

## Memorandum on Sealed and Confidential Materials under FRAP 25(a)(5) & Local Rule 25(c)

Personal Data Identifiers: The Federal Rules of Procedure require that the following personal data identifiers be excluded or redacted from documents filed with the Court:

- Social Security & EIN Numbers: Use last four digits only.
- Names of Minor Children: Use initials only.
- Dates of Birth: Use year only.
- Financial Account Numbers: Use last four digits only.
- Home Addresses in Criminal Cases: Use city and state only.

If these identifiers must be included in full in documents filed with the Court, the documents must be filed under seal with a certificate of confidentiality, and redacted copies of the documents must be filed for the public file. The federal rules exempt the following documents from the redaction requirement: the account number or address of property subject to a forfeiture action; state court records; agency records; court records that were not subject to redaction requirements when created; filings in social security and immigration cases; pro se filings in 28 U.S.C. §§ 2241, 2254, or 2255 cases; and documents preceding the charging document, the charging document, the arrest warrant, and the search warrant in a criminal case. Parties should exercise caution with regard to any sensitive personal data in filings. Counsel should notify their clients that filings will be made available over the internet, so that an informed decision can be made about inclusion of sensitive information. The clerk will not review filings for redaction or sealing.

Certificates of Confidentiality: Personal data identifiers and material sealed by the district court or agency may be filed under seal on appeal if accompanied by a [certificate of confidentiality](#) identifying the sealed matter as personal data identifiers or items sealed by the district court or agency.

Motions to Seal: A party seeking to seal material in addition to personal data identifiers or material sealed below; to seal an entire brief, motion, or other non-record document; or to seal all party filings on appeal, must file a motion to seal in this Court. Cases which proceeded under seal in the district court, including grand jury matters, will not proceed under seal on appeal unless this Court grants a motion to seal the parties' filings on appeal.

Appendices: When sealed material is included in the appendix, it must be segregated from other portions of the appendix and filed in a separate, sealed volume of the appendix. The front of the sealed volume must be conspicuously marked SEALED, and the volume must be accompanied by a certificate of confidentiality. Four copies of sealed volumes of the appendix must be filed, together with four copies of the certificate of confidentiality, in an envelope marked SEALED. Six copies of unsealed volumes of appendix are required (five copies from court-appointed counsel). Sealed and unsealed volumes of appendix are filed in paper form only using the entry **Notice of paper filing**.

Briefs, Motions, and Other Documents: When sealed material is included in a brief, motion, or any document other than an appendix, two versions of the document must be filed: (i) a complete version under seal in which the sealed material has been distinctively marked and (ii) a redacted version of the same document for the public file. The front of the sealed brief, motion, or other document must be conspicuously marked SEALED, and the document must be accompanied by a certificate of confidentiality or motion to seal. Four copies of sealed versions of briefs must be filed, together with four copies of the certificate of confidentiality or motion to seal, in an envelope marked SEALED. Eight copies of unsealed versions of the brief are required (six from court-appointed counsel). Sealed versions of briefs are filed in electronic form using the entry **SEALED BRIEF FILED** which automatically restricts electronic access to the Court. The electronic version of other sealed documents is filed using the entry **SEALED DOCUMENT OR MOTION FILED**, which also restricts electronic access to the Court.