

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

IN RE: )  
PROCEDURES FOR THE FILING, ) GENERAL ORDER 21-0001  
SERVICE, AND MANAGEMENT OF )  
HIGHLY SENSITIVE DOCUMENTS )  
)

Recent disclosures of wide-spread breaches of both private sector and government computer systems have prompted the federal courts to add new security procedures to protect highly sensitive documents filed with the courts. (For additional information about the possible impact of the security breaches on the federal courts, see [www.uscourts.gov](http://www.uscourts.gov).)

This Court has assessed its own practices as to sealed and restricted access documents and now finds that good cause exists to require all parties to file certain highly sensitive documents ("HSDs") outside of the Court's electronic filing system ("CM/ECF").

**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 HSDs 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 and any inconsistent procedures in the Court's CM/ECF Administrative Policies and Procedures Manual or other publications.

#### 1. Documents Subject to this Order

The filing procedures set forth below apply to documents that contain highly sensitive information.

- a. Sealed and restricted access documents are not automatically presumed to be HSDs. The following may be among the types of documents deemed HSDs: applications for search warrants and applications for electronic surveillance under 18 U.S.C. §2518. The other guidance the Court has received includes the directive that "sealed filings in many civil cases would not be considered sufficiently sensitive" to require special treatment and can remain sealed in CM/ECF.

- b. The Court has considered recent and historical restricted access and sealed documents, and at this time does not identify any currently sealed or restricted access document as highly sensitive. (Parties who seek review of this determination should follow the instructions set out below.) If in the future additional types of documents are determined to be highly sensitive, the Court shall amend this order.
- c. The following types of documents generally are not considered HSDs: debtor statements of Social Security Numbers; documents reporting settlements; and discovery and evidence materials placed under seal.

## **2. Filing of Request to Designate Document as HSD**

- a. A party requesting the Court to treat a document as an HSD shall file a Motion to Seal Document and include in the caption the phrase "as a Highly Sensitive Document." The Motion to Seal Document shall explain why such document is highly sensitive or why it should otherwise be subject to the heightened protection for HSDs.
- b. If the Court grants both the motion to seal and the request to treat the document as an HSD, the party shall tender to the Bankruptcy Clerk's Office at the United States Courthouse in Indianapolis the HSD document, unfolded, in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." (The Court may direct the submission of more than one copy of the document. Each copy should be in a separate envelope.) The outside of the envelope shall have attached to it a copy of the Court's order directing treatment of the document as an HSD.
- c. The filing party shall serve the HSD on other parties as the Court directs in its order designating treatment as an HSD.
- d. The Bankruptcy Clerk will make an informational docket entry stating that the HSD was filed with the Court and will maintain the HSD in a secure paper filing system.

## **3. Removal of Existing HSDs from the Court's Electronic Filing System**

- a. Upon the filing of a Motion for Authority by a party or upon the Court's own motion, the Court may determine that a document or any portion

of a document that has been filed electronically is highly sensitive and direct that the HSD be removed from CM/ECF and maintained by the Bankruptcy Clerk in a secure paper filing system.

- b. A party's Motion for Authority to designate and remove an HSD shall explain why such document is highly sensitive or why it should otherwise be subject to the heightened protection for HSDs.
- c. If the Court determines that a document shall be treated as an HSD, the party that originally filed the document shall provide a paper copy following the instructions found in paragraph 2b. above. Upon the entry of the Court's order, the Bankruptcy Clerk shall remove the designated document from CM/ECF.

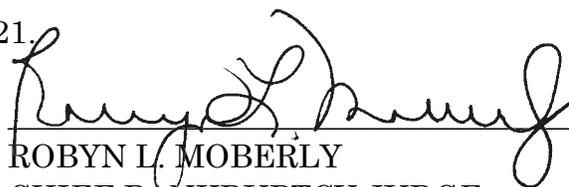
#### **4. Service of Highly Sensitive Court Orders**

If the court determines that a court order contains highly sensitive information, the Bankruptcy Clerk will file and maintain the order in a secure paper filing system and will serve paper copies of the order on the parties via mail.

#### **5. Questions about HSD Filing Procedures**

Any questions about how an HSD should be filed with the Court pursuant to this General Order should be directed to Bankruptcy Clerk, the Chief Deputy, or the Court's Administrative Attorney, who can be reached at 317-229-3800.

**SO ORDERED**, this 12th day of January, 2021.

  
ROBYN L. MOBERLY  
CHIEF BANKRUPTCY JUDGE