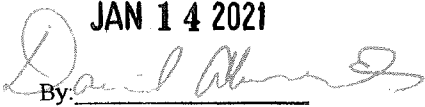


JAN 14 2021

By: 
Deputy Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

**IN RE: PROCEDURES FOR THE FILING, : GENERAL ORDER 44-2021
SERVICE, AND MANAGEMENT OF :
HIGHLY SENSITIVE DOCUMENTS :**

WHEREAS, in response to recent disclosures of wide-spread breaches of both private sector and government computer systems, federal courts are immediately adding new security procedures to protect highly sensitive documents filed with the courts;

THE COURT FINDS that, pursuant to Fed. R. Civ. P. 5(d)(3)(A) and Fed. R. Bankr. P. 5005(a)(2)(A) and 7005(d)(3)(A), good cause exists to require all parties to file certain highly sensitive documents outside of the court's electronic filing system and to transmit them to the court in paper and not by email or other electronic means.

THEREFORE, IT IS HEREBY ORDERED that, effective as of the date of this order and until such time as the court orders otherwise, the filing of certain highly sensitive documents will be subject to the procedures and requirements set forth below. This General Order supersedes all inconsistent provisions in existing local rules or other general orders of this court.

1. Documents Subject to this Order

The filing procedures set forth below apply to documents that contain highly sensitive information, which is highly sensitive, non-public information that, if obtained without authorization and improperly released, could cause harm to the United States, the Federal Judiciary, litigants, and others.

- a. The following types of documents may be deemed highly sensitive documents (HSDs): documents relating to matters of national security, foreign sovereign interests, or cybersecurity; the extent of domestic or international interests; the involvement of public officials; and intellectual property or trade secrets of interest to foreign actors;
- b. The following types of documents generally are not considered HSDs: bank records, personally identifiable information, social security records, health records, administrative immigration records, sealed qui tam cases, and sealed filings in most

bankruptcy cases and adversary proceedings. Notwithstanding the foregoing, the Court retains the authority to seal documents that are not HSDs pursuant to 11 U.S.C. Section 107;

- c. Any determination as to whether a document is an HSD will be resolved by the assigned judge or, when no judge is assigned, the chief judge.

2. Obtaining Authorization to File a Document as an HSD

A party seeking to file an HSD first must obtain an order authorizing the treatment of the filing as an HSD by filing a motion using these procedures.

- a. Represented parties
 - i. A represented party must electronically file a motion to treat a document as an HSD together with a proposed order as provided for in Local Rule 5005-5 and 5005-6 (b)(5), except that the proposed HSD itself must not be filed electronically. The motion must explain why the document constitutes an HSD under the criteria set out in paragraph 1 above or why it otherwise should be subject to the heightened protection for HSDs.
 - ii. As soon as practicable after the motion is filed, the filing party must deliver to the clerk's office two paper copies of: the HSD sought to be filed and a certificate of service demonstrating compliance with paragraph 2.c. The required documents, unfolded, must be submitted to the clerk's office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The outside of the envelope must be affixed with a copy of the HSD's caption page (with confidential information redacted) and with a copy of the notice of electronic filing generated from CM/ECF upon the filing of the motion to treat the document as highly sensitive.

b. Pro se parties

Pro se parties must submit to the clerk's office for filing two paper copies of: a motion to treat a document as an HSD, the HSD sought to be filed, and a certificate of service demonstrating compliance with paragraph 2.c. The required documents, unfolded, must be submitted to the clerk's office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The outside of the envelope must be affixed with a copy of the HSD's caption page (with confidential information redacted).

c. Service by All Parties

The filing party must serve the motion and proposed HSD on the other parties as provided for in Fed. R. Bankr. P. 7004 and 7005, excluding service via the court's electronic filing system or any other electronic service.

d. Issuance of Court Order

The court will issue an order on the motion and, if granted, an informational entry will be made on the case docket indicating that the HSD has been filed with the court. The clerk's office will maintain the HSD in a secure paper filing system, or a secure standalone computer system not connected to any network.

If the motion is denied, the proposed HSD will be deemed withdrawn and may be retrieved from the clerk's office by the filing party or counsel within ten calendar days from the date of entry of the order. After ten calendar days, the proposed HSD may be destroyed by the clerk's office without further notice.

3. Service of Highly Sensitive Court Orders

If the court determines that a court order contains highly sensitive information, the clerk's office will file and maintain the order in a secure paper filing system and/or a secure standalone computer system not connected to any network and will serve paper copies of the order on the parties via mail.

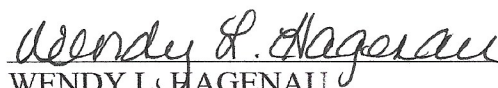
4. Removal of Existing HSDs or Highly Sensitive Cases from the Court's Electronic Filing System

- a. Upon motion of a party or upon its own motion, the court may determine that a document, case, or any portion of it, that has been filed electronically is highly sensitive and direct that the HSD or case be removed from the court's electronic filing system and maintained by the clerk's office in a secure paper filing system and/or a secure standalone computer system not connected to any network.
- b. A party's motion to remove an HSD or highly sensitive case from the court's electronic filing system must explain why such document or case is highly sensitive under the criteria set out in paragraph 1 above or why it should otherwise be subject to the heightened protection for HSDs.

5. Questions about HSD Filing Procedures

Any questions about how an HSD should be filed with the court pursuant to this General Order should be directed to the clerk's office at info@ganb.uscourts.gov.

IT IS SO ORDERED, this 14th day of January 2021.



WENDY L. JAGENAU
CHIEF UNITED STATES BANKRUPTCY JUDGE