

CIVIL COMPLAINT, FOREIGN JUDGMENT, WRIT OF REPLEVIN, OTHER CIVIL CASES

GUIDANCE FOR FILING CONFIDENTIAL INFORMATION IN FILE AND SERVE Electronic Filing Rule 12

IMPORTANT: Do not file confidential information unless required or unless these are material to the proceeding. When using the File and Serve electronic filing program, follow these instructions if you must file confidential information.

Electronic Filing Rule 12 – CONFIDENTIAL INFORMATION

1. Information listed in Electronic Filing Rule 12(c)

Overall Approach: Omit Rule 12(c) confidential information from pleading but include on Confidential Information Sheet.

Electronic Filing Rule 12(c) lists several types of information which **must** be kept confidential when filed with the court. See the last page of this guidance for a full list of those information types.

Any time you file any information listed in Rule 12(c), you must **omit** this information from the pleading you are filing and instead insert the confidential information on a separate *Confidential Information Sheet* that you file along with the pleading. By doing this, the information will be accessible only to the court, parties and counsel on the case.

Note: The most common Rule 12(c) confidential information types that might be filed in these cases are dates of birth and account or credit card numbers.

Filing any Rule 12(c) confidential information requires two separate uploads:

- a. For the document you file on which you **omit** the confidential information:
Be sure to omit the confidential information on this document before beginning the upload process.

On the Enter Filing Details screen, select the appropriate Filing Code from the drop down list for the document you want to file. (The Filing Code can be thought of as the type of document.)

Enter a Filing Description.

Under Lead Document, select Click to Browse to upload the document.

Under Security, select Public Document since this document will have no confidential information on it.

b. For the *Confidential Information Sheet*:

Download the *Confidential Information Sheet* from the court's website.

Complete the form with the Rule 12(c) confidential information you omitted from the document above; Include the name of the document from which the confidential information has been omitted.

Select Add Another Filing

On the Filing Details screen, select *Confidential Information Sheet DD Civil (CONFIDENTIAL)* as the Filing Code.

Enter a Filing Description.

Select Click to Browse to upload the completed *Confidential Information Sheet*.

Under security, do not make a selection of Public or Non-Public because the word CONFIDENTIAL in the Filing Code will keep the document away from public view.

2. Information not listed in Electronic Filing Rule 12(c)

Overall approach: Include confidential information on pleading and file a Motion to Seal.

If you must include information which you consider to be confidential that is **not** listed in Electronic Filing Rule 12(c), do not use a *Confidential Information Sheet* for this information. Instead, include the information on the pleading **and** file a Motion to Seal the document. (See Electronic Filing Rule 13 regarding Motions to Seal.)

This requires two separate downloads:

a. For the document you file **containing** the confidential information:

On the Enter Filing Details screen, select the appropriate Filing Code from the drop down list for the document you want to file. (The Filing Code can be thought of as the type of document.)

Since you are also submitting a Motion to Seal, you may include the confidential information on this document before filing it.

Enter a Filing Description.

Under Lead Document, select Click to Browse to upload the document.

Under Security, it is **essential** that you select Non-Public Document. This will ensure that the document is kept confidential upon filing, pending ruling of the court.

b. For the Motion to Seal the document containing confidential information:

Prepare and save a Motion to Seal. Select Add Another Filing.

Select the Motion to Seal from the drop down list as the Filing Code. Enter a Filing Description.

Under Lead Document, select Click to Browse to upload the document. Under Security, it is **essential** that you select Non-Public Document.

3. Documents containing both Rule 12(c) confidential information and information not listed in Rule 12(c) that you want the court to consider confidential:

Overall Approach: You must follow both steps 1 and 2 above. The Rule 12(c) confidential information is not included in the pleading but instead included on the *Confidential Information Sheet*. The information not listed in Rule 12(c) is included in the pleading and an accompanying Motion to Seal is filed.

Electronic Filing Rule 12(c) -- Confidential Information

(c) It is the responsibility of the filing party to ensure that confidential information is omitted or redacted from documents before the documents are filed, except when the filing party is completing certain required fields in a system-generated form. See Rule 12(d)(1). It is not the responsibility of the clerk or court staff to review narratives contained within system-generated documents or uploaded documents filed by a party to determine whether appropriate omissions or redactions have been made. "Confidential Information" means:

- (1) Information that is not to be accessible to the public pursuant to state law, administrative or court rule, court order, or case law including, but not limited to, the following:
 - (A) Information that would compromise the confidentiality of juvenile delinquency proceedings, children in need of services proceedings, or abuse/neglect proceedings;
 - (B) Information that would compromise the confidentiality of termination of parental rights proceedings;
 - (C) Information that would compromise the confidentiality of adoption proceedings;
 - (D) Information that would compromise the confidentiality of mental health proceedings.
- (2) Information sealed by the court;
- (3) Financial information that provides identifying account numbers on specific assets, liabilities, accounts, credit card numbers or Personal Identification Numbers (PINs) of individuals including parties and non-parties;
- (4) The following personal identifying information of a party: social security number, date of birth (except a defendant's date of birth in a criminal case), mother's maiden name, a driver's license number, a fingerprint number, the number of other government-issued identification documents or a health insurance identification number;
- (5) The following personal identifying information of a non-party: social security number, date of birth, mother's maiden name, a driver's license number, a fingerprint number, the number of other government-issued identification documents or a health insurance identification number, street address or telephone number;
- (6) Personal identification information included on a warrant;
- (7) Information that is not to be accessible to the public pursuant to federal law.