



## **FILING SEALED AND REDACTED DOCUMENTS**

Certain information may be protected under Rules 9018 and 9037 of the Federal Rules of Bankruptcy Procedure. Procedures to seal and redact documents also are governed by local rules LBR 9018-1, LBR 9037-1, and LBR 5077-1, and local forms may be required for some situations. (Note that unless the court orders otherwise, sealed documents reside in the CM/ECF database but access is restricted so that the documents may be viewed only by the court or in PACER by specifically authorized individuals.)

This memo addresses sealing and redacting documents in the following situations.

### **Documents Already in the Record**

- **A previously filed document shows a protected personal identifier: a complete Social Security or financial account number, a complete birth date, or the name of a minor.**
- **A previously filed document shows confidential information (other than protected personal identifiers).**

### **Documents to be Filed under Seal**

- **A document will be filed with confidential information redacted or sealed in the entirety, with the complete version made available to the judge.**

### **Transcripts**

- **A transcript contains a protected personal identifier or other confidential information. Parties are required to review transcripts during a 90-day restricted access period and to file a request for redaction if needed.**

**REDACTING A DOCUMENT WITH PERSONAL IDENTIFIER****Redacting a Previously Filed Document with a Protected Personal Identifier:**

1. **Prepare Motion.** Download the appropriate local form ***Motion to Redact*** from the court website. There are two versions, one for bankruptcy cases (BK) and one for adversary proceedings (AP). Identify the document that discloses the personal identifier(s).
2. **Serve Motion.** Serve the motion on the individual whose personal information has been disclosed, the debtor, the trustee, and the Office of the United States Trustee.
3. **File Motion.** In CM/ECF, select **Motions/Applications > Redact (Motion) (FEE 26)** in the **Bankruptcy Events Adversary Events** menu. Pay \$26 filing fee, unless you represent the individual whose personal identifier was disclosed. (Note: So long as the correct motion selection is made, the motion will be restricted from public viewing on PACER so as not to draw unnecessary attention to the information to be protected.)
4. **Prepare Submission of Redacted Version.** If the motion is granted and you are the party who filed the original document, download the appropriate local form ***Submission of Redacted Version of Previously Filed Document***, attaching a redacted version. The court will restrict access to the document with personal identifiers so that it may not be viewed only by the court.
5. **File Redacted Version.** In CM/ECF, select **Submission of Redacted Version of Previously Filed Document** in the **Miscellaneous** section of the **Bankruptcy Events** or **Adversary Events** menu, or in the **Claims > Creditor Claimant Activity** section of the Bankruptcy Events menu. Relate to the document or claim being restricted.

*References:* Fed. R. Bankr. P. 9037; LBR 9037-1

*Local forms:* Motion to Redact (Bankruptcy)

Motion to Redact (Adversary)

Submission of Redacted Version of Previously Filed Document (Bankruptcy)

Submission of Redacted Version of Previously Filed Document (Adversary)

**SEALING A PREVIOUSLY FILED DOCUMENT****Sealing a Previously Filed Document (No Personal Identifiers)**

1. **Prepare Motion.** Prepare a motion to seal, describing the item to be sealed, the applicable standard for sealing the information, and how that standard is met. Generally, a hearing is not required.
2. **File Motion.** In CM/ECF, select **Motions/Applications > Seal Documents (Motion)** in the **Bankruptcy Events** or **Adversary Events** menu to upload the motion to seal.
3. **Court Approval.** If the court grants the motion, the clerk will restrict access to the subject document in PACER.
4. **File Redacted Version if Ordered.** If the moving party filed the subject document, the court may direct the filer to file a redacted version of the document for the public record. Otherwise, no further action is required.

*References:* Fed. R. Bankr. P. 9018; LBR 9018-1

**APPROVAL TO FILE A DOCUMENT UNDER SEAL****Requesting Approval to File a Document under Seal**

1. **Prepare Motion.** Prepare a motion describing the item to be sealed, the applicable standard for sealing the information, and how that standard is met. The motion must also specify whether the document should be sealed in its entirety or whether the filer wishes to file a redacted document but make an unredacted version available to the judge. (If the confidential information will not be made available to the judge, a motion to seal generally is unnecessary.) Generally, a hearing is not required. Unless directed to do so by the court, do not file or submit the subject document at the time the motion is filed.
2. **File Motion.** In CM/ECF, select **Motions/Applications > Seal Documents (Motion)** in the **Bankruptcy Events** or **Adversary Events** menu to upload the motion to seal.
3. **File Sealed Document.**
  - a. Online – CM/ECF: After entry of an order granting the motion to seal, select **Miscellaneous Documents > Sealed Document(s)** in the **Bankruptcy Events** or **Adversary Events** menu to upload the subject document – a docket entry and notice of electronic filing will be created but the document will not be accessible for viewing by the public in PACER. When filing, make sure to provide an adequate description of the document in the text of the docket entry, *e.g.*, “Declaration of Jane Doe in Support of Motion to Obtain Financing” or “Aircraft Lease: N473PA.”
  - b. On Paper: Place the paper copy of the document in an envelope together with a CD/DVD containing its PDF image and a declaration stating that the PDF is a true and correct copy of the document. Seal the envelope and attach a case-captioned cover sheet to it, noting “**Filed Under Seal Pursuant to Court Order (Dkt. No. \_\_\_\_).**” The clerk will upload the PDF in CM/ECF and restrict its access in PACER.
4. **If Ordered, File Redacted Version.** File the redacted version, selecting the appropriate menu item in CM/ECF.

*References:* Fed. R. Bankr. P. 9018; LBR 9018-1



## REDACTING A TRANSCRIPT

**Redacting Personal Identifiers in a Transcript**

1. **Prepare Request.** Each party appearing at a hearing or trial will be given notice if a transcript has been filed with the court. If the transcript contains personal identifiers protected under Bankruptcy Rule 9037, a party is responsible for filing a request for its redaction using the local form ***Request for Redaction of Personal Identifiers in Transcript***. Generally, a hearing is not required. (Note: In addition to the protected personal identifiers described in Rule 9037, this form also may be used to request redaction of additional protected information, such as an individual's health information.)
2. **Identify Location of Protected Information.** In the request, identify the page and line numbers of the offending information.
3. **File Request.** In CM/ECF, select **Transcript Redaction Request** in the **Miscellaneous** section of the **Bankruptcy Events** or **Adversary Events** menu. If the request is appropriate, the clerk will advise the transcriber to file a redacted version of the transcript.
4. **Redacting Additional Information.** To redact additional information – other than the designated personal identifiers – prepare and file a motion for a protective order within 21 days after the transcript is filed. In CM/ECF, select **Motions/Applications > Protective Order (Motion)** in the **Bankruptcy Events** or **Adversary Events** menu. Generally, a hearing is not required.

*References:* Fed. R. Bankr. P. 9037; LBR 5077-1

*Local Form:* Request for Redaction of Personal Identifiers