

RULES GOVERNING REDACTIONS FROM COURT RECORDS

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Rule 1. Redacted filings [Effective until June 1, 2018.]

For any documents filed after January 1, 2011, unless otherwise ordered by the court, the parties shall refrain from including, or shall redact, where inclusion is necessary, the following four personal data identifiers from their pleadings, including exhibits thereto.

(a) *Social Security Numbers*. — If an individual's social security number must be included, only the last 4 digits of that number should be used.

(b) *Names of Minor Children*. — If the involvement of a minor child must be mentioned, only the initials of that child should be used. This does not include cases where the minor is a party to the case, unless the statutes otherwise require.

(c) *Dates of Birth*. — If an individual's date of birth must be included, only the year of birth should be used.

(d) *Financial Account Numbers*. — If a financial account number is relevant, only the last 4 digits of such numbers should be used.

The responsibility for redacting these personal data identifiers rests solely with counsel and the persons filing the documents with the court. The Clerk will not review papers for compliance with these rule.

(Amended February 3, 2011, effective February 3, 2011.)

Rule 1. Redacted filings [Effective June 1, 2018.]

For any documents filed, unless otherwise ordered by the court, the parties shall refrain from including, or shall redact where inclusion is necessary, the following five personal data identifiers from their pleadings, including exhibits thereto.

(a) *Social Security Numbers*. — If an individual's social security number must be included, only the last 4 digits of that number should be used.

(b) *Names of Minor Children*. — If the involvement of a minor child must be mentioned, only the initials of that child should be used. This does not include cases where the minor is a party to the case, unless the statutes otherwise require.

(c) *Dates of Birth*. — If an individual's date of birth must be included, only the year of birth should be used.

(d) *Financial Account Numbers.* — If a financial account number is relevant, only the last 4 digits of such numbers should be used.

(e) *Victim Addresses.* — In criminal cases, the address of any identified victim should be limited to county and state.

The responsibility for redacting these personal data identifiers rests solely with counsel and the persons filing the documents with the court.

(Amended February 3, 2011, effective February 3, 2011; amended March 13, 2018, effective June 1, 2018.)

Rule 2. Protection orders [Effective until June 1, 2018.]

Pursuant to 18 USC 2265(d)(3), information regarding the registration, filing of a petition, or issuance of a protection order, restraining order or injunction, shall not be made available publicly on the internet, if such publication would be likely to reveal the identity or location of the party protected under such order, except for court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.

Rule 2. Protection orders [Effective June 1, 2018.]

Pursuant to 18 USC 2265(d)(3), information regarding the registration, filing of a petition, or issuance of a protection order, restraining order or injunction, shall not be made available publicly if such publication would be likely to reveal the identity or location of the party protected under such order, except for court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.

(Amended March 13, 2018, effective June 1, 2018.)

Rule 3. Exemptions from redaction requirements.

The above redaction requirements do not apply to the following:

- (a) Documents already made confidential by statute, administrative rule, court rule, or court order;
- (b) The record of an administrative agency or court proceeding if that record was not subject to the redaction requirement when originally made;
- (c) Citations; and
- (d) Audio digital recordings.

(Amended February 3, 2011, effective February 3, 2011.)

Rule 4. 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.

Rule 5. Protective orders.

For good cause, as set forth in Rule 8 of the Rules Governing Access to Court Records, the court may by order in a case:

- (a) require redaction of additional information; or
- (b) limit or prohibit a nonparty's remote electronic access to a document filed with the court.

Rule 5.1. Uniform Redaction Policy in Felony Sexual Assault Cases.

In order to ensure proper compliance with Wyoming Statute § 6-2-319 and at the same time ensure that the proceedings of the Courts of the State of Wyoming are open to the public, each circuit court in the State of Wyoming shall put into place an order establishing policies and procedures governing redaction and access to court files and proceedings in cases that involve felony charges brought under Wyoming Statutes Title 6, Chapter 2, Article 3. The order adopted by each court shall be in form of the order attached hereto as Appendix B.

(Added December 16, 2014, effective March 1, 2015.)

Rule 6. Additional unredacted filing under seal [Effective until June 1, 2018.]

A party making a redacted filing shall also file an unredacted copy under separate cover and seal. Such an additional unredacted filing is required only in those cases where the entire personal data identifier listed in Rule 1 herein is required (e.g. charging documents). The court must retain the unredacted copy as part of the confidential record. If the redacted and non-redacted documents are not offered for filing contemporaneously, the missing document may be filed or postmarked within one business day. The Court may reject any paper filed not in compliance with these rules. When filing confidential or unredacted documents, the court will not accept fax filings. (Amended February 3, 2011, effective February 3, 2011.)

Rule 6. Additional unredacted filing [Effective June 1, 2018.]

A party making a redacted filing shall also file an unredacted copy under separate cover. Such an additional unredacted filing is required only in those cases where the entire personal data identifier listed in Rule 1 herein is required (e.g. charging documents). The court must retain the unredacted copy as part of the confidential file. If the redacted and non-redacted documents are not offered for filing contemporaneously, the missing document may be filed or postmarked within one business day. The Court may reject any paper filed not in compliance with these rules. When filing confidential or unredacted documents, the court will not accept fax filings.

In civil cases such as divorce, custody and other matters necessarily involving information subject to redaction, a party may file redacted pleadings without filing duplicate, unredacted copies, so long as the unredacted identifying information is filed with the court in at least one document, already on file with the court, filed in the confidential file.

(Amended February 3, 2011, effective February 3, 2011; amended March 13, 2018, effective June 1, 2018.)

Rule 7. Clerk refusal to file [Effective until June 1, 2018.]

Without regard to W.S. § 5-7-103, the Clerk may refuse to file documents that are obviously not in compliance with these rules.

Rule 7. Clerk refusal to file [Effective June 1, 2018.]

The Clerk is not required to review papers for compliance with these rules. Without regard to W.S. § 5-7-103, the Clerk may refuse to file documents that are obviously not in compliance with these rules.

(Amended March 13, 2018, effective June 1, 2018.)

Rule 8. Transcripts [Effective until June 1, 2018.]

In those cases already made confidential by statute, administrative rule, court rule, or court order, it is not necessary to redact transcripts. The responsibility for redacting official court transcripts rests solely with counsel and the parties. The court, clerk, and court reporter/transcriber will not review the transcript for compliance with these rules.

Once a prepared transcript pursuant to Wyo. Stat. Ann. §§ 5-3-401 to 412 is delivered to the clerk's office for filing, and the court reporter/transcriber has given written notice by email or traditional means to the parties that the transcript is completed, the attorneys in the case are (or, where there is a self-represented party, the party is) responsible for reviewing it for the personal data identifiers required by these rules to be redacted. Each party or counsel shall give prompt written notice of changes of address, telephone number or email address, if any, to the clerk and other parties.

Within eleven calendar days of the delivery by the court reporter/transcriber of the official transcript to the clerk's office, or longer if the court orders, each party must inform the court, by filing a Notice of Intent to Redact with the clerk, of his or her intent to direct the redaction of personal identifiers from the transcript of the court proceeding. A party is only allowed to request redaction of the four personal data identifiers specified in Rule 1 herein without further order of the court. If no such notice is filed within the allotted time, the court will assume redaction of the personal data identifiers from the transcript is not necessary, and the record completion process will proceed without further delay.

Within 21 calendar days of the transcript's filing with the clerk, or longer if the court orders, an attorney of record or self-represented party, who has previously filed a Notice of Intent to Redact, must file a Confidential Redaction Request. (See Appendix A to these rules). A copy of this request must also be submitted simultaneously to the court reporter/transcriber. The request shall include the title of the transcript, the date it was filed, the case number and the items to be redacted, referencing them by page and line number and how they are to be redacted. For example, if a party wanted to redact the Social Security Number 123-45-6789 appearing on page 12, line 9 of the transcript, the Confidential Redaction Request would read: page 12, line 9: Social Security Number 123-45-6789 should be redacted to read xxx-xx-6789.

When a Confidential Redaction Request is filed, the court reporter/transcriber must within 31 calendar days from the filing of the transcript with the clerk of court, or longer if the court orders, perform the requested redactions and file a redacted version of the transcript with the clerk of court. The original unredacted transcript will be sealed and retained by the clerk of court. The unredacted transcript will always remain as a sealed document and will not be available for review without further order of the court. The unredacted transcript may be withdrawn from the office of the clerk of the trial court without an order of that court by pro se parties and by appellate counsel of record. The unredacted transcript shall also be available for transmission to the appellate court.

For all civil transcripts and for all criminal trial transcripts when the case is appealed, court reporters of the district courts are required to provide either a key-word index or a PDF electronic file for all parties to assist in redaction efforts. Upon request, court reporters of the district courts shall provide either a key-word index or a PDF electronic file for other criminal transcripts.

(Amended effective May 7, 2012, effective July 1, 2012.)

Rule 8. Transcripts [Effective June 1, 2018.]

In those cases already made confidential by statute, administrative rule, court rule, or court order, it is not necessary to redact transcripts. The responsibility for redacting

official court transcripts rests solely with counsel and the parties. The court, clerk, and court reporter/transcriber will not review the transcript for compliance with these rules.

Once a prepared transcript pursuant to Wyo. Stat. Ann. §§ 5-3-401 to 412 is delivered to the clerk's office for filing, and the court reporter/transcriber has given written notice by email or traditional means to the parties that the transcript is completed, the attorneys in the case are (or, where there is a self-represented party, the party is) responsible for reviewing it for the personal data identifiers required by these rules to be redacted. Each party or counsel shall give prompt written notice of changes of address, telephone number or email address, if any, to the clerk and other parties.

Within eleven calendar days of the delivery by the court reporter/transcriber of the official transcript to the clerk's office, or longer if the court orders, each party must inform the court reporter, by filing a Notice of Intent to Redact with the clerk, of his or her intent to direct the redaction of personal identifiers from the transcript of the court proceeding. A party is only allowed to request redaction of the five personal data identifiers specified in Rule 1 herein without further order of the court. If no such notice is filed within the allotted time, the clerk will assume redaction of the personal data identifiers from the transcript is not necessary, and the record completion process will proceed without further delay.

Within 21 calendar days of the transcript's filing with the clerk, or longer if the court orders, an attorney of record or self-represented party, who has previously filed a Notice of Intent to Redact, must file a Confidential Redaction Request. (See Appendix A to these rules). A copy of this request must also be submitted simultaneously to the court reporter/transcriber. The request shall include the title of the transcript, the date it was filed, the case number and the items to be redacted, referencing them by page and line number and how they are to be redacted. For example, if a party wanted to redact the Social Security Number 123-45-6789 appearing on page 12, line 9 of the transcript, the Confidential Redaction Request would read: page 12, line 9: Social Security Number 123-45-6789 should be redacted to read xxx-xx-6789.

When a Confidential Redaction Request is filed, the court reporter/transcriber must within 31 calendar days from the filing of the transcript with the clerk of court, or longer if the court orders, perform the requested redactions and file a redacted version of the transcript with the clerk of court. The original unredacted transcript will be retained by the clerk of court in the confidential file. The unredacted transcript may be withdrawn from the office of the clerk of the trial court without an order of that court by pro se parties and by appellate counsel of record. The unredacted transcript shall also be available for transmission to the appellate court.

For all civil transcripts and for all criminal trial transcripts when the case is appealed, court reporters of the district courts are required to provide either a key-word index or a PDF electronic file for all parties to assist in redaction efforts. Upon request, court reporters of the district courts shall provide either a key-word index or a PDF electronic file for other criminal transcripts.

In criminal cases, the prosecutor shall notify the court reporter of any information subject to redaction when that information becomes available. Counsel and the parties have a continuing obligation to inform the court reporter of information subject to redaction throughout the pendency of the case.

Court reporters shall redact information using the black-out method or other method that retains the same line and page numbers as the unredacted transcript.

In criminal cases, the prosecutor shall be responsible for ensuring redactions are requested for all mandatory transcripts.

(Amended effective May 7, 2012, effective July 1, 2012; amended March 13, 2018, effective June 1, 2018.)

Rule 9. Rules governing access to court records [Effective until June 1, 2018.]

Documents filed in court records shall also meet the confidentiality requirements of the Rules Governing Access to Court Records.

Rule 9. Rules governing access to court records [Effective June 1, 2018.]

Documents filed in court records shall also meet the requirements of the Rules Governing Access to Court Records.

(Amended March 13, 2018, effective June 1, 2018.)

Rule 10. Failure to comply [Effective June 1, 2018.]

When an attorney fails to comply with these rules, the appropriate court may impose monetary or other sanctions against the attorney.

(Added March 13, 2018, effective June 1, 2018.)

APPENDIX

A. Appendix A.

STATE OF WYOMING)	IN THE _____ COURT
) ss	
COUNTY OF _____)	_____ JUDICIAL DISTRICT
)	
_____)	
Plaintiff)	
)	
vs)	Docket Number: _____
)	
_____)	
Defendant)	
)	

CONFIDENTIAL REDACTION REQUEST

Notice is hereby given that the undersigned party hereby files this request for redaction for the following transcript(s):

Date	Type of Hearing Held
_____	_____

The list of requested redactions is attached to this form.

DATED this _____ day of _____, 20____.

Attorney/Party

I certify that a copy of the foregoing was contemporaneously provided to _____, the court reporter/transcriber, by the following means:

- Hand Delivery;
- Electronic means.

Attorney/Party

B. Appendix B.

**In the Circuit Court of the _____ Judicial District
_____ County, Wyoming**

STATE OF WYOMING,)
COUNTY OF _____) ss
)

**UNIFORM ORDER
REGARDING FILING AND PROCESSING OF
SEXUAL ASSAULT CASES**

WHEREAS, the Wyoming Supreme Court has had occasion to address the processes and procedures to be followed when felony sexual assault cases are initiated in the Circuit Courts of the State of Wyoming under Wyoming Statutes Title 6, Chapter 2, Article 3; and

WHEREAS the Conference of the Circuit Courts of the State of Wyoming passed a Resolution encouraging all Circuit Courts to adopt a written policy addressing the processes and procedures to be used in the filing of felony sexual assault cases under Wyoming Statutes Title 6, Chapter 2, Article 3 so as to ensure compliance with Wyoming Statute § 6-2-319; and

WHEREAS, the Circuit Courts are directed, by Rule 5.1 of the Rules Governing Redactions from Court Records, to establish a uniform written policy addressing the processes and procedures to be used in the filing of felony sexual assault cases under Wyoming Statutes Title 6, Chapter 2, Article 3;

IT IS THEREFORE ORDERED AND DECREED as follows:

1. The Court's "redacted" file and the proceedings on felony sexual assault cases shall remain open to the public.
2. Attorneys and officers filing documents in cases covered by this rule shall be responsible for providing redacted and un-redacted versions of those documents to the Court at the time of filing. The redacted filings shall reference the accused and the purported victim(s) by initials only. In addition, any other information that might identify the accused or the purported victim(s) shall also be redacted. The Clerk of Court shall examine the redacted documents to ensure compliance.
3. The name of the accused may be released to aid in the arrest of the accused.
4. If any party feels there is a need for proceedings to be closed to the public in a particular felony sexual assault case, a hearing on that motion shall be held in open court so as to allow the public to attend and to be heard on the issue of the proposed closed proceedings. No hearings shall be closed unless and until the Court makes a finding that a compelling interest exists that would justify closed proceedings.
5. If a member of the public asks a Circuit Court employee to provide access to a case file involving a particular defendant, the Circuit Court employee shall ask the requesting party to also identify the nature of the case sought. If the requesting party indicates that the case involves sexual assault and provides satisfactory identifying information, then the Circuit Court employee can provide the redacted file. This procedure is intended to prevent the Circuit Court employee from acknowledging the existence of felony sexual assault charges based solely on the name of the accused.
6. Cases involving felony sexual assault charges shall be marked "sealed" in the Court's docket management system until such time as the case is bound over to the District Court. This procedure is intended to ensure that the name of the accused does not appear on publicly accessed terminals until such time as the case has been bound over to the District Court.

Dated this _____ **day of** _____, _____.

Circuit Court Judge