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RICHARD PAUL WASKO
CLERK

August 16, 2004

**NOTICE TO LITIGANTS REGARDING THE E-GOVERNMENT ACT OF
2002 (AS AMENDED) INVOLVING THE FILING OF SENSITIVE AND
CONFIDENTIAL INFORMATION BY PARTIES IN FEDERAL COURT**

The E-Government Act of 2002 adopted in December 2002 and as amended on August 2, 2004 requires that federal courts devise and implement procedures which will protect a litigant's privacy and security interests when court documents are filed electronically or are converted to electronic format in federal court. Currently, the Clerk's Office practice is to image all filings not placed under seal by the Court. These filings then become available to the public via the Court's WebPACER/RACER public access system. At the time the Court converts to electronic filing, documents will immediately become available to the public through the Court's Internet website. Subscribers to WebPACER/RACER are able to read, download, store and print the *the full content* of documents which are either converted to electronic format or are electronically filed.

For these reasons, counsel are advised that various types of sensitive or confidential information should generally *not* be included in documents filed with the Court. Sensitive and confidential information includes the following types of items:

- 1) Social Security numbers;
- 2) financial account numbers;
- 3) names of minor children; and
- 4) dates of birth.

Counsel are urged to exercise caution when filing documents which also include such things as an individual's *driver's license number; medical treatment or diagnosis records; employment history or other proprietary and trade secret information.*

In compliance with the E-Government Act and current Judicial Conference policy, parties filing documents which contain sensitive or confidential information have the options of either: A) filing with the Court a *redacted document* along with a corresponding non-redacted document placed under seal; or B) filing a redacted document along with a corresponding *reference list which identifies the redacted information.* *The accompanying reference list would be filed under seal.*

Counsel and litigants should note that the responsibility for redacting sensitive and confidential information rests solely with counsel and the parties to litigation. The Clerk of Court is not responsible for reviewing individual pleadings to determine whether documents filed with the Court conform to this policy.