

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA

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In re:

Procedures for the Filing, Service,) ADMINISTRATIVE
and Management of Highly) ORDER NO. 21-002
Sensitive Documents)

In response to recent disclosures of wide-spread breaches of private sector and government computer systems, the Administrative Office of United States Courts has mandated federal courts to add new security procedures to protect certain highly sensitive documents. Pursuant to Rules 5005(a) and 7005, Fed. R. Bankr. P., good cause exists to require all parties to file certain highly sensitive documents outside of the Court's electronic filing system. Accordingly, it is

ORDERED: effective as of the date of this Order and until further order of the Court, the filing, service, and management of certain highly sensitive documents are subject to the procedures and requirements set forth below. This Administrative Order supersedes inconsistent provisions in this Court's Local Rules, other administrative orders, or procedures.

1. **Documents Subject to this Order.** The filing procedures set forth below apply to documents that contain highly sensitive information.

a. **Highly Sensitive Documents.** Highly sensitive documents ("HSDs") include documents relating to matters of national security, foreign sovereign interests, or cybersecurity; disclosing protected intellectual property or trade secrets; or involving the reputational interests of the United States.

b. **Documents that are not considered HSDs.** The following types of documents generally are not considered HSDs: bank records, Social Security records, health records, writs, settlement agreements, valuation reports, and personally identifiable information. Sealed

filings in most bankruptcy cases and adversary proceedings are not sufficiently sensitive to require HSD treatment and may continue to be sealed in the court's case management system as provided in the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means* authorized by Standing Order No. 11.

2. **Motions to Treat a Document as an HSD.** A party seeking to file an HSD first must file a motion and obtain an order authorizing the treatment of the filing as an HSD. The motion must explain why the document constitutes an HSD under the criteria set out in this Order or why it otherwise should be subject to the heightened protection of HSDs.

a. **Represented parties.** A represented party must file a motion to treat a document as an HSD electronically via the Court's electronic filing system and submit a proposed order as provided for in this Court's Local Rules. **A copy of the proposed HSD must be mailed to the Tallahassee clerk's office and must not be filed electronically.**

b. **Unrepresented parties.** A party who is not represented by an attorney must file the motion by: filing a paper copy of the motion with the clerk's office; emailing or faxing the motion to the clerk's office pursuant to Administrative Order 20-005; or filing the motion in accordance with filing procedures posted on the Court's website, www.flnb.uscourts.gov. **A copy of the proposed HSD must be mailed to the Tallahassee clerk's office and must not be filed with the motion.**

c. **Delivery of the HSD to the Court.** As soon as practicable after the motion is filed, the filing party must deliver to the clerk's office in Tallahassee, Florida (110 East Park Ave., Ste. 100, Tallahassee, FL 32301) two (2) paper copies of the proposed HSD. The proposed HSD must be placed in a sealed envelope marked "**HIGHLY SENSITIVE DOCUMENT FILED PURSUANT TO ADMINISTRATIVE ORDER 2021-02, Re: Case No. ____, Motion (Doc. # __)**." and must have a copy of the appropriate case caption page (with confidential information redacted) attached ("Inner Envelope"). The Inner Envelope must then be placed in a larger envelope ("Outer Envelope") that is addressed to

the judge assigned to the matter. **The Outer Envelope must NOT have any indication that a proposed HSD is enclosed.**

d. **Service.** The filing party must serve the motion and the proposed HSD on the appropriate parties as provided for in the applicable Federal Rules of Bankruptcy Procedure, this Court's Local Rules, and any other order of the Court. The proposed HSD must be delivered to the appropriate service parties in the form of a paper copy. The filing party must file a certificate of service in accordance with this Court's Local Rules.

3. **Orders.** If appropriate, the Court may set the motion for hearing. Otherwise, the Court will issue an order on the motion.

a. **Order granting the motion.** If the Court enters an order granting the motion, the order will be entered on the case docket. The clerk's office will make a "text-only" docket entry in the Court's electronic filing system indicating that the document designated as an HSD was filed with the Court and that it will be maintained in a secure location.

b. **Order denying the motion.** If the Court enters an order denying the motion, the order will direct the clerk to dispose of the proposed HSD by returning it to the filer at the filer's expense, allowing the filer to retrieve it, or allowing the document to be filed under seal electronically.

c. **Resolution of Disputes.** Any dispute as to whether a document is an HSD will be resolved by the presiding judge or, when no presiding judge is assigned, the chief judge.

4. **Maintaining and service of highly sensitive court orders.** If the Court determines that an order contains highly sensitive information, the clerk's office will file and maintain the order in a secure paper filing system and will serve paper copies of the order on appropriate parties via U.S. mail or other courier service.

5. Removal of Existing HSDs or Highly Sensitive Cases from the Court's Electronic Filing System.

a. **Motion to remove HSDs or cases from electronic filing system.** On its own or upon motion of a party, the Court may determine that a document, case, or any portion of it, that has been filed electronically is highly sensitive and direct that it be removed from the Court's electronic filing system and maintained by the clerk's office in a secure paper filing system. Provided, however, that nothing requires the Court to search cases or documents filed prior to the effective date of this Order to determine the existence of any document or case that may be or contain an HSD.

b. **Content of the motion.** A motion to remove an HSD or highly sensitive case from the Court's electronic filing system must explain why the document or case is highly sensitive under the criteria set out in this Order or why it should otherwise be subject to the heightened protection for HSDs.

6. Questions about HSD Filing Procedures. Any questions about how an HSD should be filed with the Court pursuant to this Administrative Order should be directed to the clerk's office at: 866-639-4615, or by email at CMECF_HelpDesk@flnb.uscourts.gov.

DONE AND ORDERED ON February 1, 2021.



KAREN K. SPECIE
Chief U.S. Bankruptcy Judge