Chapter 16 Rules

Protected Information & Redaction

Disclaimer

- This presentation **is not** intended as **a substitute** for reading the Chapter 16 Rules.
- It is **your responsibility** to know all the rules.
- This presentation is meant to be a general overview to help you understand the main concepts of the rules.

Protected Information

Certain pieces of personal information are considered *protected information*

- These include:
  - Social security numbers
  - Financial account numbers
  - Dates of birth
  - Names of minor children
  - Individual tax payer identification numbers
  - Personal identification numbers
  - Other unique identifying numbers

Protected Information

- Protected information must not be included in electronically filed documents *unless*:
  - It is material to the proceedings
  - It is required by the law

- If protected information must be included, a filer must submit a redaction
  - Redaction: A version without the protected information
    - Protected information can be blacked-out or included in partial form before being submitted

Protected Information Form

IN THE IOWA DISTRICT COURT FOR STORY COUNTY

JANE DOE TARZAN
Plaintiff(s) / Petitioner(s)

Case No. XXXX000000

vs.

PROTECTED INFORMATION DISCLOSURE

JOHN DOE TARZAN
Defendant(s) / Respondent(s)

When protected information, as defined in Rule 16.602, is required by law to be included or is material to the case and is therefore included in non-confidential documents, a party shall record the protected information on this form.
Refer to Court Rules: Chapter 16, Rules Pertaining to the Use of the Electronic Document Management System, Division VI, Protection of Personal Privacy for an explanation of responsibility and procedures for protecting personal information, Rule 16.602 for a list of protected information, and Rule 16.604 for a list of information that may be redacted.

Plaintiff / Petitioner
Name: Last) TARZAN (First) JANE (Middle) DOE

Protected Information Type	Protected Information	Public Information (see Rule 16.605)
Social security number	483-56-4030	4030
Financial account numbers		
Date of birth	4/20/1967	1967
Individual taxpayer identification numbers		
Personal identification numbers		
Other unique identifying numbers		

This form is filed if the full value of protected information is needed for a case

Redaction

- Examples of how to redact:
  - SSN: Use only last 4 digits
  - Financial account numbers: Use incomplete numbers
  - Date of Birth: Use only the year

- *The court may impose sanctions to filers who purposefully file documents with un-redacted protected information*

Redaction Options

- A party can choose to redact the following information (without a court order):
  - Driver's license number
  - Information concerning medical treatment or diagnosis
  - Employment history
  - Personal financial information
  - Proprietary or trade secret information
  - Information concerning a person's cooperation with the government
  - Information concerning crime victims
  - Sensitive security information
  - Home addresses

Responsibilities for Redaction

- *Clerk's Responsibilities*
  - Redacting court-generated documents
  - "The clerk of court will not, on the clerk's own initiative, redact documents or seal documents containing protected information."
  - Avoid distribution of documents containing protected information
- *eFiler's Responsibilities*
  - Redacting protected information in their own filings
  - Moving to redact protected information in documents filed by others on their cases
  - To inspect court reporter's transcripts for possible redaction

Redaction Responsibilities

- *Court Reporter Transcripts*
  - The court reporter is responsible for redaction within a transcript
  - Parties have 21 days to review and stipulate additional redactions
- *Exhibits*
  - At the end of hearing or trial, parties are to designate protected information included in exhibits
  - Disagreements decided by the court

For more information on this topic, see rules 16.601 (2) & 16.691 (3)