

How to Seal Documents Submitted to the Court using TurboCourt:

The [Supplemental Rules of the Superior Court of New Hampshire for Electronic Filing in Specified Civil Cases](#) address the requirements for submitting confidential documents to the Superior Court. These requirements can be found under Rule 11 (scroll to the bottom to review the rule).

When filing a confidential document in the Superior Court, the filer must take two steps to ensure the privacy of their submission. They first must indicate that the document is categorized as Confidential. Secondly, the filer must also submit a Motion to Seal in the same envelope.

Pursuant to [Administrative Order 2014-007](#), a description must be added to the Motion to Seal. The description should provide sufficient information to identify the general subject matter of the pleading without disclosing specific information the party is seeking to maintain as confidential.

This is contrary to the Circuit Court rules which do not require a Motion to Seal. However, the Superior Court does not require the Confidential Information Sheet that is mandated in Circuit Court.

Below, you will find instructions on filing confidential documents through TurboCourt.

Self-Represented Litigants (TurboCourt)

Click "Request" next to the document you wish to be kept confidential.

Form Set #	59975	Case #	217-2018-CV-00314
Keyword/Matter #		Status	Completed
Filing Type	Civil - Superior - File into an Existing Case	Location #	Merrimack - Superior Court
Customer Name	Erin Sherman	Customer Email	user1@courts.state.nh.us
Created on	09/04/2018 2:37 PM EDT	Modified on	09/04/2018 2:45 PM EDT

Review and Submit Your Documents.

[← Review / Edit Your Answers](#) [Submit](#)

You have reached the end of the questionnaire. If the information on your completed form is not what you intend to submit, click **Review/Edit Your Answers** above. This will bring you back to the beginning of the questionnaire where you may change your answers as needed.

If you cannot view your forms press the "Request My Forms" toolbar button to receive the forms by email.

Your Completed Forms [info](#)

Email Address Notification or Change	View Request
Motion	View Request

When you click Submit, your forms will be electronically delivered to the court. An electronic confirmation will be sent to you when the documents are delivered to the court. We recommend that you log in to TurboCourt often to check the status of your filing and e-service. You will be notified again when your documents have been processed by the court. You must log in to TurboCourt to view and/or print your file-stamped documents and supporting documentation.

First Name * Last Name *

By submitting your documents, you agree to these [Terms & Conditions](#).

[← Review / Edit Your Answers](#) [Submit](#)

Check the box to request the document remain confidential.

Special Request(s)

Document Name

Motion

You are allowed to make the following special request(s):

request that this document be kept confidential.

[Save](#)

[Close Window](#)

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Attach the Motion to Seal

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Review and Submit Your Documents.

[← Review / Edit Your Answers](#) [Submit](#)

Please attach all required documents

You have reached the end of the questionnaire. If the information on your completed form is not what you intend to submit, click **Review/Edit Your Answers** above. This will bring you back to the beginning of the questionnaire where you may change your answers as needed.

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Your Completed Forms [info](#)

Email Address Notification or Change	View Request
Motion You are requesting: that the document be kept confidential.	View Request
Motion to Seal *	View Attach Remove

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[← Review / Edit Your Answers](#) [Submit](#)

If you need assistance with your Motion to Seal, blank motion forms can be found on our [E-Filing Forms](#) page.

Rule 11: Filing Confidential Documents or Documents Containing Confidential Information.

(a) Access to Documents

(1) *General Rule.* Except as otherwise provided by statute or court rule, all pleadings, attachments to pleadings, exhibits submitted at hearings or trials, and other docket entries (hereinafter referred to collectively as “documents”) shall be available for public inspection. This rule shall not apply to confidential or privileged documents submitted to the court for *in camera* review as required by court rule, statute or case law.

(2) *Burden of Proof.* The burden of proving that a document or portion of a document should be confidential rests with the party or person seeking confidentiality.

(3) The following provisions govern a party’s obligations when electronically filing a “confidential document” or documents containing “confidential information” as defined in this rule.

(b) Filing a Confidential Document

(1) A “confidential document” means a document that is confidential in its entirety because it contains confidential information and there is no practicable means of filing a redacted version of that document.

(2) A confidential document shall not be included in a pleading if it is neither required for filing nor material to the proceeding.

(3) If the confidential document is required or is material to the proceeding, the party must file a motion to seal, as set forth in (d) below, and must upload and electronically file the confidential document.

(4) A party filing a confidential document shall identify the document in the caption of the pleading so as not to jeopardize the confidentiality of the document but in sufficient detail to allow a party seeking access to the confidential document to file a motion to unseal.

(c) Filing Documents Containing Confidential Information.

(1) “Confidential Information” means:

(A) information that is not public pursuant to state or federal statute, administrative or court rule, a prior court order placing the information under seal, or case law; or

(B) information which, if publicly disclosed, would substantially impair:

(i) the privacy interests of an individual; or

(ii) the business, financial or commercial interests of an individual or entity; or

(iii) the right to a fair adjudication of the case; or

(C) information for which a party can establish a specific and substantial interest in maintaining confidentiality that outweighs the strong presumption in favor of public access to court records.

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(2) The following is a non-exhaustive list of the type of information that should ordinarily be treated as “confidential information” under this rule:

(A) information that would compromise the confidentiality of juvenile delinquency, children in need of services, or abuse/neglect, termination of parental rights proceedings, adoption, mental health, grand jury, or other court or administrative proceedings that are not open to the public; or

(B) 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; or

(C) personal identifying information of any person, including but not limited to 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.

(3) Filing Documents Containing Confidential Information

(A) When a party files a document the party shall omit or redact confidential information from the filing when the information is not required to be included for filing and is not material to the proceeding. If none of the confidential information is required or material to the proceeding, the party should file only the version of the document from which the omissions or redactions have been made. At the time the document is electronically filed, the party must clearly indicate on the document that the document has been redacted or information has been omitted pursuant to Rule 11(c)(3)(A).

(B) It is the responsibility of the filing party to ensure that confidential information is omitted or redacted from a document before the document is filed. It is not the responsibility of the court staff to review documents filed by a party to determine whether appropriate omissions or redactions have been made.

(C) If confidential information is required for filing and/or is material to the proceeding and therefore must be included in the document, the filer shall upload and electronically file the following:

(i) a motion to seal as set forth in (d), below;

(ii) the document with the confidential information redacted by blocking out the text or using some other method to clearly delineate the redactions; and

(iii) an unredacted version of the document clearly marked as confidential.

(d) *Motions to Seal*

(1) No confidential document or document containing confidential information shall be filed under seal unless accompanied by a separate motion to seal consistent with this rule. In other words, labeling a document as “confidential” or “under seal” or requesting the court to seal a pleading in the prayers for relief without a separate motion to seal filed pursuant to this rule will result in the document being filed as part of the public record in the case.

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(2) A motion to seal a confidential document or a document containing confidential information shall state the authority for the confidentiality, *i.e.*, the statute, case law, administrative order or court rule providing for confidentiality, or the privacy interest or circumstance that requires confidentiality. An agreement of the parties that a document is confidential or contains confidential information is not a sufficient basis alone to seal the record.

(3) The motion to seal shall specifically set forth the duration the party requests that the document remain under seal.

(4) Upon filing of the motion to seal with a confidential document or the unredacted version of a document containing confidential information, the confidential document or unredacted document containing confidential information shall be kept confidential pending a ruling on the motion.

(5) The motion to seal shall itself automatically be placed under seal without separate motion in order to facilitate specific arguments about why the party is seeking to maintain the confidentiality of the document or confidential information.

(6) The court shall review the motion to seal and any objection to the motion to seal that may have been filed and determine whether the unredacted version of the document shall be confidential. An order will be issued setting forth the court's ruling on the motion to seal. The order shall include the duration that the confidential document or document containing confidential information shall remain under seal.

(7) A party or person with standing may move to seal or redact confidential documents or confidential information that is contained or disclosed in the party's own filing or the filing of any other party and may request an immediate order to seal the document pending the court's ruling on the motion.

(8) If the court determines that the document is not confidential, any party or person with standing shall have 10 days from the date of the clerk's notice of decision to file a motion to reconsider or a motion for interlocutory appeal to the supreme court. The document shall remain under seal pending ruling on a timely motion. The court may issue additional orders as necessary to preserve the confidentiality of a document pending a final ruling or appeal of an order to unseal.

(e) Procedure for Seeking Access to Documents or Information Contained in Documents That Have Been Determined to be Confidential.

(1) Any person who seeks access to a document or portion of a document that has been determined to be confidential shall file a motion with the court requesting access to the document or information in question.

(2) The person filing the motion to unseal shall have the burden to establish that notice of the motion to unseal was provided to all parties and other persons with standing in the case. If the person filing the motion to unseal cannot provide actual notice of the motion to all interested parties and persons, then the moving party shall demonstrate that he or she exhausted reasonable efforts to provide such notice. Failure to effect actual notice shall not alone be grounds to deny a motion to unseal where the moving party has exhausted all reasonable efforts to provide notice.

(3) The court shall examine the document in question together with the motion to unseal any objections thereto to determine whether there is a basis for nondisclosure and, if necessary, hold a hearing thereon.

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(4) An order shall be issued setting forth the court's ruling on the motion, which shall be made public. In the event that the court determines that the documents are confidential, the order shall include findings of fact and rulings of law that support the decision of nondisclosure.

(5) If the court determines that the document or information contained in a document is not confidential, the court shall not make the document or information contained in a document public for 10 days from the date of the clerk's notice of the decision in order to give any party or person with standing aggrieved by the decision time to file a motion to reconsider or appeal to the supreme court.

(f) *Sanctions for Disclosure of Confidential Information.*

If a party knowingly publicly files documents that contain or disclose confidential information in violation of these rules, the court may, upon its own motion or that of any other party or affected person, impose sanctions against the filing party.

Comment

These provisions are intended to ensure that confidential documents and confidential information contained within documents are accessible, upon filing, only to the court and its staff, to the parties and their attorneys or the parties' authorized representatives, and to others authorized to perform service of process. Any person or entity not otherwise entitled to access may file a motion or petition to gain access to any sealed or confidential court record. *See, e.g., Associated Press v. State of N.H.*, 153 N.H. 120 (2005); *Petition of Keene Sentinel*, 136 N.H. 121 (1992); *see also* District Division Rule 1.26; Family Division Rule 1.30; Probate Division Rule 169-A; Superior Court Rule (Civil) 203; Superior Court Rule (Criminal) 169-A.