

TRANSCRIPT REDACTION PROCESS

With the installation of ECF v.3.2 comes the functionality that will permit the court to implement the Judiciary's privacy policy as it applies to the electronic availability of transcripts. At the outset, a few observations about responsibilities need to be made. When a transcript is filed with the court, the attorneys and *pro se* parties who attended the hearing are solely responsible for redaction of the information described in Rule 9037. Redaction is accomplished only with their input. Transcribers are not responsible for identifying a need for redaction. The clerk is not required to review documents for compliance with Bankruptcy Rule 9037. The court's responsibility is to provide public access to the transcript and restrict access in accordance with the Judiciary's privacy policy.

Snapshot of Transcript Redaction Process

The following information embellishes that contained in the flowchart outlining the transcript redaction process:

Step 1) Submission of Transcript to Court.

Transcribers will be required to electronically submit their transcripts to the court via CM/ECF. Once the transcript is docketed by court personnel, access to the transcript is automatically restricted to court staff and public terminal users. However, neither a public terminal user nor court staff may copy or print a copy of the transcript during a 90-day restriction period.

Step 2) "Notice of Transcript Filed" is Docketed in CM/ECF

In addition to setting forth the date a transcript of a proceeding was filed, the notice will contain deadlines related to restrictions and redaction. Only attorneys and *pro se* parties who actually appeared at the hearing will be provided with this notice. Attorneys will receive an electronic notice, and *pro se* parties will receive notice by U.S. mail.

Step 3) 7-Day Review Period.

During the 7-day period following the docketing of the transcript, attorneys and *pro se* parties are responsible for reviewing a transcript for information that should be redacted under the Judicial Conference's privacy policy, i.e., Social Security numbers (last 4 digits only), birth dates (only the year), minors (refer to with initials), and financial account numbers (last 4 digits only).

Step 4) "Notice of Intent to Request Redaction"

By the end of 7 calendar days after the transcript is docketed, if an attorney intends to redact material from the transcript, she must file a "Notice of Intent to Request Redaction" of information from the transcript. An attorney is responsible for reviewing the opening and closing statement made on behalf of the party he represents, any statements made by the party, and testimony of any witness called by the party.

If no notice is filed by the end of this 7-day period, the court may assume that redaction of personal data is not necessary and may make the transcript electronically available to the public at the end of 90 days.

Step 5) Redaction Request.

If a “Notice of Intent to Request Redaction” has been filed, the attorney has whatever remains of a 21 calendar day period (following the docketing of the transcript) to file a “Redaction Request.” Attached to the “Redaction Request” will be a document which lists the places in the transcript where the personal data to be redacted appears. The transcriber must then redact the identifiers as directed by the party.

Step 6) Docketing of Redacted Transcript.

Within 31 calendar days of the transcript being docketed, a redacted version of a transcript must be filed with the court by the transcriber.

Step 7) Removal of Transcript Restrictions.

Finally, at the end of the 90 day period after the docketing of the original transcript, the court removes transcript restrictions on the last version of the transcript filed.

Other Information:

1. A transcript provided to the court by a transcriber will be available at the clerk’s office for inspection only for a period of 90 days after it’s docketed.
2. During the 90-day period, a copy of the transcript may be obtained from the court transcriber at the rate established by the Judicial Conference. The transcript will be available within the court for internal use, and an attorney who obtains the transcript from the transcriber may obtain remote electronic access to the transcript through the court’s CM/ECF system.
3. After the 90-day period has ended, the filed transcript will be available for inspection and copying in the clerk’s office and for downloading from the court’s CM/ECF system through the judiciary’s PACER system.

Transcript Redaction Process

