

USCA7 Clerk's Office Procedures for Highly Sensitive Documents  
Will be posted in the Electronic Case Filing Procedures at subsection  
(h) <http://www.ca7.uscourts.gov/ecf/ECFprocedures.pdf>

## (h) Highly Sensitive Documents

1. District Court-Designated Highly Sensitive Documents (HSD).
  - a. District court-designated HSDs will be accorded the same treatment in the court of appeals and do not require a motion in this Court. The district court Clerk's Office must identify any HSD and transmit it to the court of appeals in paper form in a secure envelope via hand delivery or a trackable delivery service. The envelope must clearly indicate on the front that it contains HSD material.
  - b. The HSD will be maintained in this Court in a secure location.
  - c. The docket clerk shall upload a placeholder notice with a generic description of the item (e.g., motion, order, transcript) onto CM/ECF and provide contact information for those who may have questions about the entry.
  
2. HSD material filed by attorneys and parties in the Seventh Circuit in the first instance.
  - a. **Active/pending cases:** An attorney or party seeking to designate an HSD in the Seventh Circuit in the first instance (*i.e.*, a document that has not been deemed an HSD by the district court) must do so by motion. **Prior to submitting any motion**, the party must first submit a notice of intent to file HSD material using the CM/ECF system. The corresponding entry on CM/ECF will be text only and will direct the party to follow the website's "Electronic Case Filing" procedures for filing the motion, which must be in paper format. When filing the motion, the caption shall clearly indicate that the motion pertains to an HSD, and the proposed HSD material must be appended to the motion. If the proposed HSD material is voluminous, the party may call the Clerk's Office for instructions on how to append the material to the motion. An original and three paper copies must be filed in a secure envelope via hand delivery to the Clerk's Office or via a trackable delivery service. **This motion shall not be filed electronically on CM/ECF.** The motion, with the proposed HSD material attached, must be served on opposing parties in paper form and transmitted via hand delivery or a trackable delivery service, and must include a certificate of service. All envelopes should clearly indicate on the front that they contain HSD material. If the motion is granted, the docket clerk shall upload a placeholder notice with a generic description of the item (e.g., motion, order, transcript) onto CM/ECF and provide contact information for those who may have questions about the entry. The HSD material will be kept in a secure location. If the motion is denied, the attorney or party shall then refile the motion and accompanying proposed HSD material via CM/ECF following regular filing procedures. The docket clerk will enter the denial order accordingly.
  
  - b. **Inactive/closed cases:** An attorney or party seeking to redesignate a previously filed sealed document as an HSD must do so by motion. This motion shall be filed and

served pursuant to standard electronic filing procedures. It should identify the proposed HSD material by Seventh Circuit docket number with no other identifying information, and the attorney or party should not attach a copy of the proposed HSD material to the motion. If the motion is granted, the docket clerk shall remove the document from the CM/ECF system and upload a placeholder notice with a generic description of the item (e.g., motion, order, transcript) onto CM/ECF and provide contact information for those who may have questions about the entry. The Court's order will then specify whether and how paper copies of the HSD material should be transmitted to the Court. The envelope should clearly indicate on the front that it contains HSD material. Any hard copy HSD materials will be kept in a secure location.

3. Court-Designated HSD order or opinion.

- a. If the assigned panel designates an opinion or order as an HSD, chambers should consult with the IT department regarding protective measures to be used during the drafting process. The opinion or order shall be printed on a secure, non-network printer, and provided in hard copy form to the Clerk's Office in a secure envelope.
- b. The docket clerk shall make the appropriate corresponding entry onto CM/ECF and upload a placeholder notice to identify the item generically (e.g., opinion, order) and provide the reason for its non-inclusion and contact information for those who may have questions about the entry.
- c. The Court will serve HSD opinions or orders on the parties via trackable delivery service and will retain any hard copies in a secure location.