

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

MISCELLANEOUS ORDER NO. 61-1**RESTRICTIONS ON ELECTRONIC FILING
OF HIGHLY SENSITIVE DOCUMENTS**

The Court has determined that, under [Fed. R. Civ. P. 5\(d\)\(3\)\(A\)](#) and [Fed. R. Crim. P. 49\(b\)\(3\)\(A\)](#), good cause exists to require parties to file highly sensitive documents (HSDs) outside of the judiciary's Case Management/Electronic Case Files (CM/ECF) system. Therefore, it is ORDERED that parties must file HSDs as directed in this Order.

Definition of HSDs

The Court anticipates that relatively few documents filed in this Court will be classified as HSDs. An HSD is a document or other material that contains sensitive, but unclassified, information that warrants exceptional handling and storage procedures to prevent significant consequences that could result if such information were obtained or disclosed in an unauthorized way. The term "document" includes all recorded information, regardless of its physical form or characteristics. HSD designation may be requested by a party in a criminal, civil, or bankruptcy matter.

Examples of HSDs: The Court expects that HSDs may be filed in cases involving:

1. national security investigations;
2. cyber investigations;
3. especially sensitive public corruption investigations; and
4. highly exploitable trade secrets, financial information, or computer source code belonging to a private entity, the disclosure of which could have significant national or international repercussions.

Exclusions: Most materials currently filed under seal, including the following types of documents, would not meet the definition of an HSD:

1. presentence reports
2. pretrial release reports
3. pleadings related to cooperation in criminal cases
4. social security records
5. administrative immigration records
6. applications for search warrants and interception of wire, oral, or electronic communications under 18 U.S.C. § 2518
7. applications for pen registers, trap, and trace devices

Manner of Filing, Serving, Storing, and Maintaining an HSD

A filing party must determine if a document should be designated as an HSD as defined by this Order.

Manner of Filing: HSDs will be accepted for filing only in paper form or via a secure electronic device (e.g., USB stick or portable hard drive). The filing party must hand-deliver or deliver by mail an original HSD and one judge's copy to the Clerk's Office in the appropriate division inside a sealed envelope that does not provide any indication of the envelope's contents. The HSD and judge's copy should be contained inside an inner sealed envelope that is clearly marked "Highly Sensitive Document." Required service of an HSD must not be made through CM/ECF but may be achieved in any other manner permitted under Fed. R. Civ. P. 5(b)(2) or Fed. R. Crim. P. 49(a)(3)(8) or (a)(4). If applicable, the HSD should be accompanied by a certificate of service.

Storage: The Clerk's Office will maintain HSDs in a secure paper filing system or a secure standalone computer system that is not connected to any network. The Clerk's Office will make an appropriate notation on the docket sheet of the filing of a sealed document but will not otherwise indicate the nature of the document, its classification as an HSD, or the place, object, or subject of an *ex parte* filing. HSDs may be migrated as sealed documents to the court's electronic docketing system and unsealed, as appropriate, as soon as the situation allows.

Internal Communications: Internal judicial communications regarding HSDs that use the internet or a computer network should not include the protected substance of the HSDs.

The Clerk's Office is authorized to issue other procedural instructions to facilitate the filing and storage of HSDs.

Court Review

The presiding judge may direct a party to refile in CM/ECF any document that the party filed as an HSD, if the judge determines that the document does not meet the definition of an HSD under this Order.

HSDs Designated by a Presiding Judge

The presiding judge may direct the Clerk's Office to file and maintain any order or other document that meets the definition of an HSD in a secure paper filing system or a secure standalone computer system that is not connected to any network. The Clerk's Office will serve paper copies of any order designated as an HSD on the parties by mail. HSDs should be migrated as sealed documents to the court's electronic docketing system and unsealed, as appropriate, as soon as the situation allows.

HSDs Previously Filed in CM/ECF

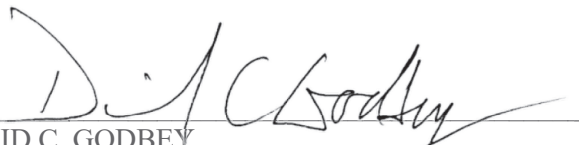
A party may request removal from CM/ECF of a previously filed document that meets the definition of an HSD by filing a sealed motion in the underlying case that identifies the docket number of the HSD, along with a certification of the movant's good faith belief that the document meets the definition of an HSD. Additionally, the presiding judge may, on the judge's own motion, direct the Clerk's Office to remove any previously filed HSD from CM/ECF and to maintain the document in a secure paper filing system or a secure standalone computer system that is not connected to any network.

This Order does not change any procedures for filing sealed documents that do not meet the definition of an HSD under LCR 79.3 or LCRR 55.3.

This Order takes effect immediately and will be in effect until further order of the Court. This Order supersedes all inconsistent provisions in local rules or orders of the Court. Any questions about how to file an HSD should be directed to the Clerk's Office CM/ECF helpdesk at: 214-753-2633 or 866-243-2866.

SO ORDERED.

May 24, 2024



DAVID C. GODBEY
CHIEF UNITED STATES DISTRICT JUDGE