



Date: May 19, 2025

To: Reporters' Privacy Rules Working Group

From: Tim Reagan  
Federal Judicial Center

Re: Where Unredacted Social Security Numbers Appear in Public Case Records of the Federal Courts of Appeals and District Courts

In 2024, the Center presented to the Judicial Conference Committee on Court Administration and Case Management a report on “Unredacted Social Security Numbers in Federal Court PACER Documents.”<sup>1</sup> For that report, the Center examined 4,681,055 public documents on PACER for the courts of appeals, the district courts, and the bankruptcy courts filed on any of thirty-seven randomly selected days in 2022. The Center found 22,391 unredacted Social Security numbers in these documents.

I have examined all of the filings containing unredacted Social Security numbers in the Center’s study in appellate, criminal, and civil cases. There were 841 unredacted Social Security numbers found in appellate case records, 888 found in criminal case records, and 14,029 found in civil case records. I have not examined the unredacted Social Security numbers in bankruptcy case records.

The focus of my research is the question, why are Social Security numbers included in case filings? Where unredacted Social Security numbers appear in court filings may be similar to where Social Security numbers appear more generally, redacted and unredacted.

If that is the case, Social Security numbers typically appear in exhibits. They do not typically appear in memoranda of points and authorities or briefs. For example, suppose an exhibit is attached to a motion to show how much an employee was paid. In addition to the employee’s salary, the pay statement might also show the employee’s Social Security number. The salary is relevant to the case; the Social Security number is not. Redacting the Social Security number likely has no impact on litigation efficiency.

### *Appeals*

Nearly all of the unredacted Social Security numbers found in appellate cases were in appendices, the records on appeal. Two, on the other hand, were in

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1. [www.fjc.gov/content/387587/unredacted-social-security-numbers-federal-court-pacer-documents](http://www.fjc.gov/content/387587/unredacted-social-security-numbers-federal-court-pacer-documents).

text submitted by pro se appellants to the court. One was in a brief and one was in a letter filed by the pro se appellant after the case was closed. Both of these occurrences are regarded as waivers of the redaction rule, because the pro se litigants are disclosing their own Social Security numbers.

### *Criminal Cases*

Nearly nine out of ten unredacted Social Security numbers in criminal cases were in exhibits.

Often an exhibit is filed as an attachment to a motion, so the motion might be docketed as document 87, and the exhibit might be docketed as document 87-2. Sometimes exhibits are filed all together as a separate filing, so the motion might be docketed as document 87, and the collection of exhibits might be docketed as document 88. Sometimes the motion and the exhibits are filed as one document, so both the motion and the exhibits might be part of document 87. In this case, the filing must be examined to determine whether the unredacted Social Security number appears in the main part of the document or in an exhibit.

I examined whether each unredacted Social Security number appeared in the main text of a filing or in an exhibit, and nearly nine out of ten appeared in exhibits.

An interesting feature of exhibits is that they sometimes include parts of old court records that may have been prepared when Social Security numbers were more commonly included in public records, but when the public records were not on the internet.

Somewhat more than a quarter of the unredacted Social Security numbers not in exhibits associated with other filings were in arrest warrants. On the one hand, perhaps warrants function in criminal case files essentially as exhibits, and perhaps they should have been counted as exhibits. On the other hand, warrants are exempt from the redaction rule.

Another somewhat more than one quarter of the unredacted Social Security numbers not in exhibits were in case-transfer records, which might also be said to function as exhibits. These numbers appeared in very old docket sheets included in three contemporary case files.

Almost one in five unredacted Social Security numbers not in exhibits appeared in judgments. These were often filed as parts of transfers of jurisdiction, and perhaps many of them might be regarded as exhibits.

Other categories of filings not counted as exhibits, with few examples observed of each, included the following: notice of passport restrictions, defendant information sheet, complaint, miscellaneous pro se filing, surrender order, transcript, Rule 5(c)(3) document, bankruptcy notice, and notice regarding an exhibit.

### *Civil Cases*

All but about three-quarters of one percent of the unredacted Social Security numbers in civil cases were in exhibits.

A bit more than half of the unredacted Social Security numbers, in exhibits or otherwise, were in summary-judgment motions or responses to summary-judgment motions. Other categories of filings accounting for between five and ten percent of the unredacted Social Security numbers, in exhibits and otherwise, were complaints, motions and other filings related to discovery, administrative records, and habeas records.

Of the unredacted Social Security numbers *not* in exhibits, nearly a third were in complaints, all but about half a dozen of which were pro se complaints, thereby waiving the privacy protection of redaction. Approximately one in ten unredacted Social Security numbers not in exhibits were in discovery motions and other discovery filings. Of the remaining approximately six in ten, a few each were in the following additional categories: subpoena, forfeiture claim, in forma pauperis petition, habeas litigation, bankruptcy appeal record, injunction motion, intervention, summary-judgment motion, response to a report and recommendation, trial filing, settlement document, opinion, attorney-fee motion, notice of appeal, abstract of judgment, other pro se filing, and other motion. About six in ten of the unredacted Social Security numbers not in exhibits across categories of filing were filed by pro se litigants.

### *Conclusion*

Where unredacted Social Security numbers appear in appellate-court and district-court filings implies that Social Security numbers generally and usually appear in exhibits filed for reasons other than communicating Social Security numbers to the court.