

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**
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**GUIDELINES ON ELECTRONIC AVAILABILITY OF TRANSCRIPTS AND
PROCEDURES FOR TRANSCRIPT REDACTION**

As provided under Local Rule 5005-1(A)(2)(b), filed transcripts shall be made available, and shall, where required to comply with privacy requirements, be redacted in accordance with the following guidelines, which are adopted from the Judicial Conference of the United States national policy addressing electronic availability of transcripts of court proceedings filed with the court. The Judicial Conference Policy on Electronic Availability of Transcripts applies to any transcript of a court proceeding that is subsequently filed with the court and made available to the public via electronic access. These Guidelines are effective for any transcript filed after February 16, 2009 (regardless of when the proceeding took place).

1. Transcripts of court proceedings may only be electronically filed by the court reporter. For a period of 90 days from the filing of the transcript electronic access via PACER will not be permitted except as provided under paragraph 2 below. However, the transcript will be available for viewing at the office of the clerk of court, free of charge, at any public terminal located in any of the three divisional clerk's offices, but it will not be available for copying during this period.

2. During this 90-day restriction period, a copy of the transcript may be obtained from the court reporter at the rate established by the Judicial Conference of the United States. An attorney in the case who purchases the transcript from the court reporter will also be given remote electronic access to the transcript through the court's CM/ECF system via PACER, for purposes of creating hyperlinks to the transcript in court filings and for other purposes. PACER fees apply at all times when accessing transcripts remotely and the 30-page cap does not apply to viewing or printing a transcript via PACER. After the 90-day restriction period expires, members of the public and media will be granted electronic access to the transcript.

3. Upon the filing of a transcript, the clerk shall issue, as applicable, an electronic or paper "Notice Regarding Filing of Transcript and Deadline for Filing Notice of Intent or Motions to Request Redactions of Transcript". The parties shall have seven days from the date of filing of the transcript to file Local Form "Notice of Intent to Request Redaction of Transcript".

4. Parties who timely file the Local Form "Notice of Intent to Request Redaction of Transcript," shall, within 21 days of the filing of the transcript, unless otherwise ordered by the court, file a "Statement of Personal Data Identifier Redaction Request" ("Statement") which shall indicate, by page and line number, the location of the personal

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data identifiers for which redaction is being requested. For purposes of this procedure, personal data identifiers shall include: individual social security numbers, individual taxpayer identification numbers, financial account numbers, names of minor children, and dates of birth. Since the "Statement," once filed, will appear as a public document on the docket, the "Statement" should be worded so as not to contain unredacted personal identifiers. A copy of the "Statement" shall be served on the court reporter. Only these personal identifiers may be automatically redacted as provided by paragraph 6 below. Parties seeking to redact additional information shall file a motion in accordance with Local Rule 5003-1(D). A copy of the motion shall be served on the court reporter.

5. Redaction responsibilities are solely the responsibility of the attorneys and pro-se parties who attended the hearing. Each party is responsible for reviewing and indicating redactions in the testimony of the witnesses that were called by that party and for that party's own statements. In order to avoid redaction responsibilities, parties should refrain from eliciting testimony that includes personal identifiers listed in paragraph 6 below.

6. If a Local Form "Notice of Intent to Request Redaction of Transcript" has been filed and subsequently a "Statement" is filed within the 21 day deadline set forth in paragraph 4, the court reporter shall partially redact the personal data identifiers identified in the "Statement" as follows:

- for Social Security numbers and taxpayer-identification numbers use only the last four digits;
- for financial account numbers, use only the last four digits;
- for names of minor children, use only their initials; and
- for dates of birth, use only the year.

The court reporter shall then file, within 31 days from the filing of the transcript, a redacted transcript with an amended certification indicating that the transcript was amended by the redaction of certain personal identifiers at the request of the parties. Parties who have previously ordered the unredacted transcript shall be given remote access to the redacted transcript.

7. After the 90-day period has expired (unless there are pending related redaction motions), the filed transcript (or if a redacted transcript was filed the redacted transcript) will be available for inspection and copying at the clerk's office and for downloading from the court's CM/ECF system via PACER. If a redacted transcript has been filed in accordance with the provisions of this Order, the unredacted version will NOT be available via remote electronic access but will be available for inspection and copying at the clerk's office. Copy fees and PACER access fees apply.

8. The policy set forth in these Guidelines:
- A. Does not affect in any way the obligation of the court reporter to file promptly with the clerk of court the court reporter's original records of a proceeding or the inclusion of a filed transcript with the records of the court pursuant to 28 U.S.C. §753.
 - B. Does not affect the obligation of the clerk to make the official transcript available for copying by the public without further compensation to the court reporter 90 days after the transcript is filed pursuant to Judicial Conference policy.
 - C. Is not intended to create a private right of action.
 - D. Is intended to apply the Judicial Conference policy on privacy and public access to electronic case files to transcripts that are electronically available to the public. It is not intended to change any rules or policies with respect to sealing or redaction of court records for any other purpose.
 - E. Does not prevent the production of a transcript on an expedited basis for a party, or any other person or entity, that may order such a transcript, subject to whatever court rules or orders are currently imposed to protect sealed materials. Any non-party that orders a transcript on an expedited basis should be alerted to the Judicial Conference policy on privacy and public access to electronic case files by the entity providing the transcript to the party.