

April 16, 2003

AMENDMENT TO THE LOCAL RULES EFFECTIVE APRIL 16, 2003

PUBLIC COMMENT PERIOD ENDS MAY 30, 2003

The E-Government Act of 2002 (Pub. L. No. 107-347), enacted on December 17, 2002, contains provisions on privacy and electronic case filing which were inconsistent with Judicial Conference policy, Local Rule 5.2(d) and our e-filing policies and procedures regarding redaction of documents containing personal data identifiers. Section 205 (c)(3)(iv) of the E-Government Act (Act) provides:

(iv) To the extent that such rules provide for the redaction of certain categories of information in order to protect privacy and security concerns, such rules shall provide that a party that wishes to file an otherwise proper document containing such information may file an unredacted document under seal, which shall be retained by the court as part of the record, and which, at the discretion of the court and subject to any applicable rules issued in accordance with chapter 131 of title 28, United States Code, shall be either in lieu of, or in addition, to, a redacted copy in the public file (emphasis added).

In order to meet a congressional deadline of April 16, 2003 to conform any notice, standing order, or local rule to the new law, the court has amended Local Rule 5.2(d), effective April 16, 2003.

In accordance with 28 U.S.C. § 2071(e), the court hereby gives public notice and opportunity for comment on the amendment to the rule. New or amended text is redlined and deleted text is stricken. Comments must be submitted in writing to the Clerk of Court, Mary E. D'Andrea, P.O. Box 1148, Scranton, PA 18501-1148 by May 30, 2003.

LR 5.2 Documents to be Filed with the Clerk.

(a) As to any document required or permitted to be filed with the court in paper form, only the original shall be filed with the clerk except that parties shall file an original and one copy of any document in excess of 200 pages.

(b) Any document signed by an attorney for filing shall contain under the signature line the name, address, telephone number, fax number, e-mail address (if applicable) and Pennsylvania or other state bar identification number. When listing the bar identification number, the state's postal abbreviation shall be used as a prefix (e.g., PA 12345, NY 246810).

(c) Documents shall not be faxed to a judge without prior leave of court. Documents shall not be faxed to the clerk's office, except in the event of a technical failure with the court's Electronic Case Filing ("ECF") system. Technical Failure is defined as a malfunction of court owned/leased hardware, software, and/or telecommunications facility

which results in the inability of a Filing User to submit a filing electronically. Technical failure does not include malfunctioning of a Filing User's equipment.

~~(d) In compliance with the policy of the Judicial Conference of the United States, and in order to promote the electronic access to case records, while at the same time protecting personal privacy and other legitimate interests, a party shall refrain from including or shall redact the following personal data identifiers from documents filed with the clerk, unless otherwise ordered by the court~~ **A filed document shall not contain any of the personal data identifiers listed in this rule unless permitted by an order of the court or unless redacted in conformity with this rule. The personal data identifiers covered by this rule and the required redactions are as follows:**

1. **Social Security Numbers.** If the ~~an individual's~~ **an individual's** Social Security Number of an ~~individual~~ must be included in a document, only the last four digits of that number should be used;
2. **Names of minor children.** If the ~~involvement~~ of a minor child must be mentioned, only that child's initials ~~should~~ **shall** be used;
3. **Dates of birth.** If an individual's date of birth ~~is necessary~~ **must be included**, only the year ~~should~~ **shall** be used;
4. **Financial account numbers.** If financial account numbers ~~are relevant~~ **must be included**, only the last four digits ~~should~~ **shall** be ~~recited in the document used.~~

A sealed and otherwise identical document containing the unredacted personal data identifiers may be filed along with the required redacted document. The sealed document will be retained by the court as a part of the record.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review each document for redaction.