

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

*October Term, A.D. 2017*

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*In the Matter of Amendments to the* )  
*Wyoming Rules Governing* )  
*Redactions from Court Records* )

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

**Based on the recommendation** of the Board of Judicial Policy and Administration, this Court, on March 16, 2017, created a Redaction Committee to “review and revise the current Rules Governing Redactions from Court Records.” After careful study of those rules, the Redaction Committee recommends that the Court amend the Wyoming Rules Governing Redactions from Court Records. Having carefully considered the proposed amendments, the Court finds the amendments should be adopted. It is, therefore,

**ORDERED** that the amendments to the Wyoming Rules Governing Redactions from Court Records, attached hereto, be, and hereby are, adopted by the Court to be effective June 1, 2018; and it is further

**ORDERED** that this order and the attached amendments be published in the advance sheets of the Pacific Reporter; the attached amendments be published in the Wyoming Court Rules Volume; and this order and the attached amendments be published online at the Wyoming Judicial Branch’s website, <http://www.courts.state.wy.us>. The amendments shall also be recorded in the journal of this Court.

**DATED** this 13<sup>th</sup> day of March, 2018.

**BY THE COURT:**

/s/

**E. JAMES BURKE**  
Chief Justice

## Rules Governing Redactions from Court Records

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#### 10. Failure to Comply.

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##### **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~~ 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. ~~The Clerk will not review papers for compliance with these rule.~~

##### **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.

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##### **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~~ 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.

### **Rule 7. Clerk refusal to file.**

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.

### **Rule 8. Transcripts.**

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 ~~four~~ 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 ~~court~~ 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 sealed and retained by the clerk of court in the confidential file. ~~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.

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.

**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.

**Rule 10. Failure to comply.**

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

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