

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

IN THE MATTER OF

HIGHLY SENSITIVE DOCUMENTS

ORDER

Public Administrative Order

No. 21 – AO – 1 - P

In response to recent disclosures of wide-spread breaches of both private sector and government computer systems, federal courts are adding new security procedures to protect highly sensitive documents filed with the Court. The Court finds, pursuant to Federal Rule of Civil Procedure 5(d)(3)(A) and Criminal Rule 49(b)(3)(A), good cause exists to require all parties to file highly sensitive documents outside the electronic filing system.

IT IS ORDERED, effective as of the date of this order and until the Court orders otherwise, the filing of highly sensitive documents shall be subject to the procedures and requirements below. This order supersedes any inconsistent provisions in the local rules, administrative policies, or orders of the Court. If a document is not a highly sensitive document, it should be filed and stored electronically.

I. Documents Subject to this Order

The filing procedures set forth below only apply to documents determined by the Court to be highly sensitive documents.

- A. “Highly sensitive documents” are documents in civil or criminal cases containing sensitive or confidential information likely to be of interest to the intelligence of a hostile foreign government and the disclosure of such information would cause significant harm if disclosed. They are documents in cases containing information involving matters of national security, foreign sovereign interests, cybersecurity, intelligence or counter-intelligence operations, information that may endanger public officials or the integrity of government operations, and intellectual property or trade secrets.
- B. Most filings are not highly sensitive documents. Documents not generally considered highly sensitive documents include:
1. Sealed indictments, criminal complaints, arrest warrants, petitions for actions on conditions of release;
 2. Presentence investigation or pretrial release reports and documents related to such reports;



FILED

By: Clerk's Office, Southern District of Iowa

2:42 pm, Feb 05 2021

3. Pleadings related to cooperation in criminal cases;
4. Grand jury proceedings;
5. Social security records;
6. Medical, mental health, or rehabilitation records;
7. Administrative records in immigration cases;
8. Attorney regulation records or disciplinary proceedings;
9. Documents containing personal or financial information;
10. Educational records;
11. Proprietary business information not of interest to a foreign government;
12. Documents subject to a routine protective order in a civil case; and
13. Sealed filings not specifically mentioned in this order.

II. Filing of Motions to Designate a Document as a Highly Sensitive Document

- A. A party must file a motion, in paper, with the Clerk of Court to treat a document as a highly sensitive document. Along with the motion, the party must present a copy of the highly sensitive document(s), a proposed order, and a certificate of service. The motion must explain in detail why the document(s) meet the definition and should be subject to the heightened protection of highly sensitive documents as defined in Section I(A).¹
- B. The required documents must be submitted to the Clerk of Court in a sealed envelope marked “HIGHLY SENSITIVE DOCUMENT.” The outside of the envelope must indicate the caption and the case number, if available.
- C. The filing party shall serve the motion, the highly sensitive document(s) and a copy of this order on the other parties by using one of the non-electronic methods of service provided by Fed. R. Civ. P. 5 or Fed. R. Crim. P. 49. It is the filing party’s responsibility to provide the Clerk of Court with the original and one additional paper copy of the motion, the highly sensitive documents, proposed order and certificate of service.
- D. The Clerk of Court shall file-stamp the motion, make an informational docket entry in the electronic filing system, and maintain the documents in a secure location.
- E. Any responses to the motion by opposing parties shall be filed in paper with the Clerk of Court and served on the other parties by using one of the non-electronic methods of service provided by Fed. R. Civ. P. 5 or Fed. R. Crim. P. 49.

¹The United States Attorney’s Office shall comply with all requirements of Section II of the order. However, applications for orders involving criminal investigations (such as search warrants, pen registers, mobile tracking devices, etc.), shall be submitted directly to the Court. After presenting these items to the Court, the attorney shall provide *two paper copies* of the documents to the Clerk of Court for filing.

- F. The Clerk will submit all paper documents to the presiding judge or the Chief Judge, if a judge is not assigned. The Court will rule on the motion by issuing a paper order and submitting it to the Clerk of Court. If the Court approves the motion, the Clerk of Court will make an informational entry in the electronic filing system and maintain the order and the highly sensitive documents in a secure paper filing system. The order will be served on the parties by mail. If the motion is denied, the Clerk of Court will file all the documents submitted to the Court electronically.

III. Removal of Existing Highly Sensitive Documents or Highly Sensitive Cases from the Court’s Electronic Filing System

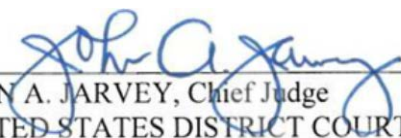
- A. Upon motion of a party or upon its own motion, the Court may determine a previously filed document(s) in any open or closed civil or criminal case contains a highly sensitive document(s) and direct the Clerk of Court to remove the document(s) from the electronic filing system.
- B. A party’s motion to remove the highly sensitive document from the electronic filing system shall be filed electronically and specify in detail why the document(s) meets the definition of a highly sensitive document(s) as defined in Section I(A).
- C. The Court will issue an electronic order. If ordered, the Clerk of Court will remove the records from the electronic filing system and store them in a secure location.

IV. Questions Pertaining to Filing Procedures for Highly Sensitive Documents

Any questions regarding highly sensitive documents should be directed to the Clerk of Court at 515-284-6248 (option 1 for civil cases or option 2 for criminal cases).

IT IS SO ORDERED.

DATED this 5th day of February, 2021.



JOHN A. JARVEY, Chief Judge
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA