

5.3 Privacy.

(a) Mandatory Redaction.

See Federal Rule of Civil Procedure 5.2(a) or Federal Rule of Bankruptcy Procedure 9037 regarding mandatory redaction in electronic and nonelectronic filings. The following privacy rules also apply to all documents and exhibits filed in the district and bankruptcy courts.

(b) Discretionary Redaction.

The filing party may also redact the following information from all documents and exhibits filed electronically or nonelectronically, unless the assigned judge orders otherwise:

- (1) personal identifying numbers, such as driver's license numbers;
- (2) home street addresses;
- (3) medical or psychological records;
- (4) employment history;
- (5) individual financial information;
- (6) proprietary or trade secret information;
- (7) information that may identify a cooperating individual;
- (8) information regarding a crime victim;
- (9) national security information;
- (10) sensitive security information as described in 49 U.S.C. § 114(s);
- (11) education records as defined by 20 U.S.C. § 1232g(a)(4)(A); and
- (12) other data as the court orders.

(c) Restricting Access to Unredacted Documents.

With the court's leave, a party may restrict access to a document containing the unredacted personal data identifiers listed in Nebraska Civil Rule 5.3(b), Federal Rule of Civil Procedure 5.2, or Federal Rule of Bankruptcy Procedure 9037.

(1) Motion.

(A) Procedure.

A party seeking to file an unredacted document must electronically file a motion to restrict access to the document under the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899 (Dec. 17, 2002) (codified at 5 U.S.C. §§ 3701-3707 and scattered sections) ("E-Government Act"). The motion must state why filing an unredacted document is necessary and why redaction would not reduce or eliminate the need for restriction.

(B) Unredacted Document Not Attached.

The unredacted document must not be attached to the motion, but rather filed separately as a restricted document. The document remains provisionally restricted pending the ruling on the motion to restrict access. If the court denies the motion, it will direct the clerk to lift the restriction on the unredacted document.

(2) Order.

In ruling on the motion, the assigned judge may lift the restriction on the document, strike it, or order the filing party to place a redacted copy of the document on the public docket.

(3) Docket Sheet Entries.

When access to a document is restricted under the E-Government Act, an entry noting the restricted access appears on the public electronic docket sheet; however, only parties of record and court users may routinely access the document electronically. The public does not have remote access to the restricted document from the docket sheet. The court may grant the public leave for remote access upon motion.