UNITED STATES BANKRUPTCY COURT
Western District of New York

Paul R. Warren
Clerk of Court

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ADDITIONAL GUIDANCE REGARDING PRIVACY CHANGES EFFECTIVE DECEMBER 1, 2003

No. 03-07 Dated: October 22, 2003

The proposed changes to the Bankruptcy Rules and Official Forms take effect on December 1, 2003, absent Congressional action. Prior to that date, the current requirements (i.e. full Social Security number to appear where it is required, etc.) remain in effect. The procedures identified below are to be followed in accordance with "Administrative Order No. 3," dated October 20, 2003, and the "Administrative Procedures [revised December, 2003]," and are effective for petitions filed on and after December 1, 2003:

1. CONVENTIONAL/PAPER FILING OF PETITION

For conventional [paper] filings, the signed original "Statement of Social Security Number(s)," (Official Form B21), must be ***submitted*** with the petition. Failure to do so may result in dismissal of the case. Only the last four digits of the debtor(s)' Social Security number will be displayed on the petition itself. The original Official Form B21 will require special handling by the Clerk's Office to safeguard Social Security numbers. Debtors' Social Security numbers will not become a part of the bankruptcy file, nor will that information be available to the public.

2. ELECTRONIC FILING OF PETITION

Electronic filers will enter the full nine-digit Social Security number in the CM/ECF case opening screen; or if using case upload software, the "debtor.txt" file should continue to contain the full Social Security number. Do not submit the Statement of Social Security Number(s) electronically. Electronic filers are advised to contact their bankruptcy petition software vendors to ensure that (1) their software is compatible with Version 2.3 of CM/ECF; (2) that the privacy related changes have been made to their software; and, (3) that they are using the most current version of their software.

The "Declaration Re: Electronic Filing" [Form G], which is to be completed by the debtor(s) at the 341 Meeting of Creditors, CM/ECF Attorney/Participant Registration Form [Form A] and CM/ECF Pro Hac Vice Registration Form [Form B] have been modified to provide for verification of the debtor(s)' Social Security number.

3. USE OF CURRENT VERSIONS OF THE OFFICIAL BANKRUPTCY FORMS

Attorneys and parties should use the current versions of the Official Bankruptcy Forms – including the voluntary Petition, Involuntary Petition, Schedules, Statement of Financial Affairs, and Proof of Claim – through November 30, 2003 and the revised forms on and after December 1, 2003, as required by the Bankruptcy Rules. Software vendors responsible for petition preparation programs have been notified of these changes. Please contact your vendor directly to obtain and install petition preparation software upgrades. Revised forms will be posted to the Court's website at

www.nywb.uscourts.gov in writable PDF format as soon as they become available. Additionally, the Administrative Procedures have been revised pursuant to Administrative Order No. 3 and are also posted to the Court's website.

4. PARTY-INITIATED FORMS, ATTACHMENTS, IMAGED DOCUMENTS AND PAPER FILES

With the exception of safeguarding the original "Statement of Social Security Number(s)" (Official Form B21), the Clerk's Office is not responsible for redacting the Social Security number or any other personal data from any documents filed with the Court, whether in paper or electronic form. Filers are cautioned to carefully review documents being filed with the Court and redact personal data protected under the new Bankruptcy Rules. Documents will be filed by the Clerk's Office in the form received. Examples of personal data which should be redacted or limited are as follows:

- Names of Minor Children: Use the minors' initials;
- Financial Account Numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;
- Social Security Numbers except as required by statute, rule or official form;
- Dates of Birth: Use only the year; and
- Other data and/or information as identified by order of the Court.
- Documents such as tax returns, bank account statements, driver licenses, copies of cancelled checks should not be filed with the Court to avoid public disclosure.

5. DOWN-TIME FOR CM/ECF

CM/ECF and PACER will be unavailable on Friday, October 31, 2003 from 5:00 p.m. to 7:00 p.m. for scheduled upgrades. Full service will be restored upon completion of these upgrades.

Amendments to the Bankruptcy Rules which address privacy changes become effective on December 1, 2003. Additional information regarding these new privacy requirements is available on the Federal Rulemaking page of the Judiciary's website at http://www.uscourts.gov/rules/index.html. [Click on "Pending Rules Amendments Awaiting Final Action," and then select "Amendments Submitted to the Judicial Conference (Sept. 2002)."

The Court is in the process of making the necessary upgrades to the CM/ECF software to ensure that information provided to the public through electronic means and the noticing considerations regarding the redaction of Social Security numbers is in full compliance with the privacy related Rules.

Please direct any questions or comments to the Clerk's Office at the numbers listed above. These procedures have been revised in an effort to provide a uniform District-wide practice regarding the filing requirements for documents.

PAUL R. WARREN
Clerk of Court

Attachments:
Quick Reference - Privacy Rule Procedures
Summary of Updates to Administrative Procedures [Revised December 2003]
Statement of Social Security Number (Official Form 21) [Draft]

QUICK REFERENCE - PRIVACY RULE PROCEDURES

Electronic Filings	Conventional/Paper Filings
Ensure that only the last four digits of the debtor's Social Security Number are displayed on the electronically filed petition	Insert only the last four digits of the debtor's Social Security number onto the petition
Provide the full nine-digit Social Security number in the case opening screen. If using case upload software, the "debtor.txt" file should continue to contain the full Social Security number. Please check with your petition preparation software vendor for any software changes and instructions.	Complete the Statement of Social Security Number(s), Official Form B21 and ***submit*** the signed original with the filing of the petition.
Complete and retain the original Statement of Social Security Number(s) (Official Form 21) prior to the electronic filing. Do not file Official Form 21 electronically. Do not submit a paper copy of Official Form 21 to the Court.	Redact Social Security numbers and other personal data from other documents filed with the Court, such as, names of minor children, account numbers, dates of birth, etc.
Complete and provide to the Trustee the original "Declaration Re: Electronic Filing" at the Meeting of Creditors.	
Bring the original, executed Statement of Social Security Number(s) (Official Form 21) and the original petition, schedules, statements, etc. to the Meeting of Creditors.	
Redact Social Security numbers and other personal data from other documents filed with the Court, such as, names of minor children, account numbers, dates of birth, etc.	

SUMMARY OF UPDATES TO THE ADMINISTRATIVE PROCEDURES EFFECTIVE DECEMBER, 2003

Section	Page	Description of Change
II. A. 10.	4	**Added clarifying text**: The United States Trustee requires that immediately upon filing a petition, the attorney for the debtor or the pro se debtor must provide the United States Trustee with a paper copy of the electronically filed petition, lists, schedules, statement of financial affairs, 2016(b) Statement and any amended schedules, together with an attached copy of the "Notice of Electronic Filing." **The United States Trustee requires within two days of the notification of the trustee assignment the attorney** for the debtor or the pro se debtor to submit to the case trustee a paper copy of the electronically filed petition, lists, schedules, statement of affairs, 2016(b) Statement, and any amended schedules, together with an attached copy of the "Notice of Electronic Filing." **Added clarifying text**: Upon conversion of a case, the attorney for the debtor or the pro se debtor must provide paper copies of the electronically filed documents listed above, together with any documents filed pursuant to the Western District of New York Local Rules, to the United States Trustee **within two days of the conversion and to the newly appointed case trustee within two days of notification of the trustee assignment.**
II. C.	5	**Added text**: The attorney for the debtor must bring to the Section 341(a) meeting of creditors Official Form 21, Statement of Social Security Number(s) bearing the original signatures.
III. A.	6	**Added text**: The Statement of Social Security Number, Official Form 21, must be verified and signed prior to the electronic filing of the petition. Official Form 21 will not be electronically filed with the Court.
III. E. [new]	7	**Added text**: Official Form 21, Statement of Social Security Number(s) must be signed by the debtor(s) before the petition is electronically filed with the Court and retained by the debtor's attorney in accordance with the requirements of Paragraphs "A" and "B" of this Section.
XII. A. 6.	11	Added text: Documents such as tax returns, bank account statements, driver licenses, copies of cancelled checks, etc. should not be filed with the Court to avoid public disclosure.
XII. C. [new]	11	**Added text**: Pursuant to the Bankruptcy Rules, the Court is not responsible for redacting the Social Security number or other personal data from documents filed with the Court, whether in paper or electronic form. Filers are cautioned to carefully review documents being filed with the Court and redact personal data protected under the new Bankruptcy Rules. The Court staff will safeguard the original Statement of Social Security Number(s), Official Form B21, which will not be made a part of the bankruptcy case file. Additionally, the CM/ECF software will be modified to comply with the new noticing considerations and protection of the debtor(s) Social Security number in full compliance with the privacy related Rules.
Form A	13	**New item 7**: For individual debtor cases filed electronically on or after December 1, 2003, I understand that prior to the electronic filing of a petition, I must obtain the original signature(s) of the debtor(s) I represent on a paper copy of the Statement of Social Security Number(s) (Official Form B21) and that I must retain the original of that signed document for the length of time set forth in the "Administrative Procedures." I also understand I must compare the social security number(s) provided by the debtor(s) on Official Form B21 to the numbers entered into the Court's CM/ECF System to ensure they are the same.
Form B	15	**New item 7**: For individual debtor cases filed electronically on or after December 1, 2003, I understand that prior to the electronic filing of a petition, I must obtain the original signature(s) of the debtor(s) I represent on a paper copy of the Statement of Social Security Number(s) (Official Form B21) and that I must retain the original of that signed document for the length of time set forth in the "Administrative Procedures." I also understand I must compare the social security number(s) provided by the debtor(s) on Official Form B21 to the numbers entered into the Court's CM/ECF System to ensure they are the same.
Form G	21	**Added text to Part I**: I (we) further declare under penalty of perjury that I (we) signed the original Statement of Social Security Number(s), (Official Form B21) prior to the electronic filing of the petition and have verified the 9-digit social security number displayed on the Notice of Meeting of Creditors to be accurate. **Added text to Part II**: I ***declare under penalty of perjury*** that the debtor(s) signed the petition, schedules, statements, etc., **including the Statement of Social Security Number(s), Official Form B21,** before I electronically transmitted the petition, schedules, and statements to the United States Bankruptcy Court, and have followed all other requirements in Administrative Orders and Administrative Procedures, **including submission of the electronic entry of the debtor(s) Social Security number into the Court's electronic records.**

Form B 21 Official Form 21
(12/03)

FORM 21. STATEMENT OF SOCIAL SECURITY NUMBER

[*Caption as in Form 16A.*]

D-R-A-F-T

STATEMENT OF SOCIAL SECURITY NUMBER(S)

1.Name of Debtor (enter Last, First, Middle):_____
(Check the appropriate box and, if applicable, provide the required information.)

/ /Debtor has a Social Security Number and it is: _ _ _-_ _-_ _ _ _
(If more than one, state all.)
/ /Debtor does not have a Social Security Number.

2.Name of Joint Debtor (enter Last, First, Middle):_____
(Check the appropriate box and, if applicable, provide the required information.)

/ /Joint Debtor has a Social Security Number and it is: _ _ _-_ _-_ _ _ _
(If more than one, state all.)
/ /Joint Debtor does not have a Social Security Number.

I declare under penalty of perjury that the foregoing is true and correct.

X _____
Signature of Debtor Date

X _____
Signature of Joint Debtor Date

**Joint debtors must provide information for both spouses.*
Penalty for making a false statement: Fine of up to $250,000 or up to 5 years imprisonment or both. 18 U.S.C. §§ 152 and 3571.