

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS**

**PUBLIC NOTICE
PROPOSED AMENDMENTS TO THE
FEDERAL RULES OF BANKRUPTCY PROCEDURE
AND REVISIONS TO OFFICIAL BANKRUPTCY FORMS
EFFECTIVE DECEMBER 1, 2003**

Notice is given that the Judicial Conference at its September 2002 session, approved proposed amendments to the Federal Rules of Bankruptcy Procedures and the Official Bankruptcy Forms. These amendments will take effect December 1, 2003, barring congressional action.

Amendments to Bankruptcy Rules 1005, 1007, 2002, 2003, 2009, 2015, and new rule 7007.1

Amendments to Official Forms: 1, 3, 5, 6, 7, 8, 9, 10, 16A, 16C, 17 and 19

Copies of the proposed amended rules, forms and information regarding adoption of the amendments are available on the Federal Rulemaking page of the Judiciary's website at www.uscourts.gov/rules/index.html. Click on "Pending Rules Amendments Awaiting Final Action," then select "Amendments Awaiting Final Action" and then "Amendments Submitted to the Judicial Conference (Sept. 2002).

Principal changes related to the policy on privacy and public access to electronic court files include the following:

The petition, Official Form 1, will contain only the last four digits of individual debtor's Social Security numbers.

Amendments to Rule 1007 will require the debtor to *submit* a verified statement containing the full nine-digit number.

The new Statement of Social Security Number, proposed Official Form 21 will not be filed in the case or become part of the case file available to the public at the court or over the Internet. (See *Standing Order Regarding Privacy Related Rules* for this court's submission guidelines).

Rule 2002 will be amended to require the clerk to include the debtor's full Social Security number in the copy of the section 341 meeting of creditors notice, Official Form 9, sent to creditors, the debtor, the trustee and the United States trustee or bankruptcy administrator. The copy of the section 341 notice included in the court case file, however, will contain only the

last four digits of the Social Security number.

Official Form 10, Proof of Claim, will require a wage creditor to disclose only the last four digits. (See *Standing Order Regarding Privacy Related Rules* for this court's procedure on disclosure of SSN to the trustee).

Official Form 6, the schedules of assets and liabilities, will state that the debtor is only required to list the last four digits of account numbers but that the full numbers are useful to the trustee and creditors and may be provided if the debtor chooses to do so.

Official Form 16A, the full caption will be amended to include only the last four digits. Accordingly, notices other than the 341 notice will either include the last four digits, or none, if Official Form 16B, the caption is used.

Notice is further given that the current versions of the official Bankruptcy forms, including the Voluntary Petition, Involuntary Petition, Schedules, Statement of Financial Affairs and Proof of Claim, should be used through the end of the day on November 30, 2003. New and revised forms will be required on and after December 1, 2003. Filers need to obtain and install petition preparation software upgrades or obtain revised paper forms by the December 1, 2003 effective date.

On December 1, 2003 the first five digits of debtors' social security numbers will be redacted from the court's docket in all cases. However, complete social security numbers will appear on the images of petitions and other documents filed before December 1, 2003.

The clerk's office will not provide the debtor's social security number to parties making phone or in-person inquiries.

The Office of the Clerk accepts electronically filed documents and pleadings and makes the content of these pleadings available on the court's Internet website via WebPACER. Documents and pleadings filed on paper are imaged, posted to WebPACER, and are similarly available. Any subscriber to WebPACER is able to read, download, store and print the full content of electronically filed documents. The clerk's office will not make electronically available documents that have been sealed or otherwise restricted by court order.

Filers should not include sensitive information in any document filed with the court unless such inclusion is required by the Federal Rules of Bankruptcy Procedure or Official Bankruptcy Forms or the inclusion is otherwise necessary and relevant to the case. Reminder that any personal information not otherwise protected will be made available over the Internet via WebPACER. If any sensitive information must be included, the following personal data identifiers must be partially redacted from the pleading, unless specifically required by the statute, Federal Rule of Bankruptcy Procedure or Official Bankruptcy Form, whether it is filed traditionally or electronically: Social Security numbers, financial account numbers, dates of birth and the names of minor children. (See *Standing Order Regarding*

Privacy Related Rules).

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified may file an unredacted document under seal. The sealed document must be filed in a manner that is in compliance with Local Rule 9018(a). This sealed document shall be retained by the court as part of the record. The court may, however, also require the party to file a redacted copy for the public file.

In addition, filers are requested to exercise caution when filing documents that contain the following:

- 1) any personal identifying number, such as driver's license number;
- 2) medical records, treatment and diagnosis;
- 3) employment history;
- 4) individual financial information; and
- 5) proprietary or trade secret information.

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. The clerk is not responsible for redacting the Social Security number or other personal data identifiers from documents filed with the Court. This responsibility to redact personal identifiers from documents rests completely with the filer. If a redacted document is filed, it is the sole responsibility of counsel and the parties to be sure that all documents and pleading comply with the rules of this court requiring redaction of personal data identifiers. (See *Standing Order Regarding Privacy Related Rules*). The clerk's office will not review each pleading or attachment for compliance with the redaction policy. Accordingly, the United States trustee, case and standing trustee and attorneys should review notices, reports, and other materials prepared in their respective offices and firms, whether in paper or electronic form, which regularly becomes part of the case file, for appropriate modification consistent with changes in the rule and the forms.