

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN AND WESTERN DISTRICT OF KENTUCKY**

**NOTICE OF ELECTRONIC AVAILABILITY
OF CRIMINAL CASE FILE INFORMATION**

**(JUDICIAL CONFERENCE POLICY ADOPTED SEPTEMBER 2003,
EFFECTIVE NOVEMBER 1, 2004)**

Pursuant to Judicial Conference Policy adopted September, 2003, and effective November 1, 2004, the United States District Courts for the Eastern and Western Districts of Kentucky will make the content of documents filed in criminal cases on November 1, 2004, and thereafter, in electronic form or converted from a paper filing to electronic form available on the court's Internet web site via WebPACER. Remote public access via WebPACER to criminal documents filed prior to November 1, 2004, shall remain restricted. Any subscriber to WebPACER will be able to read, download, store and print the full content of electronically filed or electronically converted documents. The clerk's office will not make available over the Internet electronic documents that have been sealed or otherwise restricted by court order.¹

You should not include sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. Any personal information not otherwise protected will be made available over the Internet via WebPACER. If sensitive information must be included, the following personal identifiers must be partially redacted from the document, whether it is filed on paper or electronically:

- A. SOCIAL SECURITY NUMBERS.** If an individual's social security number must be included in a document, only the last four digits of that number should be used.
- B. NAMES OF MINOR CHILDREN.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- C. DATES OF BIRTH.** If an individual's date of birth must be included in a document, only the year should be used.
- D. FINANCIAL ACCOUNT NUMBERS.** If financial account numbers are relevant, only the last four digits of these numbers should be used.
- E. HOME ADDRESSES.** If a home address must be included, only the city and state should be listed.

¹Reference Electronic Case Filing Administrative Policies and Procedures for the Eastern and Western Districts of Kentucky

In compliance with the E-Government Act of 2002, and as amended August 2, 2004, a party filing a document containing any of the personal data identifiers specified above may:

- (a) file an unredacted copy under seal. This document shall be retained by the court as part of the record. A redacted copy for the public record must be filed along with the unredacted document under seal. **OR**
- (b) file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as of right. It shall be retained by the court as part of the record.

The Court recognizes that parties may need to include in the record a document containing information implicating not only privacy but also personal security concerns, such as any personal identifying number such as a driver's license number; medical records, treatment and diagnosis; employment history; individual financial information; proprietary or trade secret information; information regarding an individual's cooperation with the government; information regarding the victim of any criminal activity; national security information; and sensitive security information as described in 49 U.S.C. § 114(s). When filing a document that contains any such information, counsel may want to consider accompanying the filing with a motion to 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.

Additional technical and administrative procedures to effectuate the filing of these documents and other important information can be found in the Court's Electronic Case Filing Administrative Policies and Procedures (Reference Number 15.2) and the User Manual. The Court's Electronic Case Filing Administrative Policies and Procedures and the Court's User Manuals are available through the Courts' web sites at www.kywd.uscourts.gov and www.kyed.uscourts.gov, or can be obtained from any Division of the Court.

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. **It is the sole responsibility of counsel and the parties to be sure that all pleadings and other papers comply with the rules of this court requiring redaction of personal data identifiers. The clerk will not review each document for redaction.**

Dated: 10/27/04