

Proposed Amendments to Rule 5.2

Rule 5.2 is added as follows:

Rule 5.2. Privacy Protection for Filings Made with the Court

(a) Redacted Filings.

Unless the court orders otherwise, in an electronic or paper filing with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial-account number, a party or nonparty making the filing may include only:

- (1) the last four digits of the social-security number and taxpayer-identification number;
- (2) the year of the individual's birth;
- (3) the minor's initials; and
- (4) the last four digits of the financial-account number.

(b) Filings Made under Seal.

The court may order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record.

(c) Protective Orders.

For good cause, the court may by order in a case:

- (1) require redaction of additional information; or
- (2) limit or prohibit a nonparty's remote electronic access to a

document filed with the court.

(d) Option for Additional Unredacted Filing under Seal.

A person making a redacted filing may also file an unredacted copy under seal. The court must retain the unredacted copy as part of the record.

(e) Option for Filing a Reference List.

A filing that contains redacted information may be filed together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. The list must be filed under seal and may be amended as of right. Any reference in the case to a listed identifier will be construed to refer to the corresponding item of information.

(f) Waiver of Protection of Identifiers.

A person waives the protection of Rule 5.2(a) as to the person's own information by filing it without redaction and not under seal.

(Added _____, 2008, eff. _____, 2009.)

Advisory Committee Note

New CIT Rule 5.2 mirrors Fed. R. Civ. P. Rule 5.2, which was added in December 2007, to the extent that rule applies to the types of actions that come before the CIT. According to the Advisory Committee on the Fed. R. Civ. P., this rule was adopted in compliance with section 205(c)(3) of the E-Government Act of 2002, Public Law 103-347. The addition of CIT Rule 5.2 brings the CIT Rules into conformance with both the Fed. R. Civ. P. and United States Court of International Trade Administrative Order No. 08-01 (May 2, 2008).