

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
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In re

PROCEDURES FOR THE FILING,
SERVICE, AND MANAGEMENT OF
HIGHLY SENSITIVE DOCUMENTS

Administrative Order
FLMB-2021-1

**ADMINISTRATIVE ORDER PRESCRIBING
PROCEDURES FOR THE FILING, SERVICE, AND
MANAGEMENT OF HIGHLY SENSITIVE DOCUMENTS**

In response to recent disclosures of widespread breaches of both private sector and government computer systems, federal courts are adding new security procedures to protect highly sensitive documents filed with the courts. The Court finds that good cause exists to require all parties to file certain highly sensitive documents outside of the Court's electronic filing system (CM/ECF). Accordingly, it is

ORDERED that, effective as of the date of this Order and until such time as the Court orders otherwise, the filing of certain highly sensitive documents shall be subject to the procedures and requirements set forth below. This Administrative Order supersedes any and all inconsistent provisions in existing local rules or other administrative orders of this Court.

(a) ***Documents Subject to This Order.*** The filing procedures set forth below apply to documents that contain highly sensitive information.

(1) ***Highly Sensitive Documents.*** Generally, a highly sensitive document (HSD) is a document that relates to matters of national security; foreign sovereign interests; cybersecurity; the extent of domestic or international interests; the involvement of public officials; intellectual property or trade secrets; the reputational interests of the United States; or criminal investigations and criminal cases.

(2) ***Documents That Are Not Considered HSDs.*** Generally, a document that relates to the following types of matters is not considered to be an HSD: bank records; Social Security records; health records; writs; settlement agreements; and valuation reports. Sealed filings in most bankruptcy cases and adversary proceedings are not sufficiently sensitive to require HSD treatment and may continue to be sealed as provided in Local Rule 5005-4.

(3) ***Resolution of Disputes.*** Disputes regarding whether a document is an HSD shall be resolved by the presiding judge or, when no presiding judge is assigned, the Chief Judge.

(b) ***Filing of Motions to Treat a Document as an HSD.***

(1) ***Represented Parties.*** A represented party shall file a motion to treat a document as an HSD and a proposed order electronically as provided for in Local Rule 1001-2, **except that a copy of the proposed HSD must NOT be filed electronically.** The motion shall explain why the subject document constitutes an HSD under the criteria set out in paragraph (a)(1) above or why it should otherwise be subject to the heightened protection for HSDs.

(2) ***Unrepresented Parties.*** A party who is not represented by an attorney shall file the motion and proposed order as described above by filing a paper copy of the motion with the Clerk's Office or under the filing procedures listed on the Court's website, www.flmb.uscourts.gov. **A copy of the proposed HSD must NOT be filed with the motion.**

(3) ***Delivery of the HSD to the Court.*** As soon as practicable after the motion is filed, the filing party must deliver to the Clerk's Office a paper copy of the proposed HSD sought to be filed. The proposed HSD must be placed in a sealed envelope marked "**HIGHLY SENSITIVE DOCUMENT FILED PURSUANT TO ADMINISTRATIVE ORDER FLMB 2021-01.**" The outside of the envelope shall be affixed with a copy of the appropriate case caption page (with any confidential information redacted). The envelope containing the proposed HSD must then be placed in a larger envelope that is addressed to the divisional office where the judge assigned to the matter is chambered. **The outermost envelope must NOT have any indication that a proposed HSD is enclosed.** Upon opening the outer envelope, the Clerk's Office will deliver the unopened inner envelope to the appropriate judge.

(4) ***Service.*** The filing party shall serve the motion and the proposed HSD on the other parties as provided for in Federal Rules of Bankruptcy Procedure 7004 and 7005. The motion itself may be served via CM/ECF and the local rules of this Court and this Order. Paper copies of proposed HSD shall be delivered to the other parties. The filing party must file a proof of service.

(c) ***Orders.***

(1) ***Entry of Order Granting the Motion.*** The Court may set the motion for hearing. Otherwise, the Court will issue an order on the motion and the order will be entered on the case docket. If the motion is granted, the Clerk's Office will make a "text-only" docket entry in CM/ECF indicating that an HSD was filed with the Court and will be maintained in a secure location. If the order denies the relief requested, the order will direct the Clerk of Court regarding the disposal of the document (e.g., return to filer, destruction at the filer's request, or allow the document to be filed under seal in CM/ECF pursuant to Local Rule 5005-4).

(2) ***Highly Sensitive Court Orders.*** If the Court determines that a Court order contains highly sensitive information, the Clerk's Office will file and maintain the order in a secure paper filing system and will serve paper copies of the order on the parties via U.S. Mail or other delivery service.

(d) ***Removal of Existing HSDs or Highly Sensitive Cases from CM/ECF.***

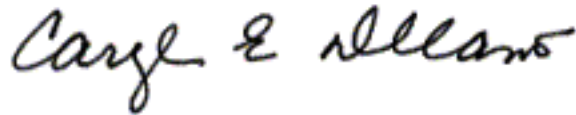
(1) ***Motion to Remove HSD or Cases from CM/ECF.*** Upon motion of a party or upon its own motion, the Court may determine that a document, case, or any portion of a case that previously was filed electronically in CM/ECF is an HSD and may direct that the HSD or the case be removed from CM/ECF and maintained by the Clerk's Office in a secure paper filing system.

(2) ***Content of a Motion to Remove an HSD from CM/ECF.*** A party's motion to remove an HSD or highly sensitive case from CM/ECF shall explain why the document or case is highly sensitive under the criteria set out in paragraph (a)(1) above or why it should otherwise be subject to the heightened protection for HSDs.

(e) ***Disposal or Destruction of HSDs.*** Upon the closing of a case or adversary proceeding in which an HSD has been filed, or, in the Court's discretion, upon the conclusion of the matter to which the HSD relates, the Clerk's Office will contact the filer to determine whether the HSD shall be returned to the filer or destroyed by Clerk's Office staff.

(f) ***Questions About HSD Filing Procedures.*** Any questions about how an HSD should be filed with the Court pursuant to this Administrative Order should be directed to the Clerk's Office at ecfhelp@flmb.uscourts.gov.

DATED: March 1, 2021.



CARYL E. DELANO
Chief United States Bankruptcy Judge