

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In Re:

**Redaction of Personal Data Identifiers
and other sensitive information**

**GENERAL ORDER GOVERNING REDACTION PROCEDURES PURSUANT TO
11 U.S.C. § 107(c) AND FED. R. BANKR. P. 9037**

11 U.S.C. § 107 of the Bankruptcy Code, with certain exceptions, provides that all papers filed in a bankruptcy case are public records; and permits a bankruptcy court to prohibit the disclosure of certain types of information concerning an individual to the extent that the court finds that disclosure of such information would create undue risk of identity theft or other unlawful injury to the individual or the individual's property.

Fed. R. Bankr.P. 9037(a) implements the policy adopted by the Judicial Conference in 2001 to address the privacy concerns resulting from public access to electronic case files and requires that any electronic or paper filing made with the court be redacted with regard to social security numbers, taxpayer identification numbers, birth dates, the names of individuals known to be minors, and financial account numbers ("Personal Data Identifiers").

In accordance with Fed. R. Bankr.P. 9037(a), counsel, parties and others who make filings with the court must exercise their responsibility to redact Personal Data Identifiers from documents before filing with the court. Accordingly, the clerk is not required to review documents filed with the court for compliance with the rule.

Fed. R. Bankr.P. 9037 (d) provides that the Court may issue a protective order to require redaction of additional information or limit or prohibit a nonparty's remote electronic access to a document filed with the court.

IT IS ORDERED that the following procedure shall be implemented by the Bankruptcy Court for the District of New Jersey:

1. Upon recognizing that a Personal Data Identifier or other sensitive information has been inadvertently filed with the court, in contravention of the filing party's redaction responsibilities pursuant to Fed. R. Banr.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 USC § 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.

2. 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.

3. 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;

4. 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.

IT IS FURTHER ORDERED that this General Order shall become effective as of May 13, 2009 and that notice to the bar and public shall be given by posting of this General Order on the Court's Website: www.njb.uscourts.gov.

Dated: May 13, 2009

/S/ HON. JUDITH H. WIZMUR
HON. JUDITH H. WIZMUR
CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

