



The Frequent Filer

Electronic Filing Newsletter
For the U.S. Bankruptcy Court
Northern District of Iowa

February 15, 2011

www.janb.uscourts.gov



Privacy, Please!



February is Heart Month, so the staff of the Iowa Northern Bankruptcy Court are showing The Frequent Filer some love by giving it a bit of a make over! Although the format and layout will retain the familiar look and feel, each edition of The Filer will now feature a “spotlight” subject, highlighting an area or issue in CM/ECF that generates questions and concerns from our bankruptcy community. Our goal in introducing the Spotlight series is to address the filing questions and quandaries you ask the most, and to help make your ECF filing experiences as smooth and error-free as possible. This month, our focus is on redaction of personal information.

Good luck, and as always, be careful out there!



Spotlight on: Redaction

Privacy Requirements in Electronic Filing

In September of 2001, the Judicial Conference of the United States adopted a privacy policy to address privacy concerns resulting from public access to electronic case files. Since then, the policy has been revised and updated a number of times to further address and clarify the issues surrounding public access to electronic case files. Bankruptcy Rule 9037 (which was developed as part of the E-Government Act of 2002 and became effective in December 2007) requires that personal information be redacted from documents filed with the court.

The 411 on FRBP 9037

Federal Rule of Bankruptcy Procedure 9037 establishes specific privacy protection requirements for filings made with the court. Subparagraph (a) states: “Unless the court orders otherwise, in an electronic or paper filing made with the court that contains an individual’s social security number, taxpayer-identification number, or birth date, the name of an individual, other than the debtor, known to be a minor, or a financial-account number, a party or non-party 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; and
- (4) the last four digits of the financial-account number.

One of the key tenets of FRBP 9037 is that the redaction of personal identifiers *lies with the filing party*. The Advisory Committee Note accompanying FRBP 9037 further clarifies: “The clerk is not required to review documents filed with the court for compliance with this rule. As subdivision (a) recognizes, the responsibility to redact rests with counsel, parties and others who make filings with the court.”



Ensuring Compliance with FRBP 9037

The Clerk’s Office for the Iowa Northern Bankruptcy Court encourages you to examine the redaction procedures for your office to ensure that all of the pleadings you file with the court comply with the identifier protection requirements outlined in FRBP 9037. To aid you in this effort, we’ve prepared a list of the documents that most commonly contain personal identifiers. Taking the time to “scrub” each of these documents prior to filing will ensure that you are keeping the privacy of your clients a top priority.

Top 5 Bankruptcy Documents Most Likely to Contain Personal Identifiers



1. Voluntary Petition
2. Payment Advices
3. Reaffirmation Agreements
4. Motions to Lift Stay
5. Proofs of Claims

On each of the above documents, review and redact the following personal identifiers: social security numbers, taxpayer-identification numbers, names of

minor children, and financial account information.

Attachments to Documents

Don't forget to review these as well; various personal identifiers are often buried deep within attachments and can be easy to miss!



Redaction Reminder

Worried that you still might forget to redact personal identifiers? Don't be! The CM/ECF login screen will be your wing man on this, as it provides a reminder to all filing parties of the importance of redaction. Located to the right of the login and password fields, a Notice of Redaction Responsibility reminds you of the redaction requirement. In addition, you must check a box stating you have read the notice and will comply with the redaction rules. Failure to check this box will result in a login error.

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; and financial account numbers, in compliance with [Fed. R. Bankr. P. 9037](#). This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules. I have read this notice.

Oops! I Did it Again! Forgetting to Redact Personal Identifiers

Let's say that, despite your best efforts to scrub a document, a personal identifier slips through the cracks and gets filed. What's a conscientious filer to do? When a personal identifier is caught during daily quality control, Clerk's Office staff will contact you to advise that access to your filing has been restricted because the document contained personal identifiers. You will then have 24 hours to file a Motion to Request Redaction of Personal Information and submit a proposed order to the appropriate scheduling deputy. If the order is granted, access to the original document will be permanently restricted, and you may file a new, redacted document. If the motion is not filed within 24 hours, the security restriction is lifted and the document remains permanently available for public access.



Redaction Roundup

Redaction of personal identifiers is no laughing matter, and should be taken very seriously. Careless electronic filing procedures can compromise your clients' privacy and damage your professional reputation. Don't let this

happen! Ensure your office's redaction procedures are clearly outlined, and that all staff members understand their role in ensuring that your clients' personal identifying information remains personal. Follow these simple tips to maintain privacy:

- Thoroughly scrub your documents prior to filing to look for personal identifiers
- Remove or redact social security numbers, taxpayer identification numbers, and financial account information
- Use only the initials of minor children
- List only the year of an individual's birth

What'd We Miss?

If you have topics or questions you'd like to see covered in future editions of the Frequent Filer, we'd love to hear from you! Email your feedback to training@ianb.uscourts.gov, and we'll do our best to incorporate your suggestions into future issues.

