

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

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

ORDER

WHEREAS, in response to recent disclosures of widespread 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, and the Court to maintain, certain highly sensitive documents (HSDs) outside of the Court’s electronic filing system;

THEREFORE, IT IS HEREBY ORDERED that:

1. As of the date of this Order and until such time as the Court orders otherwise, the filing of certain highly sensitive documents (HSDs) shall be subject to the procedures and requirements set forth below. This Order supersedes any inconsistent provisions in existing Local Rules or other Orders of this Court;

2. HSDs are defined generally as all applications for interception of wire, oral, or electronic communications pursuant to [18 U.S.C. §2518](#) under [Local Rule 13.05\(B\)\(1\)](#); as well as documents in any case – whether civil or criminal – of interest to malicious actors, such as those involving: national security, foreign sovereign interests, cybersecurity, the extent of domestic or international interests, information that would put at risk the safety of public officials or the integrity of governmental operations, non-public and sensitive intellectual property or trade secrets, or the reputational interests of the United States. Documents not generally considered HSDs would include: presentence or pretrial release reports and documents

related to such reports, pleadings related to cooperation in most criminal cases, social security records, administrative records in immigration cases, and most other sealed filings not specifically mentioned in this paragraph as likely HSDs;

3. Any HSD shall be filed in paper form only unless otherwise ordered by a judge and shall be maintained by the clerk's office in a secured filing location, either in paper form or a secure non-networked computer system. The designation and filing process for HSDs shall be as follows:

a. All applications for interception of wire, oral, or electronic communications pursuant to [18 U.S.C. §2518](#) under [Local Rule 13.05\(B\)\(1\)](#) shall be deemed HSDs. The United States Attorney's office shall present to the designated judge three copies of each document associated with any application. If the judge approves the application, one copy will be returned to the United States Attorney for service, and one copy will be sent to the clerk's office along with the Order granting application. The clerk's office will make a sealed docket entry noting the filing of the application, Order, and related documents but will retain the documents in paper form or on a secure non-networked computer system as HSDs;

b. When filed by the United States Attorney in cases involving national security, foreign sovereign interests, cybersecurity, the extent of domestic or international interests, information that would put at risk the safety of public officials or the integrity of governmental operations, non-public and sensitive intellectual property or trade secrets, or the reputational interests of the United States, all applications for pen registers, trap and trace devices, and IRS search warrants and tax return orders under [Local Rule 13.05\(B\)\(1\)](#), and all applications for search warrants, warrants and similar orders issued pursuant to [Rule 41, Fed. R. Crim. P.](#), upon application of the government for the acquisition

of information or evidence in connection with a criminal investigation under [Local Rule 13.05\(B\)\(3\)](#), shall be deemed HSDs. The United States Attorney's office shall present to the designated judge three copies of each document associated with any application in any such matter. If the judge approves the application, one copy will be returned to the United States Attorney for service, and one copy will be sent to the clerk's office along with the Order granting application. The clerk's office will make a sealed docket entry noting the filing of the application and the Order, but will retain the documents in paper form or on a secure non-networked computer system as HSDs;

c. For any other matter, whether civil or criminal, any party may file 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 2 of this Order. The motion must state the identity of any persons who are to have access to the documents without further order of Court; and set forth instructions for the disposition of the restricted documents following the conclusion of the matter. The filing party must submit, either by US Mail directed to the clerk or in the clerk's office secured dropbox, three copies of the motion with the proposed HSDs attached to the motion. The clerk's office will make a sealed docket entry noting the filing of the motion but will retain the documents in paper form as HSDs until further order of the Court. If the Court grants the motion, the clerk's office will retain the documents in paper form or on a secure non-networked computer system as HSDs and will return one stamped copy of the document to the party;


4. Upon motion of a party or upon its own motion, the Court may determine that any document, case, or any portion of it, that has been previously filed electronically is an HSD 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 filing system not connected to any computer network. A party's motion to remove an HSD or highly sensitive case from the court's electronic filing system must set forth the reasons why the subject matter should be considered as involving HSDs under the criteria set out in paragraph 2 of this Order, state the identity of the persons who are to have access to the documents without further order of Court, and set forth instructions for the disposition of the restricted documents following the conclusion of the matter if appropriate. The party must submit, either by US Mail directed to the clerk or in the clerk's office secured dropbox, three copies of the motion either with the proposed HSDs attached or with specific reference to which documents currently in CM/ECF are being requested for removal. If the Court grants the motion or orders on its own motion that a document be treated as an HSD, the Court will notify the parties, remove the document from CM/ECF, and retain the document in paper form or on a secure non-networked computer system as an HSD;

5. 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;

6. The filing party shall serve the HSD on the other parties as set forth in [Local Rule 2.12\(b\)](#). The clerk's office will file and maintain any Order granting HSD status as well as the HSD in a secure paper filing system or a secure non-networked computer system and will serve paper copies of the Order on the parties via mail.

SO ORDERED this 14th day of January, 2021.



Rodney W. Sippel
Chief United States District Judge