

Attachment 12 - Privacy Policy and Public Access to Electronic Files

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

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Re: Privacy Policy and Public Access to Electronic Files

The Office of the Clerk will soon image pleadings on a district-wide basis in advance of implementing a full electronic filing system. When the Court converts to a new case management system within the next 12 to 18 months, subscribers to that system will then be able to read, download, store and print the full content of civil case documents which have been previously imaged and converted to portable document format (PDF) format. At that time, criminal case documents will be made available to the United States Attorney and the defendant's attorney of record in that case, with the possibility of access to all subscribers at some future point in time. Documents that have been sealed or otherwise restricted by Court order will not be made available electronically.

To promote electronic access to case files, while also protecting personal privacy and other legitimate interests, **effective upon entry of this order**, parties shall refrain from including or shall partially redact, where inclusion is necessary and relevant, the following **personal data identifiers** from all pleadings filed with this Court, including 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 Miner 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 in a pleading, only the year should be used.
- d. **Financial Account Numbers.** If financial account numbers are relevant in a pleading, only the last four digits of these numbers should be used.
- e. **Home Addresses.** The home address of any individual (e.g., victim) in the pleading should not be included. (Perhaps city and state only would suffice.)

In compliance with the provisions of 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. The following heading must be contained in the document: "SEALED DOCUMENT PURSUANT TO E-GOVERNMENT ACT OF 2002". This document shall be retained by the

Court as part of the record until further order of the Court. The party must also submit a redacted copy of this document for filing in the public file.

In addition, counsel should exercise caution when filing documents containing the following information:

1. Personal identifying numbers (e.g., driver's license numbers);
2. Medical records, treatment, diagnosis;
3. Employment history;
4. Individual financial information; and
5. Proprietary or trade secret information.

The responsibility for redacting personal information rests solely with counsel, the parties or any other person preparing or filing the pertinent document. The Clerk of Court will not review each pleading for compliance with this policy. Counsel is strongly encouraged to share this notice with all clients so that an informed decision about the inclusion of certain materials or personal information may be made.

It is further ordered that Social Security cases shall be excluded from electronic public access except for judiciary employees, the United States Attorney or his/her representatives, and litigants in said cases. Access to these cases through the Internet will only be allowed through a login and password system when it becomes available in this district.

In order to further comply with the Judicial Conference Policy, in addition to the items listed in paragraphs a. through e. above, the Court shall not provide public access to the following documents under any circumstances: unexecuted warrants of any kind; pretrial bail or presentence investigation reports; statement of reasons in the Judgements in criminal cases, juvenile records and sealed documents.

SIGNED and ENTERED this 18th day of May, 2004.

FOR THE COURT:

Chief Judge