FILED
OCT 29 2004
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

AMENDED
Privacy Policy and Public Access to Electronic Files

Notice of Electronic Availability of Case File Information

In compliance with the directives of the E-Government Act of 2002, the United States District Court for the Western District of Texas will soon permit electronic public access to documents filed in matters before the court.[1] The Judicial Conference of the United States adopted a policy regarding privacy and public access to electronic files, which becomes **effective November 1, 2004**, and is applicable to all parties doing business with this court as set out below.

Privacy Policy

I. In order to protect personal privacy and other legitimate interests, parties should either **exclude** sensitive information in any documents filed with the court, or **partially redact** such sensitive information where inclusion is necessary and relevant to the case. Parties should realize that any personal information not otherwise protected will be made available electronically or at the courthouse. The following personal data identifiers should be excluded from all pleadings filed with the court, including any exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court:[2]

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 name of a minor child must be mentioned in a pleading, 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 required in any pleading, only the last four digits of these numbers should be used.

e. **Home Addresses (in criminal cases).** If a home address must be included, only the city and state should be listed.

---

[1] The Western District of Texas is scheduled to become an electronic filing court permitting attorneys to file pleadings and documents electronically in 2005. Documents that are electronically filed will be available to attorneys of record in a case and to registered users of the PACER service. Notice of the court's implementation of the electronic filing program will follow. Social Security cases shall be excluded from electronic public access except to judiciary employees, the United States Attorney or his/her representative, and all litigants in said cases.

[2] In order to further comply with the Judicial Conference Policy, in addition to items listed in paragraphs **a. through e.**, the clerk's office shall not, absent an order of the court, provide public access (electronically or at the courthouse) to records determined by the Judicial Conference to be "Non-Public" (e.g., unexecuted criminal summonses and warrants of any kind; documents containing identifying information about jurors or potential jurors; juvenile records; financial affidavits; etc.), as well as sealed documents.

II. As provided by the E-Government Act of 2002, if a party wishes to file a document containing the full and complete personal data identifiers listed above, that party may,

a. file an **unredacted** version of the document under seal with the following heading "SEALED DOCUMENT PURSUANT TO E-GOVERNMENT ACT OF 2002"; **or**

b. file a **reference list** under seal with the same heading as above. 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 document or the reference list shall be retained by the court as part of the record.

The **reference list** is intended to serve as a type of "key." For example, if an individual's full Social Security Number is 123-45-6789, the list would include the complete number with the corresponding partially redacted number of XXX-XX-6789, which would be used in future filings. This is beneficial to the court and the clerk's office because it eliminates the filing of two versions of a document--one unredacted (and automatically under seal) and one redacted. The listing can be filed in civil and criminal cases.

Note, however, that in either instance, the court may require the party to also file a redacted copy of the sealed document for the public file (which would be available electronically and at the courthouse).

III. In addition, parties should exercise caution when filing documents that contain the following:

1. any personal identifying 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. Sec. 114(s).

Counsel is strongly urged to share this notice and privacy policy 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 ensure that all documents and pleadings comply with the rules of this court requiring redaction of personal data identifiers. **The Office of the Clerk will not review filings for compliance with this rule.**

SIGNED and ENTERED this 29th day of October, 2004.

FOR THE COURT

WALTER S. SMITH, JR.
Chief Judge