

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF ALABAMA

**TRANSCRIPT REDACTION POLICY**

In March 2008, the Judicial Conference of the United States approved revisions to its Policy on Privacy and Public Access to Electronic Case Files. Prior action by the Judicial Conference on privacy protection is memorialized in Rule 9037, Federal Rules of Bankruptcy Procedure. This Court's policy on transcript redaction recognizes the recent revisions as noted below. In addition, CM/ECF Ver. 3.2 includes software that facilitates implementation of this policy. The personal identifiers to be redacted are Social Security numbers, names of minor children, financial account numbers and date of birth information.

1. Only court reporters or court proceeding transcribers may file transcripts electronically with the court.
2. Effective Time Periods:
  - a. Ninety-Day Period: For a period of 90 days from the date of the filing of the transcript with the court, transcripts will not be available via PACER except to an attorney or party in the case who has purchased the transcript from the court reporter. The attorney or party will be given remote electronic access to the transcript through the court's CM/ECF system via PACER for the purpose of creating hyperlinks to the transcript in court filings and for other purposes. All PACER fees remain applicable.

During the ninety-day period, the transcript will be available for viewing free of charge at the Office of Clerk at the public terminals, but, it will not be available for copying during this period.

After the ninety-day period, the filed transcript (or redacted transcript) will be available for inspection and copying at the clerk's office and for downloading from the court's CM/ECF system via PACER. All copy fees and PACER fees remain applicable.

- b. Seven-Day Period: The parties shall have seven calendar days from the date of filing of the transcript to file a Notice of Intent to Request Redaction of Transcript. If no such notice is filed within this time period, the court will assume that no such notice is necessary.
  - c. Twenty-One Day Period: Parties who have filed a Notice of Intent to Request Redaction of Transcript shall notify the court reporter or transcriber within twenty-one days of the filing of the transcript of their intent to request redaction of personal data identifiers from the electronic transcript of the court proceedings. The party shall submit to the court reporter or transcriber a statement indicating where the personal data identifiers to be redacted

appear in the transcript. The court reporter or transcriber must redact the identifiers limited by BR 9037 as directed by the party.

During this period, or longer if the court orders, an attorney or *pro se* party may move the court for redaction of additional information.

If no such notice is filed within the allotted time, the court will assume redaction of personal data identifiers from the transcript is not necessary.

- d. Thirty-One Day Period: The court reporter or transcriber must, within thirty-one (31) days of the delivery of the transcript to the clerk of court, or longer if the court so orders, perform the requested redactions, and file a redacted version of the transcript with the clerk of court. The clerk shall retain the original unredacted electronic transcript.

Redaction is solely the responsibility of the attorney and *pro se* parties who attended the hearing. A party may apply to the court for additional redactions and extensions of time limits. If a party that has filed a Notice of Intent to Request Redaction of Transcript fails to notify the court reporter or transcriber of the items to be redacted within the twenty-one day period, the court will assume that redaction is not necessary, and the court reporter or transcriber may proceed to file the transcription.

Nothing in this policy creates a private right of action.

Nothing in this policy changes any rules or policies with respect to sealing or redaction of court records for other purposes.

This policy does not affect or limit the right of any party (or any other person or entity) to order production of a transcript on an expedited basis. This policy does not affect any court rules or ruling requiring the sealing of materials or the protection of sealed materials.