

**49.1.1 Privacy.**

**(a) Mandatory Redaction.**

See Federal Rule of Criminal Procedure 49.1 and 18 U.S.C. § 3509(d) for specific rules regarding mandatory redaction in electronic and nonelectronic filings. The following privacy rules also apply to all documents and exhibits filed in this court.

**(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, including driver's license numbers;
- (2) employment history;
- (3) individual financial information;
- (4) proprietary or trade secret information;
- (5) information that may identify a cooperating individual;
- (6) information regarding an adult crime victim (see 18 U.S.C. § 3509(d) for mandatory redaction requirements concerning a child victim);
- (7) national security information;
- (8) sensitive security information as described in 49 U.S.C. § 114(s);
- (9) education records as defined by 20 U.S.C. § 1232g(a)(4)(A); and
- (10) 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 Criminal Rule 49.1.1(b) or in Federal Rule of Criminal Procedure 49.1.

**(d) Timely Filing.**

A document is considered timely filed if filed before midnight Central Standard Time (or Central Daylight Time, if in effect). However, the assigned judge may order a document filed by a time certain.

**(e) Official Record.**

The clerk does not maintain a paper court file in any case unless required by law or local rule. When a document is filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed.

**(1) Motion.**

**(A) Procedure.**

A party seeking to file an unredacted document must file 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.

**(f) Medical, Mental Health, and Drug Rehabilitation Records.**

In criminal cases, medical, mental health, and drug rehabilitation records and evaluations, even if offered in support of an unsealed motion, must be filed under seal. See NECrimR 12.5(a). These records may be unsealed only on a court order issued sua sponte or in response to a motion to unseal filed under Nebraska Criminal Rule 12.5(d).