



LEONIDAS RALPH MECHAM
Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

GLEN K. PALMAN
Chief

CLARENCE A. LEE, JR.
Associate Director

WASHINGTON, D.C. 20544

Bankruptcy Court
Administration Division

July 24, 2003

MEMORANDUM TO ALL: Clerks, United States Bankruptcy Courts
Bankruptcy Administrators

SUBJECT: Guidance for Implementing Privacy-Related Rules Changes (ACTION)

At its September 2002 session, the Judicial Conference approved proposed amendments to the Federal Rules of Bankruptcy Procedure and the Official Bankruptcy Forms which will implement the Conference policy on privacy and public access to electronic case files. Barring Congressional action, these amendments will take effect December 1, 2003.

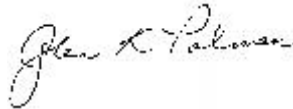
The amendments are consistent with the Judicial Conference's September 2001 policy statement regarding documents in bankruptcy cases. That policy states that such documents generally should be available electronically with the proviso that the Bankruptcy Code and Rules should be amended as necessary to allow the court to collect a debtor's full Social Security number but display only the last four digits.

The attached guidance outlines the legal and operational impacts of the rules changes, and describes recommended approaches for implementation. Additional information regarding the new privacy requirements is available on the Federal Rulemaking page of the Judiciary's website at <http://www.uscourts.gov/rules/index.html>. Click on "Pending Rules Amendments Awaiting Final Action," and then select "Amendments Submitted to the Judicial Conference (Sept. 2002)."

If you have any questions, please contact the appropriate AO staff: For general CM/ECF or legacy system concerns contact Robby Robinson or Robert Tarkington, respectively, in the Bankruptcy Court Administration Division (BCAD) at 202-502-1540. For CM/ECF or legacy system technical questions, call the Help Desk of the Systems Deployment & Support Division at 210-301-6321. For inquiries about the new privacy rules and forms, contact Jim Wannamaker of the Bankruptcy Judges

Division at 202-502-1910, or Mary Louise Mitterhoff and Mary Fritsche of the Bankruptcy Court Administration Division at 202-502-1540.

Thank you for your cooperation in making the changes necessary to implement the new privacy rules.

A handwritten signature in cursive script, appearing to read "Glen K. Palman".

Glen K. Palman

Attachment

cc: Chief Judges, United States Bankruptcy Courts

GUIDANCE FOR IMPLEMENTING PRIVACY-RELATED RULES CHANGES

FOR IMPLEMENTATION DECEMBER 1, 2003

**Administrative Office of the United States Courts
July 2003**

GUIDANCE FOR IMPLEMENTING PRIVACY-RELATED RULES CHANGES

CONTENTS

Summary of Privacy Changes

Overview	1
Impact on Systems and Procedures	2
Privacy Compliance Date: December 1, 2003	3
Court System Technical Changes	3
Forms Compliance by Filers	3
Debtor's Statement of Social Security Number	4
Electronic Submission of Social Security Number	4
Paper Submission of Social Security Number	6
Other Privacy Amendments	6

Noticing Issues

Section 341 Noticing – General Approach	7
Revised Meeting of Creditors Notice (Form 9, All Chapters)	7
BNC Reliance	8
<u>CM/ECF Courts – Noticing</u>	
Section 341 Notices – CM/ECF Courts	8
Other Notices – CM/ECF Courts	9
<u>BANCAP Courts – Noticing</u>	
Section 341 Notices – BANCAP Courts	9

Other Notices – BANCAP Courts	10
<u>NIBS (Version 1.1) Courts – Noticing</u>	
Section 341 Notices – NIBS Courts	11
Other Notices – NIBS Courts	12
Other Documents	
Party-Initiated Forms	13
Attachments, Imaged Documents, and Paper Files	13
Docket Reports	13
CM/ECF Courts – Docket Reports	13
BANCAP & NIBS (v1.1) Courts – Docket Reports	14
Other Court Forms & Public Reports	14
Electronic Public Access Changes	
<u>CM/ECF Courts – Public Access Changes</u>	14
<u>BANCAP Courts – Public Access Changes</u>	
WebPACER – BANCAP Courts	14
Public Query Reports – BANCAP Courts	15
Dial-Up PACER – BANCAP Courts	15
VCIS – BANCAP Courts	15
RACER – BANCAP Courts	15
<u>NIBS (v1.1) Courts – Public Access Changes</u>	
WebPACER – NIBS (v1.1) Courts	15
Public Query Reports – NIBS (v1.1) Courts	16

Dial-Up PACER – NIBS (v1.1) Courts	16
VCIS – NIBS (v1.1) Courts	16
RACER --NIBS (v1.1) Courts	16

ATTACHMENTS

Technical Addenda: Instructions for Court Implementation

1-Modifying BANCAP Low-Vol., Non-341 Notices to Redact SSN	17
2-Modifying BANCAP WebPACER to Eliminate Displaying SSN	18
3-Modifying BANCAP Mirror (Dial-Up) PACER to Redact SSN	22
4-Modifying NIBS (v1.1) WebPACER to Redact SSN	25

Selected Revised Forms* (pages not numbered)

Form 1: Voluntary Petition

Form 9A: Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines**

Form 10: Proof of Claim

Form 21: Statement of Social Security Number (DRAFT)

*The full text of the proposed amendments to the Federal Rules of Bankruptcy Procedure and the Official Bankruptcy Forms, except Form 21, is available on the Federal Rulemaking page of the Judiciary’s website at <http://www.uscourts.gov/rules/index.html>. Click on “Pending Rules Amendments Awaiting Final Action,” and then select “Amendments Submitted to the Judicial Conference (Sept. 2002).”

**The revised Official Form 9 for all chapters includes only the last four digits of the debtor’s Social Security number. As discussed in this guidance, that form (with the redacted number) is the one that will become part of the official case file. Creditors and other notice recipients will receive the same form except for the contents of the Social Security number box which will provide the full number as required by Rule 2002(a)(1).

GUIDANCE FOR IMPLEMENTING PRIVACY-RELATED RULES CHANGES

At its September 2002 session, the Judicial Conference approved proposed amendments to the Federal Rules of Bankruptcy Procedure and the Official Bankruptcy Forms which will implement the Conference policy on privacy and public access to electronic court files. Barring Congressional action, these amendments will take effect December 1, 2003.

This document outlines the legal, operational, and noticing impacts of the rule changes, and describes recommended approaches for implementation. Additional information regarding the new privacy requirements is available on the Federal Rulemaking page of the Judiciary's website at <http://www.uscourts.gov/rules/index.html>. Click on "Pending Rules Amendments Awaiting Final Action," and then select "Amendments Submitted to the Judicial Conference (Sept. 2002)."

SUMMARY OF PRIVACY CHANGES

OVERVIEW

The privacy amendments are consistent with the policy that documents in bankruptcy cases generally should be available electronically with the proviso that the Bankruptcy Code and Rules should be amended as necessary to allow the court to collect a debtor's full Social Security number but display only the last four digits. Key changes include the following:

- The petition, Official Form 1, will contain only the last four digits of individual debtors' Social Security numbers. (See attached revised form.)
- Amendments to Rule 1007 will require debtors to *submit* a verified statement containing the full nine-digit number.
- The new Statement of Social Security Number will not be *filed* in the case or become part of the case file available to the public at the court or over the Internet. (See attached draft form.)
- Rule 2002 will be amended to require the clerk to include the debtor's full Social Security number in the copy of the section 341 meeting of creditors notice, Official Form 9, sent to creditors, the debtor, the trustee, and the United States trustee or bankruptcy administrator. The copy of the section 341 notice included in the court case file, however, will contain only the last four digits of the Social Security number.

-Official Form 10, Proof of Claim, will require a wage creditor to disclose only the last four digits of the creditor's Social Security number. Subtotals for unsecured, secured, and priority will be added to the box for the total amount of the claim and a box will be added to the proof of claim for unsecured nonpriority claims. In addition, the shading will be removed from both the proof of claim and the section 341 meeting of creditors notice.

-Official Form 16A, the full caption, will be amended to include only the last four digits of any debtor's Social Security number. Accordingly, subsequent notices (after the section 341 notice) will either include the last four digits or none, if Official Form 16B, the short caption is used.

-Filers — not the clerk — are responsible for redacting Social Security numbers and other personal identifiers such as dates of birth, financial account numbers, and names of minor children in documents they file with the court. Because pre-existing financial documents including personal identifiers may be filed as attachments to court papers, the courts may want to revise their local rules on filing these documents and other attachments.

IMPACT ON SYSTEMS AND PROCEDURES

The privacy amendments require changes in the bankruptcy courts' automated case management systems, public access systems, and noticing processes. CM/ECF Version 2.3 will comply with privacy requirements, including changes in noticing requirements, and is expected to be released in September 2003. As a prerequisite to installing Version 2.3, courts must upgrade to Version 2. In conjunction with the Version 2.3 release, PACER (Public Access to Electronic Records) and VCIS (Voice Case Information System) must be revised so that only the last four digits of a Social Security number will be displayed on the public terminals or through electronic access.

Courts using legacy case management systems will need to implement a number of changes, and this guidance provides assistance for courts using the BANCAP or NIBS Version 1.1 systems. Solutions developed for NIBS Version 1.1 courts may not be technically compatible with the NIBS 15B system. Nonetheless, courts using that system, which is not nationally supported, should find the guidance helpful in reviewing the operational impacts of the new privacy policy and planning to make adjustments, as appropriate.

The Administrative Office is working with the Bankruptcy Noticing Center to institute changes so that bankruptcy courts, whether using the CM/ECF application (Version 2.3), or the BANCAP or NIBS (Version 1.1) legacy case management applications, will be able to comply with the new rules. This effort also will require participation by court staff. In addition, as recommended in this guidance, some courts will need to initiate modifications locally to implement the new requirements.

PRIVACY COMPLIANCE DATE: DECEMBER 1, 2003

The changes in the rules and forms officially take effect on December 1, 2003. Prior to that date, the current requirements (i.e., full Social Security number to appear where it is required, etc.) are still in effect.

Court System Technical Changes

The Supreme Court's order of March 27, 2003, prescribing the privacy amendments states, that the amendments take effect on December 1, 2003, and govern all proceedings commenced in bankruptcy cases thereafter and, insofar as just and practicable, all proceedings then pending.

Recommendation

Courts should plan carefully for the work and time required to comply with these changes, in order to meet the December 1, 2003, effective date.

CM/ECF Courts: Courts that are live on CM/ECF should allow sufficient time for implementing the privacy modifications, which are part of CM/ECF Version 2.3. Courts should install CM/ECF Version 2.3 in the test data base as soon as practicable, and implement Version 2.3 as close as possible to December 1, 2003.

Implementation of Version 2.3 requires modifying noticing forms, testing the forms with the BNC, and testing the new United States Trustee Interface with the Executive Office for United States Trustees. The tests should be scheduled well in advance because the BNC and the EOUST also will be testing with other CM/ECF courts.

Legacy System Courts: As outlined in this guidance, courts expecting to be operating legacy case management systems on December 1, 2003, will have to implement a number of changes. These include new noticing procedures that must be tested with the BNC, electronic public access changes and, in some cases, court-initiated modifications. Changes should be installed in a test mode as soon as practicable and implemented as close as possible to December 1, 2003.

Forms Compliance by Filers

To the extent possible, attorneys and parties should use the current versions of the Official Bankruptcy Forms — including the Voluntary Petition, Involuntary Petition, Schedules, Statement of Financial Affairs, and Proof of Claim — through November 30, 2003 and the revised forms on and after December 1, 2003, as required by the Bankruptcy Rules. Not all attorneys, however, may obtain and install petition preparation software upgrades or obtain revised paper forms by the December 1 effective date.

Recommendation

If attorneys or pro se filers use old forms that include the debtor's Social Security number, court staff should follow the usual procedures after a change in forms, including notifying filers of deficiencies. The court should modify its Notice of Deficiencies accordingly. If an attorney persists in filing petitions using old forms, a clerk may wish to bring that issue to a judge's attention for appropriate action.

DEBTOR'S STATEMENT OF SOCIAL SECURITY NUMBER

On December 1, 2003, a new subdivision (f) will be 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, or stating that the debtor does not have a Social Security number. The rule requires that the debtor submit the statement with the petition. A new Official Bankruptcy Form, Statement of Social Security Number, is being prepared for consideration by the Judicial Conference. Because the new statement will be "submitted" rather than "filed," it will not be part of the case file available to the parties, bar, and public.

Managing the Statement of Social Security Number may present some special difficulties. This is because the statement is made under penalty of perjury but is not part of the public case file, and also because of the statement's role in providing the debtor's Social Security number to the clerk for inclusion in the section 341 Meeting of Creditors notice. Both Rule 1007(f) and the inclusion of the full Social Security number in the section 341 Meeting of Creditors notice dictate that the clerk get the Social Security number at the time the case is filed, even if the signed paper copy of the statement is submitted separately by mail or is retained by the debtor's attorney.

Recommendation

Because Rule 1007(f) requires that the Statement of Social Security Number be submitted with the petition and the debtor's Social Security number is needed to prepare the section 341 Meeting of Creditors Notice, the court should take immediate action if the number is not submitted with the petition. As is done now, the clerk could issue a deficiency notice requiring the Social Security number to be submitted by a certain date or the case would be dismissed. The dismissal could be set on expedited notice.

ELECTRONIC SUBMISSION OF SOCIAL SECURITY NUMBER

Although an electronic filer will enter the full nine-digit Social Security number in the filer's petition software and/or the CM/ECF case opening screens, only the last four digits will be displayed in CM/ECF to non-court users. Court users will still be able to view the full number. Display of the Social Security number for the public is discussed in the Electronic Public Access changes section below.

Official Bankruptcy Form 21, Statement of Social Security number, cannot be included as a document as part of a petition filed electronically in the PDF format, or as one of the documents uploaded with it, because these documents become a single CM/ECF docket entry, available to all CM/ECF users once the attorney hits the “submit” button. The court, however, can separate the submission of the “bare” Social Security number itself from the retention of the document signed by the debtor under penalty of perjury provided that the debtor has verified the number.

Recommendation

Courts should review their current procedures for filing the petition, schedules, and statement of financial affairs with an eye to providing for the submission of the statement of Social Security number with as little disruption as possible.

Recommendation

In many instances, the court’s existing electronic filing procedures may be modified to treat the debtor’s signature on the statement in the same manner as the court treats the debtor’s signature on the petition, schedules, and statement of financial affairs. For instance, CM/ECF courts may permit attorneys to submit just the Social Security number without the text of the official form as part of the electronic case upload application or when completing the case opening screens within CM/ECF itself.

-If the court permits attorneys to submit just the “bare” Social Security number, however, the court must ensure that the debtor has verified the number as required by Rule 1007(f).

-If the Social Security number information is submitted electronically when the bankruptcy case is filed, the court should require that the debtor’s attorney retain a signed paper copy of the statement or require that the attorney submit the signed paper copy (by mail) at the time the case is filed electronically. (See Model Rules 7 and 8)

-If the court requires the debtor in a case filed electronically to file a signed paper declaration regarding the filing, a statement could be added to the declaration verifying the Social Security number information submitted electronically.

-The court should inform the private vendors who provide case upload software how the court will provide for the submission of the debtor’s full Social Security number.

Option

As an alternative to the attorney retaining a signed, hard-copy Social Security statement, the court could allow electronic filers to submit the Social Security number statement form as a separate, private docket entry after completing the case upload or case opening in CM/ECF. This, however, would make the case upload a two-step process and could lead to inadvertent access to the documents.

PAPER SUBMISSION OF SOCIAL SECURITY NUMBER

If a petition is filed as a paper document, a signed paper copy of the Social Security number statement should be submitted at the same time. Because signed paper copies of the statement will be filed by pro se debtors and by some attorneys (depending on the court's procedures for electronic filing), the clerk will be the custodian of these paper documents.

Recommendation

The court should consider retaining signed paper copies of the Social Security number statement in binders organized by case number.

Option

As an alternative, the court could scan Social Security number statements and either store them in a separate data base or as private CM/ECF docket entries. Storing the paper documents in binders reduces the chance of inadvertent access to the electronic images and requires less time.

OTHER PRIVACY AMENDMENTS

In addition to the changes in the Petition, Involuntary Petition, Section 341 Meeting of Creditors Notice, and other notices, the Schedules, Form 6; Statement of Financial Affairs, Form 7; and Proof of Claim, Form 10, also will be revised on December 1, 2003, as part of the privacy amendments. Because the clerk is not responsible for redacting personal information on documents filed by a party, the latter changes should have little impact on operation of the clerk's office other than ensuring that attorneys use the new forms.

Recommendation

The court should ensure that attorneys use the new versions of the Schedules, Statement of Financial Affairs, and Proof of Claim. The court should modify its Notice of Deficiency to include reference to using the old version of the forms.

NOTICING ISSUES

Much of the impact of the privacy rule changes on court operations relates to the generation of notices and filing of the certificate of service. The guidance sections below reflect the various types of notices and their method of generation by the courts.

In the discussion below, note that “legacy systems” refers to BANCAP (any version) and NIBS (Version 1.1 only). Although a number of the workarounds listed may be applicable for NIBS Version 15B courts, they will not have been tested against this older, unsupported version of NIBS, and, therefore, local review and testing are suggested.

SECTION 341 NOTICING – GENERAL APPROACH

Under the new privacy rules, the section 341 meeting notice sent to the debtor’s mailing list is the *only* notice which must include the debtor’s full Social Security number. However, with the court’s BNC certificate of service, the court’s copy of that notice must show only the last four digits of the number.

REVISED MEETING OF CREDITORS NOTICE (FORM 9, ALL CHAPTERS)

Official Form 9 for all chapters (see Form 9A, attached) has been revised to allow for a redacted Social Security number and to include a box listing all other names used by the debtor(s) in the last six years.

Social Security Data Box

Official Form 9 for all chapters includes a data entry box labeled “Last four digits of Soc. Sec. No./Complete EIN or other Taxpayer I.D. No.” This form, with the redacted Social Security number, is the one that will become part of the official case file.

Creditors and other notice recipients will receive the same form except for the contents of the Social Security number box which will provide the debtor’s full Social Security number, as required by Rule 2002(a)(1).

Recommendation: The phrase “Last four digits of” should be deleted from the copy of the notice sent to creditors and other recipients of the notice.

New Box for Debtor’s Name(s)

In conjunction with the privacy amendments, the section 341 meeting notice also is being revised to include a box listing all other names used by the debtor in the last six years. The new section is entitled “All Other Names used by the Debtor(s) in the last 6 Years (include married, maiden, and trade names).” This will help creditors ensure that they correctly identify the debtor in their records. Although the current version of the Official Bankruptcy Form does not include a box for the other names used by the debtor, or alias information, the automated versions of the notice produced by BANCAP and NIBS do include the alias information in the box labeled “Debtor(s) (names(s) and addresses).”

Recommendation

Courts may wish to take the following actions: (1) combine the new box with the existing box for the debtor’s name and address, (2) ensure that the alias information is included in the combined box, and (3) change the label for the box to “Names

used by the Debtor(s) in the last 6 years (including married, maiden, and trade names), and Debtor's address."

BNC RELIANCE

To implement this change for most courts' 341 noticing, whether a CM/ECF or a legacy system court, the redaction process will be handled by the BNC. The court's copy of the notice (which is generally automatically filed), will contain only the last four digits of the Social Security number; the version of the notice retained in the electronic case file will not present the full Social Security number to the user.

BNC Certificate of Service

Consistent with that change, the BNC is modifying the declaration on its Certificate of Service to state that the notice sent to creditors has the full Social Security number, whereas the court's copy has been redacted.

-As currently worded, the BNC's certificate of service states that the "the attached document has been served" on the listed creditors, the trustee, the U.S. trustee or bankruptcy administrator, and the debtor.

-When the BNC redacts the Social Security number on the copy of the notice attached to the certificate of service, the copy will no longer exactly match what the BNC served. Hence, the need to revise the Certificate of Service language.

CM/ECF COURTS – NOTICING

Bankruptcy CM/ECF Version 2.3 will include the functionality required to comply with the rules for court noticing requirements.

Section 341 Notices – CM/ECF Courts

The data extractor ("java bean") used to place the Social Security number into the section 341 notice going to the creditors will pull and display the entire Social Security number; the data extractor used for the second version of the notice, which will be returned to the court by the BNC and automatically filed, will be modified such that only the last 4 digits will be displayed.

Recommendation

CM/ECF courts must upgrade to Version 2.3 to implement the privacy modifications for CM/ECF. Version 1 of the application will not be modified for the privacy amendments. For detailed information on implementing Version 2.3, see the documentation on the SDSD web page.

The courts should schedule testing in advance with the BNC and the EOUST because they also will be testing with many other CM/ECF courts.

Other Notices – CM/ECF Courts

The data extractor used to pull the debtor's Social Security number for non-341 notices for CM/ECF courts (Version 2.3) will be modified to extract only the last four digits. Courts should not need to modify non-341 notice forms containing the Social Security number if they use the Social Security "java bean" data extractor provided by the AO.

Recommendation

All forms containing the Social Security number should be tested to ensure that the format and the readability of the notices is not affected by this change.

With the revision of Form 16A, Caption (Full), on December 1, 2003, bankruptcy notices which include a "full" caption are required to include only the last four digits of the debtor's Social Security number. As specified in the 1991 Advisory Committee Notes to Form 16A, the full caption should be used on the petition, the section 341 notice, the discharge, and documents related to the chapter 11 plan. For other notices, Form 16B, Caption (Short Title), may be used. No change is required in Form 16B because that form does not include the Social Security number.

Recommendation

The courts should review their non-section 341 notices to determine whether a redacted Social Security number or no Social Security number at all should be included in the caption of the notices.

BANCAP COURTS – NOTICING

Courts that will be using the BANCAP case management system as of December 1, 2003, should take special note of the following guidance by notice type.

Section 341 Notices – BANCAP Courts

- (1) BNC-Stored (High-Volume), Section 341 Forms: To comply with the new privacy policy, the BNC will modify the certificate of service to redact the Social Security number and print only the last four digits on the court copy of the notice. The full Social Security number will be provided on the recipients' copy of the notice.

This revised BNC procedure will affect the production of section 341 forms for which the form template is stored at the BNC. Also known as "high volume" forms, these are forms completed by the BNC by retrieving data from a court's case management system and entering that information on the template stored at the BNC.

Recommendation

Courts that expect to be using the BANCAP case management system on December 1, 2003, and that produce section 341 notices using BNC-stored (high-volume forms), should contact BNC User Support at 800-BNC-5055 in August 2003 to arrange for a test of the revised notice production process.

- (2) Court-Stored (Low-Volume) Section 341 Forms: The Administrative Office will not be developing a technical solution for legacy system courts that generate section 341 notices through the BNC using court-stored (low-volume or format-included) forms. In these circumstances, the court stores its own form templates (rather than having them stored at the BNC), and the BNC retrieves the completed section 341 form from the court's case management system for notice production.

Recommendation

Courts should manually redact the first five digits of the Social Security number (using white-out, marker, etc.) prior to placing the court copy of the notice in the case file. If the court maintains an electronic case file, the court will need to redact the first five digits prior to scanning the document for inclusion in the case file.

Option

As an alternative, courts could convert the low-volume 341 notice to a high-volume notice.

Other Notices – BANCAP Courts

For other notices, the extent to which the Social Security number redaction can be made directly by the BNC largely depends on whether the notice is considered "high volume" or "low-volume."

- (1) BNC-Stored (High-Volume): As with the section 341 high-volume notices, the BNC has been tasked with responsibility for redacting the Social Security number and printing only the last four digits on all BNC-stored, high-volume notices. Only the redacted Social Security number would be shown on both the recipient's notice and the court's copy.

Recommendation

Courts that expect to be using legacy systems on December 1, 2003, and that produce notices using forms stored at the BNC (also known as "high-volume" forms), should contact BNC User Support at 800-BNC-5055 in August 2003 to arrange for a test of the revised notice production process.

- (2) Court-Stored (Low-Volume): The software tool generally used to produce low-volume notices (that is, notices for which the court sends both the form and the data

to the BNC for production) is *troff*, essentially a typesetting language. The attached technical addendum provides information on how the *troff* files should be modified to correctly redact the first five digits of the Social Security number. (See Technical Addendum - 1.)

Recommendation

BANCAP courts should follow the instructions provided by the AO to modify their low-volume, other notices. Be sure to test all forms in which this code is modified.

Note that this instruction cannot be used for section 341 notices because creditors need a notice that provides the full Social Security number.

- (3) Captions for Other Notices: The revision of Form 16A, Caption (Full), on December 1, 2003, means that bankruptcy notices that include a “full” caption are required to include only the last four digits of the debtor’s Social Security number. As specified in the 1991 Advisory Committee Notes to Form 16A, the full caption should be used on the petition, the section 341 notice, the discharge, and documents related to the chapter 11 plan. For other notices, Form 16B, Caption (Short Title), may be used. No change is required in Form 16B because that form does not include the Social Security number.

Recommendation

The courts should review their non-section 341 notices to determine whether a redacted Social Security number or no Social Security number at all should be included in the caption of the notices.

NIBS (VERSION 1.1) COURTS – NOTICING

Section 341 Notices – NIBS (v1.1) Courts

- (1) BNC-Stored (High Volume) Section 341 Forms: To comply with the new privacy policy, the BNC will modify the certificate of service to redact the Social Security number and print only the last four digits on the court copy of the notice. The full Social Security number will be provided on the recipients’ copy of the notice.

This revised BNC procedure will affect the production of section 341 forms for which the form template is stored at the BNC. Also known as “high volume” forms, these are forms completed by the BNC by retrieving data from a court’s case management system and entering that information on the template stored at the BNC.

Recommendation

Courts that expect to be using NIBS (v1.1) on December 1, 2003, and that produce section 341 notices using BNC-stored (high-volume forms), should contact BNC User Support at 800-BNC-5055 in August 2003 to arrange for a test of the revised notice production process.

Other Notices – NIBS (v1.1) Courts

For other notices, the extent to which the Social Security number redaction can be made directly by the BNC largely depends on whether the notice is considered “high volume” or “low-volume.”

- (1) BNC-Stored (High-Volume): As with the section 341 high-volume notices, the BNC has been tasked with responsibility for redacting the Social Security number and printing only the last four digits on all BNC-stored, high-volume notices. Only the redacted Social Security number would be shown on both the recipient’s notice and the court’s copy.

Recommendation

Courts that expect to be using the NIBS case management system on December 1, 2003, and that produce other notices using forms stored at the BNC (also known as “high-volume” forms), should contact BNC User Support at 800-BNC-5055 in August 2003 to arrange for a test of the revised notice production process.

- (2) Low-Volume (“Vanilla”): NIBS locally-generated “vanilla” or “VAN” forms are produced from templates written in Foxpro. These forms are customized by individual courts, and the AO cannot provide specific technical assistance in amending them.

Recommendation

NIBS v1.1 courts should review their “vanilla” forms to identify and eliminate all references to Social Security numbers. Be sure to test all modified forms.

- (3) Captions for Other Notices: The revision of Form 16A, Caption (Full), on December 1, 2003, means that bankruptcy notices that include a “full” caption are required to include only the last four digits of the debtor’s Social Security number. As specified in the 1991 Advisory Committee Notes to Form 16A, the full caption should be used on the petition, the section 341 notice, the discharge, and documents related to the chapter 11 plan. For other notices, Form 16B, Caption (Short Title), may be used. No change is required in Form 16B because that form does not include the Social Security number.

Recommendation

The courts should review their non-section 341 notices to determine whether a redacted Social Security number or no Social Security number at all should be included in the caption of the notices.

OTHER DOCUMENTS

PARTY-INITIATED FORMS

The U.S. trustees, bankruptcy administrators, case trustees, and attorneys issue notices, reports, and other materials which regularly become part of the case file. These documents are produced by a variety of methods and need not be modified by the court.

Recommendation

The court should provide the U.S. trustee or the bankruptcy administrator, the case trustees, and the attorneys information on the changes in the rules and forms and how the amendments will be implemented locally. Courts should work with these participants to guide them in modifying local forms and notices to ensure compliance with the new requirements.

ATTACHMENTS, IMAGED DOCUMENTS, AND PAPER FILES

The court is not responsible for redacting the Social Security number or other personal data from documents filed with the court, whether in paper or electronic form. The court should take a proactive role, however, in informing the public, the bar, and others outside of the judicial branch of the protections provided for personal data under the new rules.

Recommendation

The court should make use of awareness materials to develop notices, court web page displays, posters, etc., to inform external users about the rule changes. The court should train front-counter staff on the rule changes and suggest they inform patrons of the changes when they file documents which contain unredacted personal information.

DOCKET REPORTS

CM/ECF Courts – Docket Reports

The debtor's Social Security number will no longer be displayed on the public docket report or the case look-up in CM/ECF for non-court users.

Recommendation

If deputy clerks require the debtor's Social Security number for case administration or other official duties, they may obtain it in a pending case from the internal docket.

BANCAP & NIBS (v1.1) Court - Docket Reports

The debtor's Social Security number will continue to be displayed on the docket report and case look-up in BANCAP and NIBS.

Recommendation

Because those features of the legacy systems will not be modified, the public should not be given access to docket reports on BANCAP and NIBS.

OTHER COURT FORMS & PUBLIC REPORTS

Courts have created forms and other public reports in word processing or other application formats for a variety of purposes.

Recommendation

If any of these forms may become part of a case file, the form should be revised to conform to the rule changes.

ELECTRONIC PUBLIC ACCESS

CM/ECF COURTS – PUBLIC ACCESS CHANGES

Implementation of CM/ECF Version 2.3 will accommodate the required privacy changes regarding public access systems. However, courts will need to install new VCIS software once they have implemented Version 2.3. The new VCIS software is expected to be available from the AO in September 2003 along with Version 2.3.

Recommendation

Courts should install CM/ECF Version 2.3 in the test data base as soon as practical and implement Version 2.3 as close as possible to December 1, 2003. Courts should then install the new VCIS software.

BANCAP COURTS – PUBLIC ACCESS CHANGES

BANCAP courts will need to address required changes in WebPACER, Dial-Up PACER, front-counter public query reports, VCIS, and, as applicable, RACER.

WebPACER - BANCAP Courts

This application must be modified by the courts to redact the first five digits of the Social Security number from the display. Technical guidance for locating and commenting out the appropriate lines of code is attached. (See Technical Addendum - 2.)

Recommendation

Courts should follow the attached technical guidance to perform the necessary edits to the code.

Public Query Reports - BANCAP Courts

BANCAP code will not be modified by AO technical staff to ensure that front-counter queries comply with privacy rule changes.

Recommendation

Courts should replace these queries with the BANCAP WebPACER application on the front counter workstations. Guidance is posted on the J-Net (pacernet.ao.dcn) on how courts may install public terminals on PACER-Net.

Dial-up PACER - BANCAP Courts

This application must be modified by the courts to redact the first five digits of the Social Security number from the display. Technical guidance for locating and commenting out the appropriate lines of code is attached. (See Technical Addendum - 3.)

Voice Case Information System (VCIS) - BANCAP Courts

The AO will provide a new version of VCIS, which will provide the caller with the last four digits of the Social Security number. No changes, other than the Social Security number-related modifications, will be made to the application. The new software is expected to be available September 2003.

Recommendation

The court should use the software to be provided by the AO to modify VCIS. If a court previously had modified VCIS to meet local requirements, the court will need either to incorporate its local changes into the new version of VCIS, or modify its local version of VCIS to include the Social Security number modifications.

RACER - BANCAP Courts

RACER is a proprietary application developed and maintained outside of the AO's information technology support structure.

Recommendation

Courts will need to work directly with the vendor to make any changes necessary. It is the understanding of the AO that the current version of RACER allows the court to turn off the display of Social Security numbers.

NIBS (v1.1) COURTS - PUBLIC ACCESS CHANGES

NIBS (v1.1) courts will need to address required changes in WebPACER, front-counter public query reports, VCIS, and, as applicable, RACER.

WebPACER - NIBS Courts

This application must be modified by the affected courts to redact the first five digits of the Social Security number from the display. Instructions to courts for changing the appropriate lines of code are attached. (See Technical Addendum - 4.)

Recommendation

Courts should follow the attached technical instructions in performing the necessary edits to the code.

Public Query Reports - NIBS Courts

NIBS code will not be modified by AO technical staff to comply with privacy rule changes.

Recommendation

Courts should replace these queries with the WebPACER application on front counter workstations. Guidance is posted on the J-Net (pacernet.ao.dcn) on how courts may install public terminals on PACER-Net.

Dial-up PACER - NIBS Courts

This application must be modified by the courts to redact the first five digits of the Social Security number from the display. As dial-up PACER for NIBS is not a nationally supported application, courts must develop their own technical adjustments to the code to redact (or eliminate) the Social Security number.

Voice Case Information System (VCIS) - NIBS Courts

The AO will distribute a new version of VCIS, which will provide the caller with the last four digits of the Social Security number. No changes, other than the Social Security number-related modifications, will be made to the application. The new software is expected to be available September 2003.

Recommendation

The court should use the software to be provided by the AO to modify VCIS. If a court previously had modified VCIS to meet local requirements, the court will need either to incorporate its local changes into the new version of VCIS, or modify its local version of VCIS to include the Social Security number modifications.

RACER – NIBS Courts

RACER is a proprietary application developed and maintained outside of the AO's information technology support structure.

Recommendation

Courts will need to work directly with the vendor to make any changes necessary. It is the understanding of the AO that the current version of RACER allows the court to turn off the display of Social Security numbers.

TECHNICAL ADDENDUM - 1
MODIFYING BANCAP LOW-VOLUME NON-341 NOTICES
TO REDACT THE SOCIAL SECURITY NUMBER

The following troff code can be used to print only the last four digits of any social security number on a BANCAP low-volume notice. A new set of troff commands will be used to replace the original commands that print the full social security number in the BANCAP low-volume template. The troff system command (.sy) is used to manipulate the social security number into the new format of xxx-xx-NNNN and save the results in a temporary file in the user's home directory, ensuring a unique file is created for each form that is generated. The court's troff template probably stores the SSN number in a "defined string," such as:

```
.ds Sn "@XD05;  
.ds Sn "@XD05T; or  
.ds Sn "@XD05
```

The defined string creates a troff variable name for the xcode. The defined string is not changed.

The following troff commands are used to print the SSN:

```
]*(Sn ] ] ] ); or  
]*(Sn ]")
```

Replace the line that prints the SSN (above) with the following set:

```
.sy cd $HOME  
.sy echo ]*(Sn | sed 's/...-./xxx-xx-/' > privssn  
.so privssn  
.sy rm "privssn"
```

TECHNICAL ADDENDUM - 2
MODIFYING BANCAP WEB PACER TO ELIMINATE DISPLAY
OF SOCIAL SECURITY NUMBER

In order to prevent the social security number from appearing on any reports in **BANCAP Web PACER**, the following files in the **bcgi-bin** directory need to be modified with the changes described in the table below:

- 1) **fulsum.pl** – modifications prevent social security number from displaying for **Party** information on the **Case Information/Full Summary** screen.
- 2) **pty.pl** – modification prevents social security number from displaying for a party on the **Case Information/Party** screen.
- 3) **runcase.pl** – modifications prevent social security number from displaying for a case on the **Listing of New Cases** report, for both **report** format and **raw data** format.
- 4) **rundkt.pl** – modifications prevent social security number from displaying anywhere on the docket report, such as for a party, or in the docket text.
- 5) **dkttxt.pl** – modifications prevent social security number, if present, from displaying in docket text in any **Docket Text and Related Transactions** screen.
- 6) **hist.pl** – modifications prevent social security number, if present, from displaying in docket text on the **Case Information/History** screen.

Change Required
<p>File: ../bcgi-bin/ fulsum.pl</p> <p>Comment out lines 323 & 324 as shown:</p> <pre>##### \$ptydata .= "(\$ptycas_ssn)" if (length(\$ptycas_ssn) ##### > 0);</pre> <p>so that the code around the commented out lines looks like:</p> <pre> \$ptynum .= "\$ptycas_pr_id,"; \$ptydata .= " Party: \$ptyno : \$fullnm "; ##### \$ptydata .= "(\$ptycas_ssn)" if (length(\$ptycas_ssn) ##### > 0); \$ptydata .= " (\$ptycas_type)\n
"; \$pridmatch = \$ptycas_pr_id;</pre>

File: ...bcgi-bin/**pty.pl**

Comment out line 156 as shown:

```
#      $nmaddr .= "<BR>ssn: $ssn" if (length($ssn) > 0);
```

so that the code around the commented out line looks like:

```
      $nmaddr .= "<BR>" . $address if (length($address) > 0);  
      $nmaddr .= "<BR>" . $phoneno if (length($phoneno) > 0);
```

```
#      $nmaddr .= "<BR>ssn: $ssn" if (length($ssn) > 0);
```

```
# Corrected bug in program. Tax id was no being displayed for
```

File: .../bcgi-bin/**runcase.pl**

Add the following line after line 223:

```
      $_=~  
s/\|[0-9][0-9][0-9]\-[0-9][0-9]\-[0-9][0-9][0-9][0-9]\|/\|/g;
```

so that the 'while' statement appears as:

```
while (<SRTFLE>) {  
      $_=~  
s/\|[0-9][0-9][0-9]\-[0-9][0-9]\-[0-9][0-9][0-9][0-9]\|/\|/g;  
      print OUTFLE1 "$_";  
};
```

File: .../bcgi-bin/**runcase.pl**

After adding the line above, the succeeding line numbers in the file will have been incremented by 1. Modify line 280 to remove 'SSN' text so that the modified line appears as follows:

```
print "<TD WIDTH=13%><CENTER>Tax ID</CENTER></TD>";
```

File: ../bcgi-bin/**runcase.pl**

After adding the line after line 223 above, the succeeding line numbers in the file will have been incremented by 1. Add the following line after line 357:

```
$dlssn="";
```

so that the code around the new line appears as:

```
if ($dlzp2 gt "0000") {  
    $dlparty="$dlparty-$dlzp2" };  
$dlssn="";  
$d2ssn=$dlssn;
```

File: ../bcgi-bin/**rundkt.pl**

Add the following 2 lines after line 325:

```
    $_=~  
s/[0-9][0-9][0-9]\-[0-9][0-9]\-[0-9][0-9][0-9][0-9]//g;  
    $_=~ s/SSN://g;
```

so that the code around the new lines appears as:

```
while (<DRPT>) {  
    $_=~  
s/[0-9][0-9][0-9]\-[0-9][0-9]\-[0-9][0-9][0-9][0-9]//g;  
    $_=~ s/SSN://g;  
    $line=$_;  
    if (/^Docket as of .*Page .*/) {
```

File: ../bcgi-bin/ **dkttxt.pl**

Add the following line after line 62:

```
    $txt_line =~  
s/[0-9][0-9][0-9]\-[0-9][0-9]\-[0-9][0-9][0-9][0-9]//g;
```

so that the code around the new lines appears as:

```
    $hist_id = $dktab[112];  
    $txt_line = $dktab[113];  
    $txt_line =~  
s/[0-9][0-9][0-9]\-[0-9][0-9]\-[0-9][0-9][0-9][0-9]//g;  
    $or_action = $dktab[114];  
    $case_document_ext = $dktab[139];
```

File: .../bcgi-bin/**hist.pl**

Add the following line after line 89:

```
    $txt_line =~  
s/[0-9][0-9][0-9]\-[0-9][0-9]\-[0-9][0-9][0-9][0-9]//g;
```

so that the code around the new lines appears as:

```
    $hi_last_update= $histab[108];  
    $txt_line = $histab[113];  
    $txt_line =~  
s/[0-9][0-9][0-9]\-[0-9][0-9]\-[0-9][0-9][0-9][0-9]//g;  
    $or_action = $histab[114];  
    $hist_id = $histab[163];
```

TECHNICAL ADDENDUM - 3
MODIFYING BANCAP MIRROR PACER (DIAL-UP PACER)
TO REDACT THE SOCIAL SECURITY NUMBER

In order to reformat the social security number to xxx-xx-9999 in the **BANCAP Mirror PACER** reports, the following files in the **mpacer** directory need to be modified with the changes described in the table below:

- 1) **ptyrpt** – modification displays only last four social security number digits for parties in the **party information** section of the **Case Information** screen.
- 2) **newcase** – modifications displays only last four social security number digits for parties in the **Listing of New Cases** report, for both **report** format and **raw data** format.

Change Required	
File: .../mpacer/ ptyrpt	Version 10.1
Delete line 221 as shown:	
<pre>pname=pname "[" \$18 "]" "</pre>	
Add the following code after line 220 as follows:	
<pre>{split(\$18,new,"-") pname=pname "[xxx-xx-" new[3] "]" " }</pre>	
Lines 219-226 should appear as follows (new code appears in bold):	
<pre>219 # if SSN is present, use SSN, else tax id 220 {if (\$18 != "") 221 {split(\$18,new,"-") 222 pname=pname "[xxx-xx-" new[3] "]" " 223 } 224 else 225 if (\$19 != "") 226 pname=pname "[" \$19 "]" }</pre>	

Delete line 148 as shown:

```
cat $TMPFILE1A >> /tmp/nc.extra${XPID}
```

Add a new line after line 147 as shown:

```
sed
's/\|[0-9][0-9][0-9]-[0-9][0-9]-\([0-9][0-9][0-9][0-9]\)\|/\|xxx-xx-\1\|/g'
< $TMPFILE1A| cat >> /tmp/nc.extra${XPID}
```

so that the code around the new line looks like (new code in bold):

```
142 # program NCEXTR is a modified version of the UST program.
143 # NCEXTR extracts case/party data from the database for cases
144 # in which the case docket date falls within the range of the
145 # specified start and end dates.
146
147 $SWPTH/NCEXTR -s$START_DTE -e$END_DTE -n$TMPFILE1A 1>/dev/null
2>/dev/nu
ll
148 sed
's/\|[0-9][0-9][0-9]-[0-9][0-9]-\([0-9][0-9][0-9][0-9]\)\|/\|xxx-xx
-1\|/g' < $TMPFILE1A| cat >> /tmp/nc.extra${XPID}
149 rm $TMPFILE1A
150
151
152
153 fi
154 DB_ID=`expr $DB_ID + 1`
155 done
156
157 # for report format, we must sort the input file for the
report program
158 # in filed date/case number order. In order to sort by filed
date, we
159 # must reformat the filed date field from mm/dd/yy format to
yyyymmdd
160 # format. This new format will be field #20 added to the end
of each
```

At this point, lines 688-699 appear as:

```

688 #echo "BEGEXTR=$BEGEXTR"
689 #echo "ENDEXTR=$ENDEXTR"
690
691
692         while [ "$CTRS1" -ge "$BEGEXTR" -a "$CTRS1" -le
"$ENDEXTR" ] ;
693         do
694                 FLE1=$DTPTH/ncfiles/`grep ":$CTRS1.:"
/tmp/nc.flec${XPID
        } |cut -d\| -f2 | sed 's/\:\/g'`
695 #                 echo "FLE1 equals $FLE1" # remove after
testing
696
697
698 # if the user requested to view the new cases file in report
format,
699 # create the report file from the new cases file.

```

Make the following changes to this section of code, in this order:

1. Add the following line after line 694:

```

sed
's/\|[0-9][0-9][0-9]-[0-9][0-9]-\([0-9][0-9][0-9][0-9]\)\|/\|xxx-xx-\1\|/g'
< $FLE2 > $FLE1

```

2. Change "FLE1=" to "FLE2=" in line 694.
3. Add the following line after line 691:

```
FLE1=/tmp/nc.tmp${XPID}
```

After all three changes above are made, lines 688-701 should appear as follows (additions/changes in bold):

```

688 #echo "BEGEXTR=$BEGEXTR"
689 #echo "ENDEXTR=$ENDEXTR"
690
691
692         FLE1=/tmp/nc.tmp${XPID}
693         while [ "$CTRS1" -ge "$BEGEXTR" -a "$CTRS1" -le
"$ENDEXTR" ] ;
694         do
695                 FLE2=$DTPTH/ncfiles/`grep ":$CTRS1.:"
/tmp/nc.flec${XPID
        } |cut -d\| -f2 | sed 's/\:\/g'`
696         sed
's/\|[0-9][0-9][0-9]-[0-9][0-9]-\([0-9][0-9][0-9][0-9]\)\|/\|xxx-xx
-\1\|/g' < $FLE2 > $FLE1

```

TECHNICAL ADDENDUM - 4

MODIFYING NIBS WEB PACER TO REDACT THE SOCIAL SECURITY NUMBER

The changes to the NIBS Web Pacer application to modify the Social Security number display to show a masked format giving the user only the last four digits as follows: xxx-xx-nnnn were incorporated by Puerto Rico. The program files that were modified to prevent the full social security number from appearing include attys.prg, cassum.prg, parties.prg, and newcas.prg, thus the modified versions of these programs have been incorporated into the new npacer.app file.

Follow the three-step process outlined below to modify the application.

1. Modify nphtml.dbf

A feature that is a local customization from PR has been added to the application that provides a case query link from the new cases report. This change requires the addition of the SubmitAnchor script in the NEWCASERPT Memo field header in file Nphtml.dbf.

Insert the lines shown below at the top of the script in the memo field for the NEWCASERPT record, file " \program files\foxweb\programs\npacer\nphtml.dbf " as shown:

```
<SCRIPT>
function SubmitAnchor(psExecThis,psOffice,psDktype,psCaseNum) {
    document.fmNewCase.ExecThis.value = psExecThis
    document.fmNewCase.office.value = psOffice
    document.fmNewCase.case_no.value = psCaseNum
    document.fmNewCase.submit()
}
</SCRIPT>
</HEAD>

<FORM Method=POST Action=/cgi-bin/foxweb.exe/npacer/nPacer NAME=fmNewCase
TARGET=report>

<INPUT TYPE=hidden NAME=case_no VALUE="<<caseno>>" >
<INPUT TYPE=hidden NAME=office VALUE="<<m.gsOffice>>" >
<INPUT TYPE=hidden NAME=dktype VALUE="<<m.gsDktType>>" >
<INPUT TYPE=hidden NAME=puid VALUE="<<m.gsPuid>>" >
<INPUT TYPE=hidden NAME=ExecThis VALUE="casqry">
```

2. Replace npacer.app

Save a copy of your current application, copy npacer.app to a save directory.

The npacer.app fixed and compiled by Puerto Rico will be posted on SDSD's software distribution web site at <http://156.132.84.151/support/BK/NB/nibs-products.asp>, download the file and replace npacer.app with the new version.

3. Initiate the new application

Stop and restart FoxWeb to initiate the updated application.

7/22/03

EXPLANATIONS

FORM B9A (9/97)

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Creditors May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 727(a) or that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), (6), or (15), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and the required filing fee by that Deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

—Refer To Other Side For Important Deadlines and Notices—

UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF _____		PROOF OF CLAIM		
Name of Debtor _____		Case Number _____		
<p>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</p>				
Name of Creditor (The person or other entity to whom the debtor owes money or property): _____		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.		
Name and address where notices should be sent: _____				
Telephone number: _____				
Account or other number by which creditor identifies debtor: _____		THIS SPACE IS FOR COURT USE ONLY		
Check here <input type="checkbox"/> replaces if this claim <input type="checkbox"/> amends a previously filed claim, dated: _____				
<p>1. Basis for Claim</p> <table style="width:100%;"> <tr> <td style="width:50%; vertical-align: top;"> <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____ </td> <td style="width:50%; vertical-align: top;"> <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Last four digits of SS #: _____ Unpaid compensation for services performed from _____ to _____ (date) (date) </td> </tr> </table>			<input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____	<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Last four digits of SS #: _____ Unpaid compensation for services performed from _____ to _____ (date) (date)
<input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____	<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Last four digits of SS #: _____ Unpaid compensation for services performed from _____ to _____ (date) (date)			
2. Date debt was incurred: _____		3. If court judgment, date obtained: _____		
<p>4. Total Amount of Claim at Time Case Filed: \$ _____ (unsecured) _____ (secured) _____ (priority) _____ (Total)</p> <p>If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below.</p> <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.				
<p>5. Secured Claim.</p> <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ _____ Amount of arrearage and other charges <u>at time case filed</u> included in secured claim, if any: \$ _____		<p>7. Unsecured Priority Claim.</p> <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,650)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units-11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). <small>*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>		
<p>6. Unsecured Nonpriority Claim \$ _____</p> <input type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.				
<p>8. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.</p> <p>9. Supporting Documents: <i>Attach copies of supporting documents</i>, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.</p> <p>10. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim</p>		THIS SPACE IS FOR COURT USE ONLY		
Date _____	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): _____			

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to these general rules.

— DEFINITIONS —

Debtor

The person, corporation, or other entity that has filed a bankruptcy case is called the debtor.

Creditor

A creditor is any person, corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed.

Proof of Claim

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). This form must be filed with the clerk of the bankruptcy court where the bankruptcy case was filed.

Secured Claim

A claim is a secured claim to the extent that the creditor has a lien on property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property.

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set, or other item of property. A lien may have been obtained through a court proceeding before the bankruptcy case began; in some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim. (See also *Unsecured Claim*.)

Unsecured Claim

If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

Unsecured Priority Claim

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as *Unsecured Nonpriority Claims*.

Items to be completed in Proof of Claim form (if not already filled in)

Court, Name of Debtor, and Case Number:

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received a notice of the case from the court, all of this information is near the top of the notice.

Information about Creditor:

Complete the section giving the name, address, and telephone number of the creditor to whom the debtor owes money or property, and the debtor's account number, if any. If anyone else has already filed a proof of claim relating to this debt, if you never received notices from the bankruptcy court about this case, if your address differs from that to which the court sent notice, or if this proof of claim replaces or changes a proof of claim that was already filed, check the appropriate box on the form.

1. Basis for Claim:

Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in the last four digits of your social security number and the dates of work for which you were not paid.

2. Date Debt Incurred:

Fill in the date when the debt first was owed by the debtor.

3. Court Judgments:

If you have a court judgment for this debt, state the date the court entered the judgment.

4. Total Amount of Claim at Time Case Filed:

Fill in the applicable amounts, including the total amount of the entire claim. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges.

5. Secured Claim:

Check the appropriate place if the claim is a secured claim. You must state the type and value of property that is collateral for the claim, attach copies of the documentation of your lien, and state the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS, above).

6. Unsecured Nonpriority Claim:

Check the appropriate place if you have an unsecured nonpriority claim, sometimes referred to as a "general unsecured claim". (See DEFINITIONS, above.) If your claim is partly secured and partly unsecured, state here the amount that is unsecured. If part of your claim is entitled to priority, state here the amount **not** entitled to priority.

7. Unsecured Priority Claim:

Check the appropriate place if you have an unsecured priority claim, and state the amount entitled to priority. (See DEFINITIONS, above). A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

8. Credits:

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

9. Supporting Documents:

You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or, if the documents are too lengthy, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available.

FORM 21. STATEMENT OF SOCIAL SECURITY NUMBER

[Caption as in Form 16A.]

D-R-A-F-T

STATEMENT OF SOCIAL SECURITY NUMBER(S)

1. Name of Debtor (enter Last, First, Middle): _____
(Check the appropriate box and, if applicable, provide the required information.)

/ /Debtor has a Social Security Number and it is: ____-__-____
(If more than one, state all.)

/ /Debtor does not have a Social Security Number.

2. Name of Joint Debtor (enter Last, First, Middle): _____
(Check the appropriate box and, if applicable, provide the required information.)

/ /Joint Debtor has a Social Security Number and it is: ____-__-____
(If more than one, state all.)

/ /Joint Debtor does not have a Social Security Number.

I declare under penalty of perjury that the foregoing is true and correct.

X _____
Signature of Debtor Date

X _____
Signature of Joint Debtor Date

**Joint debtors must provide information for both spouses.*

Penalty for making a false statement: Fine of up to \$250,000 or up to 5 years imprisonment or both. 18 U.S.C. §§ 152 and 3571.