

KENTUCKY BAR ASSOCIATION KENTUCKY RULES OF CIVIL PROCEDURE

PLEADING AND MOTIONS

CR 7.03 Privacy protection for filings made with the court

(1) Unless the court orders otherwise, in a filing with the court that contains certain personal data identifiers, including an individual's social-security number or taxpayer-identification number, or birth date, or a financial-account number, an attorney or party making the filing must redact the document so the following information cannot be read:

- (a) the digits of the social-security number or taxpayer-identification number;
- (b) except in criminal cases, the month and day of the individual's birth; and
- (c) the digits of the financial-account number. Redaction may be made by any method, including but not limited to replacing the identifiers with neutral placeholders or covering the identifiers with an indelible mark, that so obscures the identifiers that they cannot be read .

(2) An attorney or party making a filing under part (1) above shall keep an unredacted, original copy of the filing. The attorney and party shall be custodians of the original or unredacted copy of the filing and shall present it upon order of the court.

(3) The court may order that a filing be made under seal without redaction. If the court orders an unredacted copy of the filing under seal, a copy redacted in compliance with part (1) of this rule may also be filed.

(4) For good cause, the court may by order in a case:

- (a) require redaction of additional information; or
- (b) limit or prohibit a nonparty's access to a document filed with the court.

(5) The clerk is not required to review filings with the court for compliance with this rule. The responsibility to redact filings rests with counsel and the party making the filing.

(6) A person waives the protection of this rule as to the person's own information by including it in a filing without redaction.

(7) An attorney or party failing to comply with this rule will be subject to the sanction powers of the court, including having the relevant filing stricken from the record. A conforming copy of a filing previously stricken from the record for failure to comply with this rule may be refiled unless otherwise ordered by the court.

HISTORY: Adopted eff. 4-1-09