The following constitutes the ruling of the court and has the force and effect therein described.

Signed February 11, 2021
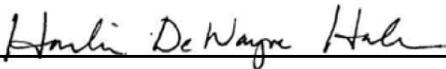
Honli DeWayne Hale
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

IN RE:	§	
	§	
PROCEDURES FOR THE FILING,	§	**GENERAL ORDER**
SERVICE, AND MANAGEMENT OF	§	**2021-02**
HIGHLY SENSITIVE DOCUMENTS	§	

In response to recent disclosures of wide-spread breaches of both private sector and government computer systems, federal courts are immediately adding new security procedures to protect certain highly sensitive documents filed with the courts. Therefore, the Court finds that good cause exists to require all parties to file highly sensitive documents outside of the Court's electronic filing system.

THEREFORE, IT IS HEREBY ORDERED that, effective as of the date of this General Order, the filing of highly sensitive documents shall be subject to the procedures and requirements set forth below. This General Order supersedes any inconsistent provisions in existing local rules or other general orders of this Court.

1. **Documents Subject to this General Order.**

    (a) **Highly Sensitive Documents.** Highly sensitive documents ("HSDs") include documents: containing classified information relating to matters of national security, foreign sovereign interests, or cybersecurity; disclosing protected intellectual property or trade secrets; or involving the reputational interests of the United States.

    (b) **Documents that are not considered HSDs.** The following types of documents generally are not considered HSDs: bank records, Social Security records, health records, writs, settlement agreements, valuation reports. Sealed filings in most bankruptcy cases and adversary proceedings are not sufficiently sensitive to require

HSD treatment and may continue to be sealed in CM/ECF as provided in Local Bankruptcy Rule 9077-1.

(c) **Resolution of Disputes.** Any dispute as to whether a document is an HSD will be resolved by the presiding judge or, when no presiding judge is assigned, the chief judge.

2. **Filing of Motions to Treat a Document as an HSD.**

(a) **Represented parties.** A represented party seeking to treat a document as an HSD shall file a motion to treat the document as an HSD and a proposed order electronically via CM/ECF and parties may be served electronically pursuant to Local Bankruptcy Rule 7005-1. **A copy of the proposed HSD must not be filed or served electronically** but must be delivered to the Court as set out in paragraph 2(c) below. The motion must contain an explanation as to why the subject document constitutes an HSD under the criteria set out in paragraph 1(a) above, or why it should otherwise be treated as an HSD. The proposed order must provide for the retrieval or disposal of the highly sensitive document at the conclusion of the matter. Not all documents that meet the criteria for filing under seal will qualify for treatment as an HSD.

(b) **Unrepresented parties.** A party who is not represented by an attorney must file the motion as described above by filing a paper copy of the motion with the Clerk's Office. **A copy of the proposed HSD must not be filed with the motion** but must be delivered to the Court as described in paragraph 2(c) and the motion and copy of the proposed HSD must be served as described in paragraph 2(d).

(c) **Delivery of the HSD to the Court.** As soon as practicable after the motion is filed, the filing party must deliver to the Clerk's Office the proposed HSD sought to be filed in the form of either a paper copy or an electronic copy on a secure electronic device (e.g., USB flash/thumb drive or memory stick). The proposed HSD paper copy or secured electronic device containing a copy of the HSD must be placed in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT" and the outside of the envelope must be affixed with a copy of the appropriate case caption page (with confidential information redacted), and include the name, phone number, and email address of the attorney or unrepresented party submitting the proposed HSD. The envelope must either be hand delivered or placed in a larger envelope that is addressed to the divisional office where the judge assigned to the matter is chambered. The outermost envelope must NOT have any indication that a proposed HSD is enclosed.

(d) **Service.** The filing party must serve the motion and the proposed HSD on the appropriate parties as provided for in Federal Rules of Bankruptcy Procedure 7004 and 7005, the Local Bankruptcy Rules of this Court, and this Order. The proposed HSD must be delivered to the appropriate service parties in the form of a paper copy or an electronic copy on a secure electronic device as described in paragraph (c) above. The filing party must file a certificate of service in accordance with Local Bankruptcy Rules 2002-1(g) and 9014-1(b).

3. **Orders.**

   (a) **Entry of order granting the motion.** If appropriate, the Court may set the motion for hearing. Otherwise, the Court will issue an order on the motion and, if granted, the order will be entered on the docket. The Clerk's office will make a "text-only" docket entry in CM/ECF indicating that the document designated as an HSD was filed with the Court. If the order denies the relief requested, the order will direct the Clerk of Court on how to dispose of the proposed HSD (e.g., return to filer, dispose at filer's request, or allow the document to be filed under seal electronically pursuant to Local Bankruptcy Rule 9077-1).

   (b) **Service of highly sensitive court orders.** If the Court determines that a Court order contains highly sensitive information, the Clerk's Office will file and maintain the order in a secure paper filing system and will serve paper copies of the order on the parties via U.S. mail or other courier service.

4. **Removal of Existing HSDs or Highly Sensitive Cases from CM/ECF.**

   (a) **Motion to remove HSD or cases from CM/ECF.** Upon motion of a party or on its own motion, the Court may determine that a document, case, or proceeding, any portion of a document, case, or proceeding, that has been filed electronically is highly sensitive and direct that it be removed from CM/ECF and maintained by the Clerk's Office in a secure paper filing system.

   (b) **Content of the motion.** A party's motion to remove an HSD or highly sensitive case from CM/ECF must explain why the document or case is highly sensitive under the criteria set out in paragraph 1(a) or why it should otherwise be subject to the heightened protection for HSDs.

5. **Questions about HSD Filing Procedures.** Any questions about how an HSD should be filed with the Court pursuant to this General Order should be directed to the Clerk's Office Help Desk (214) 753-2650, or by email at ecfhelp@txnb.uscourts.gov.

###END OF ORDER###