

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
GENERAL ORDER 19-0038**

The full Court met in executive session on Thursday, October 31, 2019 and approved an amendment to Internal Operating Procedure 30 Restricted Documents.

The Court's Rules Committee considered the Internal Operating Procedure at its meeting on Thursday, October 10, 2019. It recommended that the full Court adopt the proposed amendment to Internal Operating Procedure 30.

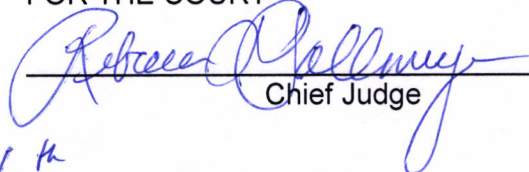
The full Court considered the recommendation of the Rules Committee at its meeting on Thursday, October 31, 2019 and agreed to modify Internal Operating Procedure 30. Therefore,

By direction of the full Court, which met in executive session on Thursday, October 31, 2019,

IT IS HEREBY ORDERED that Internal Operating Procedure 30 Restricted Documents be amended as attached (additions shown thus, deletions shown ~~thus~~).

ENTER:

FOR THE COURT

  
\_\_\_\_\_  
Chief Judge

Dated at Chicago, Illinois this 6<sup>th</sup> day of November, 2019

### IOP30. Restricted Documents

**(a) Separate Filing Area for Restricted Non-Electronic Documents.** Where the court has permitted documents to be filed ~~either electronically or~~ non-electronically, the clerk shall maintain restricted documents, sealed documents, and documents awaiting expunction as defined by LR26.2(a) separately from the files of documents to which access has not been restricted. Any area used to store documents, ~~either electronic or non-electronic,~~ to which access has been restricted shall be secure from entry by any persons other than the clerk or those designated in writing by the clerk as authorized to have access.

The clerk shall designate in writing deputies authorized to accept restricted documents ~~either electronic or non-electronic,~~ either from chambers or for filing pursuant to protective orders.

Materials accepted as restricted pursuant to a court order authorizing non-electronic filing shall be maintained in a secure area until collected by one of the designated deputies. Where the materials so accepted are being filed pursuant to a protective order, the deputy accepting them will stamp the cover of the document with a FILED stamp indicating the date of filing.

**(b) Handling Sealed Non-Electronic Documents.** Where the court has authorized the non-electronic filing of a document under seal, it is to be delivered for filing pursuant to ~~LR5.9 to LR5.8 with the seal on the enclosure intact. If the document is sent from chambers or returned from an appellate court with the seal broken, one of the deputies authorized to handle restricted materials pursuant to section (a) will forthwith deliver the document to the courtroom deputy assigned to the judicial officer to whose calendar the proceedings in which the sealed document was filed is assigned. If that judicial officer is no longer sitting, the deputy will forthwith deliver the document to the courtroom deputy assigned to the emergency judge. The courtroom deputy will promptly bring the document to the attention of the judge. The judicial officer will either order that the document be re-sealed, or order that it continue to be handled as a restricted document, but not as a sealed document, or enter such other order as required to indicate the status of the document. Where the document is to be re-sealed, the judicial officer or courtroom deputy will re-seal the document and transmit it to the appropriate deputy in the clerk's office.~~

Where under the terms of a protective order a party is permitted to inspect a sealed document that has been filed non-electronically and that party appears in the clerk's office and requests the document, one of the deputies authorized to handle restricted materials pursuant to section (a) ~~shall~~ will obtain the document and provide an area where the person may inspect the document other than in the public area of the clerk's office. The deputy will complete a form showing the date, description of the document, the name of the person requesting access to the document, a statement indicating that the deputy has checked the protective order and it does indeed authorize the person to inspect the document, and a statement that the deputy requested of and was shown identification by the person requesting access to the document. Any person wishing to ~~break the seal and~~ inspect the document must sign the form completed by the deputy to indicate that they are authorized to inspect the document ~~and have broken the seal. After the person has completed the inspection, the deputy will follow the procedures set out in the previous paragraph for handling the re-sealing of the document.~~



~~(2c) Handling Sealed Electronic Documents~~Electronic Documents. ~~Where a party who is authorized to inspect a sealed document that has been filed electronically appears at the clerk's office and requests the document, one of the deputies authorized access to such documents will complete the form described above, and produce a paper copy of provide access to the document, and provide it to the requesting person in a non-public area of the clerk's office. After the document has been inspected, it must be returned to the deputy, who is to immediately destroy the paper copy.~~

~~(3) Destruction of Restricted Documents.~~ ~~Where a restricted document, either electronic or non-electronic, concerning a defendant is submitted electronically by the Pretrial Services Office, the electronic document will be destroyed by the Clerk of Court upon the disposition of the defendant.~~

**(ed) Grand Jury Records; Disposition.** The clerk shall maintain documents, either electronic or non-electronic, arising out of or connected with grand jury proceedings separately from other restricted documents. The clerk shall designate in writing deputies authorized to accept grand jury documents for filing and authorized access to the area in which the documents are stored.

Such non-electronic documents, ~~either electronic or non-electronic~~, shall be maintained for not less than ~~ten~~10 years following the date of filing or entry if not related to a specific grand jury proceeding. Documents in proceedings assigned a grand jury number shall be maintained for at least ten years following the commencement of the proceeding as indicated by the GJ number.

From time to time the clerk may petition the chief judge for leave to destroy documents, ~~either electronic or non-electronic~~, arising out of or connected with grand jury proceedings. The petition shall contain a list of the GJ numbers for documents arising out of specific proceedings and a reasonable description of any documents other than those arising out of specific proceedings for which permission to destroy is sought. The clerk shall provide the United States attorney with a copy of the petition. If the United States attorney wishes to defer the destruction of some or all of the documents referred to in the petition, a written response to the petition setting forth the reasons for the requested deferral must be filed with the chief judge within 14 days of the date the copy of the clerk's petition was transmitted to the United States attorney. The chief judge may grant the petition for destruction, or direct that consideration of the destruction of some or all of the items specified in the petition be deferred for an additional year at the end of which the clerk may again petition for authority to destroy the documents.

The petition for leave to destroy the documents, the response of the United States attorney, and any order of the chief judge dealing with the petition and response are, except as otherwise ordered, restricted documents.

**(de) Sanctions.** Employees of the court are expressly forbidden to perform any of the following acts:

(1) entering an area designated for the storage of restricted documents, either electronic or non-electronic, without the appropriate written authorization required by sections (a) or (c);

(2) accessing restricted documents, that are either electronic or non-electronic, when not specifically authorized to do so;

(32) assisting any person who is not authorized access pursuant to sections (a) or (c) to ~~an area designated for the storage of~~ restricted documents, ~~that are~~ either electronic or non-electronic, to gain or to attempt to gain access ~~to such an area~~ restricted documents;

(43) accepting for filing any restricted document, ~~that is either electronic or non-electronic~~, when not specifically authorized to do so ~~pursuant to section (a)~~;

(54) permitting any person who is not specifically authorized to have access to a restricted ~~document, that is either electronic or non-electronic~~, to examine such a document, or to provide such a person with access to a copy of such a ~~document~~; and

(65) leaving a restricted document, ~~that is either electronic or non-electronic~~, unattended in an area other than one specified by this ~~procedure~~ such that persons not authorized access to the document could readily gain ~~access to it~~; and

(76) providing electronic access, ~~either electronic or non-electronic~~, to a restricted document ~~that is either electronic or non-electronic, filed under seal~~ to any party who has not ~~been approved for such access by the Court~~.

Employees of the court who knowingly perform any of these acts ~~may~~ shall be subject to immediate disciplinary action, including dismissal. Persons who are not employees of the court who seek to coerce or induce any employee of the Court to perform any of these acts shall be punished by contempt of court.