

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

IN THE MATTER OF:	)	No. 21-mc-00001
	)	
PROCEDURES FOR THE FILING, SERVICE,	)	GENERAL ORDER /
AND MANAGEMENT OF HIGHLY	)	ADMINISTRATIVE POLICY
SENSITIVE DOCUMENTS	)	<b>2021-01.2</b>
	)	

**GENERAL ORDER**

To the extent this order is inconsistent with provisions of any existing local rules or general orders of the Court, this Order supersedes those provisions.

In response to recent disclosures of wide-spread breaches of both private sector and government computer systems, the Judicial Conference of the United States has directed federal courts, including the United States District Court for the Southern District of Indiana, to immediately add new security procedures to protect highly sensitive documents ("Highly Sensitive Documents" or "HSDs") filed with the courts.

In accordance with the Judicial Conference's directive, the Court now 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 HSDs outside of the Court's electronic filing system. Therefore, **effective immediately** and until further order of the Court, parties shall file HSDs as provided in this Order. The requirements in this Order are subject to further refinement as additional guidance is received from the Judicial Conference or the Administrative Office of the United States Courts.

**I. Documents Presumed to be HSDs**

Sealed documents are not automatically presumed to be HSDs and must be filed in the manner prescribed by Local Rule 5-11 or Local Criminal Rule 49.1-2. Documents presumed to

be HSDs are listed in Appendix A of this Order and must be filed according to the procedures provided in Appendix A.

## **II. Other Documents; Motions**

The following types of documents generally are not considered HSDs: Presentence reports, pretrial release reports, most pleadings related to cooperation in most criminal cases, social security records, administrative immigration records, and most sealed filings in civil cases. A party wishing to file any document not listed in Appendix A as an HSD must file it according to the procedures for such documents provided in Appendix A. Any dispute as to whether a document is an HSD will be resolved by the presiding District Judge or Magistrate Judge.

## **III. Service of 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 and will serve paper copies of the order on the parties by mail.

## **IV. 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.

A party's motion to remove an HSD or highly sensitive case from the court's electronic filing system must explain why such document or case should be subject to the heightened protection for HSDs.

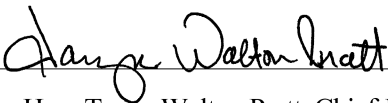
**V. Questions about HSD Filing Procedures**

Questions about HSD classification and filing procedures should be directed to the Clerk's Office at (317) 229-3700.

SO ORDERED.

For the Court,

Date: 4/22/2021

  
\_\_\_\_\_  
Hon. Tanya Walton Pratt, Chief Judge  
United States District Court  
Southern District of Indiana

APPENDIX A  
(revised April 22, 2021)

**A. Presumed Highly Sensitive Documents:**

- Applications for search warrants in cases implicating national security for which the filing party presents the application as an HSD;
- Applications for and affidavits in support of wiretaps or electronic surveillance under Title III of the Federal Wiretap Act, 18 U.S.C. §§ 2510-2522, in cases implicating national security for which the filing party presents the application as an HSD;
- Documents designated Highly Sensitive Documents by court order or applicable law.

**B. Filing procedures for presumed Highly Sensitive Documents:**

1. A party filing an HSD listed on Appendix A must submit **two (2) paper copies of the HSD** to the Clerk's Office, along with the certificate of service, and, if applicable, a copy of the court order or other law authorizing the treatment of that document as an HSD.
2. The documents must be in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT" and the HSD's caption page (with confidential information redacted) must be affixed to the outside of the envelope.
3. The filing party must serve the HSD on the other parties as follows:
  - a. Civil cases - by any manner specified in [Civil Rule 5\(b\)\(2\)](#), except that service under section (b)(2)(E) (via the Court's electronic filing system or other electronic means, including email), is **not** permitted.
  - b. Criminal cases - by any manner specified in [Criminal Rule 49\(a\)\(4\)](#),
4. The Clerk's Office will make an informational docket entry in the Court's electronic filing system indicating that the HSD was filed with the Court, and will maintain the HSD in a secure paper filing system.

**C. Filing procedures for documents not presumed Highly Sensitive Documents:**

1. The party must file a Motion to Treat Document as an HSD and a proposed order under existing procedures (if the party is represented, the Motion and proposed order may be filed electronically via CM/ECF; if the party is pro se, the Motion and proposed order must be filed on paper, either in person or by mail, or in any other manner authorized by the Court). The motion must explain why the proposed HSD should be subject to the heightened protection for HSDs.
2. As soon as practicable after the motion is filed, the filing party must deliver to the Clerk's Office two (2) paper copies of the proposed HSD along with a certificate of service, packaged as specified in section B. 2. above.
3. The filing party must serve the proposed HSD on the other parties as specified in section B.3. above.
4. The court will issue an order on the motion. If the motion is granted, an informational entry will be made on the case docket indicating that the HSD has been filed with the court. The Clerk's Office will maintain the HSD in a secure paper filing system. If the motion is denied, the Court

will return the document to the filing party and note the same on the case docket. The filing party may then elect to file the document in the normal manner.