



United States Bankruptcy Court
Northern District of Indiana

Robert K. Rodibaugh United States Bankruptcy Courthouse
401 South Michigan Street
P.O. Box 7003
South Bend, Indiana 46654-7003

Harry C. Dees, Jr.
Chief Judge

Telephone: 574.968.2280
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June 13, 2003

To Members of the Bankruptcy Bar

Dear Practitioners:

The Judicial Council of the United States has adopted a privacy policy concerning bankruptcy matters. This policy provides that the court collect the debtor's full social security number, but display only the last four digits. The implementation of this policy also calls for the debtor to list only the last four digits of account numbers and the omission of other personal identification information. Substantive changes to the Federal Rules of Bankruptcy Procedure 1005, 1007 and 2002, and Official Forms 1, 3, 5, 6, 7, 8, 9, 10, 16A, 16C, and 19 become effective on **December 1, 2003** to implement this policy. The purpose of this memorandum is to highlight and summarize these changes, and to urge that your debtor petition preparation software be updated to incorporate the revisions to these forms.

- Rule 1005 requires the caption of the petition to list only the last four digits of the debtor's social security number. Where applicable, however, a full employer identification number must be included in the caption.
- Rule 1007(f) will require the debtor to submit to the clerk a verified statement of the debtor's full social security number. This statement is not filed in the case and will not become part of the court record.
- Rule 2002 will require the full social security number of the debtor to be included on the section 341 meeting notice sent to creditors, but not on the copy that becomes part of the court record.
- Official Forms 1, 3, 5, 6, 7, 8, 9, 10, 16A, 16C, and 19 will be amended to conform to the privacy related amendments to Rules 1005, 1007 and 2002 by restricting the display of the debtor's social security number to the last four digits. The revised forms also specify that only the last four digits of account numbers should be listed on the schedules and limit the scope of the personal identification information concerning the debtor and the debtor's family required to be listed.

You should not include certain types of sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. Personal information contained in the documents filed with the court will be made publicly available over the Internet via WebPACER. If sensitive information must be included, certain personal and identifying information; specifically, social security numbers, financial account numbers, dates of birth and the names of minor children, must be redacted from the pleading whether it is filed

traditionally on paper or electronically. In addition, exercise caution when filing documents that contain the following:

1. Personal identifying number, such as driver's license number;
2. Medical records, treatment and diagnosis;
3. Employment history;
4. Individual financial information; and
5. Proprietary or trade secret information.

The court will not redact or otherwise modify or alter documents that are filed in connection with any bankruptcy matter. The role of the clerk's office is to preserve and maintain the official record, not to monitor the contents of that record. Further, if you file a document containing more detailed information than that required, you may adversely affect the debtor's privacy rights. The debtor may have a cause of action against you for this breach.

In response to privacy concerns, the court's CM/ECF system will be updated to conform with the amended rules, the revised official forms, and Judicial Conference policy. This will occur with version 2.3 of the software, which we expect to be released in September 2003. As we learn more about the details of this software upgrade, we will let you know. We will also advise you of any procedural changes in dealing with the clerk's office that will be effected by this policy.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry Cooper". The signature is fluid and cursive, with the first name "Harry" written in a smaller, more compact script than the last name "Cooper", which is larger and more prominent.

Chief Judge, United States Bankruptcy Court