

Electronic Access to Case Files in Federal Courts
Privacy Policy Fact Sheet
March 16, 2004

- Today the Judicial Conference approved specific implementation guidance and a model local rule that will allow for greater remote electronic access to criminal case files.
- Software modifications must occur before courts are able to fully implement the new guidelines.
- The policy requires that certain personal identifier information be partially redacted by the filer of the document, whether filed in paper form or electronically.
- Redaction of personal identifiers will include limiting Social Security numbers to the last four digits; financial account numbers to the last four digits; names of minor children to the initials; dates of birth to the year; and home addresses to city and state. The same information, with the exception of addressing information, also is redacted from civil and bankruptcy files. This additional redaction in criminal cases is to protect the home addresses of witnesses, victims, law enforcement officers and others involved in criminal cases.

Background

- After considering extensive public input, the Judicial Conference in September 2001 adopted a policy on privacy and public access to electronic case files.
- The policy recommended that remote public electronic access to civil and bankruptcy case file documents (excluding Social Security cases) be the same as available at the courthouse. It also recommended that there be no remote public electronic access to criminal case file documents for at least two years.
- The Conference approved creation of a pilot project in which 11 courts were permitted to provide remote public access to electronic criminal case files.
- The Federal Judicial Center studied the pilot program, and concluded that no harm resulted from enhanced access to criminal case file documents in the pilot courts.
- The Judicial Conference in September 2003 voted to expand remote public access to electronic court documents by allowing access to criminal case files. Various Conference committees were charged with drafting appropriate implementation guidance for the courts. The guidance prepared by those committees was approved today by the Conference.
- Electronic case file documents may only be accessed through the federal court's Public Access to Electronic Records (PACER) program which requires registration and issuance of a login and password. This can be done instantly at www.pacer.psc.uscourts.gov.

Electronic Access to Civil Case Files

- In September 2001, the Judicial Conference adopted a policy allowing remote public access to all electronic civil case files with the exception of Social Security case files. Only the parties have access to these files because of the large amount of personal and medical information.
- The filers of documents in civil cases must redact certain personal identifiers as described above.
- This policy is currently in effect in all courts that make electronically filed or imaged documents available to the public.
- Courts have implemented the policy through local rules and standing orders.
- As required by the E-Government Act of 2002, the Rules Committee of the Judicial Conference is developing proposed amendments to the Federal Rules of Civil Procedure to address privacy concerns.

Electronic Access to Bankruptcy Case Files

- In September 2001, the Judicial Conference adopted a policy allowing remote public access to all electronic bankruptcy case files.
- The filers of documents in bankruptcy cases must redact certain personal identifiers as described above.
- The Federal Rules of Bankruptcy Procedure and the Official Bankruptcy Forms had to be amended in order to implement the privacy policy's redaction requirements.
- These amendments became effective December 1, 2003 and the privacy policy for bankruptcy cases is now in effect in all bankruptcy courts that make electronically filed or imaged documents available to the public.
- As required by the E-Government Act of 2002, the Rules Committee of the Judicial Conference is examining whether additional amendments to the Federal Rules of Bankruptcy Procedure need to be developed to address privacy concerns.

Electronic Access to Appellate Case Files

- In September 2001 the Judicial Conference determined that appellate case files should be treated at the appellate level the same way in which they are treated at the lower court. Because no courts of appeals currently use the electronic filing system, the policy has not yet been implemented.
- As required by the E-Government Act of 2002, the Rules Committee of the Judicial Conference is developing proposed amendments to the Federal Rules of Appellate Procedure to address privacy concerns.

