

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
AMENDED GENERAL ORDER 21-0003**

April 7, 2021

**IN RE: PROCEDURES GOVERNING THE FILING OR RETRIEVAL
OF HIGHLY SENSITIVE DOCUMENTS**

In January of 2021, widespread breaches of both private sector and government computer systems were disclosed, including an apparent compromise of the confidentiality of the Judiciary's CM/ECF system. In response to these disclosures, the Judicial Conference directed all federal courts to issue security procedures to protect materials that contain highly sensitive information (referred to hereafter as "highly sensitive documents" or "HSDs"). The Court issued General Order 21-0003 on January 10, 2021 outlining the initial procedures adopted in this District.

This Amended General Order sets forth the revised procedures effective immediately that shall apply to the filing and dissemination of HSDs for all cases and matters in this District, except as expressly noted herein.

A. Highly Sensitive Documents – General Definition

HSDs contain information of a particular sensitive nature as described below. Applications for electronic surveillance under 18 U.S.C. § 2518, before any disclosure required by law, will be designated as HSDs without further court order. The court may, on its own motion or on motion of a party pursuant to section C below, direct that the following material be designated as HSD:

1. Materials whose disclosure could jeopardize national security or place human life or safety at risk;
2. Materials whose disclosure to a foreign power or its agents (as defined by 50 U.S.C. § 1801) would be unlawful under U.S. law or would substantially assist a foreign power or its agents in the development of that foreign power's competing commercial products or products with military applications.
3. Materials in criminal cases upon a showing that good cause justifies the designation.

That a document satisfies the legal criteria for filing under seal is a necessary but not sufficient condition for treatment as an HSD. Documents will not be considered to be HSDs solely because they include personal identifying information or financial information about an entity or an individual.

B. Documents Not Considered to be HSDs:

Most sealed filings in civil cases do not constitute HSDs. The following documents will generally not be considered HSDs:

1. Presentence reports, pretrial release reports, and probation violation reports;
2. Pleadings in criminal cases related to historical cooperation;
3. Social security records; administrative immigration records; and qui tam complaints; and
4. Commercial or proprietary information.

C. Filing of Highly Sensitive Documents

1. Any party seeking to file an HSD must, before such filing, seek leave of court for such filing. Any other party may also move the court to designate a filing as an HSD if, in its judgment, the filing qualifies as an HSD. A request for HSD designation shall be accompanied by a certification, subject to Rule 11, of the movant's good-faith belief that the material meets the criteria set forth in Section A, above.

2. An order granting a motion seeking HSD designation, or directing the filing of a document as HSD on the court's own motion, must (1) state the identity of the persons who are to have access to the documents without further order of court; and (2) set forth instructions for the disposition of the restricted documents following the conclusion of the case. A copy of the order must be included with any document presented for filing as an HSD.

3. The party submitting an HSD must file two paper copies with the Clerk of Court. Each copy shall be submitted in a separate sealed enclosure conspicuously labelled as HSD Sealed Material, and marked with the attorney's or party's name and address, including e-mail address if the attorney is registered as a user of the court's electronic filing system; the case caption; and the title of the case.

4. Any document treated as HSD served on any other party, and any judge's paper courtesy copy, must be a complete version, without any redactions made to create the public-record version unless otherwise ordered for good cause shown.

5. If the court determines that a court order contains highly sensitive information, the Clerk's Office will file and maintain the order and will serve paper copies of any filing issued by the court via United States Mail.

6. The Clerk's Office will make an informational docket entry in the court's electronic filing system indicating that the HSD was filed with the court.

D. Existing Files in CM/ECF

Upon motion of a party or upon its own motion, the court may determine that a document that has been filed electronically is subject to treatment as an HSD and direct that the HSD (or the case as a whole, if the number of HSD filings make treating the entire case as an HSD more efficient) be removed from the court's electronic filing system and maintained by the Clerk's Office in a secure paper filing system or a secure standalone computer system that is not connected to any network.

A party may move the court to remove a previously-filed document from the court's electronic filing system on the ground that such document or case is entitled to the heightened protection for HSDs. Any such motion shall be filed in accordance with the provisions of Local Rules 26.2 and 5.8, and shall be accompanied by a certification, subject to Rule 11, of the movant's good-faith belief that the material meets the criteria set forth in Section A, above.

ENTER:

A handwritten signature in black ink, appearing to read "Rebecca R. Pallmeyer", with a long horizontal flourish extending to the right.

HON. REBECCA R. PALLMEYER
CHIEF JUDGE

Dated at Chicago, Illinois this 7th day of April, 2021