

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA**

**ADMINISTRATIVE ORDER #140 ON PROCEDURES FOR THE FILING, 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 good cause exists to require all parties to file 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 highly sensitive documents shall be subject to the procedures and requirements set forth below. This Administrative Order supersedes any and all inconsistent provisions in existing local rules or other general orders of this Court.

1. Documents Subject to this Order

The filing procedures set forth below apply to documents that contain highly sensitive information.

- a. The following types of documents are deemed highly sensitive documents (HSDs): Documents relating to matters of national security, foreign sovereign interests, or cybersecurity; disclosing protected intellectual property or trade secrets; or involving the reputational interests of the United States.
- b. The following types of documents generally are not considered HSDs: Bank records, Social Security records, health records, writs, settlement agreements, valuation reports, and personally identifiable information. Sealed filings in most bankruptcy cases and adversary proceedings are not sufficiently sensitive to require HSD treatment and may continue to be sealed in the Courts' case management system as provided in the Clerk's Instructions.
- 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 Motions to Treat a Document as an HSD

- a. Represented parties
 - i. A represented party shall file a motion to treat a document as an HSD and a proposed order electronically under Fed. R. Bankr. 9018, except that a copy of the proposed HSD shall not be filed electronically. The motion shall explain why the proposed document constitutes an HSD or why it should otherwise be subject to the heightened protection for HSDs. Not

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all documents that meet the criteria for filing under seal will qualify for treatment as an HSD.

- ii. As soon as practicable after the motion is filed, the filing party shall deliver to the clerk's office the proposed HSD along with a certificate of service in the form of either a paper copy or an electronic copy on a secure electronic device (as described below). These documents or secure electronic device should be packaged as specified in paragraph 3.b.
- iii. The filing party shall serve the proposed HSD on the other parties as specified in paragraph 3.c.
- iv. The Court will issue an order on the motion and, if 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 or a secure standalone computer system that is not connected to any network.

b. Pro se parties

- i. Pro se parties shall submit to the clerk's office for filing a motion to treat a document as an HSD, the proposed HSD, and a certificate of service in the form of either a paper copy or an electronic copy on a secure electronic device (as described below). These documents or secure electronic device should be packaged as specified in paragraph 3.b. The motion shall explain why the proposed document should be subject to the heightened protection for HSDs.
- ii. The filing party shall serve the proposed HSD on the other parties as specified in paragraph 3.c.
- iii. The Court will issue an order on the motion and, if 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 or a secure standalone computer system that is not connected to any network.

3. Filing of Authorized HSDs

- a. 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, if applicable, a copy of the Court order authorizing the treatment of that document as highly sensitive in the form of either a paper copy or an electronic copy on a secure electronic device (as described below).
- b. The required documents, unfolded, or 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).
- c. The filing party shall serve the HSD on the other parties in accordance with Fed. R. Bankr. P. 2002 or Fed. R. Bankr. P. 7004, as applicable.

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- d. 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 or a secure standalone computer system that is not connected to any network.

4. 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 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.

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

- a. 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.
- b. A party's motion to remove an HSD or highly sensitive case from the Court's electronic filing system shall explain why such document or case is highly sensitive or why it should otherwise be subject to the heightened protection for HSDs.

6. Secure Electronic Device

- a. The Court will accept an HSD filed using a secure electronic device in lieu of a paper HSD. The secure electronic device will be sealed in an envelope in the same manner prescribed in paragraph 3 of this order. Prior to filing an HSD utilizing a secure electronic device with the Court, the filing party will coordinate with the Clerk's Office and inform the Clerk's Office what type of device will be used to file the HSD. The intent of this requirement is to ensure the HSD is filed with the Court on a device that is technically acceptable in the event the document is unsealed and needs to be accessed by the Court. The filing party will also provide a certification, at the time of filing the HSD, that the device has been scanned for malware prior to delivery to the Clerk's Office. The certification will accompany the secure electronic device. Should the HSD need to be accessed at a later date, the Clerk's Office will again scan the secure electronic device to ensure the secure electronic device is free of malware.
- b. The Court will only accept HSD's in the following electronic formats:
 - i. USB flash drive (commonly known as a "thumb drive").
 - ii. Compact disc or DVD digital optical data storage disc.
 - iii. Secure digital cards (commonly known as "SD Cards").

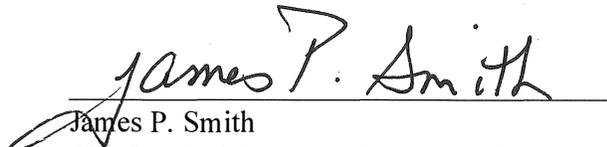
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- iv. Other formats deemed acceptable by the Clerk of Court on the advice of IT staff.
- c. Any HSD filed in electronic format will be in the PDF/A format.

7. Questions about HSD Filing Procedures

Any questions about how an HSD should be filed with the Court pursuant to this Administrative Order should be directed to the clerk's office at **478-752-3506**.

IT IS SO ORDERED, this 4 day of February, 2021.



James P. Smith
Chief United States Bankruptcy Judge
Middle District of Georgia