

TRANSCRIPT RESTRICTIONS & REDACTION GUIDELINES

The release of CM/ECF version 3.2 puts into practice a new Judicial Conference policy on official transcripts of court proceedings.

After a transcript is ordered and filed with the court, the transcript is not available on ECF for 90 days from the date of filing of the transcript. During this 90-day period, parties may seek to edit certain personal identifiers (e.g. social security numbers, names of minors, dates of birth, financial account numbers) contained in a transcript by following the procedures outlined below. Such information should be redacted as follows:

Personal Identifier	Redacted Version
Social Security Numbers	Last four digits
Names of Minors	Initials only
Dates of birth	Year of birth
Financial Account Numbers	Last four digits

During the 90-day period, the transcript may only be viewed (but not printed) at the public terminals at the court.

Note: There is no link to the transcript on the docket and information on how to gain access to the document is conveyed in the docket entry (*see below*).

10/07/2008	28	Transcript regarding Hearing Held on October 1, 2008 RE: First Day Hearings. Remote electronic access to the transcript is restricted until 1/5/2009. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: ABC Transcribers.] (See the Courts Website for contact information for the Transcription Service Agency.) (RE: related document(s) 3) Notice of Intent to Request Redaction Deadline Due By 10/14/2008. Statement of Redaction Request Due By 10/28/2008. Redacted Transcript Submission Due By 11/7/2008. Transcript access will be restricted through 1/5/2009. (Court, User) (Entered: 10/07/2008)
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Parties can gain access to the transcript during the restriction period by purchasing a transcript from a court transcriber.

To view the maximum rates to be charged by any court reporter for a court transcript as set by the Judicial Conference of the United States, go to <http://www.nysb.uscourts.gov/pdf/transcriptionRates.pdf> and for instructions on obtaining court transcripts please visit: <http://www.nysb.uscourts.gov/transcripts.html>.

After you have been granted access by the court, you will see a document number link to the transcript (*see below*).

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PACER charges apply (with no page cap) when accessing the transcript.

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➤Redaction.

If a party in the case so requests, redactions can be made to the transcript before it is made available to all users. The party must file a request with the court (*Notice of Intent to Request Redaction*) and notify the court transcriber (*Statement of Items to be Redacted*), who then files a redacted transcript by the date set. This redacted version is immediately available to any user who has permission to view the original transcript and will become available to all users after the 90-day restriction period. The original un-redacted version will remain restricted, except to those who have purchased it or are using a public terminal.

After the 90-day period, the restriction on the original transcript document will be removed, or if a redacted version exists, the restriction is removed from the redacted version. At that point, the document link is active and available to all.

Note: It is the responsibility of each party for reviewing the electronic transcript for the purpose of requesting redactions to information that would reveal personal identifiers of those included in the transcript. The clerk is not required to review documents filed with the court for compliance.

➤Redaction Requirements.

- A ***Notice of Intent to Redact*** must be filed within seven (7) calendar days of the delivery of the official transcript to the clerk's office.
- If redaction is requested, parties in a case must electronically file with the court a ***Statement of Items to be Redacted*** indicating where the personal identifiers to be redacted appear in the transcript (page number, page line). The filer of the *Statement of Items to be Redacted* must also submit to the transcriber a list specifying where the personal data identifiers to be redacted appear in the transcript. This must be done within 21 calendar days of the transcript's delivery to the clerk's office.
- The court transcriber must complete said redactions within 31 days of the delivery of the transcript to the clerk's office. A redacted version of the transcript will then be filed. The electronic version of the un-redacted transcript will be retained by the clerk's office as a restricted document.
- The redacted version of the transcripts will not be available on PACER until the 90-day period has passed.
- If no redactions are requested, the electronic transcript will be made available to the public at the end of the 90-day period.

Note: Request for Redaction under Rule 9037(d). If a person wishes to redact information not covered in Fed. R. Bankr. 9037(a), he or she must file a Motion for Protective Order pursuant to part (d) of the Rule.