

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

IN RE:)
PROCEDURES FOR THE FILING,) GENERAL ORDER
SERVICE, AND MANAGEMENT OF)
HIGHLY SENSITIVE DOCUMENTS)
)

WHEREAS, in response to recent disclosures of wide-spread breaches of both private sector and government computer systems, federal courts are immediately adding new security procedures to protect highly sensitive documents filed with the courts;

THE COURT FINDS that, pursuant to [Civil Rule 5\(d\)\(3\)\(A\)](#) and [Criminal Rule 49\(b\)\(3\)\(A\)](#), good cause exists to require all parties to file certain highly sensitive documents, (“HSDs”) outside of the court’s electronic filing system.

THEREFORE, IT IS HEREBY ORDERED that, effective as of the date of this order and until such time as the court orders otherwise, the filing of certain HSDs shall be subject to the procedures and requirements set forth below. This General Order supersedes any and all inconsistent provisions in existing local rules or other general orders of this court.

1. Documents Subject to this Order

HSDs are defined in terms of (a) subject matter and (b) type of document.

- a. In terms of subject matter, HSDs are documents potentially related to or affecting the United States’ international interests and consist primarily of documents that may impair the United States’ interests if revealed to a foreign power or its agents (as defined by 50 U.S.C. § 1801), would assist a foreign power or its agents in the development of that foreign power’s competing commercial products or products with military applications, or potentially negatively impact the reputational interest of the United States.
- b. The following types of documents satisfying the description in 1.a above qualify as HSDs: Applications for search warrants, applications for electronic surveillance under 18 U.S.C. § 2518, applications for pen registers and trap and trace devices under 18 U.S.C. § 3123, and any other document, by order of a judge on the judge’s own motion, or by order of a judge upon motion of any party in any matter.

- c. Any dispute as to whether a document is an HSD shall be resolved by the presiding judge or, when no presiding judge is assigned, the chief judge.

2. Filing of HSDs

- a. When requesting the court designate documents as HSDs, a party must submit to the clerk's office a motion requesting designation of documents as HSDs, setting forth the reasons why the documents should be considered as HSDs under the criteria set out in paragraph 1 of this order and attach the proposed HSDs to the motion. The motion must state the identity of any persons who are to have access to the documents without further order of the Court. The motion and proposed HSDs should be provided in the form of one paper copy and one electronic copy on a secure electronic device such as a password protected thumb drive.
- b. A party filing an HSD pursuant to a court order or applicable law shall submit to the clerk's office the HSD, the certificate of service, and a copy of the court order authorizing the treatment of that document as highly sensitive in the form of one paper copy and an electronic copy on a secure electronic device such as a password protected thumb drive.
- c. The required documents and the secure electronic device shall be submitted to the clerk's office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The outside of the envelope shall be affixed with a copy of the HSD's caption page (with confidential information redacted).
- d. The filing party shall serve the HSD on the other parties as follows:
 - i. Civil cases - by any manner specified in [Civil Rule 5\(b\)\(2\)](#), except for service via the court's electronic filing system; or
 - ii. Criminal cases - by any manner specified in [Criminal Rule 49\(a\)\(3\)\(B\) or \(a\)\(4\)](#).

3. Highly Sensitive Court Orders

If the court determines that a court order contains highly sensitive information, the clerk's office will file and maintain the order in a secure paper filing system or a secure standalone computer system that is not connected to any network and will serve paper copies of the order on the parties via mail.

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

Upon motion of a party or upon its own motion, the court may determine that a document, case, or any portion of it, that has been filed electronically is highly sensitive and direct

that the HSD or case be removed from the court's electronic filing system and maintained by the clerk's office in a secure paper filing system or a secure standalone computer system that is not connected to any network.

IT IS SO ORDERED, this 14th day of January, 2021.

/s/ Beth Phillips

Beth Phillips

Chief United States District Judge

Western District of Missouri