

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2009

IN THE MATTER OF THE ADOPTION OF RULES)
GOVERNING REDACTIONS FROM COURT RECORDS)

IN THE SUPREME COURT
STATE OF WYOMING
FILED

OCT - 7 2009

ORDER ADOPTING RULES GOVERNING REDACTIONS FROM COURT RECORDS
JUDY PACHECO, CLERK
Carol Thompson
by CHIEF DEPUTY

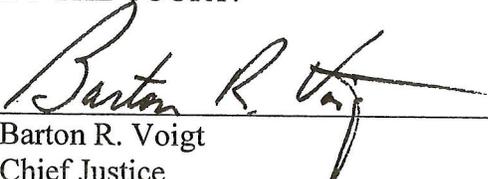
Upon the recommendation of the Wyoming Supreme Court, made in furtherance of the Court's obligations as recognized in Wyo. Const. art. 5, § 2, Wyo. Stat. Ann. § 5-2-114 (LexisNexis 2009), and Wyo. Stat. Ann. § 16-4-203(a)(iii) (LexisNexis 2009), the Board of Judicial Policy and Administration created a committee for the purpose of developing rules to govern public access to court records and governing the redaction of confidential information from court records. The members of the committee were Honorable Michael Davis, Ms. Liz Gagen, Ms. Holly Hansen, Mr. Karl Linde, Ms. Ronda Munger, Honorable Denise Nau, Ms. Debora Person, Ms. Corky Ring, Ms. Janice Sexton, Ms. Carol Thompson, Mr. Stephen E. Weichman, Mr. James Bothamley, Ms. Diana Wilsey-Geer, and Honorable Barton R. Voigt. After meeting, conducting research, and conferring among themselves, the committee members recommended to the Board of Judicial Policy and Administration that the rules appended hereto be adopted by the Wyoming Supreme Court. The Board of Judicial Policy and Administration studied the proposed rules, and having recommended their adoption; it is

ORDERED that the Rules Governing Redactions from Court Records appended hereto, be and they hereby are adopted; and that said rules shall become effective January 1, 2010; and that the rules shall be published in the advance sheets of the Pacific Reporter, the Wyoming Reporter, and in the Wyoming Court Rules volume; and that the Rules Governing Redactions from Court Records shall be spread at length upon the journal of the Court; and it is further

ORDERED that the committee be commended for the excellence of its work and that sincere thanks be extended to each member.

DATED this 7th day of October, 2009.

BY THE COURT:


Barton R. Voigt
Chief Justice



RULES GOVERNING REDACTIONS FROM COURT RECORDS

Rule 1. Redacted Filings. Information contained in any paper or electronic filing, including transcripts of court proceedings, shall be limited to reveal only the following:

- (a) The last four digits of a social security number, taxpayer identification number, or financial account number;
- (b) The year of an individual's birth;
- (c) A minor child's initials or other non-identifying descriptor;
- (d) The city and state, without street address, of any home address.

Rule 2. Protection Orders. Pursuant to 18 USC 2265(d)(3), information regarding the registration, filing of a petition, or issuance of a protection order, restraining order or injunction, shall not be made available publicly on the internet, if such publication would be likely to reveal the identity or location of the party protected under such order, except for court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.

Rule 3. Exemptions from Redaction Requirements. The above redaction requirements do not apply to the following:

- (a) The record of an administrative agency or court proceeding if that record was not subject to the redaction requirement when originally made;
- (b) An arrest or search warrant;
- (c) A charging document and an affidavit filed in support thereof.

Rule 4. Filings Made Under Seal. The court may order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record.

Rule 5. Protective Orders. For good cause, as set forth in Rule 8 of the Rules Governing Access to Court Records, the court may by order in a case:

- (a) require redaction of additional information; or

(b) limit or prohibit a nonparty's remote electronic access to a document filed with the court.

Rule 6. Option for Additional Unredacted Filing Under Seal. A person making a redacted filing may also file an unredacted copy under seal. The court must retain the unredacted copy as part of the record.

Rule 7. Option for Filing a Reference List. A filing that contains redacted information may be filed together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. The list must be filed under seal and may be amended as of right. Any reference in the case to a listed identifier will be construed to refer to the corresponding item of information.

Rule 8. Waiver of Protection. A person waives the protections of these rules as to the person's own information by filing it without redaction and not under seal.

Rule 9. Rules Governing Access to Court Records. Documents filed in court records shall also meet the confidentiality requirements of the Rules Governing Access to Court Records.