

Notice of Electronic Availability of Case File Information and Policy Regarding Public Access

On December 1, 2003 , new and amended Federal Rules of Bankruptcy Procedure take effect which address the privacy of case records and case party information. The amended rules and forms in essence require the partial redaction of key account numbers and other personal identifying or account information on selected forms, schedules and notices.

The United States Bankruptcy Court for the Western District of Missouri is an electronic case management (CM/ECF) court which accepts electronically filed pleadings and makes the content of these pleadings available on the court's Internet website. Any subscriber to CM/ECF and/or PACER is able to read, download, store and print the full content of electronically filed documents. Attorneys of record in a case are given one free access to filed documents. Additional access opportunities are made available to attorneys and other interested parties for minimal charges through the nationwide PACER public access system.

In compliance with the new rules changes and the privacy policy of the Judicial Conference of the United States, effective December 1, 2003, personal data identifiers such as Social Security numbers, financial account numbers, dates of birth and the names of minor children, will have to be partially redacted from all pleadings, whether filed traditionally or electronically. This must be accomplished by the filing party, not the Clerk's office. The one exception is the original bankruptcy petition. When filing electronically, the attorney will enter the full SSN into the electronic system. However, the image of the petition should include only the last four digits of the SSN. A separate document, Declaration RE: Electronic Filing, must also be filed with the court and contain the verified statement of the debtor attesting to the accuracy of the SSN. This document must be filed in paper form within five days of the filing of the petition. A copy of the declaration form is available on the court's WEB site.

You should not include sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. You must remember that any other personal information not otherwise protected will be made available over the Internet via CM/ECF and/or PACER. You should, for example, 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.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the full personal data identifiers specified above may also file an unredacted document under seal. This document will be retained by the court as part of the record .The Clerk's office will not make electronically available those documents which have been sealed or otherwise restricted by court order.

Counsel are strongly urged to share this notice with all clients so that an informed decision about the inclusion or exclusion of certain materials may be made.