

United States Bankruptcy Court

Northern District of Georgia

Policy and Procedure Regarding Electronic Availability of Transcript of Court Proceedings

The United States Bankruptcy Court for the Northern District of Georgia digitally records its proceedings. Written transcripts of these proceedings are made only when ordered. Such transcripts are filed with the Court and are thereafter placed on this Court's Case Management/Electronic Case Filing system ("CM/ECF") to be made available to the public electronically. In accordance with Federal Bankruptcy Rule 9037 and the Judicial Conference Policy on Electronic Availability of Transcripts of Court Proceedings, any person about whom private information is disclosed in a proceeding in this Court may request redaction (removal) of such information before the transcript is filed electronically. Information consisting of Social Security number, taxpayer-identification number, financial account numbers, date of birth and names of minor children ("personal data identifiers") may be removed without Court approval. Requests to remove all other kinds of personal information that a person desires to protect from disclosure through the electronic filing of a transcript of proceedings must be made by motion. This Policy and Procedure Regarding Electronic Availability of Transcript of Court Proceeding ("Redaction Policy") applies only to transcripts that are available electronically. The policy with respect to transcripts that are not available electronically is unchanged. The following procedure shall apply to requests for redaction:

SECTION I: GENERAL

- A. This Redaction Policy applies only to transcripts of proceedings in this Court that might become available electronically on CM/ECF. It does not apply to exhibits tendered during the course of a recorded proceeding. Nor does it apply to documents other than transcripts that are filed with the Court, although attorneys should use their best efforts not to file any document containing information subject to redaction under this Redaction Policy.
- B. The responsibility to review a filed transcript for redaction of personal identifiers lies with a party's attorney (or with a self-represented party). Neither the Court nor the Court Reporter/Transcriber will review transcripts for this purpose. A party's attorney (or a self-represented party) who attended the hearing shall review the following portions of the filed transcript: 1) the opening and closing statements made on behalf of the party; 2) any statements made by the party; 3) the testimony of any witnesses called by the party; and 4) any other portion of the transcript as ordered by the Court.
- C. No attorney is authorized to file electronically on CM/ECF any portion of a transcript until ninety (90) calendar days after the transcript is filed (the "90-Day Restriction Period"). If a

redacted transcript is filed in accordance with this Redaction Policy, attorneys should not file any portion of the transcript containing redacted information.

- D. This Redaction Policy shall not prevent the Court Reporter/Transcriber from providing the unredacted transcript to a purchasing party in accordance with its customary procedures.
- E. Except as noted in Section II(C), a transcript filed with the Court shall not be available on CM/ECF or in paper form during the 90-Day Restriction Period. During the 90- Day Restriction Period the transcript shall be available for **viewing only** at a public terminal at the Office of the Clerk of the Court ("Clerk's Office") in each Division of this Court.
- F. This Redaction Policy does not change any rules or policies concerning sealing or redaction of court records for any other purpose. Federal Bankruptcy Rule 9037 contains provisions for redaction of information other than that described in this Redaction Policy.

SECTION II: NOTICES

- A. A person may request removal of personal information from a transcript by filing a "Notice of Request for Redaction." The form of this notice is on the Court's website under Local Forms. The Notice of Request for Redaction must be filed within fifteen (15) calendar days of the hearing date. The Notice of Request for Redaction will be docketed by the Clerk of the Court ("Clerk") and will serve as a notice to the Court that a person desires to remove information from the transcript of the proceeding if one is filed. The Clerk will docket the Notice of Request for Redaction and serve a copy on the filer and all other parties to the proceeding in question. If no person files a Notice of Request for Redaction within fifteen (15) calendar days after the date of the proceeding, the Clerk is authorized to file the transcript on CM/ECF without redaction at the end of the 90-Day Restriction Period.
- B. During the 90-Day Restriction Period the transcript shall be available for viewing only at the public terminals at the Clerk's Office. The Clerk shall not make the transcript available to the public on CM/ECF or in paper form during the 90-Day Restriction Period. The Clerk shall notify each person who filed a Notice of Request for Redaction ("Requesting Party") of such filing.
- C. During the 90-Day Restriction Period, an attorney (including an appellate case attorney) who purchases a transcript from a Court Reporter/Transcriber shall be automatically granted

access to the transcript on CM/ECF, including any redacted version of the transcript, to create hyperlinks to the transcript or for other purposes. The attorney will be charged PACER access fees. The 30-page cap on those fees does not apply to viewing or printing the transcript. (The appellate attorney will be required to register with the Court for a CM/ECF account, but will not be added to the case record.) For purposes of this Redaction Policy, persons who are not attorneys will not be granted access to the transcript on CM/ECF.

- D. An attorney who purchases a **redacted** version of a transcript will not be granted access to the unredacted transcript on CM/ECF.

SECTION III: REMOVAL OF PERSONAL DATA IDENTIFIERS

- A. A Requesting Party shall have twenty-one (21) days from the date of the Clerk's notification (*see* Section II(B)) to arrange to review a copy of the transcript and to designate personal information that should be removed from an electronically filed copy of the transcript using one of the following two methods:
1. The Requesting Party should contact the Clerk to make an appointment to personally appear before a deputy clerk to review the transcript. The transcript will be available at the Clerk's Office for inspection without charge to the Requesting Party. The Requesting Party will not be permitted to remove the transcript from the Clerk's Office. The Requesting Party should indicate clearly on a Redaction Statement the information to be redacted by providing the page number and line on the transcript on which personal information to be redacted appears. To arrange for redaction, the Requesting Party should submit the completed Redaction Statement to the Court Reporter/Transcriber.
 2. Instead of personally appearing at the Court, the Requesting Party may obtain a copy of the transcript from the Court Reporter/Transcriber for applicable fees. The Requesting Party shall: mark clearly the information to be redacted, initial each line of the transcript on which personal information to be redacted appears and complete a Redaction Statement (attach any pages of the transcript on which information to be redacted appears to the Redaction Statement and indicate the page numbers and lines in the transcript where personal information to be redacted appears). To arrange for redaction, the Requesting Party should submit the Redaction Statement to the Court Reporter/Transcriber.

- B. The Redaction Statement should not be filed with the Court, but the Requesting Party, on the date the Redaction Statement is submitted to the Court Reporter/Transcriber, shall file with the Court a Notification of Submission of Redaction Statement which certifies to the Court that a Redaction Statement was submitted to the Court Reporter/Transcriber and the date on which it was submitted.
- C. After receiving the Redaction Statement, the Court Reporter/Transcriber shall redact personal data identifiers as follows:
 - 1. Social Security number (all but the last four digits)
 - 2. Taxpayer-identification number (all but the last four digits)
 - 3. Financial account numbers (all but the last four digits)
 - 4. Full dates of birth (all but the year)
 - 5. Full names of minor children (all but the initials)
- D. The Court Reporter/Transcriber shall prepare the redacted transcript in no more than thirty-one (31) days.
- E. The Clerk shall thereafter make the redacted transcript available on CM/ECF at the close of the 90-Day Restriction Period. The unredacted version of the transcript shall not be available on CM/ECF but will be available for viewing and copying at the Clerk's Office, unless otherwise ordered by the Court.
- F. If during the Redaction Period a Requesting Party fails to request redaction as specified in Section III(A) (and if there are no other requests for redaction pending, or no pending motions, as described in Section IV), the Clerk is authorized to file the transcript on CM/ECF without redaction at the close of the 90-Day Restriction Period.

SECTION IV: REMOVAL OF INFORMATION OTHER THAN PERSONAL DATA IDENTIFIERS

- A. The information covered by this Section IV shall be of a kind considered so highly sensitive that redaction is necessary to protect personal privacy.
- B. Any person desiring to remove information other than personal data identifiers from the transcript shall have twenty-one (21) days from the date of the Clerk's notification (*see*

Section II(B)) to file a Motion to Redact Information Other Than Personal Data Identifiers ("Motion"). The Motion should not specify the details of the information to be redacted. The Motion must be served on the United States Trustee, case trustee, if any, and all hearing participants. The Court will set a hearing on the Motion. The person filing the Motion may request to file it under seal in accordance with applicable procedures of this Court. If a Motion is filed, the Clerk shall ensure the unredacted transcript is not filed on CM/ECF until further order of the Court.

- C. If the Court grants the Motion, the person who filed the Motion shall request redaction using the procedure outlined in Section III(A), except that such redaction must be requested within ten (10) days of the date of the Court order. The Court Reporter/Transcriber shall prepare the redacted transcript in no more than thirty-one (31) days. The Clerk shall thereafter make the redacted transcript available on CM/ECF at the close of the 90-Day Restriction Period. If the Court does not grant the Motion or if the Motion is not timely filed, the Clerk is authorized to file the transcript on CM/ECF without redaction at the close of the 90-Day Restriction Period.
- D. The unredacted version of the transcript shall not be available on CM/ECF but will be available for viewing and copying at the Clerk's Office, unless otherwise ordered by the Court.
- E. Any hearing participant may file a response with the Court objecting to the Motion. The response shall be served on all hearing participants by the objecting party.

SECTION V. EXTENSION OF TIME PERIODS

- A. The Court, for good cause, may on its own motion or upon motion of a hearing participant or other interested person, extend any deadline of these procedures.
- B. All motions for extension of time shall be filed before expiration of the deadline for which the extension is sought.

Effective Date: March 27, 2009