

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

IN RE:)	
PROCEDURES FOR THE FILING, SERVICE,)	GENERAL ORDER
AND MANAGEMENT OF HIGHLY)	2021-02
SENSITIVE DOCUMENTS)	
)	

WHEREAS, in response to recent disclosures of wide-spread breaches of computer systems in both the private sector and the government, federal courts are immediately adding new security procedures to protect highly sensitive documents filed with the courts;

THE COURT FINDS that good cause exists to require all parties to file certain highly sensitive documents outside of the court’s electronic filing system.

THEREFORE, IT IS HEREBY ORDERED that, effective as of the date of this order and until such time as the court orders otherwise, the filing of certain highly sensitive documents shall be subject to the procedures and requirements set forth below. This general order supersedes any and all inconsistent provisions in existing local rules or other general orders of this court.

1. What Constitutes Highly Sensitive Documents (HSDs)

- a. Factors used to determine whether a document constitutes an HSD include the following: whether the document involves matters of national security; foreign sovereign interests; criminal activity related to cybersecurity; intellectual property, trade secrets, or sensitive commercial information likely to be of interest to foreign powers; terrorism; investigation of public officials; or the reputational interests of the United States.
- b. The following types of documents are generally not considered HSDs: social security records, tax records, pay records, administrative immigration records, information about minors, documents related to domestic abuse, settlement agreements, and most other sealed filings in bankruptcy cases. All documents filed in CM/ECF shall meet the redaction requirements of Fed. R. Bankr. 9037.

2. Filing of Authorized Highly Sensitive Documents

- a. A party filing an HSD pursuant to a court order or applicable law shall submit to the clerk’s office the HSD, the certificate of service, and, if applicable, a copy of the court order authorizing the treatment of that document as highly sensitive. All of these documents shall be submitted in two paper copies in a sealed envelope marked “HIGHLY SENSITIVE DOCUMENT.” The outside of the envelope shall contain the style of the case with any confidential information redacted.
- b. The filing party shall serve the HSD on the other parties in accordance with Fed. R. Bankr. P. 2002 or Fed. R. Bankr. P. 7004, as applicable. Parties receiving copies shall not further disseminate the documents beyond those with a need to know.

- c. The clerk's office will make an informational docket entry in the court's electronic filing system indicating that the HSD was filed with the court and will be maintained in a secure system.

3. Filing of Motions to Treat a Document as an HSD

- i. A party shall file both a general motion to treat a document as an HSD and a proposed order in accordance with Fed. R. Bankr. 9018. A copy of the proposed HSD shall not be filed electronically.
- ii. As soon as practicable, and following the requirements of paragraphs 2b and 2c above, after the general motion and proposed order are filed, the filing party shall deliver to the clerk's office a detailed motion along with a certificate of service explaining why the proposed document constitutes HSD or why it should otherwise be subject to the heightened protection for HSDs.
- iii. The court will issue an order on the motion and, if granted, an informational entry will be made on the case docket stating that the HSD has been filed with the court.
- iv. If the motion is denied, the documents and motions will be scanned in and placed into CM/ECF by the clerk's office.

4. Service of Highly Sensitive Court Orders

If the court determines that a court order contains highly sensitive information, the clerk's office will file and maintain the order in a secure system and will serve paper copies of the order on the parties via mail. An order will be entered in CM/ECF regarding the entry of the order containing HSD.

5. Questions about Filing Procedures for HSDs

Questions about how an HSD should be filed pursuant to this general order should be directed to the clerk's office at (334) 954-3800.

IT IS SO ORDERED, this 29th day of January, 2021.



BESS M. PARRISH CRESWELL
Chief United States Bankruptcy Judge
Middle District of Alabama



WILLIAM R SAWYER
United States Bankruptcy Judge
Middle District of Alabama