



## **I.R.E.F.S. 15. Privacy Protections for Filings Made with the Court**

### **Idaho Rules for Electronic Filing and Service**

#### **Rule 15: Privacy Protections for Filings Made with the Court**

**(a) Responsibility of filer.** It is the responsibility of the filer to ensure that protected personal data identifiers are omitted or redacted from documents before the documents are filed. This responsibility exists whether the documents are filed electronically or conventionally, and even if the filer did not create the document. The responsibility to redact also applies to documents that are initially exempt from disclosure but later become public pursuant to court rule. The clerk of the court will not review filings to determine whether appropriate omissions or redactions have been made. Counsel is strongly urged to share this information with all clients so that an informed decision about the inclusion of certain materials may be made.

**(b) Personal data identifiers to be redacted.** Personal data identifiers should not be included in any document filed with the court unless such inclusion is required by the court, by statute or court rule, or is material to the proceedings. If the identifiers must be included, then the following personal data identifiers must be partially redacted from the document, including exhibits:

(1) Social Security Numbers. If an individual's social security number must be included, only the last four (4) digits of that number are used.

(2) Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child are used.

(3) Dates of Birth. If an individual's date of birth must be included, only the year is to be used and the date specified in the following format: XX/XX/1998.

(4) Financial Account Numbers. If financial account numbers are relevant, only the last four digits of these numbers are to be used and the number specified in substantially the following format: XXXXX1234.

(5) Driver's License Numbers and State-Issued Personal Identification Card Numbers. If an individual's driver's license number or state issued personal identification card number must be referenced, only the last four digits of that number are to be used and the number specified in substantially the following format: XXXXX350F.

(6) Employer or Taxpayer Identification Number. If an employer identification number or business' taxpayer identification number must be included, only the last four (4) digits of that number are used.

#### **(c) Exceptions to redaction requirement.**

(1) The redaction requirement does not apply to the record of a court, tribunal, administrative or agency proceeding if that record was filed before the effective date of this rule.



(2) The redaction requirement does not apply to documents that are exempt from public disclosure pursuant to Idaho Court Administrative Rule 32.

(3) The redaction requirement of an individual's date of birth does not apply to the defendant's date of birth on documents in criminal cases.

(4) The redaction requirement of a minor's full name does not apply to documents related to a name change for the minor.

**(d) Options when personal data identifiers are necessary.** A party filing a redacted document need not also file an unredacted version of the document; however, where inclusion of the unredacted personal data identifiers is required by the court, by statute or court rule, or is material to the proceedings in a document that is open to the public the party must choose the most appropriate option below:

(1) File the redacted document together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. The list must be clearly identified as a reference list filed pursuant to this rule and may be amended as of right. Any reference in the action to a listed identifier will be construed to refer to the corresponding item of information. The reference list is exempt from public disclosure pursuant to Idaho Court Administrative Rule 32; however, courts will share the reference list with other government agencies as required or allowed by law without court order or application for purposes of the business of those agencies.

(2) File the redacted document together with an unredacted copy of the document. The unredacted copy must be clearly identified as an unredacted copy filed pursuant to this rule. The unredacted copy is exempt from public disclosure pursuant to Idaho Court Administrative Rule 32; however, courts will share the unredacted copy with other government agencies as required or allowed by law without court order or application for purposes of the business of those agencies.

Regardless of which option is selected, the filer must file the exempt from public disclosure document in compliance with Rule 6(b)(2)(B).

**(e) Unredacted document inadvertently submitted.** If an unredacted document is inadvertently submitted without a reference list or redacted copy, then the filer must submit a redacted copy as soon as possible. In the "Comments to Court" the filer must identify the original unredacted document, the date it was submitted, and request that the original unredacted document be marked as exempt from disclosure.

**(f) Parties to use caution.** Parties should exercise caution when filing papers that contain private or confidential information, including, but not limited to, the information covered above and listed below:

(1) Medical records, treatment and diagnosis;

(2) Employment history;

(3) Individual financial information;

(4) Insurance information;

(5) Proprietary or trade secret information;

(6) Information regarding an individual's cooperation with the government; and



(7) Personal information regarding the victim of any criminal activity.

**(g) Sanctions.** Failure to comply with this rule is grounds for contempt. If a party knowingly publicly files documents that contain or disclose confidential information in violation of these rules, the court may, upon its own motion or that of any other party or affected person, impose sanctions against the filing party.

*(Adopted April 15, 2019, effective July 1, 2019)*

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