

**GUIDELINES TO ATTORNEYS
RE: PRIVACY-RELATED RULES CHANGES**

On December 1, 2003, amendments to the Federal Rules of Bankruptcy Procedures and the Official Bankruptcy Forms will become effective. These amendments will implement the Judicial Conference's policy on privacy and public access to electronic case files that require the court to collect a debtor's full social security number but display only the last four digits.

Our court plans to convert to CM/ECF Version 2.3 on December 1, 2003. This version complies with the privacy requirements. The following is offered as guidance to attorneys practicing in our court.

PRIVACY COMPLIANCE DATE: DECEMBER 1, 2003

The changes to the Federal Rules of Bankruptcy Procedure 1005, 1007, and 2002 and the Official Bankruptcy Forms 1, 3, 5, 6, 7, 8, 9, 10, 16A, 16C, and 19 take effect on December 1, 2003. You should ensure that you begin to use these revised forms and ensure that you are in compliance with the changes to the Rules on and after December 1, 2003. If attorneys use old forms that include the debtor's social security number, the clerk's office will send to the attorney a Notice of Deficiency. The forms have been changed to comply with the Judicial Conference's policy on privacy and public access by redacting certain "personal data identifiers" (social security numbers, dates of birth, financial account numbers, and names of minor children). Filers, not the clerk, are responsible for redacting this information.

DEBTOR'S STATEMENT OF SOCIAL SECURITY NUMBER

A new subdivision (f) has been added to Rule 1007 which requires an individual debtor to "submit" to the court a statement under penalty of perjury setting out the debtor's full social security number, (Official Form 21 available on the courts website) or stating that the debtor does not have a social security number. Because the statement is "submitted" not "filed," it will not be part of the case file available for viewing. The statement must be "submitted" with the petition to ensure that the clerk's office can include the debtor's full social security number on the 341 meeting of creditors' notice. The clerk's office will contact you either in the form of a notice or order if the verified statement is not submitted with the petition. If not corrected, this could lead to dismissal of the case.

ELECTRONIC SUBMISSION OF SOCIAL SECURITY NUMBER

Electronic filers will enter the full nine-digit social security number in the filer's petition software and/or the CM/ECF case opening screens. Even though nine digits are entered, only the last four digits will be displayed in CM/ECF to non-court users. The

debtor's attorney will also be required to docket the verified statement of social security number as a separate entry in CM/ECF. The statement should contain an image of the debtor's original signature. The event to docket the statement electronically is located under Bankruptcy; Miscellaneous and titled Statement of Social Security Number. By using this event, the scanned image will not be viewable except to a court user. Pursuant to Administrative Order 2003-3 the attorney will be required to retain a verified statement of social security number signed by the debtor for 4 years past closing.

PAPER SUBMISSION OF SOCIAL SECURITY NUMBER

Non-electronic filers will be required to submit a signed verified statement of the debtor's social security number (Official Form 21) with the petition. The clerk's office will scan and docket the verified statement but only a court user will be able to view the statement in CM/ECF.

AMENDED/LATE STATEMENT OF SOCIAL SECURITY NUMBER

If the debtor amends his/her verified statement of social security number, the clerk's office will scan and docket the amended statement but only a court user will be able to view the statement in CM/ECF. An electronic filer will docket the amended statement but only a court user will be able to view the statement. The event to docket the amendment electronically is located under Bankruptcy; Miscellaneous and titled Statement of Social Security Number. The E-filer should include the word "Amended" in the suffix box. Regardless of whether the amended statement is filed in paper or electronically, the attorney must also serve the amendment on all creditors, the trustee and the U.S. Trustee in accordance with Federal Rule of Bankruptcy Procedure 1009(a). A Notice of Deficiency or an Order Striking will be issued if service is not made.

341 MEETING NOTICE

The 341 meeting notice will provide the debtor, creditors, case trustee, and the U.S. Trustee with the debtor's full social security number. Through a new dual noticing procedure implemented by the BNC, the file copy of the notice as well as the certificate of service from the BNC, will show the redacted number.

ATTACHMENTS AND OTHER DOCUMENTS

As mentioned earlier, the court is not responsible for redacting personal data identifiers. Attorneys should ensure that these identifiers are redacted from any attachments submitted with a pleading. They should also ensure that only the last four digits of a wage claimant's social security number, the debtor's social security number, or the debtor's account number appear on a Proof of Claim. In compliance with the E-Government Act of 2002, you may file a document containing the personal data identifiers under seal. However, you must also file a redacted copy for the electronic case file.

CREDITOR(S) ADDED

Rule 1009(a) requires the debtor to serve the added creditor with a copy of the amendment that added the creditor. The court will enter a local rule requiring that the debtor also serve the added creditor with a copy of the original 341 notice so that the creditor is given the debtor's full social security number.