



## UNITED STATES BANKRUPTCY COURT Western District of New York

Paul R. Warren  
Clerk of Court

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### PRIVACY CHANGES EFFECTIVE DECEMBER 1, 2003

No. 03-06

Dated: September 17, 2003

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)."]

Key changes to the Rules include the following:

- (a) The Petition, Official Form 1, will contain only the last four digits of individual debtors' Social Security numbers.
- (b) Amendments to Rule 1007 will require debtors to submit a verified statement containing the full nine-digit number [Form B21 Statement of Social Security Number].
- (c) The new Statement of Social Security Number will not be *filed* in the case or become part of the case file available to the public at the Court or over the Internet.
- (d) Rule 2002 will be amended to require the Clerk to include the debtor's full Social Security number in the copy of the Section 341 Meeting of Creditors Notice, Official Form 9, sent to creditors, the debtor, the trustee, and the United States Trustee or Bankruptcy Administrator. The copy of the Section 341 Meeting of Creditors Notice included in the Court case file, however, will contain only the last four digits of the Social Security number.
- (e) Official Form 10, Proof of Claim, will require a wage creditor to disclose only the last four digits of the creditors Social Security number. Subtotals for unsecured, secured, and priority will be added to the box for the total amount of the claim and a box will be added to the proof of claim for unsecured nonpriority claims. In addition, the shading will be removed from both the proof of claim and the Section 341 Meeting of Creditors notice.
- (f) Official Form 16A, the full case caption, will be amended to include only the last four digits of any debtor's Social Security number. Accordingly, subsequent notices [after the Section 341 Meeting of Creditors notice] will either include the last four digits or none, if Official Form 16B, the short caption is used.

- (g) Filers – not the Clerk – are responsible for redacting social Security numbers and other personal identifies such as date of birth, financial account numbers, and names of minor children in documents they file with the Court.

The privacy amendments provide that documents in bankruptcy cases generally should be available electronically. The Court will continue collect the debtor's full nine-digit Social Security number but display only the last four digits via the Court's electronic case management system [CM/ECF].

To the extent possible, 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.

The revised Official Bankruptcy Forms will be posted to the Court's website at: [www.nywb.uscourts.gov](http://www.nywb.uscourts.gov) as soon as they become available. Additional guidance regarding the Court's requirements will be disseminated to attorneys and parties in the near future.

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