UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF NEW YORK

NOTICE REGARDING PRIVACY AND PUBLIC ACCESS
TO ELECTRONIC CIVIL AND CRIMINAL CASE FILES

The Office of the Clerk is now accepting electronically filed pleadings and making the content of these pleadings available on the court's Internet website via WebPACER. Any subscriber to WebPACER will be able to read, download, store and print the full content of electronically filed documents. The clerk's office will not make electronically available documents that have been sealed or otherwise restricted by court order.

You should not include sensitive information in any document filed with the Court unless such inclusion is necessary and relevant to the case. You must remember that any personal information not otherwise protected will be made available over the Internet via WebPACER. If sensitive information must be included, the following personal identifiers must be partially redacted from the document, whether it is filed traditionally or electronically:

- ✓ 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.

- ✓ 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 in a document, only the year should be used.

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

- ✓ Home Addresses. If home addresses must be used, 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 listed above <u>must file a redacted version in the public file</u> (file electronically for ECF cases or manually for non-ECF cases) [1]. In addition to the public filing a party may file, <u>but is not required to file</u>, the personal data identifiers listed above by filing the information under seal in accordance with the directions below.

A party wishing to file the unredacted information with the court may file 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 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. Parties are responsible for maintaining possession of original, unredacted documents, and information redacted from publicly filed documents. Upon request, counsel may be required by the Court to furnish the unredacted information.

In addition, exercise caution when filing documents that contain the following:

- ♦ personal identifying number, such as a 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

Counsel are strongly urged to share this notice with all clients so that an informed decision about the inclusion, redaction and/or exclusion of certain materials may be made. <u>It is the sole responsibility of counsel and the parties</u> to be sure that all documents comply with the rules of this Court requiring redaction of personal identifiers. The Clerk will not review each document for compliance with this rule.

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[1] Please note that transcripts of the administrative record in social security proceedings and state court records relating to habeas corpus petitions are exempt from this requirement and shall not be made available in electronic format.