

INSTRUCTIONS - Filing Redacted/Unredacted Documents

The court enacted privacy rules to protect personal and financial information in all cases filed with the court under rules I.R.C.P. 2.6; I.R.F.L.P. 218; and E-Filing Rule 15. This requirement applies to all documents filed with the court, including exhibits, starting **July 1, 2019**.

The rule prohibits parties from including the full details of the following *personal identifiers*:

- Social Security Numbers
- Dates of Birth
- Driver's License & ID Numbers
- Names of Minor Children
- Financial Account Numbers
- Employer or Taxpayer Identification Numbers

If you must include this information you will remove or partially remove *personal identifiers*, this is referred to as **redacting** the document. You may be found in contempt of court if you fail to *redact* as required.

What steps do I need to take before filing my court documents?

FIRST. Determine whether you must include the full *personal identifiers* because:

1. The court required you to provide it;
2. It is required by court rule or statute; or
3. It is required because it is material to the proceeding.

SECOND. Determine whether you must redact and then file your documents.

➔ **Result 1. Full *personal identifiers* are not required.**

Remove the *personal identifiers* completely because the information is not necessary, and then file your documents.

➔ **Result 2. *Personal identifiers* are required, but only partial information is sufficient.**

You can *redact* your documents before filing by:

- Listing only the last four (4) digits *for personal identifier* numbers;
- Listing only the year for a date of birth; and
- Using initials in place of a minor child's full name.

➔ **Result 3. You determine that full *personal identifiers* are required.**

1. **If it is covered by an exception**, do not redact your documents before filing. The exceptions are:
 - a. It is exempt from public disclosure per Idaho Court Administrative Rule (I.C.A.R.) 32. For example, adoptions, child custody, child support, and paternity files are already protected from public disclosure thus eliminating the need to file redacted documents. Parties to the case can still view the documents, and some documents can be viewed by the public, see I.C.A.R. 32.
 - b. Dates of birth can be included in charging documents or judgments in criminal cases.
 - c. Redaction does not apply to a minor's full name in cases involving a minor's name change.
2. **If it is not covered by an exception**, you must either file an unredacted document or a reference list along with your redacted document as follows:

OPTION 1: FILE A REDACTED AND UNREDACTED DOCUMENT

You will file two versions of the same document, one:

- **REDACTED** - personal identifiers partially removed, and the other
- **UN-REDACTED** – complete *personal identifiers* included.

See the examples below, the *personal identifiers* are shown in bold type and underlined for illustration purposes only. The title of the document also helps indicate whether it is the REDACTED or UNREDACTED version of the document.

Example: Redacted Document

John Doe, Plaintiff, vs. John Doe II, Defendant.	Case No. CV01-2019-00000 <u>REDACTED</u> PETITION
1. This petition relates to Bank Account number: <u>xxx-xxxx-1234</u> , account owner John Doe, date of birth <u>1975</u> , for the minor child, <u>J.D.</u>	

Example: Unredacted Document

John Doe, Plaintiff, vs. John Doe II, Defendant.	Case No. CV01-2019-00000 <u>UNREDACTED</u> PETITION
1. This petition relates to Bank Account number: <u>000-0000-1234</u> , account owner John Doe, date of birth <u>01/01/1975</u> , for the minor child, <u>Johnny Doe.</u>	

REDACTING EXHIBITS

You can redact your Exhibits by first making a copy of your document. Then marking out *personal identifiers* so that the protected information is not readable (see example on the right). You will still need to file both versions of the document and attach the REDACTED and UNREDACTED versions to the corresponding versions of each document.

Example

Text in black
[REDACTED] has been
redacted in this
example.

OPTION 2: FILE A SEPARATE REFERENCE LIST WITH YOUR REDACTED DOCUMENT

File a redacted version of the document and a separate *reference list* containing the *personal identifiers*.

Example: Redacted Document

John Doe, Plaintiff, vs. John Doe II, Defendant.	Case No. CV01-2019-00000 <u>REDACTED PETITION</u>
1. This petition relates to First Bank Account Number: <u>xxx-xxxx-1234</u> , and Second Bank Account Number, <u>xxx-xxxx-2345</u> , account owner John Doe, year of birth <u>1975</u> , for the minor child, <u>J.D.</u>	

Example: Reference List

John Doe, Plaintiff, vs. John Doe II, Defendant.	Case No. CV01-2019-00000 <u>REFERENCE LIST FOR REDACTED PETITION</u>
1. First Bank Account Number: 000-0000-1234 2. Second Bank Account Number: 000-0000-2345 3. John Doe's full date of birth is: 01/01/1975 4. Full name of minor child J.D. is Johnny Doe.	

How do I let the court know I have filed a document that should be protected?

When e-filing, your unredacted document must be filed as a separate document from the redacted version, and you must let the court know in the *Comments to Court* field that you have filed an **Undredacted** document or **Reference List** that should be confidential.

When filing in person, you can let the court clerk know that you are filing an **Undredacted** document or **Reference List** that should be confidential.