UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF WASHINGTON

3 ADOPTION OF:

Redaction in Electronically Filed Transcripts

GENERAL ORDER NO. 2008-3

(Redaction in Electronically Filed Transcripts)

WHEREAS the Judicial Conference's privacy policy for public access to electronic case files contains procedures for redacting personal information from court filings that are electronically available to the public,

NOW THEREFORE, it is

ORDERED that the following procedures regarding redaction in electronically filed transcripts are adopted:

- 1. Each party's attorney¹ is required to review a transcript for information that should be redacted under the Judicial Conference's privacy policy and as more particularly described in Fed. R. Bankr. P. 9037: Social security and taxpayer identification numbers are to be redacted to show only the last four digits; birth dates should contain only the year of birth; individuals known to be minors should be referred to with initials; and financial account numbers should be redacted to the last four digits.
- 2. With the exception of transcripts, redaction of the information described in Fed. R. Bankr. P. 9037(a) is the responsibility of the person filing the document. When a transcript is filed, the attorneys who attended the hearing are solely responsible for redaction of the information described in Fed. R. Bankr. P. 9037(a). Court transcribers or the Clerk of the

GENERAL ORDER NO. 2008-3

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¹ In the case of an unrepresented party, the party should perform the tasks assigned to the attorneys by this General Order.

Court (Clerk) are not responsible for reviewing documents filed with the court for compliance with this General Order No. 2008-3.

- 3. Within seven calendar days of a court transcriber's filing of the transcript, an attorney must file a Notice of Intent to Request Redaction with the court if he or she intends to request redaction of information from the transcript. An attorney is responsible for reviewing the opening and closing statements made on behalf of the party he or she represents, any statements made by the party, and the testimony of any witness called by the party. If no Notice of Intent to Request Redaction is filed during this seven calendar-day period, the court will conclude that redaction of personal data is not necessary, and will make the transcript electronically available to the public, as set forth below.
- 4. Once an attorney has filed a Notice of Intent to Request Redaction, he or she has 21 calendar days from the date of filing the transcript to review the transcript and submit to the court transcriber a list of places where the personal data identifiers to be redacted appear in the transcript. The court may order this time extended, for good cause shown. The court transcriber must redact the identifiers, as directed by the party, and then re-file the redacted transcript within 31 calendar days of the filing of the original transcript. Also during this time period, an attorney could, by motion for a protective order, request that additional information be redacted. No remote electronic public access to the transcript will be allowed (other than to the attorney who paid for the original transcript) until the court has ruled on any such motion.

² All courtroom proceedings in the Western District of Washington are captured on digital audio recordings that are available to the public. Attorneys and witnesses should refrain from using personal identifiers in statements or testimony during court proceedings. The personal identifiers will not be redacted from the digital audio recordings of court proceedings.

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- 5. A transcript provided to the court will be available at the office of the Clerk for inspection only, for a period of 90 days after it is delivered to the Clerk. During that time, members of the public may view transcripts at the Clerk's office, or may purchase a copy from the court transcriber at the rate established by the Judicial Conference. The transcript will be available within the court for internal use, and an attorney who obtains the transcript from the court transcriber may obtain remote electronic access to the transcript through the court's CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes. After the 90-day period has ended, the filed transcript will be available for inspection and copying in the Clerk's office and for downloading from the court's CM/ECF system through the judiciary's PACER system.
- Once the court transcriber re-files the redacted transcript the Clerk shall permanently restrict access or seal the original transcript.

DATED: July 1, 2008

FOR THE COURT:

Honorable Karen A. Overstreet

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Chief Judge

Honorable Samuel J. Steiner Honorable Thomas T. Glover Honorable Philip H. Brandt Honorable Paul B. Snyder

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