

D.N.J. LBR 9037-1 REDACTION OF PERSONAL DATA IDENTIFIERS

- (a) In accordance with Fed. R. Bankr. P. 9037(a), counsel, parties and other who make filings with the Court must exercise their responsibility to redact Personal Data Identifiers from documents before filing with the Court.
- (b) Upon recognizing that a Personal Data Identifier or other sensitive information has been filed with the Court, in contravention of the filing party's redaction responsibilities pursuant to Fed. R. Bankr. P. 9037(a), counsel, parties and others who make filings with the Court, shall notify the Clerk by telephone of the intent to request redaction and within two (2) business days thereof, shall file a motion for a protective order pursuant to 11 U.S.C. § 107(c) and Fed. R. Bankr. P. 9037(d), requiring redaction of the information from the filed original document and seeking to limit remote access to the filed original document.
- (c) Upon receiving telephonic notice of the intent to request redaction, the Clerk may place a temporary block on access to the document, pending the filing and resolution of the motion for protective order. The document shall not be made electronically available to the public until the motion is granted and the redaction provided, or until the motion is denied.
- (d) If the Court enters a protective order, the movant or other party as the Court may direct, shall within 10 days of the issuance of the protective order, submit a redacted document(s) to the Courtroom Deputy by Chambers email or by conventional mail which shall be made available for viewing by the public. The movant or other party as the Court may direct, shall redact the Personal Data Identifiers from the document as follows:
 - Social Security numbers to the last four digits;
 - Taxpayer Identification numbers to the last four digits;
 - Financial account numbers to the last four digits;
 - Names of minor children to the initials;
 - Dates of birth to the year;
- (e) If a Motion for a Protective Order is not filed within two (2) business days of the telephonic notice of the intent to redact, the Court and parties will assume redaction of Personal Data Identifiers is not requested and the original filed document will be made available electronically on the third business day after the telephonic notice of the intent to redact, unless the Court, for good cause extends that period pending the filing of a motion for protective order.
- (f) A party to a case or adversary proceeding may order transcripts of Court proceedings from the transcriber.
 - (1) The transcriber shall electronically file the transcript to the Court's CM/ECF system and simultaneously provide a copy to the ordering party. Other parties may order a copy of the transcript from the Court or directly from the transcriber.
 - (2) Access to transcripts filed with the Court shall be restricted for a period of 90 days to allow parties the opportunity to review the transcript for Personal Data Identifiers prior to the transcript being made available to the public.
 - (3) It is the responsibility of each party to monitor the Court's docket for the filing of an official transcript and to review the transcript for Personal Data Identifiers.

- (4) Within seven (7) days of the filing of the transcript by the transcriber, a party shall inform the Court by filing a *Notice of Intent to Request Redaction* of the party's intent to redact Personal Data Identifiers. (The form *Notice of Intent to Request Redaction* may be found on the Court's website: www.njb.uscourts.gov under "Forms".) A party is responsible for reviewing the opening and closing statements made on behalf of the party, any statements made by the party, and the testimony of any witnesses called by the party.
- (5) Within twenty-one (21) days of the filing of the transcript, or longer if the Court so orders, the party having filed the *Notice of Intent to Request Redaction* shall file with the Court and serve on the transcriber a *List of Items to be Redacted* indicating the transcript page, paragraph and line in which the *Personal Data Identifiers* appear and the manner in which they are to be redacted. (The form *List of Items to be Redacted* may be found on the Court's website: www.njb.uscourts.gov under "Forms").
- (6) Upon receipt of the *List of Items to be Redacted*, the transcriber shall redact the Personal Data Identifiers from the transcript as follows and file the redacted transcript with the Court.
 - Social security numbers to the last four digits;
 - Financial account numbers to the last four digits;
 - Names of minor children to the initials;
 - Dates of birth to the year.
- (7) During the twenty-one (21) day period, or longer if the Court so orders, a party may file a motion for additional requested redactions to a transcript. The transcript shall not be available electronically until the Court has ruled upon any such motion.
- (8) If a timely *Notice of Intent to Request Redaction* and *List of Items to be Redacted* are filed, access to the original transcript shall be permanently restricted to Court personnel only. Access to the redacted transcript shall be made available electronically 91 days after the filing.
- (9) If a *Notice of Intent to Request Redaction* is not filed, access to the original transcript will be made available electronically 91 days after filing.

NEW JERSEY BOARD OF BANKRUPTCY JUDGES NOTES

2011 Comment: The provisions of subsets (a) through (e) of this rule were previously contained in the Court's General Order Governing Redaction Procedures Pursuant to 11 U.S.C. § 107(c) and Fed. R. Bankr. P. 9037, dated November 25, 2009. The provisions of subset (f) of this rule were previously contained in the Court's Amended General Order Governing Transcript Redaction Procedures Under Judicial Conference Privacy Policy, dated December 1, 2009. In September 2009, the Judicial Conference approved a set of Guidelines for Distinguishing Between Matters Appropriate for Standing Orders and Matters Appropriate for Local Rules. In response to these Guidelines, the Board of Bankruptcy Judges concluded that the provisions of the above General Orders should be addressed in a local rule. As a result, on August 1, 2011, the Court adopted D.N.J. LBR 9037-1 to incorporate the provisions of these two General Orders.