

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

IN RE: PROCEDURES FOR THE FILING, SERVICE, AND MANAGEMENT OF HIGHLY SENSITIVE DOCUMENTS

In response to recent disclosures of widespread breaches of both private-sector and government computer systems, federal courts are immediately adding new security procedures to protect highly sensitive documents filed with the courts. In accordance with a directive from the Administrative Office of the U.S. Courts (“AO”), the district courts in the Seventh Circuit have issued General Orders designating certain materials filed with the court as highly sensitive, finding good cause to require parties to file such “highly sensitive documents” (“HSDs”) outside of the electronic filing system, and establishing procedures governing the filing, service, and management of HSDs.

Documents designated as HSDs by the district court may be relevant or necessary on appeal. Accordingly, pursuant to Rule 25(a)(2)(B) of the Federal Rules of Appellate Procedure, the court finds good cause to require that any documents designated as HSDs by the district court be accorded that same status in this court and shall be filed and served outside of this court’s electronic filing system (CM/ECF).

THEREFORE, IT IS HEREBY ORDERED that until such time as the court orders otherwise:

Filing highly sensitive documents: All documents designated by the district court as HSDs will be accorded that same status in this court and shall be filed and served outside of the CM/ECF system. Specific instructions for the filing, service, and management of HSDs in this court may be found on the court’s website. *See* 7TH CIR. R. 25(d); www.ca7.uscourts.gov.

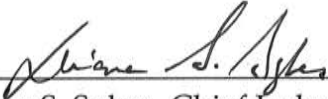
Motion for HSD designation by this court: Absent a prior HSD designation by the district court, a party may move for leave to file a document as an HSD in this court only when changed circumstances warrant reconsideration of the need for a greater

level of security than sealing provides or the reason for HSD protection arises in the first instance on appeal.

Removing highly sensitive documents from CM/ECF: On motion of a party or on its own motion, the court may remove a sealed document from the CM/ECF system and designate it as an HSD if the document contains highly sensitive information that requires a greater level of security than sealing provides.

HSD general principles: According to guidance from the AO, many sealed documents do not require heightened protection as HSDs. Most sealed documents in civil cases will not qualify; sealed documents will not be designated as HSDs merely because they include personal identifying information or financial information. The following documents generally will qualify for protection as HSDs: sealed applications for search warrants, sealed applications for electronic surveillance, and grand jury materials covered by the secrecy or sealing requirements of Rule 6(e) of the Federal Rules of Criminal Procedure. The following documents generally will not require protection as HSDs: presentence reports and pretrial release reports, social security records, administrative records in immigration cases, and commercial or proprietary information contained in sealed documents in civil cases.

For the Court:



Diane S. Sykes, Chief Judge

Dated at Milwaukee, Wisconsin, this 19th day of January, 2021.