United States Bankruptcy Court
District of New Hampshire

PUBLIC NOTICE

03-03

FROM: George A. Vannah, Clerk

SUBJECT: Privacy Amendment to Federal Rules **effective December 1, 2003**

DATE: September 12, 2003

At its September 2002 session, the Judicial Conference approved proposed amendments to the Federal Rules of Bankruptcy Procedure and the Official Forms which will implement the conference policy on privacy and public access to electronic court files. Barring Congressional action, these amendments will become effective **December 1, 2003.**

The privacy 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 on schedules and the omission of other personal identification information.

Key Changes to Rules:

- **Rule 1005** will be amended to require that the debtor list all names used in the six years preceding the filing of the petition and list only the last four digits of the debtor's social security number.

- **Rule 1007** will be amended to require the debtor to submit a verified statement of the debtor's full social security number. This statement will be "submitted" rather than "filed" and will not become part of the case file available to the public over the Internet.

- **Rule 2002** will be amended to require the clerk to include the debtor's full social security number on the section 341 notice to creditors but not on the copy that becomes part of the court file.

Amendment to Official Forms: 1, 3, 5, 6, 8, 9, 10, 16A, 16C and 19

- **Petition, Schedules, Statement of Financial Affairs, Proof of Claim Form** will be amended to require that a debtor or creditor disclose only the last four digits of the debtor's or creditor's social security or other taxpayer identification number.

- **Schedule D, E & F** instructions will be amended to inform the debtor that the debtor's account number with a listed creditor is useful to the trustee and to the creditor and should be provided whenever practicable, but the schedules will not require the number to be provided.

- **Schedule I** will be amended to provide greater privacy to minors and other dependents of the debtor by deleting the requirement that the debtor disclose their names.

- **Proof of Claim** form will be amended to require a wage creditor to disclose only the last four digits of the creditor's social security number.

Pursuant to section 110(c) of the Bankruptcy Code, non-attorney bankruptcy petition preparers must continue to provide the full social security number of the individual who actually prepares the documents.

Filers - not the clerk - are responsible for redacting the social security numbers and other personal identifiers such as dates of birth, financial account numbers, and names of minor children in documents they file with the court. In addition, caution should be used when filing documents that contain the following: (1) medical records, treatment and diagnosis, (2) employment history, (3) individual financial information, and (4) proprietary or trade secret information.

The responsibility to redact personal identifiers from pleadings, or not to include such information at all, rests solely with counsel and parties. The Clerk's Office will not review each pleading or attachment for compliance with the policy. The Amendments are not retroactive. Courts will not have to go back and redact documents filed before adoption of the Rules. Likewise, courts will not be required to eliminate electronic access to documents that could be electronically accessed prior to the policy.

The Court's CM/ECF system will be upgraded to conform with the amended rules. In addition, the Court will notify attorneys and parties at a later date as to how it will implement Rule 1007(f) and the verified statement of the debtor's full social security number.

Additional information regarding the new privacy requirements is available on the Federal Rulemaking page of the Judiciary's website at http://www.uscourts.gov/rules. Click on "Pending Rules of Amendments Awaiting Final Action," and then select "Amendments Submitted to the Judicial Conference (Sept. 2002)."