

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA**

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

General Order No. 2021-02

GENERAL ORDER

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 [Federal Rule of Civil Procedure 5\(d\)\(3\)\(A\)](#) and [Federal Rule of Criminal Procedure 49\(b\)\(3\)\(A\)](#), good cause exists to require all parties to file certain highly sensitive documents 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 highly sensitive documents 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. Highly Sensitive Documents

- a. Highly sensitive documents (HSDs) contain information of a particular sensitive nature. The following types of documents are deemed HSDs and may be filed outside the court's electronic filing system without motion or further order of the court: Applications for search warrants, criminal complaints, arrest warrants, sealed indictments, applications for electronic surveillance under 18 U.S.C. § 2518, applications for a pen register or trap and trace device under 18 U.S.C. § 3122, requests for interception of communications pursuant to 18 U.S.C. § 2516, requests for phone record information pursuant to 18 U.S.C. § 2703, requests for tax return information pursuant to 26 U.S.C. § 6103, and any matters relating to grand jury. Although these documents are deemed HSDs, if the party filing the documents determines adequate protection is achieved by filing the document as a sealed document in the court's electronic filing system then the party may so file the document.

- b. The court may, on its motion or on motion of a party, direct that a document, other than those listed in 1.a. above, be designated as an HSD. A party requesting that a document be designated as an HSD shall electronically file a “Notice of Manual Filing” and then manually submit to the clerk’s office an envelope containing two paper copies of: the motion requesting the document(s) be sealed and designated as an HSD; the document(s) for which HSD status is being requested; a memorandum stating the rationale for requesting HSD status; and proposed Order with the court. ([See Instructions](#))

- c. That a document satisfies the legal criteria for filing under seal is a necessary but not sufficient condition for treatment as an HSD. Documents will not be considered to be HSDs solely because they include personal information or financial information about an entity or an individual. Most sealed filings in civil cases do not constitute HSDs. In criminal and civil cases, materials whose disclosure to a foreign power or its agents (as defined by 50 U.S.C. § 1801) would be unlawful under U.S. law or would substantially assist a foreign power or its agents in the development of that foreign power’s competing commercial products or products with military applications may be considered to be HSDs. Similarly, in civil cases materials which disclose trade secrets or intellectual property rights or otherwise disclose information that would substantially harm a business or substantially assist a competing business may be considered to be HSDs. The following documents will generally not be considered HSDs: presentence reports, pretrial release reports, pleadings related to cooperation in most criminal cases, social security records, administrative immigration records.

2. Filing of Documents Deemed to be HSDs in Paragraph 1.a.

- a. A party filing an HSD shall electronically file a “Notice of Manual Filing” and then manually submit to the clerk’s office an envelope which contains two paper copies of the HSD and the certificate of service.

- b. The required documents, unfolded, 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 Notice of Electronic Filing (NEF) of Notice of Manual Filing.

- c. The clerk’s office will maintain the HSD in a secure paper filing system.

3. 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 via U.S. 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.

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

/s/ Jon E. DeGuilio
Jon E. DeGuilio, Chief Judge

/s/ William C. Lee
William C. Lee, Judge

/s/ James T. Moody
James T. Moody, Judge

/s/ Robert L. Miller, Jr.
Robert L. Miller, Jr., Judge

/s/ Philip P. Simon
Philip P. Simon, Judge

/s/ Theresa L. Springmann
Theresa L. Springmann, Judge

/s/ Joseph S. Van Bokkelen
Joseph S. Van Bokkelen, Judge

/s/ Holly A. Brady
Holly A. Brady, Judge

/s/ Damon R. Leichty
Damon R. Leichty, Judge