

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE:

IMPLEMENTATION OF BANKRUPTCY RULE
AMENDMENTS CONCERNING PRIVACY AND
PUBLIC ACCESS TO ELECTRONIC CASE FILES

Administrative Order No. 3

The Judicial Conference of the United States has proposed changes to the Federal Rules of Bankruptcy Procedure [“FRBP”] to protect the privacy of debtors, including limitations on inclusion of Social Security Numbers on court documents. These changes will take effect on December 1, 2003, unless Congress acts to overturn the Bankruptcy Rule Amendments before that date.

The proposed amendment of FRBP Rule 1005 requires, among other things, that the title of the bankruptcy case include only the last four digits of the debtor’s Social Security Number. The proposed change to FRBP Rule 1007(f) requires the debtor to *submit* to the Clerk of Court a verified statement listing the debtor’s full Social Security Number or that the debtor does not have a Social Security Number. However, the debtor(s)’ Social Security Number will not become part of the Court’s file. “Statement of Social Security Number(s)” (Official Form 21) has been proposed as the document on which the debtor will provide his or her full Social Security Number to the Clerk of Court, although that form will not be filed with the Court.

IT IS HEREBY ORDERED that:

1. For bankruptcy petitions filed electronically, the completed and verified “Statement of Social Security Number(s)” (Official Form 21) as required by FRBP 1007(f), must be signed by the debtor(s) prior to the electronic filing of the petition and must be retained in paper form by the debtor(s)’ attorney in accordance with this Court’s Administrative Orders and Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means. The original Statement of Social Security Number will not be filed electronically and is to be brought to the “Meeting of Creditors.”

2. For bankruptcy petitions filed conventionally in paper format, the signed original “Statement of Debtor’s Social Security Number(s)” (Official Form 21) as required by FRBP 1007(f), must be *submitted* with the filing of the petition. The term “*submitted*” as used in FRBP 1007(f) means that Official Form 21 will require special handling by the Clerk’s Office to ensure that the document is not available to the public and will neither be filed in the bankruptcy case nor retained in electronic format attached to the case docket.
3. The Clerk of Court will make necessary modifications to the Administrative Procedures for Electronic Case Filing and related forms to incorporate local procedures to ensure full compliance with privacy related rules.
4. The Clerk of Court will make necessary modifications to the electronic case filing system (CM/ECF) to ensure that notices and information provided through electronic means are in full compliance with the privacy related rules.

The effective date of this Administrative Order is December 1, 2003 concurrent with the enactment of various proposed amendments to the Federal Rules of Bankruptcy Procedure.

IT IS SO ORDERED.

DATED: October 20, 2003

By the Court

/s/ John C. Ninfo, II

Honorable John C. Ninfo, II
Chief Judge, U. S. Bankruptcy Court

/s/ Michael J. Kaplan

Honorable Michael J. Kaplan
Judge, U. S. Bankruptcy Court

/s/ Carl L. Bucki

Honorable Carl L. Bucki
Judge, U. S. Bankruptcy Court