

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

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In re:

**MODIFICATION OF  
LOCAL RULES OF PRACTICE AND  
PROCEDURE IN BANKRUPTCY COURT,  
DISTRICT OF VERMONT**

**STANDING ORDER # 07-10**

**ELECTRONIC TRANSCRIPT POLICY**

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WHEREAS the Judicial Conference policy on privacy and public access to electronic case files effective December 1, 2003 directs Courts to take steps to ensure that private, personal identifying data is protected, and 11 U.S.C. § 107(c) specifically gives this Court the power to protect an individual with respect to disclosure of certain protected types of information where the “court finds that disclosure of such information would create undue risk of identity theft or other unlawful injury to the individual or the individual’s property,” and

WHEREAS in March 2007, the Judicial Conference of the United States adopted revised transcript redaction procedures for courts that make transcripts available electronically, and

WHEREAS this Court has begun to accept transcripts for filing in electronic form, and to make transcripts in electronic form available through PACER, and intends to continue to do so;

THE COURT ACCORDINGLY FINDS that in order to comply with the Judicial Conference Policy, this Court must modify its procedure regarding the electronic availability of transcripts.

THEREFORE, IT IS ORDERED access to every electronic transcript filed with the court will initially be restricted to court users and case participants to allow interested parties the opportunity to review the transcript and file a request for redaction, requesting that personal data identifiers be redacted prior to the transcript being made available to the public.

Such personal data identifiers are:

- social security numbers,
- financial account numbers,
- names of minor children,
- dates of birth, and
- home addresses of individuals;

IT IS FURTHER ORDERED that within twenty-one (21) calendar days of the filing of the official transcript on the docket, each party shall inform the court, by filing a Request for Redaction with the Clerk and serving a copy on the court reporter, of the party’s intent to redact personal data identifiers from the electronic transcript of the court proceeding. The Request for Redaction will indicate the location of the personal data identifiers in the transcript by including the page and paragraph or line where the personal data identifiers are located. **PARTIES ARE REMINDED NOT TO INCLUDE IN THEIR PUBLIC FILING THE INFORMATION THEY WANT REDACTED.** The court reporter/transcriber shall partially redact the personal data identifiers from the transcript as follows:

- social security numbers will be limited to the last four digits,
- financial account numbers will be limited to the last four digits,
- names of minor children will be limited to each child’s initials,
- dates of birth will be limited to the year of birth, and
- home addresses of individuals will be limited to the city and state;

IT IS FURTHER ORDERED that if no request for redaction is filed within the allotted time, the court will conclude that the parties to the action have no objection to the inclusion of personal data identifiers in the transcript and the transcript will be made electronically available on the twenty-second calendar day unless the Court, for good cause, e.g., related to the application of the Judicial Conference Policy on Privacy and Public Access to Electronic Case files, finds that a transcript should not be made available electronically.

IT IS FURTHER ORDERED that if timely Request for Redaction is filed by any party to the proceeding following the filing of the official transcript with the Clerk's Office, the official transcript will not to be made electronically available to the general public until the redaction occurs.


IT IS FURTHER ORDERED that during the twenty-one day period, or longer if the Court so orders, any attorney who wishes redactions to the transcripts other than those the personal data identifiers (specified above) must file a motion with the Court, and the transcript shall not be electronically disseminated until the Court has ruled on any such motion.

IT IS FURTHER ORDERED that the cost of any redactions, and responsibility for monitoring the docket to know when the electronic transcript of their hearing has been filed, shall be the sole responsibility of the parties to the hearing which is the subject of the transcript.

IT IS FURTHER ORDERED that it is the responsibility of the parties to avoid introducing personal identifier information into the record, and attorneys are instructed to avoid eliciting information from, or formulating questions to, witnesses during court hearings, that include personal identifier data, and are further directed to be sensitive to the importance of protecting such personal data during the conduct of hearings that are being transcribed.

SO ORDERED.

Rutland, Vermont  
September 17, 2007

  
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Colleen A. Brown  
United States Bankruptcy Judge