

**United State Bankruptcy Court
Eastern District of California**

Notice Of Electronic Availability of Bankruptcy Case File Information

(Revised April 15, 2003)

With limited exceptions, the papers filed in a bankruptcy case and the documents of the bankruptcy court are public records. Consequently, bankruptcy case files and dockets may be viewed and copied at the Clerk's Office by any person, unless otherwise ordered by the Court.

Since March 1, 1999, all documents filed in pending Eastern District of California bankruptcy cases and proceedings (except Proofs of Claim filed in cases pending prior to March 1, 1999 and documents sealed or otherwise restricted by Court order) have been imaged and are available on the Internet through the court's Public Access to Court Electronic Records (e-CalWebPACER) information system. Any e-CalWebPACER subscriber¹ may read, download, store, and print the full content of imaged documents. Information obtained from printed and electronic case files is capable of being used for any purpose, including reasons unrelated to bankruptcy cases.

Because personal information not otherwise protected will be made available over the Internet, you should not include sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. You should, for example, exercise caution when filing documents that contain the following:

- a. Personal identifying number, such as driver's license number;
- b. Medical records, treatments and diagnosis;
- c. Employment history;
- d. Individual financial information; and
- e. Proprietary or trade secret information.

In the near future, in compliance with the policy of the Judicial Conference of the United States regarding privacy and public access to electronic case files, "personal data identifiers" such as social security numbers, financial account numbers, dates of birth, and the names of minor children will have to be partially redacted from documents before they are filed, either traditionally or electronically, with the bankruptcy court.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing these "personal data identifiers" will be permitted to file an unredacted version of the document under seal that will be retained by the court as part of the record. The party may also be required to file a redacted version for placement in the public file.

Information concerning implementation of the Judicial Conference privacy policy in bankruptcy courts and any accompanying local procedural changes will be provided as it becomes available. Until implementation of the privacy policy, the court will consider any motion for protective order or motion to seal² documents containing "personal data identifiers" on its individual merits, as provided in 11 U.S.C. §107(b) and Federal Rule of Bankruptcy Procedure 9018.

Counsel is strongly urged to share this notice with all clients so that an informed decision about the inclusion, redaction and/or exclusion of certain materials can be made. The Clerk's Office will not review documents for redaction.

¹ A login and password are required to access the e-CalWebPACER system. e-CalWebPACER subscribers are charged a fee for access to case information.

² Parties seeking an order sealing documents containing "personal data identifiers" shall file an ex parte motion to seal, together with any supporting documentation, and a proposed order. Parties seeking to place a previously filed document under seal shall identify the particular document to be sealed by including the document number, date filed, filing party, and document title within the text of the motion. Parties seeking to file a 'new' document under seal shall submit the document, in a large (8½ x 11 inch) sealed envelope, to the court with the motion, supporting documents, and proposed order. The title of the court, the case or proceeding caption, and the case and/or proceeding numbers shall be indicated on the outside of the envelope containing the document.