

***IN THE SUPREME COURT, STATE OF WYOMING***

*October Term, A.D. 2010*

---

**IN THE MATTER OF THE AMENDING OF )  
RULES GOVERNING REDACTIONS )  
FROM COURT RECORDS )**

**ORDER AMENDING RULES GOVERNING REDACTIONS  
FROM COURT RECORDS**

**This matter** came before the Court on its own motion following a careful review of the proposed Rules Governing Redactions from Court Records (Rules). On October 7, 2009, this Court entered an Order Adopting Rules Governing Redactions from Court Records. Pursuant to that order, the Rules were scheduled to go into effect on January 1, 2010. Before the Rules went into effect, this Court determined that the Rules required further review. On December 1, 2009, this Court entered an Order Rescinding Rules Governing Redactions from Court Records. On August 11, 2010, this Court entered an Order Adopting Rules Governing Redactions from Court Records. Pursuant to that Order, the Rules went into effect January 1, 2011. Now, after careful study of the Rules, this Court finds that the Rules Governing Redactions from Court Records should be amended. It is, therefore,

**ORDERED** that the Rules Governing Redactions from Court Records be, and hereby are, amended in the manner indicated in the attachment to this order. The amendments shall become effective immediately; and it is further

**ORDERED** that this Order and the Rules be published in the advance sheets of the Pacific Reporter; this Order and the Rules be published in the Wyoming Court Rules Volume; and that this Order and the Rules be made available online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The Rules shall thereafter be spread at length upon the journal of this Court.

**DATED** this 3<sup>rd</sup> day of February, 2011.

**BY THE COURT:**

/s/

**MARILYN S. KITE**  
**Chief Justice**

## RULES GOVERNING REDACTIONS FROM COURT RECORDS

**Rule 1. Redacted Filings.** 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, ~~and shall limit them to reveal only the following:~~

~~(a) The last four digits of a social security number, taxpayer identification number, or financial account number;~~

~~(b) The year of an individual's birth;~~

~~(c) A minor child's initials or other non-identifying descriptor.~~

(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 rules.

**Rule 2. Protection Orders.** 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 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;

(ab) The record of an administrative agency or court proceeding if that record was not subject to the redaction requirement when originally made;

(bc) Citations; and

(ed) Audio digital recordings.

**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 6. Additional Unredacted Filing Under Seal.** 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.

**Rule 7. Clerk Refusal to File.** 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 8. 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. Within 60 days of the proceedings to be transcribed, the court reporter/transcriber shall certify in writing to the court and all parties that the transcript has been completed. Within eleven days after service of notification that the transcript is complete, 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. (See Appendix A to these rules). Within those eleven days, the party may file a confidential statement of redactions with the court. A party is only allowed to request redaction

of the personal data identifiers specified in Rule 1 herein. Contemporaneously with filing the statement of redactions with the court, the party shall provide a copy to the court reporter/transcriber. 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 court reporter/transcriber shall file the transcript with the court. If a statement of redactions is filed, the court reporter/transcriber shall have eleven days to file the redacted transcript with the court. The court reporter/transcriber shall maintain an electronic copy of the unredacted transcript for ten years.

**Rule 9. Rules Governing Access to Court Records.** Documents filed in court records shall also meet the confidentiality requirements of the Rules Governing Access to Court Records.

**Appendix A**

STATE OF WYOMING )  
 ) ss  
COUNTY OF \_\_\_\_\_)

IN THE \_\_\_\_\_ COURT  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_)  
 )  
Plaintiff )  
 )  
vs )  
 )  
\_\_\_\_\_)  
 )  
Defendant )

Docket Number: \_\_\_\_\_

**CONFIDENTIAL REDACTION REQUEST**

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

<b>Date</b>	<b>Type of Hearing Held</b>
_____	_____

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