

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

PRIVACY POLICY
updated October 27, 2004

The United States District Court for the Western District of Missouri is an electronic case management and case filing court (CM/ECF). Pleadings and documents in this court are filed electronically and are available to the public through remote electronic access. Any subscriber to the court's CM/ECF system and/or to the Judiciary's PACER (Public Access to Court Electronic Records) program will be able to read, download, store and print the full content of electronically filed documents with the exception of exhibit attachments to documents in excess of 10-15 pages, documents in Social Security cases, documents which have been filed under seal and documents that are excluded from public access pursuant to policies of the Judicial Conference of the United States.¹ Some exhibit attachments are being maintained in paper only and will be available in the clerk's office. Attorneys of record in a case are given one free access to view each electronic document. For additional access opportunities and for other interested viewers there are minimal charges associated with case access and the requirement of a PACER password.

(See Administrative Procedures Guide).

This privacy notice is in compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002. This notice applies to civil and criminal cases unless otherwise stated.

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 personal information not otherwise protected will be made available over the Internet via the court's CM/ECF system and/or the Judiciary's program.

¹ At its March 2004 meeting, the Judicial Conference of the United States prohibited the following documents from being included in the public case file or available to the public at the courthouse or via remote electronic access:

- unexecuted summonses or warrants of any kind (e.g., search warrants, arrest warrants);
- pretrial bail or presentence investigation reports;
- statements of reasons in the judgment of conviction;
- juvenile records;
- documents containing identifying information about jurors or potential jurors;
- financial affidavits filed in seeking representation pursuant to the Criminal Justice Act;
- ex parte requests for authorization of investigative, expert or other services pursuant to the Criminal Justice Act; and
- sealed documents (e.g., motions for downward departure for substantial assistance, plea agreements indicating cooperation).

If sensitive information must be included, the following personal data identifiers **must** be partially redacted from the pleading, whether it is filed traditionally or electronically: Social Security numbers, financial account numbers, dates of birth, names of minor children, and home addresses:

Social Security numbers. If an individual's social security number must be included in a pleading or filing, only the last four digits of that number should be used.

Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.

Financial account numbers. If financial account numbers are relevant and must be disclosed, only the last four digits of these numbers should be used.

Home addresses. If a home address must be included, only the city and state should be listed. (This applies to criminal case documents only)

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

1. file an unredacted document under seal with the notation "SEALED PURSUANT TO E-GOVERNMENT ACT of 2002" accompanied by a redacted copy of the filing for the public file; or
2. file a redacted version of the document accompanied by a reference list that is filed under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in the redacted 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 by the filer as of right.

Since filings in the United States District Court for the Western District of

Missouri will be remotely, electronically available and may contain information implicating not only privacy but also personal security concerns, you are advised to exercise caution when filing documents that contain the following information:

- 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;
- 6) information regarding an individual's cooperation with the government;
- 7) information regarding the victim of any criminal activity;
- 8) national security information; and
- 9) sensitive security information as described in 49:114(s).

If you must file a document that contains information listed above you should consider seeking leave of court to file such document under seal. Until the court has ruled on any motion to seal, no document that is the subject of a motion to seal, nor the motion itself, or any response thereto, will be available electronically or in paper form.

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 the redaction of personal identifiers is done. The clerk will not review each pleading for redaction.

SPECIAL NOTICE TO PARTIES/ATTORNEYS IN SOCIAL SECURITY CASES

Parties/Attorneys in social security cases are responsible for providing the U.S. Attorneys' office with the complete social security number of the claimant upon the filing of a new social security case. You may e-mail Mary Galate at mary.galate@usdoj.gov or Sharon Whitaker at sharon.whitaker@usdoj.gov OR you may call them at 816-426-3130 with this information.