

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT**

NOTICE OF ADOPTION OF:

NEW LOCAL RULE 10(D), AS AMENDED, AND  
NOTICE OF ELECTRONIC AVAILABILITY OF CASE INFORMATION

PLEASE TAKE NOTICE THAT:

(1) Upon consideration of comments received on section (1) of Proposed New Local Rule 10(d), the Court defers adoption of a local rule governing redaction of personal or sensitive data and amends Proposed New Local Rule 10(d), circulated on January 28, 2004, as follows:

- Section (1), Personal or Sensitive Data, is struck, and sections (2), (3), and (4) are renumbered as sections (1), (2), and (3);
- The first sentence of renumbered section (3)(D) is amended by striking “and personal information” in the following sentence:

(D) The responsibility for following the required procedures in filing confidential materials ~~and personal information~~ rests solely with counsel and the parties. The clerk will not review each filing for compliance with this rule.

The Court adopts Local Rule 10(d), as amended, effective this date. A copy of the rule in final form is attached to this Notice.

(2) The Court adopts the attached Notice of Electronic Availability of Case Information. This Notice may be amended from time to time and shall be posted on the Court’s Internet site at [www.ca4.uscourts.gov](http://www.ca4.uscourts.gov). The Clerk shall notify the parties of the electronic availability of case information upon docketing of a case in this Court.

\_\_\_\_\_  
May 18, 2004

Date

\_\_\_\_\_  
s/Patricia S. Connor

Clerk

**Local Rule 10(d). Confidential Materials.**

**(1) Certificates of Confidentiality.** *At the time of filing any motion, brief, appendix or other document containing or otherwise disclosing materials held under seal by another court or agency, counsel shall file a certificate of confidentiality.*

*(A) Record material held under seal by another court or agency remains subject to that seal on appeal unless modified or amended by the Court of Appeals.*

*(B) A certificate of confidentiality must accompany any filing which contains or would otherwise disclose sealed materials. The certificate of confidentiality shall:*

- (i) identify the sealed material;*
- (ii) list the dates of the orders sealing the material or, if there is no order, the lower court or agency's general authority to treat the material as sealed;*
- (iii) specify the terms of the protective order governing the information; and*
- (iv) identify the appellate document that contains the sealed information.*

**(2) Motions to Seal.** *Motions to seal all or any part of the record are presented to and resolved by the lower court or agency in accordance with applicable law during the course of trial, hearing, or other proceedings below.*

*(A) A motion to seal may be filed with the Court of Appeals when:*

- (i) a change in circumstances occurs during the pendency of an appeal that warrants reconsideration of a sealing issue decided below;*
- (ii) the need to seal all or part of the record on appeal arises in the first instance during the pendency of an appeal; or*
- (iii) additional material filed for the first time on appeal warrants sealing.*

*(B) Any motion to seal filed with the Court of Appeals shall:*

- (i) identify with specificity the documents or portions thereof for which sealing is requested;*
- (ii) state the reasons why sealing is necessary;*
- (iii) explain why a less drastic alternative to sealing will not afford adequate protection; and*
- (iv) state the period of time the party seeks to have the material maintained under seal and how the material is to be handled upon unsealing.*

*(C) A motion to seal filed with the Court of Appeals will be placed on the public docket for at least 5 calendar days before the Court rules on the motion, but the materials subject to a motion to seal will be held under seal pending the Court's disposition of the motion.*

**(3) Filing of Confidential Material.** Counsel should place sealed material in a separate, sealed supplement to a brief, appendix, or other document, thereby avoiding the need to seal the entire item.

(A) The first page of any document tendered or filed under seal pursuant to this rule shall be conspicuously marked **SEALED**, and all copies shall be placed in an envelope marked **SEALED**. If the material was sealed by another court or agency, the envelope will be accompanied by a certificate of confidentiality.

(B) If the confidential material is filed ex parte, the material and envelope will be marked **EX PARTE** in addition to **SEALED**. Absent such an **EX PARTE** notation, the material will be available to counsel of record in the case. A motion is required for release of sealed materials to anyone other than counsel of record.

(C) Only 4 copies of sealed portions of briefs, appendices or other documents shall be filed.

(D) The responsibility for following the required procedures in filing confidential materials rests solely with counsel and the parties. The clerk will not review each filing for compliance with this rule.

# UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

## NOTICE OF ELECTRONIC AVAILABILITY OF CASE INFORMATION

### PLEASE TAKE NOTICE THAT:

- This Court's docket and opinions are available in electronic form, via WebPACER, on the Court's Internet site at [www.ca4.uscourts.gov](http://www.ca4.uscourts.gov). Although a party's filings are not posted to the Court's Internet site, the case caption and other information in the Court's electronic docket and opinions are derived from the parties' filings, and briefs may be imaged and posted to Internet sites maintained by other organizations.
- To protect personal privacy, parties should not include, or should partially redact where inclusion is necessary, the following personal data identifiers from documents prepared for initial filing with this Court, particularly where those identifiers may be made available in electronic form:
  - **Social Security Numbers.** If an individual's social security number must be included, only the last four digits of that number should be used.
  - **Names of Minor Children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
  - **Dates of Birth.** If an individual's date of birth must be included, only the year should be used.
  - **Financial Account Numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.
  - **Home Addresses in Criminal Cases.** If a home address must be included, only the city and state should be listed.
- If the caption of the case contains any of the personal data identifiers listed above, the parties should file a motion to amend caption to redact the identifier.
- Parties wishing to file documents containing the personal data identifiers listed above may file unredacted documents under seal, together with redacted versions for the public file.
- Parties should exercise caution in including other sensitive personal data in their filings, such as personal identifying numbers, medical records, employment history, individual financial information, and proprietary or trade secret information.