



Northern District of Illinois, Eastern Division
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District Court Adopts Mechanism to Protect Highly Sensitive Documents

Last week, the Administrative Office of the United States Courts (AO) notified all federal courts that the AO has initiated an investigation of an apparent compromise of the security of the Judiciary's Case Management/Electronic Case Files (CM/ECF) system. The AO's [media alert](#) noted that the AO is working with the Department of Homeland Security on an audit of security vulnerabilities for non-public documents stored on CM/ECF, particularly sealed filings. The AO notice made no specific mention of the U.S District Court for the Northern District of Illinois, nor did it say whether any sealed files from the Northern District of Illinois have been compromised.

The Judicial Conference of the United States has directed that each court establish a mechanism for protection of Highly Sensitive Documents (HSD). In response to this directive, on January 10, 2021, the court entered [GENERAL ORDER 21-0003, In re: Procedures Governing the Filing or Retrieval of Highly Sensitive Documents](#).

This General Order attempts to define the scope of HSD protections, recognizing that most documents, even those under seal, do not constitute HSD materials. Under these temporary provisions, HSD documents must be presented in paper to the Clerk's Office. The General Order also establishes procedures for filing documents that qualify as HSD and for seeking removal of HSD materials from CM/ECF.

There is a strong presumption in favor of public access to the court process, and the vast majority of materials filed in CM/ECF will remain in the public domain. "The court has striven to promote public access, while adopting measures that provide appropriate protection for materials of grave sensitivity. We hope and anticipate that these measures will be temporary,

and we thank the public and the bar for cooperating with us in this matter,” said Thomas G. Bruton, Clerk of Court for the Northern District of Illinois.

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