

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

In re: The August 2, 2004 Amendment
to the E-Government Act of 2002

ADMINISTRATIVE ORDER
2004-09

-----X

WHEREAS the Eastern District of New York requires mandatory electronic case filing for all civil cases other than pro se cases and for all criminal cases; and

WHEREAS in compliance with the E-Government Act of 2002, Pub. L. No. 107-347 (as amended August 2, 2004) and the policy of the Judicial Conference of the United States, and to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties must refrain from including, or shall partially redact where inclusion is necessary, certain personal data identifiers from all pleadings filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court, it is

ORDERED that, effective immediately, the attached Guidelines for compliance with the E-Government Act of 2002, as amended, are issued as an Administrative Order of the Eastern District of New York, and compliance will be mandatory by any party wishing to file a document containing the personal data identifiers listed in the attachment; and that compliance will be strictly enforced, unless otherwise specifically ordered to the contrary by the Court in an individual civil or criminal action. The Court may strike an unredacted document from the record, or deny the relief sought.

SO ORDERED.

Dated: Brooklyn, New York
October ____, 2004

s/ERK
EDWARD R. KORMAN
Chief Judge

**GUIDELINES FOR COMPLIANCE WITH THE AUGUST 2, 2004 AMENDMENTS
TO THE E-GOVERNMENT ACT OF 2002**

In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court.

- a. **Social Security numbers.** If an individual's Social Security number must be included in a pleading, only the last four digits of that number should be used.
- b. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- c. **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used.
- d. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:

- a. file an unredacted version of the document under seal, or
- b. file a reference under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

The unredacted version of the document or the reference list shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this rule.

The court may, however, still require the party to file a redacted copy for the public file.

In addition, exercise caution when filing documents that contain the following:

- 1) Personal identifying number, such as driver's license number;
- 2) medical records, treatment and diagnosis;
- 3) employment history;
- 4) individual financial information; and
- 5) proprietary or trade secret information.

Counsel is strongly urged to share this notice with all clients so that an informed decision about the inclusion of certain materials may be made. **If a redacted document is filed, it is the sole responsibility of counsel and the parties to be sure that all pleadings comply with the rules of this court requiring redaction of personal data identifiers. The clerk will not review each pleading for redaction.**

SO ORDERED.

October __, 2004