

**United States District Court  
Northern District of Ohio**

**Advisory for Limiting Personal Information in Transcripts**

The judiciary's privacy policy restricts the publication of certain personal data in documents filed with the court. The policy requires limiting:

- ▶ Social Security and financial account numbers to the last four digits;
- ▶ Using only initials for the names of minor children;
- ▶ Limiting dates of birth to the year; and
- ▶ For criminal cases only, home addresses should be limited to city and state.

However, if such information is elicited during testimony or other court proceedings, it will become available to the public when the official transcript is filed at the courthouse unless, and until, it is redacted. The better practice is for you to avoid introducing this information into the record in the first place.

Please consider this when questioning witnesses or making other statements in court. If a restricted item is mentioned in court, you may ask to have it stricken from the record or partially redacted to conform to the privacy policy, or the court may do so on its own motion.

**United States District Court  
Northern District of Ohio**

**Electronic Availability of Transcripts of Court Proceedings**

The U.S. District Court for the Northern District of Ohio will upgrade its electronic filing system on May 3, 2008. Following the upgrade, transcripts of Court proceedings will be filed with the Court in electronic format and will become available to the public over the Internet through PACER after a 90-day waiting period pursuant to Judicial Conference policy. The waiting period is provided so that counsel/parties have the opportunity to inform the Court if the transcript contains certain personal identifiers that should be redacted before the transcript is made available over the Internet. If a transcript contains personal identifiers that need to be redacted, it is the responsibility of counsel/parties to inform the Court within 21 days after the filing. During the 90-day waiting period, transcripts will be available for purchase directly from the court reporter and will also be available for viewing on the public access terminals. When the 90 day waiting period has expired, the transcript (redacted if necessary) will be made available to the public over the Internet through PACER. The personal identifiers to be redacted are social security numbers, financial account numbers, birth dates, the names of minor children and, in criminal cases only, home addresses. More specific information is provided below.

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Transcripts of proceedings before the U.S. District Judges and Magistrate Judges in the Northern District of Ohio taken by Official Court Reporters, Contract Court Reporters and Electronic Court Recorder Operators will soon be filed with the Court in electronic format pursuant to Judicial Conference policy.

Transcripts, once ordered\* and filed by the Court Reporter, will be available for viewing at the Clerk's Office public terminal, but may NOT be copied nor reproduced by the Clerk's Office for 90 days. During the initial 90 days after the transcript is filed, individuals wishing to purchase a copy of a transcript - in either paper or electronic form - must do so through the Court Reporter or the Electronic Court Recorder Operator. Once an attorney on the case has purchased a transcript, the Court Reporter will notify the Clerk's office and we will then give that attorney access to the transcript through the court's ECF system. After the 90-day period, we will remove the restrictions if there are no redactions to be made. The transcript will then be remotely available to the public to view, download or print a copy from PACER at \$.08 cents per page or from the Clerk's Office public terminal at a rate of \$.10 per page.

**REDACTION REQUESTS**

The policy establishes a procedure for counsel to request the redaction from the transcript of specific personal data identifiers before the transcript is made electronically available to the public. We strongly urge counsel to share this Notice with all clients so that they may make an informed decision about the inclusion of certain materials. The responsibility for redacting personal identifiers rests solely with counsel and the parties. The Clerk and court reporter will not review each transcript for compliance with this rule. This will apply to all transcripts of

proceedings or parts of proceedings ordered on or after this date, no matter when the proceeding occurred. Please read this policy carefully.

Parties are required to file a Notice of Intent to Redact within five business days from the filing of the transcript if they plan to have information redacted. Within 21 calendar days from the filing of the transcript with the Clerk, or longer by order of the Court, the parties must file with the Court a Redaction Request Re Transcript indicating where the personal identifiers appear in the transcript by page and line. Access to this Statement will be restricted to the Court and the attorneys of record in the case. For example, if a party wanted to redact the Social Security number 123-45-6789 appearing on page 12, line nine of the transcript, the Redaction Request Re Transcript would read: "Redact the Social Security number on page 12, line nine to read xxx-xx-6789." A party is only responsible for reviewing and indicating the redactions in the testimony of the witnesses it called and its own statements (e.g. opening statements and closing arguments), statements of the party, and any transcript of the sentencing proceeding.

Only the following personal identifiers listed by the Judicial Conference in its policy on the Electronic Availability of Transcripts may be redacted using a Redaction Request Re Transcript:

1. Social Security numbers: use only the last four numbers;
2. Financial account numbers: use only the last four numbers of the account number;
3. Minors' names: use the minors' initials;
4. Dates of birth: use only the year;
5. Home addresses: use only the city and state (applicable in criminal cases only)

If a party wants to redact other information, that party must move the Court for further redaction by separate motion served on all parties and the Court Reporter within the 21-day period. The transcript will not be electronically available until the Court has ruled on any such motion though the 90-day restriction period may have ended. The Court Reporter must, within 31 calendar days of the delivery of the transcript to the Clerk of Court, or longer by order of the Court, perform the requested redactions and file a redacted version of the transcript with the Clerk of Court. The unredacted transcript will remain as a restricted document.

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**\*Local Civil Rule 80.1 Orders for Transcripts from Official Court Reporters**

(a) All requests for transcripts from any proceeding held in the United States District Court for the Northern District of Ohio shall be in writing and addressed to the court reporter who took the proceeding, with a copy of such request filed with the Clerk of Court. (See Appendix G.)

(b) Transcripts provided for parties proceeding under the Criminal Justice Act and to parties granted leave to proceed in forma pauperis in habeas corpus proceedings are to be paid for from funds appropriated for this purpose. A CJA 24 form, available from the Clerk's Office, must be used to obtain these transcripts.

(c) A copy of a transcript shall not be represented as an official transcript of a Court proceeding unless it has been certified by a court reporter or electronic court reporter operator of the Northern District of Ohio.

(d) Rates charged for transcripts will be those charged by the Judicial Conference of the United States. The schedule of rates is posted in the Office of the Clerk.

### **Local Criminal Rule 57.20 Orders for Transcripts from Official Court Reporters**

(a) All requests for transcripts from any proceeding held in the United States District Court for the Northern District of Ohio shall be in writing and addressed to the court reporter who took the proceeding, with a copy of such request filed with the Clerk of Court. (See Appendix D.)

(b) Transcripts provided for parties proceeding under the Criminal Justice Act and to parties granted leave to proceed in forma pauperis in habeas corpus proceedings are to be paid for from funds appropriated for this purpose. A CJA 24 form, available from the Clerk's Office, must be used to obtain these transcripts.

(c) A copy of a transcript shall not be represented as an official transcript of a Court proceeding unless it has been certified by a court reporter or electronic court reporter operator of the Northern District of Ohio.

(d) Rates charged for transcripts will be those charged by the Judicial Conference of the United States. The schedule of rates is posted in the Office of the Clerk.

**United States District Court  
Northern District of Ohio**

**Questions and Answers**

**Electronic Availability of Transcripts and Transcript Redaction Procedures**

- 1. Q.** When will the electronic transcript be made remotely available to the public through the PACER system?

**A.** The electronic transcript will be remotely available to the public through PACER 90 days after it has been delivered to the clerk of court.
- 2. Q.** Will anyone be able to obtain a copy of the transcript during the initial 90-day period after the certified transcript copy has been filed with the clerk?

**A.** Yes, any counsel, party, or member of the public wanting a copy of a transcript during the 90-day period can purchase a copy from the court reporter. In addition, court staff will have appropriate access during the 90-day period to any transcript filed with the clerk through the CM/ECF system.
- 3. Q.** Will counsel, a party, or the public be able to review the transcript during the 90-day period?

**A.** Yes, the transcript on the CM/ECF system will be available for review and inspection at the court's public terminal during the 90-day period. However, a clerk's office will not provide copies to counsel, a party or the public during the 90-day period, but rather will refer anyone who wants a copy to the court reporter. In addition, any counsel or parties to a case who have received a transcript from a court reporter will be given access to the transcript through the CM/ECF system. Counsel of record in a case who have not purchased a copy of the transcript from the court reporter will not have access to the transcript through CM/ECF until they purchase it from the court reporter or until the 90-day period has expired.
- 4. Q.** How will a court reporter know when to redact a transcript?

**A.** The redaction of transcripts will be requested by counsel to a case. Counsel will file a Notice of Intent to Redact within seven days of the transcript being delivered to the clerk. Counsel will then follow-up, within 21 calendar days of initial delivery of the transcript to the clerk, with a specific request for redaction noting the page numbers and line numbers where redactions are required.
- 5. Q.** Are there any other changes to the format of a redacted transcript?

**A.** Yes. The title page of the transcript should indicate that it is a redacted transcript immediately below the case caption and before the Volume number and the name and title of the Judge.
- 6. Q.** When a court reporter electronically files a certified copy of the transcript with the clerk, they also send the transcript to the ordering party. If a transcript is requested to be redacted, the court reporter sends the redacted copy of the transcript to the clerk for filing. Does the court reporter also send a redacted copy to the ordering party as well?

- A.** The review of transcripts for information required by the rules to be redacted is required to allow the court to post the transcript electronically for remote public access after the 90-day period. Therefore, there is no requirement to send a copy of the redacted transcripts to the parties who originally ordered the transcripts. The redacted transcript only needs to be filed following the same procedure used to file the unredacted version to the clerk earlier.
- 7. Q.** Will the unredacted transcript that is originally filed with the clerk of court be filed under seal?
- A.** No, in most instances, the unredacted transcript will be filed as a restricted document, which will allow court staff to view it and print it, and allow the public to view the transcript at the public terminal in a clerk's office. Transcripts will only be sealed pursuant to a court order.
- 8. Q.** Will the unredacted transcript that is originally filed with the clerk of court as a restricted document always be a restricted document?
- A.** This depends on whether a request for redaction has been received. After the 90-day period, the restriction on any transcript originally filed with the clerk of court will be lifted and the transcript will be available electronically on the CM/ECF and PACER systems - - unless there has been a request for redaction, in which case the redacted transcript will be made available electronically on the CM/ECF and PACER systems and the original unredacted transcript will remain restricted.
- 9. Q.** Once a court reporter completes the production of a transcript and files the original with the clerk, does the court reporter then have the obligation to notify the parties that the original transcript has been filed and then give them a copy of it?
- A.** No. The court reporter does not have the obligation to notify the parties that the certified copy of the transcript has been filed. The CM/ECF system automatically notifies the parties that the transcript has been filed so that the parties are aware that the five-day period within which to request redaction has begun. The court reporter has no obligation to provide a copy of the transcript to a party unless the party ordered it. After the transcript is filed with the clerk, a court reporter may sell a copy of the transcript to counsel, a party or the public if requested. This copy can be paper or electronic; however, the transcript is not to be made remotely electronically available to the general public before the redaction period has run and the redactions have been completed.
- 10. Q.** As the court reporter is preparing a transcript, if she/he notices that redactions will be necessary, should the court reporter do the redactions then and there? Or, when the transcript is sent to the parties, should the court reporter/inform the parties that material needs to be redacted at certain page and line numbers? Or should the court reporter wait until she/he hears from the parties or the court?
- A.** No, court reporters do not have the responsibility to redact information unless there is a redaction request made by the parties to the case. Court reporters also do not have a responsibility to notify the parties of material that should be redacted. The parties have the responsibility to review the transcripts and request redactions, if necessary.
- 11. Q.** What responsibility would the court reporter have if the parties did not request redaction but the court reporter knows that redaction should take place?

- A.** None. It is not the responsibility of the court reporter to identify material in the transcript that should be redacted. The Judicial Conference policy imposes that responsibility on counsel.
- 12. Q.** How are the statements of redaction (Redaction Requests) prepared by the attorneys for the court reporters to be handled?
- A.** They should be filed with the clerk. The statement should be worded in such a way that the personal information at issue is **not** repeated (i.e., redact the Social Security number on page 12, line 9 to read xxx-xx-6789).
- 13. Q.** What are the personal identifiers that a party may request be redacted?
- A.** The redaction of the following personal identifiers should be requested from counsel:
- Social Security numbers (or taxpayer identification numbers) to the last four digits;
  - financial account numbers to the last four digits;
  - dates of birth;
  - individuals known to be minor children to the initials; and
  - in criminal cases, any home addresses stated in court to the city and state.
- 14. Q.** May parties move to redact other information in a transcript other than the specified identifiers?
- A.** Yes. While the court reporter is authorized to redact the specified personal identifiers noted in the answer to question 13 above, the moving party must receive a ruling of the court before other information in the transcript may be redacted. A Motion to Redact Transcript must be filed.
- 15. Q.** Concerns have been expressed in our court over how to address transcripts of voir dire that may contain personal information of jurors. Do you have any guidance on this issue?
- A.** Like any other instance where use of the redaction procedures may be appropriate, invocation of the redaction procedures is left to the parties or the court. Any personal information other than those items listed in the answer to question 25 above would need to be addressed by separate motion and/or order of the court. Consideration may also be given to sealing of voir dire transcripts or restricting access so that they are not viewable through PACER.
- 16. Q.** Once a court reporter receives the list of redactions (Redaction Request) from the attorney(s), how long does the court reporter have to redact the transcript and provide the redacted transcript to the clerk?
- A.** Ten days.