



NOTICE REGARDING PUBLIC ACCESS TO COURT RECORDS AND PUBLICATION OF DECISIONS

Revised January 13, 2004

Except in unusual circumstances, the U.S. Department of Labor, Office of Administrative Law Judges ("OALJ") conducts public hearings. 29 C.F.R. § 18.43. Documents filed with OALJ are subject to inspection under the Freedom of Information Act. Decisions and interim orders of general interest are published on the OALJ web site at www.oalj.dol.gov and may be distributed to publishers. *See* Privacy Act of 1974; Publication of Routine Uses, 67 Fed. Reg. 16815 (2002) (DOL/OALJ-2).

In order to protect personal privacy and other legitimate interests, parties should refrain from including, or should partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the ALJ.

a. **Social Security numbers.** If an individual's social security number must be included in a pleading, only the last four digits of that number should be used. In cases arising under the Black Lung Benefits Act, however, the OWCP Number may be included on the caption of a pleading as necessary to identify the case.

b. **Financial account numbers.** If financial account numbers must be included in a pleading, only the last four digits of these numbers should be used.

A party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. This document shall be retained by the ALJ as part of the record. *See generally* E-Government Act of 2002, P.L. 107-347, § 205(c)(3).

The ALJ may, however, still require the party to file a redacted copy for the public file. The responsibility for redacting these personal identifiers rests solely with counsel and the parties.

In addition to the foregoing, a party should exercise caution when filing documents that contain the following:

- Personal identifying information, such as driver's license number, home address, home telephone;
- medical records, treatment and diagnosis;
- employment history;
- individual financial information;
- proprietary or trade secret information; and
- sensitive national security information.

It is the responsibility of counsel and the parties to take appropriate action to seek legal protection of information from public disclosure to the extent that such protection is available under applicable rules. *See, e.g.*, 29 C.F.R. § 18.15 (protective orders); § 18.43(a) (closing of hearing to public); § 18.46 (in camera and protective orders); § 18.56 (restricted access order); 29 C.F.R. § 70.26 (designation of confidential commercial information under FOIA). *See also* FOIA Update, Vol. XIII, No. 3, Summer 1992 (DOJ opinion that an ALJ's protective order is not, by itself, a sufficient basis for withholding records under FOIA) (available at http://www.usdoj.gov/oip/foia_updates/Vol_XIII_3/page_3.htm).