.N.M., N.Y.N.D., D.N. Mar. Is., N.D. Ohio, E.D. Okla., E.D. Pa., M.D. Pa., W.D. Pa., D.P.R., W.D. Wash., N.D.W. Va., S.D.W. Va.

¹⁰⁷ Fed. R. Civ. P. 5.2 & Fed. R. Crim. P. 49.1 advisory committee's note (2007) (stating that the rule "does not limit or expand the judicially developed rules that govern sealing").

documents requiring redaction are not overlooked. Although many courts exempt local redaction rules from the court's sealing standards, some courts do not. This was evidenced by districts with local privacy rules that provide the option to file an unredacted document under seal but still require filers to obtain court approval in order to do so.¹⁰⁸ Several districts requiring filing of an original unredacted document under seal require filers to first obtain court approval.¹⁰⁹

Only three¹¹⁰ of the forty-three districts with local privacy rules addressed subsection (h) (waiver of protection of identifiers) of FRCP 5.2 and FRCrP 49.1, which allows an unrepresented person to waive the protections of the rule as to that person's own personal information by filing it unsealed and in unredacted form. The Committee Notes suggest that a filer may want to consider this waiver if the costs of redaction are determined to outweigh the benefits to privacy.¹¹¹ If a person files an unredacted document disclosing the filer's own personal information by mistake, not intending to waive the protection of subdivision (a) of the Privacy Rules, that person may seek relief from the court.¹¹² This additional information was not included in the local privacy rules of the three districts that mentioned the waiver provision.

3. Local Privacy Rules that Include Provisions from the Committee Notes for FRCP 5.2 and FRCrP 49.1

Several issues addressed only in the Committee Notes for FRCP 5.2 and FRCrP 49.1 are paraphrased in the text of many of the forty-three local privacy rules. Located prominently within the local privacy rules of thirty-six districts,¹¹³ the most popular is the provision that clearly reminds filers that the responsibility for redaction lies with the filer and not with the clerk: "The clerk is not required to review documents filed with the court for compliance with this rule. The responsibility to redact filings rests with counsel and the party or nonparty making the filing, not the court clerk."¹¹⁴ One district clarified the lack of ambiguity as to who has the obligation to redact: "No Sua Sponte Sealing or Redaction. Neither the Clerk nor the Court will review filed documents for compliance with privacy or other protective law, nor will the Court as a matter of course seal on its own motion documents containing personal data identifiers, or redact documents, whether filed electronically or on paper. No procedure set forth herein will excuse a violation of privacy or other law by counsel or party."¹¹⁵

Another provision in the Committee Notes is paraphrased in the text of the local privacy rules of seven districts¹¹⁶ and is intended to remind counsel of their duty to notify and educate their clients regarding the access to court records to which members of the public are entitled:

¹⁰⁸ See Appendix A, E.D. Cal., N.D. Fla., D. Idaho, N.D. Okla. (civil cases only), W.D. Pa., D. Utah, W.D. Wash. See *supra* § I.B.2.

¹⁰⁹ See Appendix A, N.D.W. Va., D. Neb. See *supra* § I.B.3.

¹¹⁰ See Appendix A, C.D. Cal., M.D. Ga., N.D. N.Y.

¹¹¹ Fed. R. Civ. P. 5.2 & Fed. R. Crim. P. 49.1 advisory committee's note (2007).

¹¹² *Id.*

¹¹³ See Appendix A, M.D. Ala., E.D. Cal., C.D. Cal., M.D. Ga., D. Guam, D. Idaho, N.D. Iowa, S.D. Iowa, M.D. La., W.D. La., N.D. Miss., S.D. Miss., E.D. Mo., D. Neb., D. Nev., D.N.J., D.N.M., N.Y.N.D., E.D.N.C., D.N. Mar. Is., N.D. Ohio, E.D. Okla., N.D. Okla., D. Or., E.D. Pa., M.D. Pa., W.D. Pa., D.P.R., D.R.I., D.S.D., D. Utah, E.D. Va., W.D. Va., N.D.W. Va., S.D.W. Va., D.V.I., D. Wyo.

¹¹⁴ Fed. R. Civ. P. 5.2 & Fed. R. Crim. P. 49.1 advisory committee's note (2007).

¹¹⁵ See Appendix A, E.D. Cal.

¹¹⁶ See Appendix A, M.D. Ala., D. Idaho, M.D. La., D.N.J., N.D.N.Y., N.D. Miss., S.D. Miss.

“Parties must remember that any personal information not otherwise protected by sealing or redaction will be made available over the internet. Counsel should notify clients of this fact so that an informed decision may be made on what information is to be included in a document filed with the court.”¹¹⁷

The Committee Notes clarify that exhibits are included in the redaction requirements of the Privacy Rules, but only trial exhibits and only if they are actually filed with the court: “Trial exhibits are subject to the redaction requirements of FRCP 5.2(a) and/or FRCrP 49.1(a) to the extent they are filed with the court.”¹¹⁸ This requirement follows the case on appeal: “Trial exhibits that are not initially filed with the court must be redacted in accordance with the rule if and when they are filed as part of an appeal or for other reasons.”¹¹⁹ The stand-alone redaction rules of twenty¹²⁰ of the forty-three districts identified explicitly include exhibits in their redaction requirements. Each of these rules expands on the scope of exhibits that are subject to redaction by requiring redaction of exhibits to all documents and pleadings filed with the court, instead of limiting redaction to trial exhibits filed with the court as the Committee Note does. However, these local privacy rules do not include the additional provision in the Committee Notes regarding trial exhibits filed as part of an appeal.

D. Local Privacy Rules with Provisions Not Included in FRCP 5.2 and FRCrP 49.1

Eight¹²¹ of the forty-three districts with local privacy rules address actions the court may take if counsel and parties fail to redact or place under seal protected personal data identifiers. In addition to subjecting filers who fail to redact to the full disciplinary and remedial power of the court, potential sanctions these courts may impose include those pursuant to Federal Rule of Civil Procedure 11, striking a filing from the record, or sealing or restricting all or part of the case file.

Three¹²² of the forty-three districts require a filing party that has chosen not to file the original unredacted document under seal to maintain possession of the unredacted document until resolution of the action, including the appeal, if any. One district¹²³ requires the filing party to retain the unredacted version of the document or the reference list for one year after completion of the case, including all appeals. In addition, one district¹²⁴ requires filers to provide a copy of the complete document at the request of opposing counsel or parties. However, filers in the other two districts¹²⁵ must obtain a court order for the information to be disclosed to counsel for all parties.

¹¹⁷ Fed. R. Civ. P. 5.2 & Fed. R. Crim. P. 49.1 advisory committee’s note (2007).

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ See Appendix A, M.D. Ala., E.D. Cal., C.D. Cal., D. Guam, D. Idaho, W.D. La., E.D. Mo., D. Neb., D. Nev., D.N.M., N.Y.N.D., D.N. Mar. Is., N.D. Ohio, E.D. Okla., N.D. Okla., E.D. Pa., W.D. Pa., D.S.D., W.D. Wash., N.D.W. Va., D. Wyo.

¹²¹ See Appendix A, E.D. Cal., C.D. Cal., S.D. Ill., D.N.J., N.D.N.Y., D.N. Mar. Is., E.D. Va., N.D.W. Va.

¹²² See Appendix A, C.D. Cal., C.D. Ill., S.D. Ill.

¹²³ See Appendix A, C.D. Ill.

¹²⁴ See Appendix A, C.D. Cal.

¹²⁵ See Appendix A, C.D. Ill., S.D. Ill.

III. Identification of Appellate Court Local Rules Requiring Redaction of Personally Identifiable Information

In keeping with the E-Government Act's preference for uniform treatment of privacy and security issues throughout the federal courts,¹²⁶ Federal Rule of Appellate Procedure 25(a)(5) [FRAP 25(a)(5)] applies the same Privacy Rule that governed a case in the court below to the case on appeal.¹²⁷ Civil and criminal cases that arise on appeal from a district court are governed on appeal by Federal Rule of Civil Procedure 5.2 [FRCP 5.2] or Federal Rule of Criminal Procedure 49.1 [FRCrP], and bankruptcy cases appealed from a bankruptcy appellate panel or bankruptcy court are governed on appeal by Federal Rule of Bankruptcy Procedure 9037 [FRBP 9037]. In all other cases that come to the courts of appeals—cases involving the review or enforcement of an agency order, the review of a decision of the United States Tax Court, or the consideration of a petition for an extraordinary writ—FRCP 5.2 governs. The only exception is that when an extraordinary writ such as mandamus is sought in a criminal case, FRCrP 49.1 will govern in the court of appeals, applying the same privacy rule that applied to the related trial-court proceeding.¹²⁸ FRAP 25(a)(5) incorporates the redaction and filing requirements as specified in FRCP 5.2, FRCrP 49.1, and FRBP 9037 by reference to these rules without listing these requirements in the rule itself. Appellate local rules addressing privacy concerns in appellate court filings may supplement, as long as they remain consistent with, the privacy protections outlined in FRAP 25(a)(5).¹²⁹

A review of the local rules of the thirteen circuit courts of appeals identified nine appellate courts¹³⁰ (69% of all circuits) as having a “stand-alone” local privacy rule defined for purposes of this review as a local rule that (1) requires the redaction of specific types of PII from documents filed with the court and (2) specifies the acceptable methods of redaction and filing requirements. The nine stand-alone appellate local privacy rules include each of these components by either incorporating these requirements (as specified in FRAP 25(a), FRCP 5.2, FRCrP 49.1, and FRBP 9037) by referring to one or more of these rules or by describing in the local rules themselves the requirements for what must be redacted and how, and the filing methods available. Appellate local privacy rules that do not incorporate the national appellate, civil, criminal, and bankruptcy Privacy Rules by reference apply their requirements to all appellate cases regardless of the lower court the case was appealed from. Several appellate local

¹²⁶ Pub. L. 107–347, § 205(c)(3)(A)(ii) (Dec. 17, 2002), 116 Stat. 2910, *amended by* Pub. L. 108–281, 118 Stat. 889 (Aug. 2, 2004).

¹²⁷ FRAP 25(a)(5) states “An appeal in a case whose privacy protection was governed by Federal Rule of Bankruptcy Procedure 9037, Federal Rule of Civil Procedure 5.2, or Federal Rule of Criminal Procedure 49.1 is governed by the same rule on appeal. In all other proceedings, privacy protection is governed by Federal Rule of Civil Procedure 5.2, except that Federal Rule of Criminal Procedure 49.1 governs when an extraordinary writ is sought in a criminal case”

¹²⁸ In 2022, FRAP 25(a)(5) was amended to extend to Railroad Retirement Act benefits review proceedings the same limits on remote electronic access that Fed. R. Civ. Proc. 5.2(c)(1) and (2) apply in Social Security review cases. Because the privacy protection does not involve redaction of court filings, application of this provision in local appellate court rules is excluded from this review, just as the application of Fed. R. Civ. Proc. 5.2(c) was not included in the review of local rules in the district courts.

¹²⁹ Fed. R. App. P. 47.

¹³⁰ Appendix B includes these nine appellate courts and their relevant local rules. References throughout this report to circuit courts should be inferred as referring to the local rules included in Appendix B for that circuit.

privacy rules incorporate the requirements for the first component as to what PII must be redacted and how from FRAP 25(a), FRCP 5.2, FRCrP 49.1, or FRBP 9037 but describe the filing methods available in the rule itself or vice versa. The four appellate courts without a stand-alone appellate local privacy rule apply the redaction and filing requirements as specified in FRCP 5.2, FRCrP 49.1, and FRBP 9037 and incorporated by FRAP 25(a)(5) without additional requirements or modifications to the existing requirements.

Although FRAP 25(a) applies Privacy Rules filers may be familiar with, as these rules govern cases in the district and bankruptcy courts, compliance with FRCP 5.2, FRCrP 49.1, and FRBP 9037 may not fulfill a filer's responsibility to redact sensitive information in an appellate court. Before e-filing it is as important for filers to know whether the appellate court has a local privacy rule that imposes additional redaction requirements and filing procedures or modifies existing requirements in the national Privacy Rules. Sections A and B below describe how each of the nine stand-alone appellate local privacy rules depicts the specific PII that must be redacted and the methods available for redacting and filing a document containing such PII. These local privacy rules were then compared to the redaction and filing requirements in FRAP 25(a)(5) to identify whether the appellate local privacy rules add additional requirements or modify existing requirements. In Section C, they were also examined to determine if other subdivisions of FRCP 5.2, FRCrP 49.1, or FRBP 9037 as incorporated by FRAP 25(a)(5) including the Committee Notes were addressed in the appellate local privacy rules. Section D identifies any unique topics included in the appellate local privacy rules that are not addressed in the text or Committee Notes of FRCP 5.2, FRCrP 49.1, and FRBP 9037 as incorporated by FRAP 25(a)(5).

A. Personally Identifiable Information Requiring Mandatory Redaction in Appellate Local Privacy Rules

As incorporated by reference in FRAP 25(a)(5), unless an exemption applies, or “[u]nless the court orders otherwise,” FRCP 5.2(a) in civil cases on appeal, FRCrP 49.1(a) in criminal cases or proceedings on appeal, and FRBP 9037 in bankruptcy cases on appeal require that a party or nonparty making the filing redact from electronic or paper filings an individual's social security number, taxpayer identification number, financial account number, birthdate, and the name of a known minor. In criminal cases or proceedings, FRCrP 49.1(a)(5) as incorporated by FRAP 25(a)(5) also requires the redaction of an individual's home address.

1. Appellate Local Privacy Rules Requiring Redaction of the Same Personally Identifiable Information as Specified in Subsection (a) of FRCP 5.2, FRCrP 49.1, and FRBP 9037

Of the nine identified circuits, three have stand-alone appellate local privacy rules that require redaction of the same PII as specified in Subsection (a) of FRCP 5.2, FRCrP 49.1 and FRBrP 9037 and incorporated by reference in FRAP 25(a)(5), with no additions or modifications. The appellate local privacy rules in two of these circuits¹³¹ required redaction of PII in accordance with FRAP 25(a)(5), and the appellate local privacy rule of one circuit¹³²

¹³¹ See Appendix B, 1st Cir. (whenever such redaction is required by FRAP 25(a)(5)), 4th Cir. (in accordance with FRAP 25(a)(5)).

¹³² See Appendix B, 5th Cir. (as prescribed in FRAP 25, FRCP 5.2(a), and FRCrP. 49.1).

requires redaction as prescribed in FRAP 25(a)(5), FRCP 5.2, and FRCrP 49.1 without listing the requirements in the text of the local rule.

2. Appellate Local Privacy Rules Requiring Redaction of Personally Identifiable Information Not Included in Subsection (a) of FRCP 5.2, FRCrP 49.1, and FRBP 9037

Of the nine identified circuits, three have stand-alone appellate local privacy rules that require redaction of PII not listed in FRCP 5.2(a)(1)-(4), FRCrP 49.1(a)(1)-(5), or FRBP 9037(a)(1-4).¹³³ Because these three appellate local privacy rules do not reference FRAP 25(a)(5), FRCP 5.2, FRCrP 49.1, or FRBP 9037, their requirements for which PII must be redacted apply to all appellate cases regardless of the identity of the lower court the case was appealed from. To be included in this grouping, the appellate local privacy rule must clearly indicate that the redaction of the additional PII is mandatory. In each of these three circuits, the appellate local privacy rules that apply to civil, criminal, and bankruptcy cases include “home address” in their list of PII for which redaction is mandatory but do not include language indicating that redaction of an individual’s home address is not mandatory in civil and bankruptcy cases. Since the redaction of home addresses is only mandatory for filings in criminal cases or proceedings as specified in FRCrP 49.1(a), these three circuits have an additional redaction requirement that filers must comply with.

One of the three circuits¹³⁴ (Eighth Circuit) with an appellate local privacy rule requiring redaction of PII not included in the national Privacy Rules includes in its listing of mandatory redactions the requirement to redact from the addendum to a criminal brief the statement of reasons, the presentence report, or other confidential sentencing materials. These sentencing materials are included in the Committee Note for FRCrP 49.1 and Judicial Conference Policy in a listing of documents that shall not be included in the public case file and should not be made available to the public at the courthouse or via remote electronic access.¹³⁵

3. Appellate Local Privacy Rules Requiring Redaction of Less Personally Identifiable Information Than Mandated in Subsection (a) of FRCP 5.2, FRCrP 49.1, and FRBP 9037

Five of the nine stand-alone appellate local privacy rules do not include PII listed in FRCP 5.2(a)(1)-(4), FRCrP 49.1(a)(1)-(5), and FRBrP 9037(a)(1)-(4). The rules in four of these circuits,¹³⁶ which apply to all appellate cases regardless of their lower court of origin, do not list individual taxpayer identification numbers among the PII that must be redacted from documents filed with the court. Although the rule for the Tenth Circuit does not include an individual’s

¹³³ See Appendix B, 8th Cir., 11th Cir., Fed. Cir.

¹³⁴ See Appendix B, 8th Cir. (Included in listing of PII that must be redacted is “6. The Addendum to a criminal brief must not include the Statement of Reasons, the Presentence Report, or other confidential sentencing materials.”)

¹³⁵ FRCrP 49.1 advisory committee note. Guide to Judiciary Policy, vol. 10, § 340. See also Judicial Conference Policy on Privacy and Public Access to Electronic Case Files (March 2008), at <https://www.uscourts.gov/rules-policies/judiciary-policies/privacy-policy-electronic-case-files>.

¹³⁶ See Appendix B, 3d Cir., 8th Cir., DC Cir., Fed. Cir.

home address in criminal cases in its listing of PII that must be redacted, the rule¹³⁷ incorporates by reference the redaction requirements as specified in FRAP 25(a), FRCP 5.2, FRCrP 49.1, and FRBP 9037.

As with district court local privacy rules, appellate local privacy rules that fail to include PII that requires redaction under the national Privacy Rules may result in confusion or uncertainty as to whether the national rule or the appellate local rule will ultimately be enforced. However, applying the principle that appellate local rules should supplement rather than provide a substitute for the relevant national rule,¹³⁸ filers in these circuits should redact any PII not listed in their appellate local privacy rule but listed in FRCP 5.2(a)(1)-(4), FRCrP 49.1(a)(1)-(5), and FRBP 9037(a)(1)-(4).

4. Appellate Local Privacy Rules with Additional Conditions Required for Redaction of Personally Identifiable Information

Five¹³⁹ of the nine appellate local privacy rules require the filing party to first show, for any PII for which the rule specifies redaction is mandatory, that inclusion of the PII in the document is necessary or relevant to the case. Only then is the filer permitted to publicly file the document with redacted PII. Neither FRAP 25(a), FRCP 5.2, FRCrP 49.1, or FRBP 9037 requires the filing party to show that inclusion of the PII in the document is necessary or relevant to the case to permit filing with redacted PII. The appellate local privacy rules in these five circuits¹⁴⁰ preface their listing of PII for which redaction is mandatory with a statement identical to or similar to the following: “parties shall refrain from including, or shall partially redact where inclusion is necessary.” In addition to this prefatory statement, the appellate local redaction rules in four¹⁴¹ of these appellate courts use an if/then format to list their PII, where filing the document with PII partially redacted is conditioned on the need for the PII to be included in the document. For example, the Third Circuit¹⁴² lists the redaction requirement for social security numbers as “If an individual’s Social Security number must be included, only the last four digits of that number should be used.” Like district court local privacy rules including similar language, if the filing party cannot show that PII is necessary or relevant to the document, the PII must be completely removed from the document to permit public filing.

¹³⁷ See Appendix B, 10th Cir. (The appellate local privacy rule states that “All filers are required to follow the privacy and redaction requirements of Federal Rule of Appellate Procedure 25(a)(5), as well as the applicable federal rules of civil procedure, criminal procedure, and bankruptcy procedure. See Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 49.1; Fed. R. Bankr. P. 9037. Required redactions include social security numbers and tax identification numbers . . . birth dates . . . , minors’ names . . . , and financial account numbers”)

¹³⁸ Fed. R. App. P. 47.

¹³⁹ See Appendix B, 3d Cir., 5th Cir., 8th Cir., DC Cir., 11th Cir.

¹⁴⁰ See Appendix B, 5th Cir. (“Parties must refrain from including, or must partially redact where inclusion is necessary, certain personal data identifiers whether filed electronically or in paper form as prescribed in Fed. R. App. P. 25, Fed. R. Civ. P. 5.2(a), and Fed. R. Crim. P. 49.1.”)

¹⁴¹ See Appendix B, 3d Cir., 8th Cir., DC Cir., 11th Cir.

¹⁴² See Appendix B, 3d Cir.

B. Requirements to Redact and File Documents Containing Personally Identifiable Information in Appellate Local Privacy Rules

FRAP 25(a) incorporates the methods adopted by FRCP 5.2, FRCrP 49.1 and FRBP 9037 that must be used to redact PII contained in a document before it can be filed with the court and available for public viewing. Subsection (a) in FRCP 5.2, FRCrP 49.1 and FRBP 9037 requires the PII listed to be redacted as follows: for a social security number or taxpayer identification number, only the last four digits can be included; for a birthdate, only the year can be included; for the name of a known minor; only the initials can be included; for a financial account number, only the last four digits can be included; and in criminal cases or proceedings only, for a home address, only the city and state can be included.

FRAP 25(a) incorporates the filing alternatives adopted by Subsections (a), (f), and (g) of FRCP 5.2 and FRCrP 49.1 and Subsections (a), (e), and (f) of FRBP 9037 permitting a filer of a document containing PII listed in Subsection (a) to either publicly file the document redacted as specified and file the unredacted original under seal, if desired, or to file the redacted document on the public court docket with identifiers replacing the protected information as specified in a reference list which must be filed under seal.

Although appellate court local rules are generally not permitted to conflict with the Federal Rules of Appellate Procedure, the E-Government Act requires national Privacy Rules (i.e., FRAP 25(a)) to defer to appellate local privacy rules with respect to filing alternatives adopted by these rules if they differ from the national Privacy Rules.¹⁴³ As described in Section I, if a party wants to file a document that contains PII, the E-Government Act provides two filing alternatives that a privacy rule promulgated pursuant to its authority may adopt.¹⁴⁴ A privacy rule can adopt either filing alternative alone or adopt both, like the national Privacy Rules, and allow filers to choose between the two alternatives.

1. Methods Required by Appellate Local Privacy Rules for Redacting Personally Identifiable Information

The appellate local privacy rules in seven of the nine circuits having an appellate local privacy rule require the same method (i.e., partial redaction or abbreviation of identifiers) to redact PII described in Subsection (a) of FRCP 5.2, FRCrP 49.1 and FRBr.P 9037, as made applicable by the rules' reference to FRAP 25(a)(5),¹⁴⁵ by the descriptions provided in the

¹⁴³ *Id.* § 205(c)(3)(A)(iv).

¹⁴⁴ Pub. L. 107-347, §§ 205(c)(3)(A)(iv), (v) (Dec. 17, 2002), 116 Stat. 2910, *amended by* Pub. L. 108-281, 118 Stat. 889 (Aug. 2, 2004). Pursuant to the first filing alternative which has two different versions, a privacy rule may require a filer to file a redacted copy of the document on the court's public docket and provide the filer with the option of filing the original unredacted document under seal if desired, or a privacy rule may require the filer to file the unredacted original document under seal with the court absent any requirement to file a redacted version on the public record, subject to the court's discretion. *Id.* § 205(c)(3)(A)(iv). Pursuant to the second filing alternative, a privacy rule may require the filer to file a redacted document in the public record with appropriate identifiers in lieu of protected information (e.g., "Social Security Number" in place of 123-45-6789) and to file a reference list under seal that must specify an appropriate identifier that uniquely corresponds to each item of unredacted protected information listed. *Id.* § 205(c)(3)(A)(v).

¹⁴⁵ *See* Appendix B, 1st Cir., 4th Cir., 5th Cir.

rules,¹⁴⁶ or both.¹⁴⁷ The appellate local privacy rule in the Eighth Circuit is an exception, requiring the filer to identify the “type of account and institution” in addition to providing the last four digits of the account number in order to redact financial account numbers contained in a document prior to filing.¹⁴⁸ In addition, the same appellate local privacy rule requires redaction of home address information and directs the filer to “use phrases such as the 4000 block of Elm” instead of including only the city and state of a home address.¹⁴⁹ Another exception is the Tenth Circuit rule that appears to require financial account numbers to be redacted entirely instead of including only the last four digits as required by the national Privacy Rules.¹⁵⁰

Although the Federal Circuit’s appellate local privacy rule adopts the same method of redacting PII as described in Subsection (a) of FRCP 5.2, FRCrP 49.1 and FRBr.P 9037, as made applicable by reference to FRAP 25(a)(5), it also permits a document to be redacted using “confidential markings.”¹⁵¹ Material in a motion, petition, response, reply, or brief may be marked confidential only if the information (1) is treated as confidential pursuant to a judicial or administrative protective order and (2) such marking is authorized by statute, administrative regulation, or court rule. Each motion, petition, response, reply, or brief may mark as confidential up to fifteen unique words (including numbers), excluding appendices; attachments; exhibits; and addenda to motions, petitions, responses, replies, or briefs. In cases arising under 19 U.S.C. § 1516a or 28 U.S.C. § 1491(b), each motion, petition, response, reply, or brief may mark confidential up to fifty unique words (including numbers). Material that is covered by a protective order or that was placed under seal by a statute, rule, or regulation may be marked confidential in any filing other than a motion, petition, response, reply, or brief without any limitation on the number of markings. A party seeking to mark more words confidential than permitted must file a motion to waive confidentiality.¹⁵²

2. Filing Alternatives Adopted by Appellate Local Privacy Rules

FRAP 25(a) incorporates the filing alternatives adopted by Subsections (a), (f), and (g) of FRCP 5.2 and FRCrP 49.1 and Subsections (a), (e), and (f) of FRBP 9037 permitting a filer who wants to file a document containing PII listed in Subsection (a) to either (1) publicly file the document redacted as specified and file the unredacted original under seal if desired, or (2) file the redacted document on the public court docket with identifiers replacing the protected information as specified in a reference list that must be filed under seal. Of the nine circuits identified as having an appellate local privacy rule, the rules in six circuits¹⁵³ have adopted the same alternative redaction and filing requirements as described in FRCP 5.2, FRCrP 49.1, and FRBP 9037 by incorporating the redaction requirements of FRAP 25(a)(5).

¹⁴⁶ See Appendix B, 3d Cir.

¹⁴⁷ See Appendix B, 11th Cir., DC Cir., Fed Cir.

¹⁴⁸ See Appendix B, 8th Cir.

¹⁴⁹ *Id.*

¹⁵⁰ See Appendix B, 10th Cir.

¹⁵¹ See Appendix B, Fed. Cir.

¹⁵² *Id.*

¹⁵³ See Appendix B, 1st Cir., 3rd Cir., 8th Cir. (adopts Judicial Conference Privacy Policy), 10th Cir., D.C. Cir., Fed. Cir.

As in the district courts, FRAP 25(a) is not intended to disturb the appellate court's power to accept filings under seal or the standards the courts have developed for determining when filing under seal is appropriate.¹⁵⁴ Thus, as in the district courts it is important to consult an appellate court's sealing rules to make sure additional requirements for filing documents requiring redaction are not overlooked. Familiarity with the court's sealing rules may be even more relevant for a case on appeal, because in addition to requirements for filing a document under seal, a filer may have to follow any procedures the court requires when sealed filings are part of the record of an appellate case. Five of the six circuits with appellate local privacy rules that adopt the filing alternatives as required by FRAP 25(a)(5) permit documents that are filed under seal in the lower court to remain under seal on appeal if part of the record. However, in the Tenth Circuit, record material held under seal by another court or agency remains subject to that seal on appeal, except for sealed materials in an appendix.¹⁵⁵ If a party wants the filing in the appendix to remain under seal during the appeal, the party must file a motion for leave to file the document under seal and concurrently publicly file a redacted version of the document.¹⁵⁶ In the Federal Circuit, although in general any portion of the record that was subject to a protective order in the trial court or agency will remain subject to that order on appeal or review, after a notice of appeal or petition for review has been filed, each party must promptly review the record to determine whether protected portions need to remain protected on appeal.¹⁵⁷ If a party determines that some portion no longer needs to be protected, that party must seek an agreement with the other parties and present it to the court. Each party must file a certificate of compliance no later than the time for filing the appendix stating it complied with this rule.¹⁵⁸ Also, two circuits will only accept record material held under seal by another court or agency in paper format.¹⁵⁹

FRAP 25(a), by incorporating the filing alternatives adopted by FRCP 5.2, FRCrP 49.1, and FRBP 9037, requires the filer to file a redacted document in the public record and then, if desired, allows the filer to file the original unredacted document under seal *without any additional requirements*. However, if filers chose to file the unredacted version of the document under seal, appellate local privacy rules in four¹⁶⁰ of the six circuits that have adopted these filing alternatives require the filing party to file a motion to seal and be granted permission by court order to file the original unredacted document under seal. For example, any party who seeks to file any document under seal in the Tenth Circuit must overcome a presumption in favor of access to judicial records.¹⁶¹ The filing party must file a motion for leave to file the document under seal that must identify with particularity the specific document containing the sensitive information; explain why the sensitive information cannot reasonably be redacted in lieu of filing the entire document under seal; articulate a substantial interest that justifies depriving the public

¹⁵⁴ Fed. R. Civ. P. 5.2 & Fed. R. Crim. P. 49.1 advisory committee's note (2007) (stating that the rule "does not limit or expand the judicially developed rules that govern sealing").

¹⁵⁵ See Appendix B, 10th Cir.

¹⁵⁶ *Id.*

¹⁵⁷ See Appendix B, Fed. Cir.

¹⁵⁸ *Id.* See also Appendix B, 4th Cir. (A certificate of confidentiality must accompany any filing which contains or would otherwise disclose sealed materials.)

¹⁵⁹ See Appendix B, 8th Cir., D.C. Cir.

¹⁶⁰ See Appendix B, 1st Cir., 4th Cir., 8th Cir., 10th Cir.

¹⁶¹ See Appendix B, 10th Cir.

of access to the document; cite any applicable rule, statute, case law, or prior court order having a bearing on why the document should be sealed, keeping in mind that the court is not bound by a district court's decision to seal a document below; and provide a statement of disclosure regarding the opposing party's position.¹⁶² Indicating that redaction is preferred to filing an entire document under seal, the Tenth Circuit's appellate local privacy rule requires the party seeking to protect sensitive information to publicly file a redacted version of the document concurrently with the motion to seal, unless redaction is impracticable.

Two¹⁶³ of the nine circuits with an appellate local privacy rule have alternative redaction and filing requirements that differ from those required by FRCP 5.2, FRCrP 49.1, and FRBrP 9037, as made applicable to cases on appeal by FRAP 25(a)(5). Appellate local privacy rules in these two circuits require filers to (1) file the original unredacted document under seal or (2) file a reference list under seal. In both circuits, the court at its discretion may still require the filing party to file a redacted copy for the public file.

Like the six appellate courts discussed above, in both circuits with filing alternatives that differ from the national Privacy Rules, the appellate courts' sealing rules add additional requirements to the filing alternatives described in these appellate local privacy rules. In the Third Circuit, if a party wants to file a document containing PII and chooses to file the original unredacted document under seal as permitted by the rule, the party must file a motion setting forth with particularity the reasons why sealing is deemed necessary. Any other party may file objections, if any, within seven days.¹⁶⁴ Also in the Third Circuit, if the record on appeal includes documents placed under seal by the lower court, for these documents to remain under seal in criminal cases other than grand jury materials, presentence reports, statements of reasons for the sentence, or other documents required to be sealed by statute or rule, the party seeking to have the documents sealed must file a motion within twenty-one days of receiving notice of the docketing of the appeal, explaining the basis for sealing and specifying the desired duration of the sealing order. If part or all of the documents in a civil case are sealed by the lower court, they will remain under seal for thirty days after the filing of the notice of appeal, to give the filing party an opportunity to file a motion to continue the sealing, explaining the basis for sealing and specifying the desired duration of the sealing order. The Fifth Circuit also requires a court order authorizing the filing of documents under seal, although it appears that documents placed under seal in the lower court that are part of the record on appeal will remain sealed.¹⁶⁵

The Eleventh Circuit's appellate local privacy rule has adopted filing requirements unique from those adopted by the other circuit courts.¹⁶⁶ A party filing a document containing the PII listed in the rule must file a redacted document for the public file and either (1) a reference list under seal which does not require a motion or (2) an unredacted document under seal along with a motion to file the unredacted document under seal specifying the type of PII included in

¹⁶² *Id.*

¹⁶³ *See* Appendix B, 3d Cir., 5th Cir.

¹⁶⁴ *See* Appendix B, 3d Cir.

¹⁶⁵ *See* Appendix B, 5th Cir.

¹⁶⁶ *See* Appendix B, 11th Cir.

the document and why the party believes that including it in the document is necessary or relevant. In addition, the Eleventh Circuit's appellate local privacy rule cautions parties to exercise caution when filing a document that contains any of the following: a personal identifying number, such as driver's license number; medical records, treatment, and diagnosis; employment history; individual financial information; proprietary or trade secret information; information regarding an individual's cooperation with the government; national security information; and sensitive security information as described in 49 U.S.C. § 114(s). If a party wants to file a document that contains the personal data identifiers listed in the rule *and* contains any of the other eight items listed as cautionary, the filer must (1) file a redacted document for the public file and (2) file an unredacted document under seal, along with a motion to file the unredacted document under seal specifying the type of PII included in the document and why the party believes that including it in the document is necessary or relevant. Also, documents filed under seal in the court from which an appeal is taken will continue to be filed under seal on appeal to the Eleventh Circuit and must be submitted in paper format.¹⁶⁷

C. Appellate Local Privacy Rules that Address Other Provisions Included in the National Privacy Rules and Committee Notes

1. Appellate Local Privacy Rules that Address Other Provisions Included in the National Privacy Rules

In addition to the sections that describe the specific PII that must be redacted and how, and the filing alternatives available, other sections of FRCP 5.2, FRCrP 49.1, and FRBP 9037 address issues related to the rules' redaction and filing requirements, including exemptions, filings made under seal, protective orders, waiver of protection of identifiers, and motions to protect a previously filed document (bankruptcy cases only). Unless an appellate local privacy rule supplements or modifies the requirements in these additional provisions, they apply to all filings in the appellate courts through FRAP 25(a). Only one circuit¹⁶⁸ mentioned the list of exemptions included in FRCP 5.2(b), FRCrP 49.1(b), and FRBP 9037(b), stating that the appellate local privacy rule's redaction requirements were subject to these exemptions. And only two circuits¹⁶⁹ mentioned that an individual waives the protection of the rule as to the individual's own information by filing it without redaction and not under seal. In addition, one of these circuits permits a party to waive the requirement to redact PII by filing a statement of consent.¹⁷⁰

2. Appellate Local Privacy Rules that Include Provisions from the Committee Notes of the National Privacy Rules

Similar to the district courts, the most popular provision included in the Committee Notes for FRCP 5.2, FRCrP 49.1, and FRBP 9037 but not mentioned in the text of these rules was the provision that reminds filers that parties and their counsel are solely responsible for redacting

¹⁶⁷ *Id.*

¹⁶⁸ *See* Appendix B, 11th Cir.

¹⁶⁹ *See* Appendix B, 11th Cir., Fed. Cir.

¹⁷⁰ *See* Appendix B, Fed. Cir.

restricted or sensitive materials from documents and properly filing confidential or sealed material. Likewise, the clerk of court is not required to review documents to ensure material has been appropriately redacted. Similar language is included in the text of all nine appellate local privacy rules. The appellate local privacy rule in one appellate court includes the Committee Note reminder that counsel has a duty to notify clients regarding the availability of filings on the Internet so that an informed decision may be made on what information is to be included in a public document filed with the court.¹⁷¹ In addition, the appellate local privacy rule in two circuits requires the redaction of the listed PII from all documents filed with the court, including exhibits thereto.¹⁷² However, the Committee Notes for FRCP 5.2, FRCrP 49.1, and FRBP 9037 limit the redaction of exhibits to exhibits used during trial, and only if they are filed with the court.

D. Appellate Local Privacy Rules with Provisions Not Included in the National Privacy Rules

The appellate local privacy rules in two circuits¹⁷³ include a suggested alternative other than redaction to placing an entire document under seal. The rules suggest that rather than automatically requesting the sealing of an entire brief, motion, or other filing, litigants should consider whether argument relating to sealed materials may be contained in a separate supplemental brief, motion, or filing, which may then be sealed.

The First Circuit's appellate local privacy rule shares the court's insight based on its experience with the rule's redaction requirements.¹⁷⁴ "Filers are advised that it is the experience of this court that failure to comply with redaction requirements is most apt to occur in attachments, addenda, or appendices, and, thus, special attention should be given to such documents."¹⁷⁵

The Court of Appeals for the Eleventh Circuit has a local rule, completely separate from the circuit's appellate local privacy rule, that allows the court to take action with respect to impermissible language or information in court filings.¹⁷⁶ The rule provides that when any paper filed with the court, including motions and briefs, contains (1) ad hominem or defamatory language, (2) information the public disclosure of which would constitute a clearly unwarranted invasion of personal privacy, or (3) information the public disclosure of which would violate legally protected interests, the court on motion of a party or on its own motion, may without prior notice take appropriate action. The appropriate action includes ordering that the document be sealed; specified language or information be stricken from the document; the document be struck from the record; the clerk be directed to remove the document from electronic public access; the party who filed the document either explain why including the specified language or disclosing the specified information in the document is relevant, necessary, and appropriate or file a redacted or replacement document. If the court takes action pursuant to this rule without prior notice, the party has fourteen days from when the court order was issued to file a motion to

¹⁷¹ See Appendix B, 4th Cir.

¹⁷² See Appendix B, 3d Cir., DC Cir.

¹⁷³ See Appendix B, 1st Cir., 3d Cir.

¹⁷⁴ See Appendix B, 1st Cir.

¹⁷⁵ *Id.*

¹⁷⁶ See Appendix B, 11th Cir. (11th Cir. L.R. 25-6 Court Action with Respect to Impermissible Language or Information in Filings).

restore language or information that was stricken or removed from the document or to file the document without redaction, stating why the court's action was unwarranted.¹⁷⁷

¹⁷⁷ *Id.*

Appendix A: District Court Local Rules
Compiled by Marvin Astrada

Middle District of Alabama

M.D. Ala.

<https://www.almd.uscourts.gov/sites/default/files/forms/ALMD%20Local%20Rules.pdf>

[M.D. Ala.] L.R. 5.2 Redaction of Personal Identifiers

(a) Parties to any litigation shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings, documents or other papers filed with the Court, including exhibits to pleadings, documents or other papers, whether filed electronically or by paper, unless otherwise ordered by the Court:

1. Social Security Numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.
2. Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
3. Dates of Birth. If an individual's date of birth must be included in a pleading, only the year should be used.
4. Financial Account Numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.
5. Addresses of Individuals. If the address of an individual is relevant, only the city and state should be used.

(b) Any party wishing to file a document containing the personal data identifiers listed above may do so using one of two methods:

1. File a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.
2. File an unredacted version of the document under seal.

(c) A party filing an unredacted document under seal that contains personal data identifiers shall simultaneously file a redacted copy of the document for the public file. The unredacted version of the document or the reference list shall be retained by the Court as part of the record.

(d) The responsibility for redacting these personal identifiers rests solely with counsel and the parties who should not include sensitive information in any document filed with the Court unless the information is necessary and relevant to the case. The Clerk of the Court will not review each pleading for compliance with this order. Counsel are urged to notify all clients of this order and the provisions of the E-Government Act of 2002 and Federal Rule of Civil Procedure 5.2 as amended, so that an informed decision about the inclusion of information in pleadings, documents or other papers may be made. It is the sole responsibility of counsel and the parties to insure that all pleadings, documents or other papers filed with Court comply with this order concerning the redaction of personal data identifiers.

Southern District of Alabama

S.D. Ala.

<https://www.alsd.uscourts.gov/sites/alsd/files/local-rules.pdf>

[S.D. Ala.] General L.R. 5.2. Sealed Documents

The following procedures govern documents under seal in criminal and civil cases in this District.

...

(c) Exceptions.

(1) No motion or order is required to file the following under seal:

(A) An unredacted version of a document containing personal data identifiers, filed in compliance with these Rules, the Federal Rules of Procedure, or the E-Government Act;

Central District of California

C.D. Cal.

<https://www.cacd.uscourts.gov/sites/default/files/documents/2023%20June%20LRs%20Chap%2001.pdf>

https://www.cacd.uscourts.gov/sites/default/files/documents/LocalRules_Chap3_12_20.pdf

[C.D. Cal.] L.R. 5-4.3 Format of Electronically Filed Documents.

In addition to the specific requirements for electronically filed documents set forth below, all documents subject to electronic filing shall comply with the general format requirements of L.Rs. 11-3, 11-5, 11-6, 11-7, and 11-8.

...

L.R. 5-4.3.2 Redaction. It is the responsibility of the filer to ensure full compliance with the redaction requirements of Federal Rule of Civil Procedure 5.2 and L.R. 5.2-1.

[C.D. Cal.] L.R. 5.2-1 Redaction.

It is the responsibility of the filer to ensure full compliance with the redaction requirements of Federal Rule of Civil Procedure 5.2. In addition, the filer shall redact passport numbers and driver license numbers in their entirety, and shall ensure that any document that contains a home address (except any proof of service filed as required by Federal Rule of Civil Procedure 4(l)) shall include only the city and state. This restriction on including passport numbers, driver license numbers, and full home addresses shall not apply to a filing exempted by Federal Rule of Civil Procedure 5.2(b); to an under-seal filing as set forth in Federal Rule of Civil Procedure 5.2(d), (f), or (g); or where the redaction requirement with respect to that information has been waived as provided in Federal Rule of Civil Procedure 5.2(h).

Parties shall carefully examine the documents, exhibits, or attachments to be filed with the Court in order to protect any sensitive and private information. The responsibility for redacting or placing under seal protected personal data identifiers rests solely with counsel and the parties. The Clerk will not review any pleadings or documents for compliance.

Counsel and the parties are cautioned that failure to redact or place under seal protected personal data identifiers may subject them to the disciplinary power of the Court. If a redacted version of the document is filed, counsel shall maintain possession of the unredacted document pending further order of the Court or resolution of the action (including the appeal, if any) and shall, at the request of opposing counsel or parties, provide a copy of the complete document.

[C.D. Cal.] L.Cr.R. 49-1 Serving and Filing Documents.

...

L.Cr.R. 49-1.3 General Applicability of Civil Electronic Filing Rules; Exceptions and Supplemental Rules for Criminal Cases.

...

L.Cr.R. 49-1.3.2 Special Rules for Criminal Cases.

(a) Redaction. It is the responsibility of the filer to ensure full compliance with the redaction requirements of Federal Rule of Criminal Procedure 49.1 and L.Cr.R. 49.1-1.

(b) Service. Where service is required by the Federal Rules of Criminal Procedure, service shall be in accordance with Local Civil Rule 5-3.

(c) Proposed Orders. An electronically lodged proposed order shall comply with the requirements of Local Civil Rule 5-4.4, except that, for criminal cases, the subject line of the e-mail transmitting the word-processing version of the proposed order required by Local Civil Rule 5-4.4.2 shall include the defendant's last name and initial of first name as the filer (e.g., for Los Angeles: LA08CR00123-6-ABC-Doe J; for Santa Ana: SA08CR00124-8-DEF-Smith A; for Riverside: ED08CR00125-10-GHI-Jones B).

[C.D. Cal.] L.Cr.R. 49.1-1 Redaction.

It is the responsibility of the filer to ensure full compliance with the redaction requirements of Federal Rule of Criminal Procedure 49.1. In addition, the filer shall redact passport numbers and driver license numbers in their entirety, and shall ensure that any document that contains a home address shall include only the city and state. This restriction on including passport numbers, driver license numbers, and full home addresses shall not apply to a filing exempted by Federal Rule of Criminal Procedure 49.1(b); to an under-seal filing as set forth in Federal Rule of Criminal Procedure 49.1(d), (f), or (g); or where the protection of Federal Rule of Criminal Procedure 49.1(h) has been waived with respect to that information.

Parties shall carefully examine the documents, exhibits, or attachments to be filed with the Court in order to protect any sensitive and private information. The responsibility for redacting or placing under seal protected personal data identifiers rests solely with counsel and the parties. The Clerk will not review any pleadings or documents for compliance.

Counsel and the parties are cautioned that failure to redact or place under seal protected personal data identifiers may subject them to the full disciplinary power of the Court. If a redacted version of the document is filed, counsel shall maintain possession of the unredacted document pending further order of the Court or resolution of the action (including the appeal, if any) and shall, at the request of opposing counsel or parties, provide a copy of the complete document.

Eastern District of California

E.D. Cal.

<https://www.caed.uscourts.gov/caednew/assets/File/EDCA%20Local%20Rules%20Effective%2008-7-23.pdf>

[E.D. Cal.] Rule 140 (Fed. R. Civ. P. 5.2) (Fed. R. Crim. P. 49.1) Privacy Concerns and Redaction

(a) Privacy In General. Except as set forth below, pursuant to the Judicial Conference Policy on Privacy and Electronic Access to Case Files, and the EGovernment Act of 2002, Pub. L. No. 107-347, effective April 16, 2003, when filing documents, counsel and the Court shall omit or, where reference is necessary, partially redact the following personal data identifiers from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the Court orders otherwise:

- (i) Minors' names: In criminal actions, use the minors' initials; in civil actions use initials when federal or state law require the use of initials, or when the specific identity of the minor is not necessary to the action or individual document;
- (ii) Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;
- (iii) Social Security numbers: Use only the last four numbers;
- (iv) Dates of birth: Use only the year;
- (v) Home addresses in criminal actions only; use only the city and state; and
- (vi) All other circumstances: Redact when federal law requires redaction.

(b) Order Required for Other Redactions. No other redactions are permitted unless the Court has authorized the redaction. Counsel has the responsibility to be cognizant of federal privacy law and, when appropriate, state privacy law. Moreover, counsel should recognize proprietary or trade secret information that is protected from dissemination by law. When counsel seeks to submit protected information, a protective order or order authorizing redaction should be sought. A party that makes a redacted filing may also file an unredacted copy under seal if the Court so orders. The unredacted copy will be retained by the Court under seal as part of the record.

(c) Reference List for Redacted Documents. If the Court so orders, a filing that contains redacted information may be filed together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item of redacted information listed. The reference list must be filed under seal and may be amended as of right. All references in the action to the identifiers included in the reference list will be construed to refer to the corresponding items of information.

(d) Submission of Unredacted Documents. Pursuant to the terms of a protective order or applicable law, counsel may seek to submit an unredacted document containing protected information for

review by the Court. In such an event, counsel is required to file a motion to file the document under seal. See L.R. 141. If the Court grants the motion, counsel shall then submit the unredacted paper document to the Clerk for review by the Court. The paper document must have a cover page with the caption and number of the action and a prominent designation stating the following: "Document filed under seal."

(e) No Sua Sponte Sealing or Redaction. Neither the Clerk nor the Court will review filed documents for compliance with privacy or other protective law, nor will the Court as a matter of course seal on its own motion documents containing personal data identifiers, or redact documents, whether filed electronically or on paper. No procedure set forth herein will excuse a violation of privacy or other law by counsel or party.

(f) Redaction Exceptions. Filings of administrative transcripts, see L.R. 138(b), need not be redacted to comply with this Rule. Filings of official records of a state court proceeding in an action removed to federal court need not be redacted. In a civil or criminal forfeiture proceeding, financial account numbers that identify the property alleged to be subject to forfeiture need not be redacted. See L.R. 570.

[E.D. Cal.] Rule 206 (Fed. R. Civ. P. 8) Special Rule For Social Security and Black Lung Actions

(a) Pleadings. Complaints under Titles II, XVI, and XVIII of the Social Security Act, 42 U.S.C. §§ 405(g), 1383(c)(3), and/or 1395ff, or under Part B, Title N, of the Federal Coal Mine Health and Safety Act of 1969, shall contain the following information in addition to the matters otherwise required by the Federal Rules of Civil Procedure and these Rules:

(1) In actions involving claims for retirement, survivors, disability, health insurance and black lung benefits, the last four digits of the social security number of the worker on whose wage record the application for benefits was filed (who may or may not be the plaintiff);
or

(2) In actions involving claims for supplemental security income benefits, the last four digits of the social security number of the plaintiff. Plaintiff shall disclose privately to defendant within seven (7) days after a request for the full social security number of the worker or plaintiff, as the case may be.

(b) Administrative Transcripts in Social Security Actions. See L.R. 138(b).

(c) Privacy Issues in Social Security Actions. Except for court orders and proposed findings and recommendations, Internet access to the individual documents will be limited to attorneys of record, persons authorized by the Court, and court staff. Docket sheets, court orders and proposed findings and recommendations, however, will be available over the Internet to non-parties. Pro se parties and non-parties will continue to have direct access to the documents on file with the Clerk. See L.R. 140(a).

[E.D. Cal.] Criminal Rules Rule 400 (Fed. R. Crim. P. 50) General Rules Applicable in Criminal Actions, Electronic Filing and Plan For Prompt Disposition of Criminal Actions

(a) Applicability of General Rules. Local Rules 100 to 199 and 300 to 399 are fully applicable in criminal actions in the absence of a specific Criminal Rule directly on point.

(b) Filings in Criminal Actions in General. Criminal Proceedings are defined as all felony and class-A misdemeanor actions that are opened as "cr" actions by the District Court. In general, all documents submitted for filing in this district by attorneys in a criminal proceeding on or after January 3, 2005 shall be filed electronically. See L.R. 135. Pro se defendants must file and serve conventionally in accord with applicable Rules unless specifically authorized to file electronically. See L.R. 133.

(c) Filings in Magistrate Judge Criminal Actions in General. Magistrate Judge Criminal Actions are defined as all complaints, initial Rule 40 appearances or class B and C misdemeanors also known as "Petty Offense Actions," and all other actions where a "mj" action is opened. In general, except for filings by pro se defendants, all documents submitted for filing after January 3, 2005 shall be submitted in electronic format. See L.R. 135.

(d) Exemption from Electronic Filing for CVB Actions. Until the District Court is responsible for transmitting statistics in actions generated via the Central Violations Bureau (CVB), and maintained as CVB actions, such actions are exempt from CM/ECF.

(e) Mandatory Exceptions from Electronic Filing in Criminal Actions. Due to their unique nature, the following documents shall be filed in paper format and scanned into electronic format by the Clerk:

- (1) Indictments / Informations;
- (2) Arrest Warrants issued by a Judge or Magistrate Judge;
- (3) Search Warrants and accompanying documents;
- (4) Seizure Warrants and accompanying documents;
- (5) Pen Register authorizations and like documents;
- (6) Criminal Complaints and accompanying documents;
- (7) Rule 5(c)(3) / 20 documents;
- (8) Writs ad testificandum and pro sequendum; and
- (9) Wiretap proceedings.

(f) Filings in Juvenile Actions. Documents in juvenile delinquency matters shall not be filed electronically.

.....

District of Columbia

D.D.C.

https://www.dcd.uscourts.gov/sites/dcd/files/local_rules/Local%20Rules%20Jan_2024.pdf

[D.D.C.] LCvR 5.4 Cases Assigned to Case Management/Electronic Case Filing (CM/ECF) System

...

(f) Privacy Requirements. The following personal identifiers shall be excluded, or redacted where inclusion is necessary, from all electronically filed documents unless otherwise ordered by the Court.

(1) Social Security numbers. If an individual's Social Security number must be included in a pleading, only the last four digits of that number should be used.

(2) Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

(3) Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.

(4) Financial account numbers. If a financial account number is relevant, only the last four digits should be used.

A party wishing to file a document containing unredacted personal identifiers listed in LCvR 5.4 (f) (1)-(4) may file an unredacted document under seal. This document shall be retained by the Court as part of the record.

Northern District of Florida

N.D. Fla.

https://www.flnd.uscourts.gov/sites/flnd/files/local_rules/local_rules_0.pdf

[N.D. Fla. L.] Rule 5.5 Sealing Case Files and Documents; Redacting Documents

(A) General Rule. Each case file and each document filed in it is public unless one of these provides otherwise: a statute, court rule, administrative order, or order in the case. The Court may, by an order in the case, modify any sealing or redaction requirement set out in an administrative order or this rule.

(B) Documents That May Be Sealed Without an Order. When a statute, court rule, or administrative order requires the sealing of a category of documents, a party may submit a document in that category for filing under seal, without moving for leave to file the document under seal. The Clerk must maintain the document under seal unless the Court orders otherwise.

(C) Documents That May Be Sealed Only With an Order. A party who wishes to file any other document under seal must, if feasible, move in advance for leave to file the document under seal. The party may submit the document for filing under seal only if the Court authorizes it. If a party submits a document for filing under seal before the Court authorizes it—either because obtaining advance authorization was not feasible or in violation of this rule—the Clerk must promptly refer the sealing issue to the Court and must maintain the document under seal until otherwise ordered.

(D) Filing Redacted Versions of Sealed Documents. When feasible, a party who files a document under seal must file a redacted version that will become part of the public file. Filing a redacted version is feasible unless (1) a person could infer from the redacted version the substance or import of the information that called for sealing the original or (2) the redacted version would include so little information that publicly filing it would serve no purpose.

(E) Redacting Documents That Are Improperly Filed with Personal Identifiers. If a party violates Federal Rule of Civil Procedure 5.2 or Federal Rule of Criminal Procedure 49.1 by failing to redact a personal identifier, the party must promptly file a properly redacted substitute. When the substitute is filed, the Clerk must seal the unredacted original.

Middle District of Georgia

M.D. Ga.

https://www.gamd.uscourts.gov/sites/gamd/files/Local_Rules-12_1_2022.pdf

[M.D. Ga.] Local Rule 5: Filing with the Court

Case Management/Electronic Case Filing (CM/ECF) System.

...

5.4 Privacy Protection For Filings Made With the Court.

A. Redacted Filings. Unless the court orders otherwise in an electronic or paper filing with the court that contains an individual's social security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial-account number, or the home address of an individual, a party or nonparty making the filing may include only:

- (1) The last four digits of the social security number and taxpayer-identification number;
- (2) The year of the individual's birth;
- (3) The minor's initials;
- (4) The last four digits of the financial-account number; and
- (5) The city and state of the home address. (This restriction applies only in criminal cases)

B. Exemptions from the Redaction Requirement. The redaction requirement does not apply to the following:

- (1) A financial account number that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
- (2) The record of an administrative or agency proceeding;^{*178}
- (3) The official record of a state-court proceeding;
- (4) The record of a court or tribunal, if that record was not subject to the redaction requirement when originally filed;
- (5) A filing covered by Rule 5.4(c);
- (6) A pro se filing in an action brought under 28 U.S.C. §§ 2241, 2254, or 2255;
- (7) A court filing that is related to a criminal matter or investigation and that is prepared before the filing of a criminal charge or is not filed as part of any docketed criminal case;

¹⁷⁸ Social Security Appeals and Immigration cases are subject to the limitations set forth in Rule 5.2(c), Fed.R.Civ.P., effective December 1, 2007.

(8) An arrest or search warrant; and

(9) A crime charging document and an affidavit filed in support of any such charging document.

C. Filings Made Under Seal. The court may order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record.

D. Protective Orders. For good cause, the court may by order in a case:

(1) Require redaction of additional information; or

(2) Limit or prohibit a nonparty's remote electronic access to a document filed with the court.

E. Option for Additional Unredacted Filing Under Seal. A person making a redacted filing may also file an unredacted copy under seal. The court must retain the unredacted copy as part of the record.

F. Option for Filing a Reference List. A filing that contains redacted information may be filed together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. The list must be filed under seal and may be amended as a right. Any reference in the case to a listed identifier will be construed to refer to the corresponding item of information.

G. Waiver of Protection of Identifiers. A person waives the protection of Rule 5.4a or corresponding Local Criminal Rule 49.2 as to the person's own information by filing it without redaction and not under seal.

[M.D. Ga.] Local Criminal Rule 49: Serving And Filing Papers

49.1 Case Management/Electronic Case Filing (CM/ECF) System.

See Local Civil Rule 5.0a and b which by reference is hereby made applicable to criminal cases.

49.2 Privacy Protection For Criminal Filings Made With the Court. See Local Civil Rule 5.4a through g which by reference is hereby made applicable to criminal cases.

49.3 Hybrid Representation. See Local Civil Rule 5.5 by reference is hereby made applicable to criminal cases.

District of Guam

D. Guam

<https://www.gud.uscourts.gov/sites/gud/files/General%20Local%20Rules%2020220419%20final.pdf>

[D. Guam] GNLR 5.2 Privacy and Public Access to Case Files

(a) In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents and pleadings filed with the Court, including exhibits thereto, whether filed electronically or by paper, unless otherwise ordered by the Court, or required by statute, a federal rule of procedure, or the Official Bankruptcy Forms:

(1) Social Security numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used (i.e., XXX-XX-6789). However, in bankruptcy cases, the debtor(s) shall file a Statement of Social Security Number(s) (Form B21) at the time the petition is filed. The debtor(s) must report the full nine-digit Social Security number(s) of the debtor(s) in this document to be submitted – not filed – with the Clerk's Office. This document will be used for internal purposes only and will not be part of the public record. Failure to timely submit Form B21 may result in the dismissal of the case.

(2) Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used. In bankruptcy cases, on Schedule I of Official Bankruptcy Form 6, list the relationship and the age of the debtor's dependent(s), (i.e., son, age 6).

(3) Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used. In bankruptcy cases, on Schedule I of Official Bankruptcy Form 6, list the age of each of the debtor's dependents.

(4) Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used. In bankruptcy cases, on Schedules D, E, and F of official Bankruptcy Form 6, debtors, if they choose, may include their full account numbers to assist the trustee and creditors.

(5) Home addresses for criminal cases. If a home address must be included in a pleading filed in a criminal case, only the city and state should be listed.

(b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:

(1) file an unredacted version of the document in paper form under seal with the Clerk's Office; or

(2) file a reference list in paper form under seal with the Clerk's Office. The reference list shall contain the complete personal data identifiers and the redacted identifiers used in their place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifiers. The reference list may be amended as of right.

The document or reference list must contain the following heading: "SEALED DOCUMENT PURSUANT TO E-GOVERNMENT ACT OF 2002." The unredacted version of the document or reference list shall be retained by the Court as part of the record until further order of the Court. The party must also file a redacted copy of the document for the public file.

(c) Because of remote electronic availability, caution should be exercised and the necessity to seal considered when filing documents that contain any of the following information:

- (1) any personal identifying number, such as a driver's license number;
- (2) medical records, treatment and diagnosis;
- (3) employment history;
- (4) individual financial information;
- (5) proprietary or trade secret information;
- (6) information regarding an individual's cooperation with the government.
- (7) information regarding the victim of any criminal activity;
- (8) national security information; and
- (9) sensitive security information as described in 49 U.S.C. §114(s).

(d) Without a Court order, the following documents shall not be included in the public case file and should not be made available to the public at the courthouse or via remote electronic access:

- (1) unexecuted summonses or warrants of any kind (e.g., search warrants, arrest warrants);
- (2) pretrial bail or presentence investigation reports;
- (3) statements of reasons in the judgment of conviction;
- (4) juvenile records;
- (5) documents containing identifying information about jurors or potential jurors;
- (6) financial affidavits filed in seeking representation pursuant to the Criminal Justice Act;

(7) ex parte requests for authorization of investigative, expert or other services pursuant to the Criminal Justice Act; and

(8) sealed documents.

If the Court seals a document after it has already been included in the public file, the Clerk shall restrict viewing of the document from both the electronic and paper files as soon as the order sealing the document is entered.

(e) The responsibility for redacting personal data identifiers and properly filing documents to be sealed rests solely with counsel and the parties. The Clerk's Office will not review each pleading for compliance with this rule.

District of Idaho

D. Idaho

https://www.id.uscourts.gov/content_fetcher/print_pdf_packet.cfm?Court_Unit=District&Content_Type=Rule&Content_Sub_Type=Civil

[D. Idaho] District Local Rule Civ 5.5 (Civil) Protection of Personal Privacy

(a) In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties must refrain from including or must partially redact, where inclusion is necessary, the following personal data identifiers from all pleadings filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court:

- (1) Social Security numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.
- (2) Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- (3) Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.
- (4) Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.
- (5) Home addresses. Only the city and state should be identified.

(b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal only if the party believes maintenance of the unredacted material in the Court record is critical to the case. The document must contain the following heading in the document, "SEALED DOCUMENT PURSUANT TO E-GOVERNMENT ACT OF 2002". This document will be retained by the Court as part of the record until further order of the Court. The party must also electronically file a redacted copy of this document for the official record.

(c) The redaction requirement in section (a) does not apply to in rem forfeiture actions or to the lodging of the state court record in habeas corpus cases brought under 28 U.S.C. § 2241 or § 2254, to the extent that the state court record is lodged with the Court in paper format.

(d) To comply with the Judicial Conference Policy, in addition to the items listed in section (a) above, the Court shall not provide public access to the following documents: unexecuted warrants of any kind; pretrial bail or presentence investigation reports; statement of reasons in the judgment of conviction; juvenile records, documents containing identifying information about jurors or

potential jurors; financial affidavits filed in seeking representation pursuant to the Criminal Justice Act; ex parte requests for expert or investigative services at Court expense; and sealed documents.

(e) In addition to the redaction procedures outlined above, the Judicial Conference policy requires Counsel to redact the personal identifiers noted in (a), which are contained in any transcripts filed with the Court. Counsel should follow the transcript redaction procedures outlined on the Court's website at: id.uscourts.gov/CourtReporter/Transcripts.pdf

(f) Counsel and the parties are advised to exercise caution when filing documents that contain the following:

- (1) Personal identification number, such as driver's license number;
- (2) Medical records, treatment and diagnosis;
- (3) Employment history;
- (4) Individual financial information;
- (5) Proprietary or trade secret information;
- (6) Information regarding an individual's cooperation with the government;
- (7) Information regarding the victim of any criminal activity;
- (8) National security information; and
- (9) Sensitive security information as described in 49 U.S.C. section 114(s).

(g) Counsel is strongly urged to share this information with all clients so that an informed decision about the inclusion of certain materials may be made. If a redacted document is filed, it is the sole responsibility of counsel and the parties to be sure that the redaction of personal identifiers is done. The Clerk will not review each pleading for redaction.

Central District of Illinois

C.D. Ill.

<https://www.ilcd.uscourts.gov/sites/ilcd/files/February%201%202024%20Local%20Rules%20%28Updated%201-19-24%29.pdf>

[C.D. Ill. L.] Rule 5.11 Privacy

(A) Redactions

To address the privacy concerns created by Internet access to Court documents, litigants must modify or partially redact certain personal data identifiers appearing in case initiating documents, pleadings, affidavits, or other papers. In addition to those set out in Rule 5.2 of the Federal Rules of Civil Procedure, these identifiers and the suggested modifications are as follows:

- (1) Addresses: Use only City and State;
- (2) Signatures: Use s/name; and
- (3) Driver's License numbers: Use only last four numbers.

Litigants also should consider redacting or filing a motion to file under seal any document that contains information that might bring harm to anyone or should not be made public for law enforcement or security reasons.

(B) Unredacted Documents and Reference Lists

When redactions result in a document's intent being unclear or if ordered by the Court, the filing party must file under seal an unredacted document or a reference list. A reference list must contain the complete personal data identifier(s) and the redacted identifier(s) to be used in its (their) place in the filing. If an unredacted version is not filed, the unredacted version of the document or the reference list must be retained by the filing party for one year after completion of the case, including all appeals. Upon a showing that the redacted information is both relevant and legitimately needed, the Court may, in its discretion, order the information disclosed to counsel for all parties.

(C) Transcript Redactions

Parties and attorneys may order transcripts. A Court reporter then will file the transcripts electronically in CM/ECF. The transcript will be available for viewing at the Clerk's office public terminal, but may not be copied nor reproduced by the Clerk's office for a period of 90 days. A Notice of Filing of Official Transcript will be served on all parties. If any material should be redacted from a transcript, a party must file a Notice of Intent to Request Redaction within 7 days of the filing of the transcript. The responsibility for identifying material that should be redacted, in a transcript, lies solely with counsel and the parties. Within 21 days from the filing of the transcript, the parties must file under seal a Motion of Requested Redactions indicating where the material to be redacted is located, by page and line. If a party fails to follow the procedures for

requesting redaction, the official transcripts will be made available electronically to the public 90 days after the transcript was initially filed with the Clerk.

(D) Pro Se Parties Documents filed in civil cases brought by pro se prisoners need not be redacted unless so ordered by the presiding Judge. Non-prisoner pro se parties must comply with the redaction Rules.

(E) Social Security Cases Documents filed in social security cases need not be redacted unless so ordered by the presiding judge.

[C.D. Ill. L.] Rule 49.12 Privacy

(A) Redactions

To address the privacy concerns created by Internet access to Court documents, litigants must modify or partially redact certain personal data identifiers appearing in case initiating documents, pleadings, affidavits, or other papers. In addition to those set out in Rule 49.1 of the Federal Rules of Criminal Procedure, these identifiers and the suggested modifications are as follows:

(1) Addresses: Use only City and State;

(2) Signatures: Use s/name; and

(3) Driver's License numbers: Use only last four numbers. Litigants also should consider redacting or filing a motion to file under seal any document that contains information that might bring harm to anyone or should not be made public for law enforcement or security reasons.

(B) Unredacted Documents and Reference Lists When redactions result in a document's intent being unclear or if ordered by the Court, the filing party must file under seal an unredacted document or a reference list. A reference list must contain the complete personal identifier(s) and the redacted identifier(s) to be used in its (their) place in the filing. If an unredacted version is not filed, the unredacted version of the document or the reference list must be retained by the filing party for one year after completion of the case, including all appeals. Upon a showing that the redacted information is both relevant and legitimately needed, the Court may, in its discretion, order the information disclosed to counsel for all parties.

(C) Transcript Redactions Parties and attorneys may order transcripts. A Court reporter then will file the transcripts electronically in CM/ECF. The transcript will be available for viewing at the Clerk's Office public terminal, but may not be copied nor reproduced by the Clerk's Office for a period of 90 days. A Notice of Filing of Official Transcript will be served on all parties. If any material should be redacted from a transcript, a party must file a Notice of Intent to Request Redaction within 7 days of the filing of the transcript. The responsibility for identifying material that should be redacted, in a transcript, lies solely with counsel and the parties. Within 21 days from the filing of the transcript, the parties must file under seal a Motion of Requested Redactions indicating where the material to be redacted is located, by page and line. If a party fails to follow

the procedures for requesting redaction, the official transcripts will be made available electronically to the public 90 days after the transcript was initially filed with the Clerk.

Southern District of Illinois

S.D. Ill.

<https://www.ilsd.uscourts.gov/Forms/LocalRules10-30-2023.pdf>

[S.D. Ill. L.] Rule 5.1 Serving and Filing Pleadings and Other Papers (See Fed. R. Civ. P. 5.1, 5.2, 7.1, 11; Fed. R. Crim. P. 49, 49.1)

...

(b) Electronic Filing

(1) Represented Parties: All parties represented by counsel must file documents by electronic means that comply with procedures established by the Court unless specifically exempted for good cause shown. See Electronic Case Filing Rule 1.

(2) Pro Se Parties: Pro se parties may register as a Pro Se Filing User in CM/ECF, but they must file a motion for permission to receive Court authorization to file electronically through CM/ECF. Pro Se Filing User privileges are case specific; pro se filers must seek prior Court approval in each unique case filed. For more information regarding pro se filings via the CM/ECF system, see Electronic Case Filing Rules 1 and 2 and the Court's Pro Se Litigant Guide available on the Court's website.

(3) Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight (Central Time) to be considered timely filed that day unless a specific time is set by the Court.

(c) Privacy Policy

(1) To promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall redact where inclusion is necessary, personal identifiers from all pleadings filed with the Clerk of Court, which includes exhibits attached thereto, unless otherwise ordered, in accordance with Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1.

(2) The responsibility for redacting personal identifiers rests solely with counsel and the parties. The Clerk of Court will not review each pleading for compliance. Counsel and the parties are cautioned that failure to redact these personal identifiers may subject them to discipline.

(3) In compliance with the E-Government Act of 2002, a party wishing to file a document containing personal data identifiers must file a redacted version in the public file (file electronically for CM/ECF cases or manually for non-CM/ECF cases). In addition to the public filing, a party may, but is not required to, file any personal data identifiers through either (a) a reference list under seal or (b) an unredacted version of the document under seal. When a party finds it necessary to file the unredacted information under seal, the

Court prefers a reference list to the filing of a complete document. The reference list shall contain the complete personal identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal and may be amended as of right. Parties are responsible for maintaining possession of original, unredacted documents and information redacted from publicly filed documents. Upon request, counsel may be required to furnish the unredacted information.

(4) As required by Seventh Circuit Operating Procedure 10, except to the extent portions of the record are required to be sealed by statute (e.g., 18 U.S.C. § 3509(d)) or a rule of procedure (e.g., Fed. R. Crim. P. 6(e), Circuit Rule 26.1(b)), every document filed in the appellate court is in the public record, regardless of whether the same document was sealed in this Court. Documents sealed in this Court will be maintained under seal in the appellate court for 14 days, to afford time for a party to request approval under Circuit Procedure 10(a).

Northern District of Iowa

N.D. Iowa

<https://www.iand.uscourts.gov/sites/iand/files/Local%20Rules%20-%20Final%20Website%20Version.pdf>

[N.D. Iowa] L.R. 10 Form of Documents Filed With the Court; Citations To Statutes; Personal Identifiers

...

g. Personal Data Identifiers.

Unless otherwise permitted or required by law, a party filing a document containing personal data identifiers should, unless the document is filed under seal, modify or partially redact the document to prevent disclosure of the identifiers. (See Fed. R. Civ. P. 5.2(a)). Personal data identifiers include the following:

1. Social Security numbers;
2. Dates of birth;
3. Names of minors (anyone under the age of 18);
4. Financial account numbers; and
5. Taxpayer identification numbers.

By way of example, and not limitation, if the Social Security number of an individual must be included in a document, only the last four digits of that number should be used. If an individual's date of birth is necessary, only the year should be used. If a minor must be mentioned, only that minor's initials should be used. If financial account numbers are relevant, only incomplete numbers should be recited in the document.

In addition, parties should exercise caution when filing unsealed documents that contain the following information:

6. Other personal identifying numbers, such as driver's license numbers;
7. Information concerning medical treatment or diagnosis (which includes mental health and substance abuse information);
8. Employment history;
9. Personal financial information;
10. Proprietary or trade secret information;
11. Information concerning a person's cooperation with the government;

12. Information concerning crime victims;
13. Sensitive security information;
14. Home addresses;
15. Telephone numbers;
16. Email addresses.

It is the responsibility of counsel and the parties to assure that appropriate redactions from documents have been made before they are filed; the Clerk of Court will not review filings to determine whether such redactions have been made.

[N.D. Iowa] L.Cr.R. 7 Indictment

a. Personal Data Identifiers in an Indictment or Information. Local Rule 10(g), relating to personal data identifiers, applies in criminal cases, except an indictment or information may include a personal data identifier if necessary to comply with the requirements of federal law. If an information contains personal data identifiers, the lawyer for the government must provide the Clerk of Court with the original information and a copy of the information with all personal data identifiers redacted. (See LR 10(g)). The Clerk of Court will file the original information under seal and the redacted copy of the information in the public case file. (See LCrR 6(b), relating to the filing under seal of indictments containing personal data identifiers).

Southern District of Iowa

S.D. Iowa

<https://www.iand.uscourts.gov/sites/iand/files/Local%20Rules%20-%20Final%20Website%20Version.pdf>

[S.D. Iowa] LR 10 Form of Documents Filed With the Court; Citations to Statutes; Personal Identifiers

...

g. Personal Data Identifiers.

Unless otherwise permitted or required by law, a party filing a document containing personal data identifiers should, unless the document is filed under seal, modify or partially redact the document to prevent disclosure of the identifiers. (See Fed. R. Civ. P. 5.2(a)). Personal data identifiers include the following:

1. Social Security numbers;
2. Dates of birth;
3. Names of minors (anyone under the age of 18);
4. Financial account numbers; and
5. Taxpayer identification numbers.

By way of example, and not limitation, if the Social Security number of an individual must be included in a document, only the last four digits of that number should be used. If an individual's date of birth is necessary, only the year should be used. If a minor must be mentioned, only that minor's initials should be used. If financial account numbers are relevant, only incomplete numbers should be recited in the document.

In addition, parties should exercise caution when filing unsealed documents that contain the following information:

6. Other personal identifying numbers, such as driver's license numbers;
7. Information concerning medical treatment or diagnosis (which includes mental health and substance abuse information);
8. Employment history;
9. Personal financial information;
10. Proprietary or trade secret information;
11. Information concerning a person's cooperation with the government;

12. Information concerning crime victims;
13. Sensitive security information;
14. Home addresses;
15. Telephone numbers;
16. Email addresses.

It is the responsibility of counsel and the parties to assure that appropriate redactions from documents have been made before they are filed; the Clerk of Court will not review filings to determine whether such redactions have been made.

[S.D. Iowa] L.Cr.R. 7 Indictment

a. Personal Data Identifiers in an Indictment or Information. Local Rule 10(g), relating to personal data identifiers, applies in criminal cases, except an indictment or information may include a personal data identifier if necessary to comply with the requirements of federal law. If an information contains personal data identifiers, the lawyer for the government must provide the Clerk of Court with the original information and a copy of the information with all personal data identifiers redacted. (See LR 10(g)). The Clerk of Court will file the original information under seal and the redacted copy of the information in the public case file. (See LCrR 6(b), relating to the filing under seal of indictments containing personal data identifiers).

Middle District of Louisiana

M.D. La.

<https://www.lamd.uscourts.gov/sites/default/files/pdf/2022%20Local%20Rules%20Revisions%2008-18-2022.pdf>

[M.D. La.] Local Civil Rule 5.2 – Protection of Personal and Sensitive Information; Public Access to Court Files; Redacted Information; Sealed Information

- (a) In General. Counsel should advise clients of the provisions of this Rule and Federal Rule of Civil Procedure 5.2 so that an informed decision may be made about the inclusion of protected information.
- (b) Remote Access. Counsel and parties must consider that the E-Government Act of 2002 (as amended) and the policies of the Judicial Conference of the United States require federal courts eventually to make all pleadings, orders, judgments, and other filed documents available in electronic format accessible over the Internet and the Courts' PACER (Public Access to Court Electronic Records) systems. Consequently, personal and sensitive information and data that formerly were available only by review of the Court's physical case files will be available openly and publicly.
- (c) Redacted Filings. If a redacted document is filed, it is the sole responsibility of counsel and the parties to ensure that all pleadings conform to Federal Rule of Civil Procedure 5.2, and the General Orders of this Court. Neither the Court nor the Clerk of Court will review pleadings or other documents for compliance with this Rule.

Western District of Louisiana

W.D. La.

<https://www.lawd.uscourts.gov/local-rules>

[W.D. La.] Local Civil Rule 5 - Service and Filing of Pleadings and Other Papers

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[W.D. La.] LR 5.7.01 Filing Documents

The Clerk shall maintain an electronic record which shall be the official record of this court. All documents filed by attorneys authorized to practice before this court and pro se filers shall be filed in accordance with the Administrative Procedures for Filing Documents as established by this court. For good cause shown, an attorney may be granted an exemption from electronic filing and may file documents with the court in conventional paper form. All documents filed with the court in conventional paper form shall be converted to electronic form. Amended July 24, 2008 and August 8, 2018.

[W.D. La.] LR 5.7.12 Public Access

In compliance with the policy of the Judicial Conference of the United States, and the EGovernment Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court.

- a. Social Security numbers. If an individual's Social Security number must be included in a pleading, only the last four digits of that number should be used.
- b. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- c. Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.
- d. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.
- e. Home Addresses. If home addresses are relevant, only the city and state should be used.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may

- a. file an unredacted version of the document under seal, or

b. file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

The unredacted version of the filing or the reference list shall be retained by the Court. The Court may require the party to file a redacted copy for the public record.

The responsibility for redacting personal identifiers rests solely with counsel and the parties. The Clerk will not review filing for compliance with this rule.

Northern District of Mississippi

N.D. Miss.

<https://www.msnd.uscourts.gov/sites/msnd/files/forms/2023%20Local%20Civil%20Rules%20MSSD%20MSND.pdf>

[N.D. Miss.] Rule 5.2. Protection of Personal and Sensitive Information; Public Access To Court Files; Redacted Information; Sealed Information.

Responsibilities of Counsel and Parties. Counsel should advise clients of the provisions of this rule and FED. R. CIV. P. 5.2 so that an informed decision may be made about the inclusion of protected information.

(a) Counsel and parties must consider that the E-Government Act of 2002 (as amended) and the policies of the Judicial Conference of the United States require federal courts eventually to make all pleadings, orders, judgments, and other filed documents available in electronic formats accessible over the Internet and the courts' PACER [Public Access to Court Electronic Records] systems. Consequently, personal and sensitive information and data that formerly were available only by a review of the court's physical case files will be available to the world, openly, publicly, and near-instantaneously.

(b) If a redacted document is filed, it is the sole responsibility of counsel and the parties to ensure that all pleadings conform to the redaction-related standards of this rule.

(c) Neither the court nor the clerk will review pleadings or other documents for compliance with this rule.

Southern District of Mississippi

S.D. Miss.

<https://www.msnd.uscourts.gov/sites/msnd/files/forms/2023%20Local%20Civil%20Rules%20MSSD%20MSND.pdf>

[S.D. Miss.] Rule 5.2. Protection of Personal and Sensitive Information; Public Access To Court Files; Redacted Information; Sealed Information.

Responsibilities of Counsel and Parties. Counsel should advise clients of the provisions of this rule and FED. R. CIV. P. 5.2 so that an informed decision may be made about the inclusion of protected information.

(a) Counsel and parties must consider that the E-Government Act of 2002 (as amended) and the policies of the Judicial Conference of the United States require federal courts eventually to make all pleadings, orders, judgments, and other filed documents available in electronic formats accessible over the Internet and the courts' PACER [Public Access to Court Electronic Records] systems. Consequently, personal and sensitive information and data that formerly were available only by a review of the court's physical case files will be available to the world, openly, publicly, and near-instantaneously.

(b) If a redacted document is filed, it is the sole responsibility of counsel and the parties to ensure that all pleadings conform to the redaction-related standards of this rule.

(c) Neither the court nor the clerk will review pleadings or other documents for compliance with this rule.

Eastern District of Missouri

E.D. Mo.

https://www.moed.uscourts.gov/sites/moed/files/CMECF_localrule.pdf

II. COMMENCEMENT OF ACTION

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[E.D. Mo.] Rule 2.17 (FRCP 5.2) Redaction of Personal Data Identifiers.

(A) Required Redaction. In compliance with the policies of the Judicial Conference of the United States and the E-Government Act of 2002, promoting electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal identifiers from all documents filed with the Court, including exhibits to such filings, unless otherwise ordered by the Court:

- (1) Social Security Number. Only the last four digits of a Social Security number may be listed in the filing.
- (2) Names of Minor Children. Only the initials of minor children may be listed in the filing.
- (3) Dates of Birth. Only the year of birth may be listed in the filing.
- (4) Financial Account Numbers. Only the last four digits of financial account numbers may be listed in the filing.
- (5) Home Addresses. The home address of a non-party should not appear in any filing. If a home address must be included, only the city and state may be listed.

(B) Responsibility for Redaction. The responsibility for redaction rests solely with the filing party. The Clerk of Court will not review each filing for compliance with this rule.

[E.D. Mo.] Rule 13.05 (FRCP 83) Sealing of Materials Filed in Civil and Criminal Cases.

(For procedural instructions on seeking leave to file sealed motions or sealed documents in CM/ECF, see the Sealed and Ex Parte Documents section of the Court's CM/ECF Procedures Manual at <http://www.moed.uscourts.gov/cmecf-procedures-manual>)

(A) General Provisions for Civil and Criminal Cases

- (1) Except as otherwise provided in this Rule, all pleadings, documents, and other materials (collectively “material”) received in the Office of the Clerk for filing must ultimately be

filed in the public record, unless (a) the docket reflects prior entry of an Order to file under seal or (b) a Judge of this Court otherwise orders pursuant to this Local Rule.

(2) The Court recognizes the right of the public to access material filed with the Court in civil and criminal cases. The Court also recognizes the right of parties in cases to seek the filing under seal of material and information lawfully kept confidential in civil and criminal cases, and the right of parties and non-parties to support or challenge the filing of such material under seal.

(3) The fact that certain information or material has been protected as confidential by parties in a case pursuant to a Protective Order is relevant to, but not dispositive of, whether this information or material will be sealed when filed with the Court.

(4) Subject to the provisions of Sections (B) (Civil Cases) and (C) (Criminal Cases) below, the following procedures must be followed for filing material under seal or for contesting the sealing of such material:

(a) The proponent of the sealing or the continued sealing of material ("Movant") must file an unsealed motion for sealing ("Motion for Sealing" or "Motion for Continued Sealing") describing generally (i) the material or information sought to be filed under seal without disclosing the substance of the material sought to be kept confidential; (ii) the legal grounds for the sealing; and (iii) the requested duration for the sealing or, if the proponent requests that the material remain sealed indefinitely, the reasons supporting the request. If the information or material that is sought to be sealed includes information or material produced by a non-party as confidential under a judicial protective order, at the time the Motion for Sealing or the Motion for Continued Sealing is filed Movant must provide the producing nonparty written Notice of the Motion for Sealing or the Motion for Continued Sealing.

(b) With Motion for Sealing or Motion for Continued Sealing,

(i) Movant must file under seal a Memorandum Supporting Sealing. This Memorandum must state the specific legal and factual reasons justifying the sealing, with or without sworn factual declarations or affidavits, and must state whether any producing non-party has been served with Notice of the Motion and whether such producing non-party does or does not object to the sealing; and

(ii) Movant must file under seal a complete copy of the subject document(s) or item(s) containing the material sought to be filed under seal.

(c) Redacted material to be submitted. Within three (3) business days from the filing of the Motion for Sealing or the Motion for Continued Sealing, Movant must file the following:

- (i) in the public record, a copy of the subject document(s) with only the specific information sought to be sealed redacted from the document, or
- (ii) under seal, a Memorandum explaining the specific reasons for the failure or inability to file a redacted document or material.

(d) Opposition to Motion for Sealing. Within seven (7) days from the filing of the Motion for Sealing, a party or a non-party may file a Memorandum Opposing Sealing which may be filed in the public record or under seal. Any such Memorandum must state whether any producing non-party has been served with Notice of the Motion for Sealing and whether such non-party does or does not object to the sealing.

(e) Reply supporting sealing. Within seven (7) days from the filing of any Memorandum Opposing Sealing, Movant may file a Reply Supporting Sealing and must provide any producing non-party written Notice of the Memorandum Opposing Sealing and of the Movant's Reply.

(f) Ruling on Motion to Seal or for Continued Sealing. The Court will rule the Motion for Sealing or the Motion for Continued Sealing with or without a public hearing and may conduct a hearing in camera. The ruling of the Court on the Motion for Sealing or the Motion for Continued Sealing may be filed under seal. However, the Clerk of Court must post a public minute entry in the case stating generally that the Motion for Sealing or the Motion for Continued Sealing has been GRANTED or DENIED, whether in whole or in part.

(g) Stay of Order Denying Sealing and Opportunity to Withdraw Material. Any Order Denying a Motion to Seal or Denying a Motion for Continued Sealing will be stayed for a period of 14 days after entry of the Order during which an appropriate appeal from the Order may be filed or during which all or part of the material filed under seal may be withdrawn before it becomes a part of the public record. If an appeal is filed, the subject Order will remain stayed until the appeal is determined and, if the Order is affirmed, in whole or in part, the Order will remain stayed for an additional 14 days after the entry of the appellate ruling during which all or part of the material filed under seal may be withdrawn before it becomes a part of the public record.

(h) Material ordered sealed by the Court. Any material or item ordered sealed by the Court will be filed and maintained by the Clerk under seal. No sealed records will be unsealed without Court order.

(B) Civil Cases

(1) The following material must be filed under seal:

- (a) information listed in Federal Rule of Civil Procedure 5.2; Federal Rule of Criminal Procedure 49.1; and Eastern District of Missouri Local Rule 2.17(a);

(b) the Administrative Record filed in a case brought under Section 502(a)(1)(B) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1132(a)(1)(B);

(c) the Administrative Record filed in a case brought under the Social Security Act, 42 U.S.C. § 405; and

(d) documents required to be sealed in Qui Tam actions under 31 U.S.C. § 3729. For the filing of these and any other material or information required by law to be filed under seal, the procedures in Section (A) above must be used.

(2) At conclusion of civil action. Not less than 30 days after a final order or other disposition has been issued in a civil action in the District Court, or 30 days after the receipt of a mandate from the Court of Appeals in a case in which an appeal has been taken, a motion may be filed with the District Court requesting that documents previously filed under seal be unsealed and made a part of the public record. Unless otherwise ordered by the Court, all documents previously sealed in a civil action will remain sealed by the Clerk of Court for 90 days following final disposition of the litigation, unless a Motion to Continue Sealing is filed pursuant to Section (A)(4)(a) above. Materials filed under seal pursuant to Section (B)(1) or otherwise ordered sealed indefinitely will remain under seal indefinitely unless otherwise ordered.

(C) Criminal Cases

(1) Section (A) above notwithstanding, without the need of a Judge's order, the following material must be filed under seal: (a) grand jury proceedings under Federal Rule of Criminal Procedure 6; (b) information listed in Federal Rule of Criminal Procedure 49.1 and in Eastern District of Missouri Local Rule 2.17(a); and (c) any other material or information required by law to be sealed.

(2) Applications for pen registers, trap and trace devices, wiretaps, records of electronic communications, and IRS search warrants and tax return orders. The provisions of Section (A) above notwithstanding for pre-charge judicial records, all applications and orders thereon for pen registers, trap and trace devices, wiretaps, records of electronic communications, and IRS search warrants and tax return orders must be filed and maintained by the Clerk under seal, unless otherwise ordered by the Court. Documents, pleadings, and other material filed under seal pursuant to this paragraph will be maintained by the Clerk in original form for not less than five (5) years from the date of filing. All such original sealed documents will be scanned into electronic digital images, indexed, and permanently stored under seal in such electronic format in lieu of maintaining the original paper copies after the required period of five (5) years. When an electronic digital image or copy of any original document, pleading, or other material filed with the Court under seal is created pursuant to this paragraph, the electronic version will be the permanent and official court record. From time to time, the Clerk may petition the Court for an Order granting leave to destroy original documents and materials filed under seal pursuant to this paragraph for which electronic digital images have been made.

(3) Presentence investigation reports and such other material regarding any guilty plea or sentencing.

(a) The provisions of Section (A) above notwithstanding, all presentence investigation reports and filings regarding cooperation, including any plea agreement supplements, sentencing statements, plea transcript supplements, or sentencing transcript supplements, will be filed and maintained by the Clerk under seal. The U. S. Attorney's Office must file a sealed statement in all criminal cases in which a defendant enters a guilty plea that will either explain the terms of a defendant's cooperation or state that a defendant did not cooperate with the government. Nothing in the Court's public record will allow anyone to be able to determine whether a defendant did or did not cooperate with the government. The Court may issue administrative orders and procedures further specifying processes necessary to preserve the confidentiality of the documents and proceedings described in this paragraph.

(b) For the filing of any other material or information required by law or requested to be filed under seal, including, without limitation, parties' sentencing memoranda, the procedures in Section (A) above must be used.

(4) [Blank]

(a) Applications for search warrants, warrants, and similar orders issued pursuant to Federal Rule of Criminal Procedure 41. Applications for search warrants, warrants, and similar orders issued pursuant to Federal Rule of Criminal Procedure 41 upon application of the government for the acquisition of information or evidence in connection with a criminal investigation, and returns made pursuant to Fed. R. Crim. P. 41(f), will each be received by the Court under temporary seal.

(b) Ex parte motion to seal. Within fourteen (14) days from the date of receipt by the Court of any document identified in subsection (a) immediately above, the government or any other person or entity having a sufficient privacy interest in the search warrant information, or the property or evidence that is the object of acquisition by the government, may file an ex parte Motion to Seal setting forth the legal and factual ground for sealing. The Motion to Seal must also state the date on which the sealing order should expire without further order of the Court. The moving party must establish that compelling reasons exist to justify non-disclosure of the subject judicial records which outweigh the public right to access and that no less restrictive alternative to sealing is appropriate or practical. While such a motion is pending, the subject material will remain sealed.

(c) Initial sealing time period and motion to continue sealing. If the Motion to Seal is granted, the Clerk must file the relevant documents under seal for a period of time not to exceed six (6) months. After six months, a party seeking continued sealing of the file must file a motion to that effect demonstrating that continued sealing is appropriate under the applicable law and the factual circumstances. If the

motion to seal or for continued sealing is denied in whole or in part, or if no motion is timely filed, the Court will order the Clerk to unseal and file unrestricted material in the public record, unless the Court determines otherwise.

(5) Written communications by non-parties regarding criminal case defendants. Except as otherwise provided in this paragraph, any written communication regarding any defendant by persons other than court-related personnel working on the case, the defendant, or counsel, submitted at any point before the defendant has been sentenced, will be made available for viewing at the public terminal in the Clerk's office. Any written communication received in paper form will be scanned and filed electronically in the appropriate case. Any party may file a motion, either at or after the time any written communication is submitted, stating the particular reasons as to why it should not be made available at the public terminal. A Judge, either on the Judge's own motion or on the motion of any party, may order all or any portion of any written communication to be removed from the public terminal at any time. Any written communication that has been redacted will be filed under seal in a non-redacted form. The Clerk's office will publish a notice to the bar and include a permanent notice on its website restating this paragraph. This notice will also state the types of personally identifying information that must not be included on any written communication submitted to this Court, consistent with Fed. R. Crim. P. 49.1 and any order of this Court regarding prohibited information on any such written communication.

District of Nebraska

D. Neb.

<https://www.ned.uscourts.gov/internetDocs/localrules/NEGenR.2023.pdf>

<https://www.ned.uscourts.gov/internetDocs/localrules/NECivR.2023.pdf>

<https://www.ned.uscourts.gov/internetDocs/localrules/NECrimR.2023.pdf>

[D. Neb.] Gen.R. 1.3 Case Filings; Appearance and Withdrawal of Attorneys; Pro Se Litigants.

...

(c) Privacy Policy.

Federal rules support compliance with the E-Government Act. See Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 49.1. Parties and their attorneys are responsible under the rules for preventing the disclosure of certain confidential information in case filings. The clerk does not review case filings for compliance or independently redact or seal noncomplying filings.

[D. Neb.] Civ. R. 5.3 Privacy

(a) Mandatory Redaction. See Federal Rule of Civil Procedure 5.2(a) or Federal Rule of Bankruptcy Procedure 9037 regarding mandatory redaction in electronic and nonelectronic filings. The following Privacy Rules also apply to all documents and exhibits filed in the district and bankruptcy courts.

(b) Discretionary Redaction. The filing party may also redact the following information from all documents and exhibits filed electronically or nonelectronically, unless the assigned judge orders otherwise:

- (1) personal identifying numbers, such as driver's license numbers;
- (2) home street addresses;
- (3) medical or psychological records;
- (4) employment history;
- (5) individual financial information;
- (6) proprietary or trade secret information;
- (7) information that may identify a cooperating individual;
- (8) information regarding a crime victim;
- (9) national security information;

- (10) sensitive security information as described in 49 U.S.C. § 114(s);
- (11) education records as defined by 20 U.S.C. § 1232g(a)(4)(A); and
- (12) other data as the court orders.

(c) Restricting Access to Unredacted Documents. With the court's leave, a party may restrict access to a document containing the unredacted personal data identifiers listed in Nebraska Civil Rule 5.3(b), Federal Rule of Civil Procedure 5.2, or Federal Rule of Bankruptcy Procedure 9037.

(1) Motion.

(A) Procedure. A party seeking to file an unredacted document must electronically file a motion to restrict access to the document under the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899 (Dec. 17, 2002) (codified at 5 U.S.C. §§ 3701- 3707 and scattered sections) ("E-Government Act"). The motion must state why filing an unredacted document is necessary and why redaction would not reduce or eliminate the need for restriction.

(B) Unredacted Document Not Attached. The unredacted document must not be attached to the motion, but rather filed separately as a restricted document. The document remains provisionally restricted pending the ruling on the motion to restrict access. If the court denies the motion, it will direct the clerk to lift the restriction on the unredacted document.

(2) Order. In ruling on the motion, the assigned judge may lift the restriction on the document, strike it, or order the filing party to place a redacted copy of the document on the public docket.

(3) Docket Sheet Entries. When access to a document is restricted under the E-Government Act, an entry noting the restricted access appears on the public electronic docket sheet; however, only parties of record and court users may routinely access the document electronically. The public does not have remote access to the restricted document from the docket sheet. The court may grant the public leave for remote access upon motion.

[D. Neb.] Crim. R. 49.1.1 Privacy.

(a) Mandatory Redaction. See Federal Rule of Criminal Procedure 49.1 and 18 U.S.C. § 3509(d) for specific rules regarding mandatory redaction in electronic and nonelectronic filings. The following Privacy Rules also apply to all documents and exhibits filed in this court.

(b) Discretionary Redaction. The filing party may also redact the following information from all documents and exhibits filed electronically or nonelectronically, unless the assigned judge orders otherwise:

- (1) personal identifying numbers, including driver's license numbers;

- (2) employment history;
- (3) individual financial information;
- (4) proprietary or trade secret information;
- (5) information that may identify a cooperating individual;
- (6) information regarding an adult crime victim (see 18 U.S.C. § 3509(d) for mandatory redaction requirements concerning a child victim);
- (7) national security information;
- (8) sensitive security information as described in 49 U.S.C. § 114(s);
- (9) education records as defined by 20 U.S.C. § 1232g(a)(4)(A); and
- (10) other data as the court orders.

(c) Restricting Access to Unredacted Documents. With the court's leave, a party may restrict access to a document containing the unredacted personal data identifiers listed in Nebraska Criminal Rule 49.1.1(b) or in Federal Rule of Criminal Procedure 49.1.

(d) Timely Filing. A document is considered timely filed if filed before midnight Central Standard Time (or Central Daylight Time, if in effect). However, the assigned judge may order a document filed by a time certain.

(e) Official Record. The clerk does not maintain a paper court file in any case unless required by law or local rule. When a document is filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed.

(1) Motion.

(A) Procedure. A party seeking to file an unredacted document must file electronically file a motion to restrict access to the document under the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899 (Dec. 17, 2002) (codified at 5 U.S.C. §§ 3701- 3707 and scattered sections) ("E-Government Act"). The motion must state why filing an unredacted document is necessary and why redaction would not reduce or eliminate the need for restriction.

(B) Unredacted Document not Attached. The unredacted document must not be attached to the motion, but rather filed separately as a restricted document. The document remains provisionally restricted pending the ruling on the motion to restrict access. If the court denies the motion, it will direct the clerk to lift the restriction on the unredacted document.

(2) Order. In ruling on the motion, the assigned judge may lift the restriction on the document, strike it, or order the filing party to place a redacted copy of the document on the public docket.

(3) Docket Sheet Entries. When access to a document is restricted under the E-Government Act, an entry noting the restricted access appears on the public electronic docket sheet; however, only parties of record and court users may routinely access the document electronically. The public does not have remote access to the restricted document from the docket sheet. The court may grant the public leave for remote access upon motion.

(f) Medical, Mental Health, and Drug Rehabilitation Records. In criminal cases, medical, mental health, and drug rehabilitation records and evaluations, even if offered in support of an unsealed motion, must be filed under seal. See NECrimR 12.5(a). These records may be unsealed only on a court order issued sua sponte or in response to a motion to unseal filed under Nebraska Criminal Rule 12.5(d).

District of Nevada

D. Nev.

<https://www.nvd.uscourts.gov/wp-content/uploads/2020/04/Local-Rules-of-Practice-Amended-2020.pdf>

PART IC—ELECTRONIC CASE FILING

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[D. Nev. L.R.] IC 6-1. Redaction

(a) Parties must refrain from including—or must partially redact, where inclusion is necessary—the following personal-data identifiers from all documents filed with the court, including exhibits, whether filed electronically or in paper, unless the court orders otherwise:

- (1) Social Security Numbers. If an individual’s Social Security number must be included, only the last four digits of that number should be used.
- (2) Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- (3) Dates of Birth. If an individual’s date of birth must be included, only the year should be used.
- (4) Financial Account Numbers. If financial account numbers must be included, only the last four digits of these numbers should be used.
- (5) Home Addresses. If a home address must be included, only the city and state should be listed.
- (6) Tax Identification Number. If a tax identification number must be used, only the last four digits of that number should be used.

(b) A pro se party or attorney making a redacted filing also may file an unredacted copy under seal. The document must contain the following heading in the document: “SEALED DOCUMENT UNDER FED. R. CIV. P. 5.2” or “SEALED DOCUMENT UNDER FED. R. CRIM. P. 49.1,” as appropriate. This document must be retained by the court as part of the record until further court order. But the court may still require the party to file a redacted copy for the public record.

(c) The responsibility for redacting these personal identifiers rests solely with attorneys and the parties. The clerk will not review each filing for compliance with this rule.

[D. Nev. L.R.] IC 7-1. Noncompliant Documents.

The court may strike documents that do not comply with these rules

District of New Jersey

D. N.J.

<https://www.njd.uscourts.gov/sites/njd/files/CompleteLocalRules.pdf>

[D. N.J.] Civ. R. 5.2 Electronic Service and Filing Documents

Papers served and filed by electronic means in accordance with procedures promulgated by the Court are, for purposes of Federal Rule of Civil Procedure 5, served and filed in compliance with the local civil and criminal rules of the District of New Jersey.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY ELECTRONIC CASE FILING POLICIES AND PROCEDURES

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17. Sensitive Information

As the public may access case information through the PACER system, sensitive information should not be included in any document filed unless the Court orders otherwise. As required under Federal Rule of Civil Procedure 5.2(a) and Federal Rule of Criminal Procedure 49.1(a), when making any electronic or Paper Filing with the Court that contains an individual's Social Security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial account number, a party or nonparty making the filing may include only:

- (1) the last four digits of the Social Security number and tax-identification number;
- (2) the last four digits of the financial account numbers;
- (3) the minor's initials;
- (4) the year of the individual's birth; and
- (5) In criminal cases for home addresses, use only the city and state.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above may either:

- (1) File an unredacted version of the document under seal, or;
- (2) File a redacted version of the document and file a reference list under seal. The reference list shall contain the complete personal identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list may be amended as of right.

The Court may still require the party to file a redacted copy for the public file.

In addition, caution must be exercised when filing documents that contain the following:

- (1) Personal identifying numbers, such as a driver's license number;
- (2) Medical records, treatment, and diagnoses;
- (3) Employment history;
- (4) Individual financial information; and
- (5) Proprietary or trade secret information.

Additional items for criminal cases only:

- (1) Information regarding an individual's cooperation with the government;
- (2) Information regarding the victim of any criminal activity;
- (3) National security information; and
- (4) Sensitive security information as described in 49 U.S.C. § 114(s).

Counsel are strongly urged to share this information with all clients so that an informed decision about the inclusion of certain material may be made. If a redacted document is filed, it is the sole responsibility of counsel and the parties to be sure that pleadings and other papers comply with the rules and orders of this Court requiring redaction of personal identifiers. The Clerk will not review each filing for redaction.

Counsel and parties are cautioned that failure to redact personal identifiers in a document filed with the Court may subject them to the full disciplinary and remedial power of the Court, including sanctions pursuant to Federal Rule of Civil Procedure 11.

District of New Mexico

D.N.M.

https://www.nmd.uscourts.gov/sites/nmd/files/local_rules/Local%20Rules%20of%20Criminal%20Procedure%20Adopted%20October%202019%2C%202023.pdf

[D.N.M. L. Crim.] Rule 57 Miscellaneous Rules.

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57.5 Redaction of Personal Identifiers for Certain Persons.

In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers for juveniles and victims from all pleadings filed with the Court, including attached exhibits, whether filed electronically or in paper, unless otherwise ordered by the Court.

- a. Social Security Numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.
- b. Names of Minor Children. If the involvement of a minor child must be mentioned and a pseudonym is not appropriate, only the initials of that child's name should be used.
- c. Dates of Birth. If an individual's date of birth must be included in a pleading, only the year should be used, except in the case of juveniles.
- d. Addresses. The home address of any victim or material witness will not be used.
- e. Financial Account Numbers. If financial account numbers must be included, only the last four digits of these numbers should be used.

57.6 Filing Documents Containing Personal Identifiers.

In compliance with the EGovernment Act of 2002, a party wishing to file a document containing the personal data identifiers listed above and who believes that the personal data identifiers are necessary and relevant to the case may either:

- file an unredacted version of the document under seal, or
- file a reference list under seal. The reference list will contain the complete personal data identifier(s) and the redacted identifier(s) used in their place in the filing.

The unredacted version of the document or reference list under seal will be retained by the Court as part of the record. The Court will, however, still require the party to file a redacted copy for the official record.

57.7 Counsel and Parties Responsible for Redactions.

The responsibility for redacting the personal identifiers rests solely with the party filing the document. The Clerk will not review each pleading for compliance with this rule.

Northern District of New York

N.D.N.Y.

https://www.nynd.uscourts.gov/sites/nynd/files/local_rules/Local%20Rules%202024_Final.pdf

[N.D.N.Y L.R.] 5.2 Personal Privacy Protection (formerly L.R. 8.1) (amended January 1, 2023)

(a) Personal Identifiers:

Except as to documents in social security proceedings, pursuant to General Order 22 §§ 11.1 and 11.2, parties shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all filings with the Court, including exhibits thereto, whether filed electronically or in paper form, unless the Court orders otherwise.

1. Social security numbers and taxpayer identification numbers. If an individual's social security number or taxpayer identification number must be included in a document, use only the last four digits of that number.
2. Names of minor children. If the involvement of a minor child must be mentioned, use only the initials of that child.
3. Dates of birth. If an individual's date of birth must be included in a document, use only the year.
4. Financial account numbers. If financial account numbers are relevant, use only the last four digits of those numbers.
5. Home Addresses. If a home address must be used, use only the City and State. However, Pro Se litigants must include their complete mailing address in the signature block on all documents filed with the court pursuant to L.R. 10.1(c)(2) which shall also appear on the face of the docket.
6. Names of Sexual Assault Victims. If the involvement of a sexual assault victim must be mentioned, use only information that does not tend to identify the victim(s) of sexual assault, and redact the name to "Victim 1," "Victim 2", etc.

In addition, caution shall be exercised when filing documents that contain the following:

1. personal identifying number, such as a driver's license number;
2. medical records, treatment and diagnosis;
3. employment history;
4. individual financial information; and
5. proprietary or trade secret information.

(b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:

1. file an unredacted version of the document under seal in compliance with Local Rule 5.3, or
2. file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal and may be amended as of right.

Counsel is strongly urged to discuss this issue with all their clients so that they can make an informed decision about the inclusion of certain information. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each filing for compliance with this Rule. Counsel and the parties are cautioned that failure to redact these personal identifiers may subject them to the Court's full disciplinary power.

For exceptions, see Federal Rule of Civil Procedure 5.2(b).

[N.D.N.Y. L. R.] 49.1 Personal Privacy Protection (formerly Criminal L.R. 1.3)

Parties shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all filings with the Court, including exhibits thereto, whether filed electronically or in paper form, unless the Court orders otherwise.

(a) Personal Identifiers

1. Social security/Taxpayer-identification numbers. If an individual's social security number or a taxpayer-identification number must be included in a document, use only the last four digits of that number
2. Names of minor children. If the involvement of a minor child must be mentioned, use only the initials of that child.
3. Dates of birth. If an individual's date of birth must be included in a document, use only the year.
4. Financial account numbers. If financial account numbers are relevant, use only the last four digits of those numbers.
5. Home Addresses. If a home address must be used, use only the City and State. However, a Pro Se defendant must include their complete mailing address in the signature block on all documents filed with the court pursuant to L.R. 10.1(c)(2) which shall also appear on the face of the docket.

6. Names of Sexual Assault Victims. If the victim of a sexual assault must be referenced, redact the name to “Victim 1”, “Victim 2,” etc.

In addition, caution shall be exercised when filing documents that contain the following:

1. personal identifying number, such as a driver’s license number;
2. medical records, treatment and diagnosis;
3. employment history;
4. individual financial information; and
5. proprietary or trade secret information.

For exceptions, see Federal Rule of Criminal Procedure 49.1.

(b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:

1. file an unredacted version of the document under seal in compliance with Criminal Local Rule 49.2, or
2. file a reference list under seal in compliance with Criminal Local Rule 49.2. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. The Court will construe all references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The party must file the reference list under seal and may amend as of right.

A person waives the protection afforded by Fed.R.Crim.P. 49.1(a) as to the person’s own information by filing it without redaction and not under seal. See Fed.R.Crim.P. Rule 49.1(h). The Court strongly urges counsel to discuss this issue with all their clients so that they can make an informed decision about the inclusion of certain information. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each filing for compliance with this Rule. The Court cautions counsel and the parties that failure to redact these personal identifiers may subject them to the Court's full disciplinary power.

(c) Protective Orders. See Fed.R.Crim.P. Rule 49.1(e).

Eastern District of North Carolina

E.D.N.C.

<https://www.nced.uscourts.gov/pdfs/Local%20Civil%20Rules%202023.pdf>

<https://www.nced.uscourts.gov/pdfs/Local%20Criminal%20Rules%202023.pdf>

E.D.N.C. L. R. 5.1 Filing and Service of Papers

...

(g) Personal Identifiers. The responsibility for redacting personal identifiers rests solely with the filer. The clerk will not review each filed document and any attachments for compliance with Fed. R. Civ. P. 5.2.

E.D.N.C. L. R. 17.1 Minors or Incompetent Parties

...

(c) Approval of Attorney's Fees and Payment of Judgments Minors. In its Order of Approval, the court shall approve or fix the amount of the fee to be paid to the attorneys for the minor or incompetent person and make appropriate provision for the payment thereof. The Order of Approval shall also provide the manner in which judgments, if any, are to be paid and may make specific provisions for the payment of medical, hospital, and similar expenses when allowed by applicable law. In compliance with Fed. R. Civ. P. 5.2, and to promote electronic access to case files while also protecting personal privacy and other legitimate interests, all parties to any litigation in which a minor is a party, with the exception of the paper administrative records in Social Security cases filed with the court, shall redact the minor child's name from all documents filed with the court. If the name of the minor must be included in a document, including the caption, only the initials of the child should be used.

E.D.N.C. L. R. 49.1 Filing and Service of Papers

...

(g) Privacy Protection for Filings Made with the Court The responsibility for redacting personal identifiers rests solely with the filer. The clerk will not review each filed document and any attachments for compliance with Fed. R. Crim. P. 49.1.

District of the Northern Mariana Islands

D.N. Mar. Is.

<https://www.nmid.uscourts.gov/documents/localrules/LR20171101.pdf>

[D.N. Mar. Is. L.R.] 5.2 - General Format of Documents Presented for Filing

...

f. Information to be Redacted.

All parties must strictly observe the privacy protection for filings made with the Court as set forth in Rule 5.2 of the Federal Rules of Civil Procedure and Appendix A.14 of these Local Rules. Failure to redact information as required by Fed. R. Civ. P. 5.2 and Appendix A.14 may result in the striking of a filing from the record and the imposition of other sanctions. A party wishing to file a document containing such personal information may file an unredacted copy under seal. This document will be retained by the Court as part of the record. The Court may, however, still require the party to file a redacted copy for the public file.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk's Office will not review each pleading for compliance with this Rule.

APPENDIX A

Administrative Procedures for Electronic Filing and Electronic Service for the United States District Court for the Northern Mariana Islands

...

14. Public Access

A. In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to documents in the case files while also protecting personal privacy and other legitimate interests, parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the Court, including exhibits thereto, whether filed electronically or on paper, unless otherwise ordered by the Court.

- i. Social Security numbers. If an individual's Social Security number must be included in a pleading, only the last four digits of that number should be used.
- ii. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- iii. Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.

iv. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

v. Home addresses. If a home address must be included, only the city and state should be listed.

B. In compliance with the E-Government Act of 2002, a party filing a document containing the personal data identifiers listed above may:

i. file an unredacted version of the document under seal, or

ii. file a reference list under seal. The reference list will contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

C. The unredacted version of the document or the reference list will be retained by the Court as part of the record. The Court may, however, still require the party to file a redacted copy for the public file.

D. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review each pleading for compliance with this procedure.

Northern District of Ohio

N.D. Ohio

<https://www.ohnd.uscourts.gov/sites/ohnd/files/Civil%20Rules%2010-1-2023.pdf>

<https://www.ohnd.uscourts.gov/sites/ohnd/files/Full%20Criminal%20Rules%2010-1-2023.pdf>

[N.D. Ohio L.Civ.R]. 8.1 General Rules of Pleading

(a) In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the Court, including exhibits thereto, whether filed electronically or on paper, unless otherwise ordered by the Court.

(1) Social Security numbers. If an individual's Social Security number must be included in a document, only the last four digits of that number should be used.

(2) Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

(3) Dates of birth. If an individual's date of birth must be included in a document, only the year should be used.

(4) Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be in the document used.

(b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may

(1) file a redacted document in the public record and file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right, or

(2) file an unredacted version of the document under seal.

(c) The unredacted version of the document or the reference list shall be retained by the Court as part of the record. The Court may, however, still require the party to file a redacted copy for the public file. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each document for compliance with this rule. 31

(d) Exemptions: The redaction requirement does not apply to the filings set forth in Fed. R. Civ. P. 5.2(b)(1)-(6).

[N.D. Ohio L.Crim.R.] 49.1.1 General Rules of Pleading

(a) In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the Court, including exhibits thereto, whether filed electronically or on paper, unless otherwise ordered by the Court.

(1) Social Security numbers. If an individual's Social Security number must be included in a document, only the last four digits of that number should be used.

(2) Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

(3) Dates of birth. If an individual's date of birth must be included in a document, only the year should be used.

(4) Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

(5) Home addresses. If a home address must be included, only the city and state should be listed.

(b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may

(1) file a redacted document in the public record and file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right, or

(2) file an unredacted version of the document under seal.

(c) The unredacted version of the document or the reference list shall be retained by the Court as part of the record. The Court may, however, still require the party to file a redacted copy for the public file. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each document for compliance with this rule.

(d) Exemptions: The redaction requirement does not apply to the filings set forth in Fed. R. Crim. P. 49.1(b)(1)-(9).

Eastern District of Oklahoma

E.D. Okla.

https://www.oked.uscourts.gov/sites/oked/files/Local_Civil_Rules.pdf

https://www.oked.uscourts.gov/sites/oked/files/Local_Criminal_Rules.pdf

[E.D. Okla. L.Civ.R.] 5.3 Redaction of Personal Data Identifiers.

In compliance with the policy of the Judicial Conference of the United States and the EGovernment Act of 2002 (Pub. L. 107-347), and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or on paper, unless otherwise ordered by the court:

- Social Security Numbers (in civil and criminal cases). If an individual's Social Security number must be included in a pleading, only the last four digits of that number shall be used. The filer of the administrative record in a Social Security appeal is not required to redact the claimant's Social Security number from the record since the record is filed under seal.
- Names of Minor Children (in civil and criminal cases). If the involvement of a minor child must be mentioned, only the initials of that child shall be used.
- Dates of Birth (in civil and criminal cases). If an individual's date of birth must be included in a pleading, only the year shall be used.
- Financial Account Numbers (in civil and criminal cases). If financial account numbers are relevant, only the last four digits of these numbers shall be used.
- Home Addresses (in criminal cases only). If a home address must be included, only the city and state shall be used.

The responsibility for redacting these personal data identifiers rests solely with counsel and the parties. The clerk will not review each pleading for compliance with this general rule.

In addition, parties may refrain from including, or may partially redact where inclusion is necessary, the following confidential information: personal identifying numbers such as driver's license numbers; medical records; employment history; individual financial information; proprietary or trade secret information; information regarding an individual's cooperation with the government; information regarding the victim of any criminal activity; national security information; and sensitive security information as described in 49 U.S.C. § 114(s).

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers or other confidential information listed above may: File an unredacted

version of the document under seal, which shall be retained by the court as part of the record; or File a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as of right. The reference list shall be retained by the court as part of the record. The Court may, however, still require the party to file a redacted copy of the document for the public file.

[E.D. Okla. L.Crim.R.] 49.1.1 - Redaction of Personal Data Identifiers

In compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002 (Pub. L. 107-347), and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or on paper, unless otherwise ordered by the court:

- Social Security Numbers (in civil and criminal cases). If an individual's Social Security number must be included in a pleading, only the last four digits of that number shall be used.
- Names of Minor Children (in civil and criminal cases). If the involvement of a minor child must be mentioned, only the initials of that child shall be used.
- Dates of Birth (in civil and criminal cases). If an individual's date of birth must be included in a pleading, only the year shall be used.
- Financial Account Numbers (in civil and criminal cases). If financial account numbers are relevant, only the last four digits of these numbers shall be used.
- Home Addresses (in criminal cases only). If a home address must be included, only the city and state shall be used.

The responsibility for redacting these personal data identifiers rests solely with counsel and the parties. The clerk will not review each pleading for compliance with this general rule.

In addition, parties may refrain from including, or may partially redact where inclusion is necessary, the following confidential information: personal identifying numbers such as driver's license numbers; medical records; employment history; individual financial information; proprietary or trade secret information; information regarding an individual's cooperation with the government; information regarding the victim of any criminal activity; national security information; and sensitive security information as described in 49 U.S.C. § 114(s).

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers or other confidential information listed above may:

- File an unredacted version of the document under seal, which shall be retained 15 by the court as part of the record; or
- File a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as of right. The reference list shall be retained by the court as part of the record. The Court may, however, still require the party to file a redacted copy of the document for the public file.

Northern District of Oklahoma

N.D. Okla.

<https://www.oknd.uscourts.gov/sites/default/files/madcap/Local%20Rules%20PDF.pdf>

[N.D. Okla.] L.Cv.R. 5.2 - Privacy Protection for Filings Made with the Court

[N.D. Okla.] L.Cv.R. 5.2-1 Redaction of Personal Data Identifiers. The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk's office will not review each pleading for compliance with Fed. R. Civ. P. 5.2(a). Redactions must comply with the Procedures for Redacting, available on the Court's website.

[N.D. Okla.] L.Cv.R. 5.2-2 Sealed Documents.

(a) Policy. It is the policy of this Court that sealed documents, confidentiality agreements, and protective orders are disfavored. Sealed documents and confidentiality agreements may be approved by the Court only upon showing that a legally protected interest of a party, non-party, or witness outweighs the compelling public interest in disclosure of records. All protective orders dealing with confidentiality must be approved by a magistrate judge and filed of record but shall not qualify as an order to seal documents for purposes of this rule. The Court strongly urges attorneys to present all arguments and all documents in unsealed pleadings. Where possible, attorneys should generically refer to matters covered by a protective order to avoid revealing confidential information. Agreement of the parties that a document or other material should be filed under seal or the designation of a document or other material as confidential during discovery is not, by itself, sufficient justification for allowing a document or other material to be filed under seal.

(b) Sealed Documents in Public Cases. Anyone seeking to file a document or other material under seal in a public case must make a good faith effort to redact or seal only as much as necessary to protect legitimate interests. Blanket sealing of entire briefs, documents, or other papers is rarely appropriate. To obtain an order allowing a document or other material to be filed under seal in whole or in part, the filing party must file: (1) a motion to seal; (2) a redacted version of the document to be sealed, if applicable, filed separately as a public document; and (3) an unredacted version of the document to be sealed, which must be filed separately under seal. The relief sought shall be narrowly tailored to serve the specific interest sought to be protected. A proposed order shall be submitted in compliance with the Procedure for Submitting Proposed Documents to the Court, available on the Court's website. If the motion to seal is denied, the Court will direct that the document either be stricken or be unsealed.

(c) Caption of Sealed Documents. Underneath the case number, in the style of any document sought to be sealed, the document must be marked in all caps, "SEALED."

District of Oregon

D. Or.

<https://ord.uscourts.gov/index.php/printable-civil-procedure?tmpl=component&print=1>

<https://ord.uscourts.gov/index.php/printable-criminal-procedure/1170-local-rules/local-rules-of-criminal-procedure?tmpl=component&print=1>

[D. Or. Civ.] L.R. 5.2 - Redaction of Filings

(See [Fed. R. Civ. P. 5.2](#)) The responsibility to redact filings pursuant to Fed. R. Civ. P. 5.2 rests with counsel and the party or non-party making the filing. The Clerk's Office is not required to review documents filed with the Court for compliance with Fed. R. Civ. P. 5.2.

[D. Or. Crim.] L.R. 49.1 – Redaction of Filings

(See [Fed. R. Crim. P. 49.1](#))

The responsibility to redact filings pursuant to Fed. R. Crim. P. 49.1 rests with counsel and the party or non-party making the filing. The Clerk's Office is not required to review documents filed with the court for compliance with Fed. R. Crim. P. 49.1.

Eastern District of Pennsylvania

E.D. Pa.

<https://www.paed.uscourts.gov/sites/paed/files/documents/locrules/civil/cvrules.pdf>

<https://www.paed.uscourts.gov/sites/paed/files/documents/locrules/criminal/crrules.pdf>

[E.D. Pa. L.R.] 5.1.2 Electronic Case Filing

...

11. Public Access

(b) Documents are available electronically for inspection by the public. Social Security numbers, dates of birth, financial account numbers and names of minor children must be modified or partially redacted in all filings in accordance with Federal Rule of Procedure 5.2.

(c) In connection with the electronic filing of any material, any person may apply by motion for an order limiting electronic access to, or prohibiting the electronic filing of, certain specifically identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests.

[E.D. Pa. L.R.] 5.1.3 Modification or Redaction of Personal Identifiers

Personal identifiers such as Social Security numbers, dates of birth, financial account numbers, and names of minor children must be modified or partially redacted in all documents filed either in paper or electronic form, except that financial account numbers that identify accounts allegedly subject to forfeiture and real property addresses that identify property allegedly subject to forfeiture need not be redacted.

[E.D. Pa. L.Crim.R.] 53.2 - Electronic Case File Privacy In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to documents in the criminal case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court:

- a. Social Security numbers. If an individual's Social Security number must be included, only the last four digits of that number should be used.
- b. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of the child should be used.

c. Dates of birth. If an individual's date of birth must be included, only the year should be used.

d. Financial account numbers. If financial account numbers are relevant, only the last four digits of the number should be used.

e. Home addresses. If a home address must be included, only the city and state should be listed.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. This document shall be retained by the court as part of the record. The court, may, however, still require the party to file a redacted copy for the public file. Trial exhibits may be safeguarded by means other than redaction, and the court may modify this rule to fit the requirements of particular cases.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk need not review filings for compliance with this rule.

Middle District of Pennsylvania

M.D. Pa.

<https://www.pamd.uscourts.gov/sites/pamd/files/LR120114.pdf>

[M.D. Pa. L.R.] 5.2 Documents To Be Filed With the Clerk.

...

(d) A filed document in a case (other than a social security case) shall not contain any of the personal data identifiers listed in this rule unless permitted by an order of the court or unless redacted in conformity with this rule. The personal data identifiers covered by this rule and the required redactions are as follows:

1. Social Security Numbers. If an individual's Social Security Number must be included in a document, only the last four digits of that number shall be used;
2. Names of minor children. If the involvement of a minor child must be mentioned, only that child's initials shall be used;
3. Dates of birth. If an individual's date of birth must be included, only the year shall be used;
4. Financial account numbers. If financial account numbers must be included, only the last four digits shall be used.

Additional personal data identifier in a criminal case document only:

5. Home addresses. If a home address must be included, only the city and state shall be listed.

(e) A party wishing to file a document containing the personal data identifiers listed above may file in addition to the required redacted document:

1. a sealed and otherwise identical document containing the unredacted personal data identifiers, or
2. a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

The sealed unredacted version of the document or the sealed reference list shall be retained by the court as a part of the record.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review each document for redaction.

Western District of Pennsylvania

W.D. Pa.

<https://www.pawd.uscourts.gov/sites/pawd/files/lrmanual20181101.pdf>

[W.D. Pa. L.Cv.R.] 5.2 Documents To Be Filed With the Clerk of Court

...

D. Redaction of Personal Identifiers.

A filed document in a case (other than a social security case) shall not contain any of the personal data identifiers listed in this rule unless permitted by an order of the Court or unless redacted in conformity with this rule. The personal data identifiers covered by this rule and the required redactions are as follows:

1. Social Security Numbers. If an individual's Social Security Number must be included in a document, only the last four digits of that number shall be used;
2. Names of minor children. If the involvement of a minor child must be mentioned, only that child's initials shall be used;
3. Dates of birth. If an individual's date of birth must be included, only the year shall be used;
4. Financial account numbers. If financial account numbers must be included, only the last four digits shall be used. Additional personal data identifier in a criminal case document only:
5. Home addresses. If a home address must be included, only the city and state shall be listed.

E. Personal Identifiers Under Seal. A party wishing to file a document containing the personal data identifiers listed above may file in addition to the required redacted document:

1. a sealed and otherwise identical document containing the unredacted personal data identifiers, or
2. a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

F. Unredacted Version Retained by Court. The sealed unredacted version of the document or the sealed reference list shall be retained by the Court as a part of the record.

G. Counsel and Parties Responsible. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk of Court will not review each document for compliance with this rule.

H. Leave of Court Required To File Under Seal. A party wishing to file any document under seal must obtain prior leave of Court for each document that is requested to be filed under seal. A party must file a motion seeking leave to file such documents under seal. Only after obtaining an order of Court granting such a motion will a party be permitted to file a document under seal.

District of Puerto Rico

D.P.R.

https://www.prd.uscourts.gov/sites/default/files/local_rules/20230714-USDCPR-Local-Rules.pdf

[D.P.R.] Rule 5.2 Privacy Protection for Filings Made with the Court

(a) Restrictions on Personal Identifiers in Filings.

In compliance with the policy of the Judicial Conference of the United States and the EGovernment Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact, where inclusion is necessary, the following personal data identifiers from all documents filed with the court, including exhibits, whether filed electronically or in paper, unless otherwise ordered by the court:

- (1) Social Security Numbers. If an individual's social security number must be included in a document, only the last four digits of that number should be used.
- (2) Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child shall be used.
- (3) Dates of Birth. If an individual's date of birth must be included in a document, only the year shall be used.
- (4) Financial Account Numbers. If financial account numbers are relevant, only the last four digits of these numbers shall be used.
- (5) Home address. Limited to city and state.

(b) Restricted Filings.

A party wishing to file a document containing the personal data identifiers listed above may file a CM/ECF Restricted Copy of the unredacted document. The Court may, however, still require the party to file a redacted copy for public viewing.

(c) Responsibility for Redaction.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review each pleading for compliance with this rule.

District of Rhode Island

D.R.I.

https://www.rid.uscourts.gov/sites/rid/files/documents/localrulesreviewcommittee/LocalRules120119_0.pdf

[D.R.I. L.R.] Gen. 102 Documents Containing Confidential Information

(a) Privacy Protections. It is the responsibility of any party or non-party filing a document, not the Clerk's Office, to review each document to determine if pleadings are in compliance with Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, and the Judicial Conference Policy on Privacy and Public Access to the Electronic Case Files. If the Court finds a document that contains personal identifiers referenced in Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1, the Clerk's Office will limit non-parties' remote electronic access to the document containing the personal identifiers, and direct the party responsible for the filing to file a redacted version of the document.

District of South Dakota

D.S.D.

<https://www.sdd.uscourts.gov/sites/sdd/files/Civil%20Local%20Rule%20Changes%20%28Complete%20Set%29.pdf>

<https://www.sdd.uscourts.gov/sites/sdd/files/Criminal%20Local%20Rules%20%28Complete%20Set%29.pdf>

[D.S.D. Civ.L.R.] 5.2 Privacy Protection for Filings Made with the Court

A. Pursuant to the E-Government Act of 2002, parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all pleadings and papers filed, including exhibits thereto, unless otherwise ordered by the court:

1. Social Security numbers and Taxpayer Identification numbers. Only the last four digits of these numbers may be used.
2. Name of an individual known to be a minor. Only the initials of the minor may be used.
3. Dates of birth. Only the year may be used.
4. Financial account numbers. Only the last four digits of these numbers may be used.

B. After filing a redacted document consistent with Fed R. Civ. P. 5.2, a party may submit for filing under seal an unredacted copy of the document. Any such filings must contain a cover sheet stating the following, "Document filed under seal pursuant to the E-Government Act."

C. The responsibility for redacting personal identifiers rests solely with counsel and the parties. The clerk of court will not review each filing for compliance with this rule.

[D.S.D. Crim.L.R.] 49.1.1 Privacy Protection for Filings Made with the Court

A. Pursuant to the E-Government Act of 2002, parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all pleadings and documents filed, including exhibits thereto, unless otherwise ordered by the court:

1. Social Security numbers. Only the last four digits of that number should be used.
2. Name of an individual known to be a minor. Only the initials of the minor should be used.
3. Dates of birth. Only the year should be used.
4. Financial account numbers. Only the last four digits of these numbers should be used.
5. Home addresses. Only the city and state should be used.

B. After filing a document redacted consistent with Fed. R. Crim. P.49.1, a party may submit for filing under seal an unredacted copy of the document. Any such filings must contain a cover sheet stating the following: “Document filed under seal pursuant to the E-Government Act.”

C. The responsibility for redacting personal identifiers rests solely with counsel and the parties. The clerk of court will not review each filing for compliance with this rule.

D. Personal Data Identifiers in Charging Documents

1. The clerk of court will file indictments under seal to prevent public disclosure of the identity of the foreperson of the grand jury. The attorney for the government must provide the clerk's office with a redacted version of the indictment in which the name of the foreperson is omitted. If the indictment includes personal data identifiers, the attorney for the government must also provide the clerk's office with a redacted version of the indictment that omits both personal data identifiers and the name of the foreperson. The clerk's office will file a redacted version of the indictment in addition to the sealed original.

2. Personal data identifiers may be included in informations and complaints if necessary, to comply with the requirements of federal law. If personal data identifiers are included, the attorney for the government must provide the clerk's office with a redacted version of the information or complaint along with the original. The original will be filed under seal to prevent public disclosure of the personal data identifiers.

3. In all other instances charging documents will be filed under seal only upon motion of the government and order of the court.

District of Utah

D. Utah

<https://www.utd.uscourts.gov/sites/utd/files/Civil%20Rules%20Final%202023.pdf>

<https://www.utd.uscourts.gov/sites/utd/files/Criminal%20Rules%20Final%202023.pdf>

[D. Utah] D.U. Civ. R. 5.2-1 Redaction of Personal Identifiers and Protected Information

(a) Redacting Personal Identifiers in Court Filings. A party must redact the personal identifiers listed in Fed. R. Civ. P. 5.2 in every court filing.

(b) Redaction of Protected Information.

(1) A protective order entered under Fed. R. Civ. P. 26(c) may include a redaction requirement for public filings.

(2) The court may, on its own or on a party's motion, order redaction of protected information in public court filings. When a party requests redaction of protected information, they must proceed under DUCivR 7-1.

[D. Utah] DUCivR 5-3 Filing Documents Under Court Seal

(a) General Rule

(1) The records of the court are presumptively open to the public. The sealing of pleadings, motions, memoranda, exhibits, and other documents or portions thereof (Documents) is highly discouraged. Unless restricted by statute or court order, the public will have access to all Documents filed with the court and to all court proceedings. On motion of a party and a showing of good cause, a judge may order that a Document be sealed. A stipulation or a blanket protective order that allows a party to designate documents as sealable will not suffice to allow the filing of Documents under seal. *See the court's ECF Procedures Manual for procedures regarding filing sealed documents nonelectronically.*

(2) To prevent the overdesignation of sealed Documents in the court record, counsel must:

(A) refrain from filing motions or memoranda under seal merely because an attached exhibit contains protectable information;

(B) redact personal identifiers, as set forth in DUCivR 5.2-1, and publicly file the Document;

(C) redact the confidential portions of a Document when they are not directly pertinent to the issues before the court and publicly file the Document; and

(D) if the protectable information is pertinent to the legal issues before the court, redact the protectable information from the Document and publicly file the Document. Follow the procedure below to file a sealed version of the Document.

(b) Procedure for Filing Under Seal.

- (1) Unless the court orders otherwise, a party must first publicly file a redacted version of the Document. A Motion for Leave to File Under Seal must be filed contemporaneously with the proposed sealed Document. The motion and proposed sealed Document must be filed as separate docket entries and both linked to the redacted version of the Document. The motion, which may be filed under seal if necessary, and the proposed sealed Document must be electronically filed. The portion of the Document sought to be filed under seal must be highlighted to identify the specific information that is sought to be sealed.

.....

[D. Utah] D.U. Crim. R. 49.1-1 Redaction of Personal Identifiers

(a) Redacting Personal Identifiers in Court Filings.

- (1) A party must redact the personal identifiers listed in Fed. R. Crim. P. 49.1 in every court filing made by that party.
- (2) When a motion to unseal is filed and granted or a seal is set to expire, at least 10 days before the seal expires, the filing party must provide to the Clerk's Office a copy of the document that redacts the personal identifiers listed in Fed. R. Crim. P. 49.1. The redacted copy will be added to the docket and become available to the public at the time the seal expires.

District of the Virgin Islands

D.V.I.

https://www.vid.uscourts.gov/sites/vid/files/local_rules/LocalRulesofCivilProcedure2021.pdf

[D.V.I.] District Court Rules Civ. Proc., Rule 5.4. Electronic Filing

...

(I) Public Access.

Responsibility for redacting the personal identifiers set forth in Federal Rule of Civil Procedure 5.2(a) rests solely with counsel and the parties. The Clerk will not review documents for compliance with this Rule.

Eastern District of Virginia

E.D. Va.

<https://www.vaed.uscourts.gov/sites/vaed/files/Local%20Rules%20EDVA%20December%201%202024.pdf>

[E.D. Va.] Local Civil Rule 7 Pleadings – Motions – Continuances – Orders

....

(C) Personal Identifiers:

(1) Redaction of personal identifiers is governed by Fed.R.Civ.P. 5.2 unless the Court directs otherwise. In all actions for benefits under the Social Security Act, the government shall file the administrative record under seal in paper form, the Court having found that such administrative records are by nature confidential and that applicants' privacy interests outweigh any public interest in disclosure; but this provision does not preclude a motion to unseal in any such action.

(2) The responsibility for redacting personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this Local Rule. Counsel and the parties are cautioned that failure to redact these personal identifiers may subject them to sanctions.

Western District of Virginia

W.D. Va.

https://www.vawd.uscourts.gov/sites/Public/assets/File/court/local_rules.pdf

[W.D. Va. L.R.] 8. Redaction of Personal Data Identifiers From Pleadings

The responsibility for redacting personal identifiers as required by the federal rules of procedure rests solely with counsel or with the pro se party. The Clerk will not review each pleading for compliance.

Western District of Washington

W.D. Wash.

<https://www.wawd.uscourts.gov/sites/wawd/files/020123%20WAWD%20Local%20Civil%20Rules%20CLEAN.pdf>

<https://www.wawd.uscourts.gov/sites/wawd/files/2023%20WAWD%20Criminal%20Rules%20Clean.pdf>

[W.D. Wash. L.Civ.R.] 5 Serving and Filing Pleadings and Other Papers

...

(g.) Sealing and Redacting of Court Records

There is a strong presumption of public access to the court's files. This rule applies in all instances where a party seeks to overcome the policy and the presumption by filing a document under seal.

(1) A party must explore all alternatives to filing a document under seal.

(A) If the party seeks to file the document under seal because another party has designated it as confidential during discovery, the filing party and the designating party Civil Rules 11 must meet and confer to determine whether the designating party will withdraw the confidential designation or will agree to redact the document so that sealing is unnecessary.

(B) Parties must protect sensitive information by redacting sensitive information (including, but not limited to, the mandatory redactions of LCR 5.2) that the court does not need to consider. A party who cannot avoid filing a document under seal must comply with the remainder of this rule.

(2) A party may file a document under seal in only two circumstances:

(A) If a statute, rule, or prior court order expressly authorizes the party to file the document under seal; or

(B) If the party files a motion or stipulated motion to seal the document before or at the same time the party files the sealed document. Filing a motion or stipulated motion to seal permits the party to file the document under seal without prior court approval pending the court's ruling on the motion to seal. The document will be kept under seal until the court determines whether it should remain sealed. A party filing a document under seal shall prominently mark its first page with the phrase "FILED UNDER SEAL."

[W.D. Wash. L.Civ.R.] 5.2 Redaction of Filings

(a) Redacted Filings

Parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the court or used as exhibits in any hearing or at trial, to include state court records filed in removal actions, unless otherwise ordered by the court:

- (1) Dates of Birth - redact to the year of birth, unless deceased
- (2) Names of Minor Children - redact to the initials, unless deceased or currently over the age of 18.
- (3) Social Security Numbers and Taxpayer-Identification Numbers- redact in their entirety
- (4) Financial Accounting Information - redact to the last four digits
- (5) Passport Numbers and Driver License Numbers - redact in their entirety

[W.D. Wash. L. Crim. R.] 49.1 Privacy Protection for Filings Made with The Court

(a) Redacted Filings.

In addition to redactions required by Fed. R. Crim. P. 49.1, parties shall redact in its entirety Passport Numbers and Driver License Numbers.

Northern District of West Virginia

N.D.W. Va.

<https://www.wvnd.uscourts.gov/sites/wvnd/files/NDWV%20Local%20Rules%202018%20MAS%20TER.pdf>

E-Government Act

[N.D.W. Va. L.R.] Gen P 5.08. E-Government Act.

(a) Documents: In compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, consistent with Fed. R. Crim. P. 49.1, and to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court:

- (1) Social Security Numbers: If an individual's social security number must be included in a filing, use only the last four digits of that number.
- (2) Names of Minor Children: If the involvement of a minor child must be mentioned, use only the child's initials.
- (3) Dates of Birth: If an individual's date of birth must be included in a 17 filing, use only the year.
- (4) Financial Account Numbers: If financial account numbers are relevant, use only the last four digits of these numbers.
- (5) Home Address in Criminal Cases: If a home address must be included in a document to be filed, include only the city and state.

(b) Redaction Policy: In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above must:

- (1) File a redacted, unsealed version of the document along with a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list must refer to the corresponding complete personal data identifier. The reference list must be filed under seal and may be amended as a right; or
- (2) With approval of the Court, file an unredacted version of the document under seal. The Court may, however, still require the party to file a redacted copy for the public file. The unredacted version of the document or the reference list shall remain sealed and retained by the Court as part of the record.

The responsibility for redacting personal identifiers rests solely with the parties and their counsel. The Clerk of Court will not review each filing for compliance with this Local Rule.

(c) Transcripts of Hearings: If information listed in section (a) of this Rule is elicited during testimony or other court proceedings, it will become available to the public when the official transcript is filed at the courthouse unless, and until, it is redacted. The better practice is to avoid introducing this information into the record in the first place. If a restricted item is mentioned in court, any party or attorney may ask to have it stricken from the record or partially redacted to conform to the privacy policy, or the Court may do so on its own motion.

(d) Violations of Rule: Upon learning that documents have been filed that do not comply with this Local Rule, a judicial officer may, sua sponte, seal or restrict all or part of the case file.

Southern District of West Virginia

S.D.W. Va.

<https://www.wvsd.uscourts.gov/sites/wvsd/files/LocalRulesofProcedure-June2017.pdf>

[S.D.W. Va.] L. R. Civ. P. 5.2.1. Privacy Protection for Filings Made with the Court

(a) Documents.

In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002 and its amendments, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed, electronically or in paper, unless otherwise ordered by the court.

(1) Social Security Numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.

(2) Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

(3) Dates of Birth. If an individual's date of birth must be included in a pleading, only the year should be used.

(4) Financial Account Numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal or may file a reference list under seal. This document shall be retained by the court as part of the record. The court will require the party to file a redacted copy for the public file.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this rule.

[S.D.W. Va.] L. R. Cr. P. 49.1.1. Privacy Protection for Filings Made with the Court

(a) Documents.

In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002 and its amendments, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data

identifiers from all pleadings filed with the court, including exhibits thereto, whether filed, electronically or in paper, unless otherwise ordered by the court.

(1) Social Security numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.

(2) Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

(3) Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.

(4) Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal or may file a reference list under seal. This document shall be retained by the court as part of the record. The court will require the party to file a redacted copy for the public file.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this rule.

District of Wyoming

D. Wyo.

https://www.wyd.uscourts.gov/sites/wyd/files/local_rules/localrules-cv_0.pdf

[D. Wyo. L.R.] Rule 8.1. Exclusion of Certain Person Data From Filings

In compliance with the policy of the Judicial Conference of the United States and the EGovernment Act of 2002, and in order to promote the electronic access to case files while protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall redact, where inclusion is necessary, the following personal data identifiers from their filings, including exhibits unless otherwise ordered by the Court.

- Social Security Numbers. If an individual's social security number must be included, only the last four digits of that number should be provided.
- Taxpayer Identification Numbers. If a taxpayer identification number must be included, only the last four digits of that number should be used.
- Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- Dates of Birth. If an individual's date of birth must be included, only the year of birth should be used.
- Financial Account Numbers. If a financial account number is relevant, only the last four digits of such numbers should be used.

The responsibility for redacting personal data identifiers rests solely with counsel and persons filing the documents with the Court. The Clerk of Court's Office will not review submissions for compliance with this rule.

Appendix B: Appellate Court Local Rules
Compiled by Marvin Astrada

First Circuit Court of Appeals

1st Cir.

<https://www.ca1.uscourts.gov/sites/ca1/files/rulebook.pdf>

[1st Cir. L.R.] 11.0. Transmission of the Record, Sealed Documents

(a) Duty of Appellant. In addition to an appellant's duties under Fed. R. App. P. 11(a), it is an appellant's responsibility to see that the record, as certified, is complete.

(b) Transmission of the Record. The district court will not transmit the full record except upon request of the circuit clerk. Rather, the district court will transmit to the circuit clerk electronically a copy of the notice of appeal, the order(s) being appealed, and a certified copy of the district court docket report in lieu of transmitting the entire record. Sealed documents will not be included in this abbreviated electronic record. Rather, any sealed documents or sealed docket reports/entries will be transmitted to the circuit clerk in hard copy whether or not electronically available. In addition, any papers and exhibits which are not electronically available will also be transmitted to the circuit clerk. The entire electronic district court record is available to the court of appeals whether or not individual documents are transmitted as part of the abbreviated electronic record or later supplemented.

(c) Sealed Materials.

(1) Materials Sealed by District Court or Agency Order. The court of appeals expects that ordinarily motions to seal all or part of a district court or agency record will be presented to, and resolved by, the lower court or agency. Motions, briefs, transcripts, and other materials which were filed with the district court or agency under seal and which constitute part of the record transmitted to the court of appeals shall be clearly labeled as sealed when transmitted to the court of appeals and will remain under seal until further order of court.

(2) Motions to Seal in the Court of Appeals. In order to seal in the court of appeals material not already sealed in the district court or agency (e.g., a brief or unsealed portion of the record), a motion to seal must be filed in paper form in the court of appeals; parties cannot seal otherwise public documents merely by agreement or by labeling them "sealed." A motion to seal, which should not itself be filed under seal, must explain the basis for sealing and specify the desired duration of the sealing order. If discussion of confidential material is necessary to support the motion to seal, that discussion shall be confined to an affidavit or declaration, which may be filed provisionally under seal. A motion to seal may be filed before the sealed material is submitted or, alternatively the item to be sealed (e.g., the brief) may be tendered with the motion and, upon request, will be accepted provisionally under seal, subject to the court's subsequent ruling on the motion. Material submitted by a party under seal, provisionally or otherwise must be stamped or labeled by the party on the cover "FILED UNDER SEAL." If the court of appeals denies the movant's motion to seal, any

materials tendered under provisional seal will be returned to the movant. Motions to seal or sealed documents should never be filed electronically. See 1st Cir. R. 25.0.

(3) Limiting Sealed Filings. Rather than automatically requesting the sealing of an entire brief, motion, or other filing, litigants should consider whether argument relating to sealed materials may be contained in separate supplemental brief, motion, or filing, which may then be sealed in accordance with the procedures in subsection (2).

(d) References to Sealed Materials.

(1) Records or materials sealed by district court, court of appeals, or agency order shall not be included in the regular appendix, but may be submitted in a separate, sealed supplemental volume of appendix. The sealed supplemental volume must be clearly and prominently labeled by the party on the cover “FILED UNDER SEAL.”

(2) In addressing material under seal in an unsealed brief or motion or oral argument counsel are expected not to disclose the substance of the sealed material and to apprise the court that the material in question is sealed. If the record contains sealed materials of a sensitive character, counsel would be well advised to alert the court to the existence of such materials and their location by a footnote appended to the “Statement of the Case” caption in the opening or answering brief.

[1st Cir. L.R.] 25.0 (m). Electronic Case Filing System and Facsimile

...

(m) Privacy Protections and Public Access. Filers, whether filing electronically or in paper form, shall refrain from including or shall redact certain personal data identifiers from all documents filed with the court whenever such redaction is required by Fed. R. App. P. 25(a)(5). The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review any document for compliance with this rule. Filers are advised that it is the experience of this court that failure to comply with redaction requirements is most apt to occur in attachments, addenda, or appendices, and, thus, special attention should be given to such documents.

Third Circuit Court of Appeals

3d Cir.

https://www.ca3.uscourts.gov/sites/ca3/files/2011_LAR_Final.pdf

[3d Cir.] L.A.R. 25.0 Filing & Service

25.3 Personal Identifiers

Certain personal identifiers must be excluded or redacted from all documents filed with the court as specified in L.A.R. Misc. 113.12 and Judicial Conference Policy.

[3d Cir.] L.A.R. 27.0 Motions

27.2 Service

...

(c) Certain personal identifiers must be excluded or redacted from all documents filed with the court as specified in L.A.R. Misc. 113.12 and Judicial Conference Policy.

[3d Cir.] L.A.R. 32.0 Form of Briefs, the Appendix & Other Documents

32.1 Forms of Briefs, Appendices, Motions, and Other Papers documents

...

(e) Certain personal identifiers must be excluded or redacted from all documents filed with the court as specified in L.A.R. Misc. 113.12 and Judicial Conference policy.

32.2 Form of Briefs and Appendices

...

(e) Certain personal identifiers must be excluded or redacted from all documents filed with the court as specified in L.A.R. Misc. 113.12 and Judicial Conference policy.

32.3 Form of Motions and Other Documents Only

...

(c) Certain personal identifiers must be excluded or redacted from all documents filed with the court as specified in L.A.R. Misc. 113.12 and Judicial Conference policy.

[3d Cir.] L.A.R. 35.0 Determination of Causes By the Court En Banc

35.2 Form, Filing, and Required Attachments to Petition for Rehearing En Banc

...

(b) Certain personal identifiers must be excluded or redacted from all documents filed with the court as specified in L.A.R. Misc. 113.12 and Judicial Conference policy.

[3d Cir.] L.A.R. 40.0 Petition for Panel Rehearing

40.1 Form, Filing, and Required Attachments to Petition for Panel Rehearing

...

(b) Certain personal identifiers must be excluded or redacted from all documents filed with the court as specified in L.A.R. Misc. 113.12 and Judicial Conference policy

[3d Cir.] L.A.R. L.A.R. MISC. 106.0 FILING OF DOCUMENTS UNDER SEAL

106.1 Necessity; Grand Jury Matters; Previously Impounded Records; Unsealing

(a) Generally. With the exception of matters relating to grand jury investigations, filing of documents under seal without prior court approval is discouraged. If a party believes a portion of a brief or other document merits treatment under seal, the party must file a motion setting forth with particularity the reasons why sealing is deemed necessary. Any other party may file objections, if any, within 7 days.

A motion to seal must explain the basis for sealing and specify the desired duration of the sealing order. If discussion of confidential material is necessary to support the motion to seal, the motion may be filed provisionally under seal. Rather than automatically requesting the sealing of an entire brief, motion, or other filing, litigants should consider whether argument relating to sealed materials may be contained in a separate sealed supplemental brief, motion or filings. Sealed documents must not be included in a regular appendix, but may be submitted in a separate, sealed volume of the appendix. In addressing material under seal (except for the presentencing report) in an unsealed brief or motion or oral argument counsel are expected not to disclose the nature of the sealed material and to apprise the court that the material is sealed.

(b) Grand Jury Matters. In matters relating to grand jury investigations, when there is inadequate time for a party to file a motion requesting permission to file documents under seal, the party may file briefs and other documents using initials or a John or Jane Doe designation to avoid disclosure of the identity of the applicant or the subject matter of the grand jury investigation. Promptly thereafter, the party must file a motion requesting permission to use such a designation. All responsive briefs and other documents must follow the same format until further order of the court.

(c) Records Impounded in the District Court.

(1) Criminal Cases and Cases Collaterally Attacking Convictions. Grand jury materials protected by Fed. R. Crim. P. 6(c), presentence reports, statements of reasons for the sentence and any other similar material in a criminal case or a case collaterally attacking a conviction (cases under 28 U.S.C. §§ 2241, 2254, 2255), which were filed with the district court under seal pursuant to statute, rule or an order of impoundment, and which constitute part of the record transmitted to this court, remain subject to the district court's impoundment order and will be placed under seal by the clerk of this court until further order of this court. In cases in which impounded documents other than grand jury materials, presentence reports, statements of reasons for the sentence, or other documents required to be sealed by statute or rule, are included in the record transmitted to this court under L.A.R. 11.2, the party seeking to have the document sealed must file a motion within 21 days of receiving notice of the docketing of the appeal in this court, explaining the basis for sealing and specifying the desired duration of the sealing order. If discussion of confidential material is necessary to support the motion to seal, the motion may be filed provisionally under seal.

(2) Civil Cases. When the district court impounds part or all of the documents in a civil case, they will remain under seal in this court for 30 days after the filing of the notice of appeal to give counsel an opportunity to file a motion to continue the impoundment, setting forth the reasons therefor. A motion to continue impoundment must explain the basis for sealing and specify the desired duration of the sealing order. If the motion does not specify a date, the documents will be unsealed, without notice to the parties, five years after conclusion of the case. If discussion of confidential material is necessary to support the motion to seal, the motion may be filed provisionally under seal. If a motion to continue impoundment is filed, the documents will remain sealed until further order of this court.

[3d Cir.] L.A.R. 113.12 Public Access

(a) Parties, counsel, or other persons filing any document, whether electronically or in paper, must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court:

(1) Social Security numbers. If an individual's Social Security number must be included, only the last four digits of that number should be used.

(2) Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

(3) Dates of birth. If an individual's date of birth must be included, only the year should be used.

(4) Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

(5) Home addresses. In criminal cases, if a home address must be included, only the city and state should be listed.

(b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:

(1) File an un-redacted version of the document under seal, or

(2) File a reference list under seal. The reference list must contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

(c) The un-redacted version of the document or the reference list must be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

(d) The responsibility for redacting these personal identifiers rests solely with the party, counsel, or other person filing the document. The clerk will not review each pleading for compliance with this rule.

Fourth Circuit Court of Appeals

4th Cir.

https://www.ca4.uscourts.gov/docs/pdfs/rules.pdf?sfvrsn=706233d1_86

[4th Cir.] Local Rule 25(c) Confidential and Sealed Materials.

...

(3) Filing of Confidential and Sealed Material.

...

(C) Personal Data Identifying Information: Personal data identifying information, such as an individual's social security number, an individual's tax identification number, a minor's name, a person's birth date, a financial account number, and (in a criminal case) a person's home address, must be excluded or partially redacted from filings in accordance with FRAP 25(a)(5).

[4th Cir.] Local Rule 25(c) Confidential and Sealed Materials.

(1) Certificates of Confidentiality. At the time of filing any appendix, brief, motion, or other document containing or otherwise disclosing materials held under seal by another court or agency, counsel or a pro se party shall file a certificate of confidentiality.

(A) Record material held under seal by another court or agency remains subject to that seal on appeal unless modified or amended by the Court of Appeals.

(B) A certificate of confidentiality must accompany any filing which contains or would otherwise disclose sealed materials. The certificate of confidentiality shall:

- (i) identify the sealed material;
- (ii) list the dates of the orders sealing the material or, if there is no order, the lower court or agency's general authority to treat the material as sealed;
- (iii) specify the terms of the protective order governing the information; and
- (iv) identify the appellate document that contains the sealed information.

(2) Motions to Seal. Motions to seal all or any part of the record are presented to and resolved by the lower court or agency in accordance with applicable law during the course of trial, hearing, or other proceedings below.

(A) A motion to seal may be filed with the Court of Appeals when:

- (i) a change in circumstances occurs during the pendency of an appeal that warrants reconsideration of a sealing issue decided below;
- (ii) the need to seal all or part of the record on appeal arises in the first instance during the pendency of an appeal; or
- (iii) additional material filed for the first time on appeal warrants sealing.

- (B) Any motion to seal filed with the Court of Appeals shall:
- (i) identify with specificity the documents or portions thereof for which sealing is requested;
 - (ii) state the reasons why sealing is necessary;
 - (iii) explain why a less drastic alternative to sealing will not afford adequate protection; and
 - (iv) state the period of time the party seeks to have the material maintained under seal and how the material is to be handled upon unsealing.

(C) A motion to seal filed with the Court of Appeals will be placed on the public docket for at least 5 days before the Court rules on the motion, but the materials subject to a motion to seal will be held under seal pending the Court's disposition of the motion.

(3) Filing of Confidential and Sealed Material.

(A) Appendices: When sealed material is included in the appendix, it must be segregated from other portions of the appendix and filed in a separate, sealed volume of the appendix. In criminal cases in which presentence reports are being filed for multiple defendants, each presentence report must be placed in a separate, sealed volume that is served only on counsel for the United States and for the defendant who is the subject of the report.

(B) Briefs, Motions, and Other Documents: When sealed material is included in a brief, motion, or any document other than an appendix, two versions of the document must be filed:

- (i) a complete version under seal in which the sealed material has been distinctively marked and
- (ii) a redacted version of the same document for the public file.

(C) Personal Data Identifying Information: Personal data identifying information, such as an individual's social security number, an individual's tax identification number, a minor's name, a person's birth date, a financial account number, and (in a criminal case) a person's home address, must be excluded or partially redacted from filings in accordance with FRAP 25(a)(5).

(D) Marking of Sealed and Ex Parte Material: The first page of any appendix, brief, motion, or other document tendered or filed under seal shall be conspicuously marked SEALED and all copies shall be placed in an envelope marked SEALED. If filed ex parte, the first page and the envelope shall also be marked EX PARTE.

(E) Method of Filing:

- (i) Appendices: Local Rule 30(b)(4) sets forth the number of paper copies required for public and sealed volumes of the appendix. Sealed volumes are accompanied by a certificate of confidentiality or motion to seal, in both paper and electronic form. Electronic sealed volumes are filed using the entry SEALED JOINT APPENDIX or SEALED SUPPLEMENTAL APPENDIX, which automatically seals the appendix

for Court access only.

(ii) Formal Briefs: Local Rule 31(d) sets forth the number of paper copies required for public and sealed versions of formal briefs. The sealed version is accompanied by a certificate of confidentiality or motion to seal, in both paper and electronic form. The electronic sealed version of the brief is filed using the entry SEALED BRIEF, which automatically seals the brief for Court access only.

(iii) Other Documents: Any other sealed document is filed electronically using the entry SEALED DOCUMENT, which automatically seals the document for Court access only. A certificate of confidentiality or motion to seal is also filed electronically.

(F) Method of Service: All sealed appendices, briefs, and documents must be served in paper form, because only the Court can access the sealed electronic appendix, brief, or document.

(G) Responsibility for Compliance: The responsibility for following the required procedures in filing confidential and sealed material rests solely with counsel and the parties. The clerk will not review each filing for compliance with this rule.

(H) Public Access: Unless filed under seal, case documents are publicly available on the Internet, except that in immigration and social security cases, only the Court's orders and opinions are available to the public on the Internet. Remote electronic access to other documents in immigration and social security cases is available only to persons participating in the case as CM/ECF filing users. Counsel should notify clients regarding the availability of filings on the Internet so that an informed decision may be made on what information is to be included in a public document filed with the Court.

Fifth Circuit Court of Appeals

5th Cir.

<https://www.ca5.uscourts.gov/docs/default-source/forms-and-documents---clerks-office/rules/5thcir-iop>

[5th Cir. L.R.] 25.2 Electronic Case Filing Procedures

[5th Cir. L.R.] 25.2.8 Sealed Documents.

A Filing User may move to file documents under seal in electronic form if permitted by law, and as authorized in the court's electronic filing standards. The court's order authorizing or denying the electronic filing of documents under seal may be filed electronically. Documents ordered placed under seal may be filed traditionally in paper or electronically, as authorized by the court. If filed traditionally, a paper copy of the authorizing order must be attached to the documents under seal and delivered to the clerk.

[5th Cir. L.R.] 25.2.13 Public Access/Redaction of Personal Identifiers.

Parties must refrain from including, or must partially redact where inclusion is necessary, certain personal data identifiers whether filed electronically or in paper form as prescribed in FED. R. APP. P. 25, FED. R. CIV. P. 5.2(a), and FED. R. CRIM. P. 49.1. Responsibility for complying with the rules and redacting personal identifiers rests solely with counsel. The parties or their counsel may be required to certify compliance with these rules. The clerk will not review pleadings, and is not responsible for data redaction. Parties wishing to file a document containing the personal data identifiers referenced above may:

file an un-redacted version of the document under seal, or

file a reference list under seal. The list must contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

The court will retain the un-redacted version of the document or the reference list as part of the record. The court may require the party to file a redacted copy for the public file.

[5th Cir. L.R.] 47 Other Fifth Circuit Rules

[5th Cir. L.R.] 47.10 Rule Governing Appeals Raising Sentencing Guidelines Issues - 18 U.S.C. § 3742.

47.10.1 Scope of Rules. These rules govern procedures in appeals raising sentencing issues pursuant to 18 U.S.C. § 3742(a) or (b). These cases will proceed in the same manner and under the general rules of court governing other appeals and will not be given special expedited treatment over other criminal cases, except as hereinafter specified.

47.10.2 Motion to Expedite. If the defendant is incarcerated for a period of 1 year or less pursuant to the sentence appealed, a party may file a motion to expedite the appeal upon a showing of irreparable harm. The motion must set out: (a) when the trial transcript can be prepared and made available; and, (b) how soon thereafter appellant can file a brief. The court disfavors bifurcation of issues concerning sentencing from those issues involving the conviction.

47.10.3 The Appellate Record.

(a) Oral Reasons for Imposition of Sentence. The oral statement of reasons of the district court for imposition of a sentence as required by 18 U.S.C. § 3553(c), as amended, must be reduced to writing, filed, and incorporated in the record on appeal.

(b) Transcript of Sentencing Proceedings. In addition to the requirements of FED. R. APP. P. 10(b) and 5TH CIR. R. 10.1 for ordering the transcript of trial proceedings, appellant is required to order a transcript of the entire sentencing proceeding (excluding the oral statement of reasons for sentencing of the district court) if a sentencing issue under 18 U.S.C. § 3742 will be raised on appeal.

(c) Presentence Report. If a notice of appeal is filed as authorized by 18 U.S.C. § 3742(a) and (b) for review of a sentence, the clerk will transmit to this court the presentence report. The report is transmitted separately from other parts of the record on appeal and is labeled as a sealed record if sealed by the district court.

(d) Presentence reports filed in this court as part of a record on appeal are treated as matters of public record except where the report, or a portion thereof was sealed by order of the district court.

(e) Counsel wishing access to, or a copy of, sealed presentence reports, or portions of such reports, may request them from the clerk's office by such means as the clerk permits. Counsel must return the copy of the presentence report, without duplicating it. Counsel should avoid disclosure of confidential matters in their public filings.

Eighth Court of Appeal

8th Cir.

<https://media.ca8.uscourts.gov/newrules/coa/localrules.pdf>

[8th Cir.] Rule 25A: Electronic (CM/ECF) And Facsimile Filing; Electronic Noticing & Service

...

(h) Sealed Documents: Sealed documents must only be filed in paper format. Motions for permission to file a document under seal must also be filed in paper format. The motion should state whether the filing party believes the motion to seal may be made publicly available on PACER or should remain sealed.

...

(j) Privacy: In compliance with the privacy policies of the Judicial Conference of the United States and in order to address the privacy concerns created by Internet access to court documents, parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the court:

1. Minors' names (use initials only);
2. Social Security numbers (use last four digits only);
3. Dates of birth (use year of birth only);
4. Financial account numbers (identify the type of account and institution and provide the last four digits of the account number); and
5. Home address information (use phrases such as the "4000 block of Elm").
6. The Addendum to a criminal brief must not include the Statement of Reasons, the Presentence Report, or other confidential sentencing materials.

The filer bears sole responsibility for redacting documents.

Tenth Circuit Court of Appeals

10th Cir.

https://www.ca10.uscourts.gov/sites/ca10/files/clerk/2024FRAPandLocalRules_FINAL.pdf

10th Cir. [L.R.] 25.5 Privacy redaction requirements.

All filers are required to follow the privacy and redaction requirements of Federal Rule of Appellate Procedure 25(a)(5), as well as the applicable federal rules of civil procedure, criminal procedure, and bankruptcy procedure. See Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 49.1; Fed. R. Bankr. P. 9037. Required redactions include social security numbers and tax identification numbers (filers may disclose the last four digits of a social security or tax identification number), birth dates (use year of birth only), minors' names (initials may be used), and financial account numbers (except those identifying property allegedly subject to forfeiture in a forfeiture proceeding). It is the sole responsibility of the filer to redact pleadings appropriately.

10th Cir. [L.R.] 25.6 Filing under seal.

Any party who seeks to file any document under seal in this court must overcome a presumption in favor of access to judicial records. See *Eugene S. v. Horizon Blue Cross Blue Shield of New Jersey*, 663 F.3d 1124, 1135 (10th Cir. 2011).

(A) Motions to seal. Except as provided in Rule 11.3(B) or 11.3(C) any document—motion, response, attachment, brief, appendix, or other paper—submitted under seal must be accompanied by a motion for leave to file the document under seal. The motion must

- (1) identify with particularity the specific document containing the sensitive information;
- (2) explain why the sensitive information cannot reasonably be redacted in lieu of filing the entire document under seal;
- (3) articulate a substantial interest that justifies depriving the public of access to the document;
- (4) cite any applicable rule, statute, case law, and/or prior court order having a bearing on why the document should be sealed, keeping in mind that this court is not bound by a district court's decision to seal a document below, see *Williams v. FedEx Corporate Services*, 849 F.3d 889, 905 (10th Cir. 2017); and
- (5) comply with Rule 27.1.

The motion to seal should not be filed under seal unless required by the nature of the request or the need to protect sealed information.

(B) Redaction in lieu of sealing. Redaction is preferable to filing an entire document under seal. Thus, unless redaction is impracticable, the party seeking to protect sensitive information shall publicly file a redacted version of the document concurrently with the motion to seal.

10th Cir. [L.R.] 11.3 Sealed materials.

(A) In the appendix. Rule 25.6 applies to sealed materials in the appendix.

(B) In the record on appeal. When materials sealed by district court order are forwarded as part of the record, the district court clerk must:

- (1) separate the sealed materials from other portions of the record;
- (2) enclose them in an envelope clearly marked “Sealed” if forwarded in hard copy or identify them as sealed in a separate electronic volume when transmitted; and
- (3) affix a copy of the sealing order to the outside of the envelope if the sealed material is not available electronically.

(C) Pretrial services reports, presentence investigation reports, and statements of reasons. Pretrial services reports, presentence reports, and statements of reasons are confidential. If a pretrial services report, a presentence report, or a statement of reasons is forwarded as part of the record on appeal, the district court clerk must treat it like sealed material under this rule.

Eleventh Circuit Court of Appeals

11th Cir.

https://www.ca11.uscourts.gov/sites/default/files/courtdocs/clk/Rules_Bookmark_DEC23.pdf

11th Cir. [L.R.] 25-3 Electronic Case Files (ECF) System.

...

(e) Electronic Filing ... In accordance with FRAP 25(a)(5) and 11th Cir. R. 25-5, an ECF Filer must redact all documents, including briefs, consistent with the privacy policy of the Judicial Conference of the United States. Remote electronic access to dockets in immigration, Social Security, and Railroad Retirement Act cases is limited. See FRAP 25(a)(5) and 11th Cir. R. 25-5. In this regard, remote electronic public access to the full record in these cases is restricted to judges, court staff, and the parties and attorneys in the appeal or agency proceeding. Access to orders and opinions is not restricted in these cases. Parties seeking to restrict access to orders and opinions must file a motion explaining why that relief is required in a given case.

...

(h) Documents Under Seal. Documents filed under seal in the court from which an appeal is taken will continue to be filed under seal on appeal to this court. A motion to file documents under seal may be filed electronically unless prohibited by law, circuit rule, or court order. The sealed documents or documents requested to be sealed must not be attached to the motion. Documents requested to be sealed must be submitted in paper format in a sealed envelope, and must be received by the clerk within 10 days of filing the motion. The face of the envelope containing such documents must contain a conspicuous notation that it contains “DOCUMENTS UNDER SEAL” or substantially similar language. See also 11th Cir. R. 25-5.

11th Cir. [L.R.] 25-5 Maintaining Privacy of Personal Data.

In order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court.

- a. Social Security numbers and Taxpayer Identification numbers. If an individual’s social security number or taxpayer identification number must be included in a pleading, only the last four digits of that number should be used.
- b. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used. For purposes of this rule, a minor child is any person under the age of eighteen years, unless otherwise provided by statute or court order.

- c. Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.
- d. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.
- e. Home addresses. If a home address must be included, only the city and state should be used.

Subject to the exemptions from the redaction requirement contained in the Federal Rules of Civil, Criminal, and Bankruptcy Procedure, as made applicable to the courts of appeals through FRAP 25(a)(5), a party filing a document containing the personal data identifiers listed above shall file a redacted document for the public file and either:

- (1) a reference list under seal. The reference list shall contain the complete personal data identifier and the redacted identifier used in its place in the redacted filing. All references in the filing to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifiers. The reference list must be filed under seal, may be amended as of right, and shall be retained by the court as part of the record. A motion to file the reference list under seal is not required. Or
- (2) an unredacted document under seal, along with a motion to file the unredacted document under seal specifying the type of personal data identifier included in the document and why the party believes that including it in the document is necessary or relevant. If permitted to be filed, both the redacted and unredacted documents shall be retained by the court as part of the record.

The responsibility for redacting these personal data identifiers rests solely with counsel and the parties. The clerk will not review each pleading for compliance with this rule. A person waives the protection of this rule as to the person's own information by filing it without redaction and not under seal.

Consistent with FRAP 25(a)(5), remote electronic public access is not provided to pleadings filed with the court in Social Security appeals, immigration cases, and Railroad Retirement Act cases. Therefore, parties in such cases are exempt from the requirements of this rule.

In addition to the foregoing, a party should exercise caution when filing a document that contains any of the following information. A party filing a redacted document that contains any of the following information must comply with the rules for filing an unredacted document as described in numbered paragraph (2) above.

- Personal identifying number, such as driver's license number;
- medical records, treatment and diagnosis;
- employment history;
- individual financial information;

- proprietary or trade secret information;
- information regarding an individual's cooperation with the government;
- national security information;
- sensitive security information as described in 49 U.S.C. § 114(s).

11th Cir. [L.R.] 25-6 Court Action with Respect to Impermissible Language or Information in Filings.

(a) When any paper filed with the court, including motions and briefs, contains:

- (1) ad hominem or defamatory language; or
- (2) information the public disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or
- (3) information the public disclosure of which would violate legally protected interests, the court on motion of a party or on its own motion, may without prior notice take appropriate action.

(b) The appropriate action the court may take in the circumstances described above includes ordering that: the document be sealed; specified language or information be stricken from the document; the document be struck from the record; the clerk be directed to remove the document from electronic public access; the party who filed the document either explain why including the specified language or disclosing the specified information in the document is relevant, necessary, and appropriate or file a redacted or replacement document.

(c) When the court takes such action under this rule without prior notice, the party may within 14 days from the date the court order is issued file a motion to restore language or information stricken or removed from the document or file the document without redaction, setting forth with particularity any reasons why the action taken by the court was unwarranted. The timely filing of such motion will postpone the due date for filing any redacted or replacement document until the court rules on the motion.

District of Columbia Court of Appeals

D.C. Cir.

[https://www.cadc.uscourts.gov/internet/home.nsf/Content/VL%20-%20RPP%20-%20Circuit%20Rules/\\$FILE/RulesFRAP20240401.pdf](https://www.cadc.uscourts.gov/internet/home.nsf/Content/VL%20-%20RPP%20-%20Circuit%20Rules/$FILE/RulesFRAP20240401.pdf)

[D.C. Cir. L.R.] 25 Filing and Service

...

(c) Exceptions to Requirement of Electronic Filing and Service.

(1) A party proceeding pro se must file documents in paper form with the clerk and must be served with documents in paper form unless the pro se party has been permitted to register as an ECF filer.

(2) Upon motion and a showing of good cause, the court may exempt a party from the electronic filing requirements and authorize filing by means other than use of the CM/ECF system.

(3) Case-initiating documents, including petitions for permission to appeal, petitions for review or notices of appeal from agency action, and petitions for writ of mandamus and other original proceedings in this court, may be filed either electronically or in paper form. If filed in paper form, an ECF filer must promptly provide the clerk an electronic version of the filing upon the court's request.

(4) Any document containing material under seal or containing material that a party is seeking to place under seal, and any document filed in a sealed case, may not be filed using the CM/ECF system. Such documents must be filed in paper form or in a nonpublic electronic format as set forth on the court's website. Matters under seal are governed by Circuit Rule 47.1. Upon the court's request, an ECF filer must promptly provide the clerk an electronic version of any sealed filing that was filed in paper form.

(5) Exhibits, attachments, or appendix items that (i) exceed the size limitation set by the court; (ii) are not in a format that readily permits electronic filing, such as odd-sized documents; or (iii) are illegible when scanned into electronic format may be filed in paper form. Documents filed pursuant to this subsection must be served by an alternative method of service authorized by FRAP 25, and the filer must file electronically a notice of paper filing.

...

(e) Privacy Protection.

Unless the court orders otherwise, parties must refrain from including or must redact the following personal data identifiers from documents filed with the court to the extent required by FRAP 25(a)(5):

- Social Security numbers. If an individual's Social Security number must be included, use the last four digits only.
- Financial account numbers. If financial account numbers are relevant, use the last four digits only.
- Names of minors. If the involvement of an individual known to be a minor must be mentioned, use the minor's initials only.
- Dates of birth. If an individual's date of birth must be included, use the year only.
- Home addresses. In criminal cases, if a home address must be included, use the city and state only.

The filer bears sole responsibility for ensuring a document complies with these requirements.

...

(g) Non-Electronic Filing. When electronic filing is not utilized, a non-emergency paper may be filed at the United States courthouse after the regular hours of the clerk's office pursuant to procedures established by the clerk's office. In emergencies or other compelling circumstances, when electronic filing is not utilized, the clerk may authorize that papers be filed with the court through facsimile transmission or email. Except when specifically so permitted, such filing is not authorized. See also Circuit Rule 32(a) (Electronic Signatures) and Circuit Rule 32(d) (Paper Copies of Electronic Filings).

[D.C. Cir. L.R.] 47.1 Matters Under Seal

(a) Case with Record Under Seal. Any portion of the record that was placed under seal in the district court or before an agency remains under seal in this court unless otherwise ordered. Parties and their counsel are responsible for assuring that materials under seal remain under seal and are not publicly disclosed.

(b) Agreement to Unseal. In any case in which the record in the district court or before an agency is under seal in whole or in part and a notice of appeal or petition for review has been filed, each party must promptly review the record to determine whether any portions of the record under seal need to remain under seal on appeal. If a party determines that some portion should be unsealed, that party must seek an agreement on the unsealing. Such agreement must be presented promptly to the district court or agency for its consideration and issuance of an appropriate order.

(c) Motion to Unseal. A party or any other interested person may move at any time to unseal any portion of the record in this court, including confidential briefs or appendices filed under this rule.

On appeals from the district court, the motion will ordinarily be referred to the district court, and, if necessary, the record remanded for that purpose, but the court may, when the interests of justice require, decide that motion, and, if unsealing is ordered, remand the record for unsealing. Unless otherwise ordered, the pendency of a motion under this rule will not delay the filing of any brief under any scheduling order.

(d) Briefs Containing Material Under Seal.

(1) Two Sets of Briefs. If a party deems it necessary to refer in a brief to material under seal, 2 sets of briefs must be filed which are identical except for references to sealed materials. One set of briefs must bear the legend "Under Seal" on the cover, and each page containing sealed material must bear the legend "Under Seal" at the top of the page. The second set of briefs must bear the legend "Public Copy—Sealed Material Deleted" on the cover, and each page from which material under seal has been deleted must bear a legend stating "Material Under Seal Deleted" at the top of the page. The party must file the original and 6 copies of the sealed brief and the original and 8 copies of the public brief. Both sets of briefs must comply with the remainder of these rules, including Circuit Rule 32(e) on length of briefs.

(2) Service. Each party must be served with 2 copies of the public brief and 2 copies of the brief under seal, if the party is entitled to receive the material under seal. See, e.g., Fed. R. Crim. P. 6(e).

(3) Non-availability to the Public. Briefs filed with the court under seal are available only to authorized court personnel and will not be made available to the public.

(e) Appendices Containing Matters Under Seal.

(1) Sealed Supplement to the Appendix; Number of Copies. If a party deems it necessary to include material under seal in an appendix, the appendix must be filed in 2 segments. One segment must contain all sealed material and bear the legend "Supplement—Under Seal" on the cover, and each page of that supplement containing sealed material must bear the legend "Under Seal" at the top of the page. The second appendix segment must bear the legend "Public Appendix—Sealed Material in Separate Supplement" on the cover; each page from which material under seal has been deleted must bear the legend "Material Under Seal Deleted" at the top of the page. The party must file 7 copies of the sealed supplement and 7 copies of the public appendix.

(2) Service; Number of Copies. Each party must be served with one copy of the public appendix and one copy of the sealed supplement, if the party is entitled to receive the material under seal. See, e.g., Fed. R. Crim. P. 6(e).

(3) Non-availability to the Public. Supplements to appendices filed with the court under seal are available only to authorized court personnel and will not be made available to the public.

(f) Disposal of Sealed Records.

(1) In any case in which all or part of the record of this court (including briefs and appendices) has been maintained under seal, the clerk will, in conjunction with the issuance of the mandate (or the entry of the final order, in a case in which no mandate will issue), order the parties to show cause why the record (or sealed portions) should not be unsealed. If the parties agree to unsealing, the record will be unsealed by order of the court, issued

by the clerk. No order to show cause will be issued in cases where the nature of the materials themselves (e.g., grand jury materials) makes it clear that unsealing would be impermissible. If the parties do not agree to unsealing, the order to show cause, and any responses thereto, will be referred to the court for disposition.

(2) Any record material not unsealed pursuant to this rule will be designated "Temporary Sealed Records," and transferred to the Federal Records Center under applicable regulations. The records will be returned to the court for reconsideration of unsealing after a period of 20 years.

(3) The court may, on its own motion, issue an order to show cause and consider the unsealing of any records in the court's custody, at any time.

(4) Counsel to an appeal involving sealed records must promptly notify the court when it is no longer necessary to maintain the record or portions of the record under seal.

Federal Circuit Court of Appeals

Fed. Cir.

<https://cafc.uscourts.gov/wp-content/uploads/RulesProceduresAndForms/FederalCircuitRules/FederalCircuitRulesofPractice.pdf>

[Fed. Cir. L.R.] 25.1 Privacy and Confidentiality

(a) Scope.

(1) Availability to the Public. Unredacted material included in nonconfidential or unsealed filings is presumed to be public. After five (5) years following the end of all proceedings in this court, the court may direct the parties to show cause why confidential filings (except those protected by statute) should not be unsealed and made available to the public.

(2) Restricted Access. At the time of filing, access to confidential or sealed documents will be restricted to authorized court personnel only. If a party or its counsel has not been authorized access to confidential or sealed material under a governing protective order, any filing containing such material must include the pertinent protective order with a cover letter indicating which parties or counsel are not authorized access. The court may provide access to confidential or sealed material to all parties and counsel in a case who are not identified on such a cover letter. Any confidential or sealed document filed without a cover letter is assumed to be accessible by all parties and counsel in the case.

(3) Responsibility for Review. The parties and their counsel are solely responsible for redacting restricted or sensitive materials from documents, identifying any counsel or parties to the case not permitted to access confidential or sealed material, and properly filing confidential or sealed material. The clerk of court is not required to review documents to ensure material has been appropriately redacted.

(4) Redactions. No material may appear redacted in a filing with this court except as provided in Federal Rule of Appellate Procedure 25(a)(5) or Federal Circuit Rules 25.1(b), 25.1(d), or 30(c)(2), or if that material was only filed in redacted form at the trial court or agency.

(b) Personally Identifiable Information.

All parties must refrain from including or must redact personally identifiable information (PII) from documents filed with the court. Documents that contain only redacted PII and no other confidential markings are not required to adhere to Federal Circuit Rule 25.1(e). The requirement to redact PII may be waived by the inclusion of a statement of consent. Examples of PII include the following:

(1) Social security numbers;

- (2) Financial account numbers;
- (3) Names of minors (use instead the minor's initials);
- (4) Dates of birth (use the year only); and
- (5) Home addresses (use the city and state only).

(c) Protective Orders.

(1) Status of a Protective Order on Appeal. In general, any portion of the record that was subject to a protective order in the trial court or agency must remain subject to that order on appeal or review. Material will lose its status as subject to a protective order, however, if and when it has been removed from protected status under subsection (2) below or has appeared in a filing without being marked confidential. This court, sua sponte, may direct the parties to show cause why a protective order should not be modified.

(2) Agreement by Parties to Modify a Protective Order. If any portion of the record in the trial court or agency is subject to a protective order and a notice of appeal or petition for review has been filed, each party must promptly review the record to determine whether protected portions need to remain protected on appeal. If a party determines that some portion no longer needs to be protected, that party must seek an agreement with the other parties. Any agreement that is reached must be promptly presented to the trial court or agency, which may issue an appropriate order.

(A) Certificate of Compliance. In appeals of proceedings subject to a protective order in the trial court or agency, each party must file a certificate of compliance no later than the time for filing the appendix stating it complied with this rule.

(B) Exclusion. This requirement does not apply to cases arising under 19 U.S.C. § 1516a or to third-party information marked confidential.

(d) Confidential Marking Limitations; Motions to Exceed Limitations.

(1) Motions, Petitions, Responses, Replies, and Briefs.

Material in a motion, petition, response, reply, or brief may only be marked confidential to the extent noted in subsections (A)–(C) below, and only if the information (1) is treated as confidential pursuant to a judicial or administrative protective order and (2) such marking is authorized by statute, administrative regulation, or court rule (such as Federal Rule of Civil Procedure 26(c)(1)). Otherwise, no material may be marked confidential, including references to information previously treated as confidential pursuant to a protective order.¹⁷⁹

(A) General Limitation. Each motion, petition, response, reply, or brief may mark as confidential up to fifteen (15) unique words (including numbers).

¹⁷⁹ Ed. Note: The parties must be prepared to justify to the court any claim of confidentiality. See the Practice Notes to Rule 25.1 (Justification for Claim of Confidentiality) and Rule 34 (Justification for Claim of Confidentiality).

(B) Limitation for Cases Under 19 U.S.C. § 1516a or 28 U.S.C. § 1491(b). In cases arising under 19 U.S.C. § 1516a or 28 U.S.C. § 1491(b), each motion, petition, response, reply, or brief may mark confidential up to fifty (50) unique words (including numbers).

(C) Exclusions. When a phrase is marked confidential in a filing, the words in the phrase count against the unique word allotment for that filing; but repeating the same confidential material in the same filing does not use up any more of the unique word allotment. If a responsive filing uses material previously marked confidential in the filing(s) to which it responds, that material does not count against the unique word allotment for the responsive filing.

(D) Applicability. The limitations of Federal Circuit Rule 25.1(d)(1) do not apply to appendices; attachments; exhibits; and addenda to motions, petitions, responses, replies, or briefs.

(2) Other Documents.

Material that is covered by a protective order or that has confidentiality imposed on it by a statute, rule, or regulation may be marked confidential in any filing other than those subject to Federal Circuit Rule 25.1(d)(1) without any limitation on the number of markings. Material that has lost its protective coverage under Federal Circuit Rule 25.1(c) may not be marked confidential.

(3) Motion to Waive Requirements.

A party seeking to mark more words confidential than permitted must file a motion with this court. Access to a filing accompanied by a motion to waive confidentiality requirements will be restricted in accordance with Federal Circuit Rule 25.1(a) and will remain restricted should the motion be denied, unless ordered otherwise.

(A) Contents.

The motion must identify the total number of unique words sought to be marked confidential and establish why the additional markings are appropriate and necessary pursuant to a statute, administrative regulation, or court rule. For example, a party may establish that an argument cannot be properly developed without additional disclosure of confidential information, and public disclosure will risk causing competitive injury. All motions should explain in detail the propriety of confidentiality and provide reasons and/or legal citations for each source of information sought to be marked as confidential.

(B) Time for Filing.

The motion must be filed contemporaneously with the document for which waiver of confidentiality requirements is sought.

(C) Court Action.

If the motion is denied in whole or in part, an amended filing that complies with the confidentiality limitations must be filed within ten (10) days after the action on the motion. Any amended filing that still does not meet the confidentiality limitations must be submitted with a new motion.

(e) Contents and Format for Confidential Filings.

(1) Two Versions. A document containing material subject to confidentiality as permitted by Federal Circuit Rule 25.1(d) must be filed with the court in two versions: a confidential version that notes the material marked confidential, and a nonconfidential version containing appropriate redactions.

(A) Confidential Version.

The cover or front page of the confidential version must be labeled “confidential,” either centered at the top or contained in the title. If confidentiality will end on a certain date or upon the happening of an event, this must be stated on the cover or front page (e.g., “CONFIDENTIAL UNTIL [DATE],” or “CONFIDENTIAL DURING JUDICIAL REVIEW”). Each page containing confidential material must enclose this material in brackets or indicate this material by highlighting. The confidential version of an appendix must include at the beginning (i.e., in front of the judgment or order appealed from) pertinent excerpts of any statutes imposing confidentiality or the entirety of any judicial or administrative protective order.

(B) Nonconfidential Version.

The cover or front page of the nonconfidential version must be labeled “nonconfidential,” either centered at the top or contained in the title. Each page from which material subject to a protective order has been deleted or redacted must bear a legend so stating. Except for redactions in exhibits, addenda, and appendices, an adequate, general descriptor of the material must appear over the deletion or redaction. The table of contents must include a paragraph describing the general nature of the confidential material that has been deleted and applicable page numbers. If the document does not contain a table of contents, this paragraph must be the first paragraph of the document.

(2) Certificate of Confidential Material.

A motion, petition, response, reply, or brief that includes material marked confidential under Federal Circuit Rule 25.1(d)(1) must be accompanied by a certificate that indicates the exact number of unique words (including numbers) sought to be marked confidential. It is the responsibility of the filing party to ensure that the certificate of confidential material is accurate.