

# Protecting Information in Court Records

## REPORT OF THE COMMITTEE ON CONFIDENTIALITY AND REDACTION AUGUST 2014



### Overview

Many state courts and the federal courts have enacted rules to protect personal identifiers and financial account numbers in order to preserve personal privacy and lessen exposure to identity theft. In these courts, lawyers and self-represented litigants are required to redact this information from documents filed with the court; if the information is needed for the litigation, it is submitted on a confidential form. This report recommends that such a rule be adopted on behalf of the Wisconsin circuit courts.

At the request of the Consolidated Court Automation Programs (CCAP) Steering Committee, a Confidentiality & Redaction Advisory Committee was convened to make recommendations in this area.<sup>1</sup> This committee reviewed the rules used in other state courts and drafted the attached rule protecting personal identifiers, such as social security and driver license numbers, and financial account information, such as bank account and credit card numbers. Some state courts have also codified judicial sealing procedures and provided practitioners with guidance on statutes affecting confidentiality.

The proposed Wisconsin rule addresses several key areas:

1. Requires parties to redact certain identifiers from documents filed after date of this rule
2. Provides guidance on information made confidential under other statutes and case law
3. Clarifies the process for sealing information not covered in #1 or #2
4. For previously filed documents, provides for redaction only upon motion
5. For transcripts, provides for redaction only upon motion

All states with redaction rules place the burden of redaction on the parties and not on the clerk of court. These rules operate prospectively, so that courts do not undertake the huge task of redacting old records. The rule anticipates that the director of state courts office will provide guidance for litigants about which documents are automatically treated as confidential and forms and procedures to expedite use of the rule.

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<sup>1</sup> Committee members were Judge James Babler, CIO Jean Bousquet, DCA Patrick Brummond, Clerk of Circuit Court Mary Lou Mueller, Judge Gerald Ptacek, Clerk of Circuit Court Sheila Reiff, Chief Deputy Clerk James Smith, and deputy director Sara Ward-Cassady. The committee was staffed by Andrea Olson and Marcia Vandercook.

Now is an opportune time to pursue such a rule because of the progress on statewide eFiling. Other state courts have linked this rule to the electronic filing rule, with the goal of making electronic records free of protected information. The proposed redaction rule will be circulating at the same time as the proposed electronic filing rule. If adopted, the rules will become effective on the same schedule and training will be provided at the same time. The electronic filing rule is proposed to become effective on a county-by-county basis starting in 2016.<sup>2</sup> Training for the bar, law office staff, judges, clerk staff, court reporters, and others will be provided as part of the rollout. Education on this rule can be part of the same publicity and training.<sup>3</sup>

The rule is proposed as new Wis. Stat. 801.19, following the new electronic filing rule. Chapter 801 may be amended by either court rule or by legislation. The language of the rule is attached to this report as Appendix A.

### **1. Required redaction of documents filed after the effective date of this rule**

Proposed Wis. Stat. 801.19(1) applies to future court filings. To protect personal privacy and prevent identity theft, parties will be expected to omit certain protected information from documents and to submit it in a confidential manner if it is material to the proceedings. The rule is intended to apply in all court proceedings, including confidential case types. A court form will be available to make this easy and uniform, similar to the current confidential petition addendum that protects social security numbers in family cases (GF-179). A prototype of the form is attached as Appendix B.

Court rules protecting personal identifiers and financial numbers are in effect in at least 20 states and the federal courts, with considerable variation in the coverage of the rules. Many rules address only a limited set of numbers, usually social security numbers and financial account numbers. The federal courts require parties to redact social security numbers and financial account numbers (use last 4 digits only), names of minor children (use initials), date of birth (use year only), and home addresses (use city and state – applicable to criminal cases only).<sup>4</sup> The courts in Utah and Indiana offer an extensive classification of protected information and confidential documents.<sup>5</sup> The Nevada courts set out substantive rules governing the sealing of

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<sup>2</sup> A three-year rollout of electronic filing by county is currently underway in the Iowa courts. See <https://www.iowacourts.state.ia.us/efile/>.

<sup>3</sup> The issue of public online access to documents in the court file has been discussed but deferred for another day. Some state courts are considering making more documents available online, usually for a fee, as the federal PACER system does. The Wisconsin court WCCA public website does not display documents. Attorneys and self-represented parties who eFile have electronic access to the documents in their own cases, but not to court documents in general. Any proposal to make court case documents available to the public over the Internet will need a thorough discussion of the many issues this will raise. There is no current proposal for the Wisconsin courts to make case documents available over the Internet other than to eFiling parties in their own cases.

<sup>4</sup> Fed. Rule of Criminal Procedure 49.1; Fed. Rule of Civil Procedure 5.2.

<sup>5</sup> Utah Code of Judicial Administration 4-202; Indiana Court Rules, Administrative Rule 9.

court documents.<sup>6</sup> The Iowa courts include a list of information subject to optional redaction.<sup>7</sup> Alaska court rules protect this type of information only on the court website.<sup>8</sup>

The Wisconsin committee looked for a middle ground geared to areas where the Wisconsin circuit courts see the most confusion. Proposed sub. (1) is generally modeled on the South Dakota rules. It requires redaction of confidential numbers and identifiers: social security numbers,<sup>9</sup> employer or taxpayer identification numbers,<sup>10</sup> financial account numbers,<sup>11</sup> driver license numbers,<sup>12</sup> and passport numbers.<sup>13</sup> Because this rule places a burden of compliance on all parties filing documents in circuit court, the list is not extensive. It also includes a provision to allow a court to protect other identifying and account numbers if similar information is at issue in a case.

The committee discussed and rejected other pieces of information that have been added to the list in some states: home address,<sup>14</sup> date of birth,<sup>15</sup> names of minors,<sup>16</sup> names of jurors,<sup>17</sup> names of

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<sup>6</sup> Nevada Rules of Court, Part VII, Rule 3.

<sup>7</sup> Iowa Rule 16.604.

<sup>8</sup> Alaska Administrative Rule 37.5-37.8.

<sup>9</sup> Social security numbers are protected by court rule in Arizona, Arkansas, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Maryland, Minnesota, Missouri, Montana, Nevada, Ohio, South Dakota, Texas, Utah, Washington, and the federal courts.

<sup>10</sup> Employer identification numbers are protected in Hawaii, Indiana, Minnesota, South Dakota, and Utah.

<sup>11</sup> Financial account numbers are protected by court rule in Arizona, Arkansas, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kentucky, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Ohio, Pennsylvania, South Dakota, Utah, Washington, and the federal courts.

<sup>12</sup> Driver license numbers are protected in Arkansas, Iowa, Missouri, Nevada, New Hampshire, Pennsylvania, and Washington. Interpretation of the federal Driver Privacy Protection Act is currently in litigation in the 7<sup>th</sup> Circuit and Wisconsin circuit courts. CCAP can mask driver license numbers automatically on electronically filed citations. This rule requires the parties to redact the driver license number in other cases.

<sup>13</sup> Passport numbers are not common in court files but are similar to social security numbers as a personal identifier with value for identity theft purposes. They are added to the list of protected information in Texas.

<sup>14</sup> Home addresses are protected in Arkansas, Colorado, New Hampshire, Pennsylvania, Texas, and the federal courts. The proposed Wisconsin rule does not protect home addresses. Because the Wisconsin WCCA website has been an early leader in free online court case information, the committee members are familiar with the high level of public interest in court records and the potential for confusion. Addresses are very helpful in distinguishing between people of the same name, so that a person not associated with a particular offense or civil case can establish that the court record is not about them. Although requests to redact addresses are fairly common, the committee determined that should be handled by motion depending on the facts of the individual situation.

<sup>15</sup> Birth dates of the parties are protected information in Arkansas, Idaho, Kentucky, Montana, Nebraska, South Dakota, Utah, and the federal courts. Again, the committee's experience has been that date of birth is helpful in distinguishing between people of the same name and generations of the same family and when issuing warrants. Committee members also observed that an individual's date of birth is often obtainable online from other sources.

crime victims,<sup>18</sup> medical and psychological records,<sup>19</sup> and financial documents such as tax returns and credit card statements.<sup>20</sup> If a party believes that information not on the list should be protected, the party must identify an appropriate statute or file a motion to seal under sec. (3).

The proposed rule is consistent with the Wisconsin public records law. Wis. Stat. 19.36(13) provides that identifying information is not subject to a public records request:

FINANCIAL IDENTIFYING INFORMATION. An authority shall not provide access to personally identifiable information that contains an individual's account or customer number with a financial institution, as defined in s. [134.97 \(1\) \(b\)](#), including credit card numbers, debit card numbers, checking account numbers, or draft account numbers, unless specifically required by law.

The parties to the action are solely responsible for ensuring that protected information is not filed with the court except as provided. Neither the judge nor the clerk is expected to review each pleading or document for compliance, and protected information that is not properly submitted will be accessible to the public to the same extent as the rest of the court file. Protected

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The director of state courts "Policy on Disclosure of Public Information Over the Internet" addresses dates of birth. For the criminal court record, the WCCA website displays the full date of birth. For civil forfeiture offenses, only the month and year display. For other case types, birth date information does not display at all. The committee discussed following this policy for documents, but decided it would be too confusing for practitioners to try to remember and implement this policy. The policy is found at <http://wcca.wicourts.gov/AB0304.xsl?jsessionid=963B601785F921D6E0E95D502667ACB4.render6>.

<sup>16</sup> Names of minors are protected in Kentucky, Montana, New York, Utah, and the federal courts. In Wisconsin, the names of children appear on the court website only when they are parties. Otherwise, the names are stored in a protected field and do not appear online. The committee noted that names of minors are seldom raised as a problem.

<sup>17</sup> Juror names are protected in Minnesota and Pennsylvania. They were discussed by the committee but omitted from the rule. The balance between disclosure and protection of juror names is addressed in Wis. Stat. 756.04(9) and (11) and case law. The committee concluded that juror names can be protected by motion if needed, consistent with case law. See *State v. Tucker*, 2003 WI 12, 259 W2d 484; *State v. Britt*, 203 Wis. 2d 25 (Ct. App. 1995). Juror names are stored in a protected field and do not appear on the court website.

<sup>18</sup> Crime victim names are protected in Arizona, Colorado, Minnesota, Montana, and Pennsylvania. The committee saw this as a policy issue appropriately addressed by legislation. In the meantime, victim names can be made confidential by motion if needed in particular cases. Courts should be sensitive to victim privacy, see Wis. Const. art. I, sec. 9m; Wis. Stats. ch. 950. The Judicial Council has a pending petition requiring that crime victims not be identified by name in appellate briefs and opinions.

<sup>19</sup> Medical and psychological records are protected in Nevada and California. The committee observed that these records are often relevant in all kinds of court cases, yet many parties assume they are automatically confidential. The committee concluded that the rule should put the burden on the parties to clearly identify medical and psychological information they believe to be protected as it is submitted, and move to seal where necessary.

<sup>20</sup> Financial documents are protected by court rule in Minnesota and South Dakota, and Colorado and Alaska protect financial documents online. The committee noted that financial documents are often key pieces of evidence in a proceeding and form the basis of the court's decision, so protecting entire documents would be contrary to current practice and overbroad.

information may be referred to in open court to the extent deemed necessary by the court and may be taken down by the court reporter as part of the record.

If a party fails to comply with the requirements of this rule in regard to someone else's protected information, the court may impose reasonable expenses, including attorney fees and costs. Protected information is accessible to the parties, their attorneys, guardians ad litem appointed to the case, judicial officers, court staff and other agencies, unless otherwise ordered by the court.

This rule is intended to apply even to confidential proceedings such as juvenile, mental commitments, and guardianship cases. Despite their confidentiality, each of these case types has a number of people who are authorized by law to inspect the files. See, for instance, Wis. Stat. 938.396(2g), which lists 20 different situations where people will be allowed to view a typical juvenile delinquency file, and s. 938.396(2g)(k), which provides that the juvenile delinquency file is open to the public for certain serious offenders. The individuals whose information appears in these cases should be given the benefit of this rule. Consistent application of the rule should also lessen confusion and make it easier to follow.

## **2. Identifying documents as confidential**

Confidentiality of court documents is often an area of confusion for the public, lawyers, and court-related professionals. Some states have addressed this problem by publishing a list of commonly-filed documents that the court will automatically treat as confidential without a motion because they are protected by statute or case law.<sup>21</sup> The committee believes that such a list would address areas of confusion for practitioners, the public, and the clerks of court. In Wisconsin, the list will include documents such as presentence investigations, juror qualification questionnaires, and family financial disclosures. These states also identify confidential case types for the benefit of the public. In Wisconsin, these include civil commitments, child protection, and juvenile delinquency.

The filing party must properly identify the document at the time it is filed. The clerk of circuit court or register in probate will not be required to review documents to determine confidentiality. A list of automatically confidential documents will be made available from the clerk's office and on the court's website. Due to frequent legislative changes regarding confidentiality, the list should not be incorporated into the rule.

## **3. Procedure for motions to seal**

This section of the rule is intended to outline the procedures for filing of documents under seal, not the substantive law. It is not intended to expand or limit the confidentiality concerns that might justify special treatment of any document.

A party seeking to protect a court record not listed above must file a motion to seal the document or seal specific information in the document. A form will be developed to assist parties with

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<sup>21</sup> Iowa Court Rule 16.405(3); South Dakota Court Records Rule 15-15A-7; Utah Code of Judicial Administration 4-202.02.

formulating a motion that will be helpful to the court. The information to be sealed or redacted may be filed under a temporary seal and considered confidential until the court rules on the motion. The filing party must specify the authority for restricting public access to the information.

The court may conduct a hearing on a motion to seal a court record and may require that the moving party provide notice to the general public. The court shall determine whether there are sufficient grounds to restrict public access according to applicable constitutional, statutory and common law. Consistent with case law and Wis. Stat. 19.36(6), the court will use the least restrictive means that will achieve the purposes of this access rule and the needs of the requester.<sup>22</sup> If the court seals or redacts information, the public record must contain at least the court order and the name of the person who filed the motion.

#### **4. Permissive redaction of previously filed documents**

Retrospective redaction of existing files is not required. Information in documents filed before the effective date of this rule is not considered confidential and remains publicly available.

A person affected by the information may request redaction of protected information from an old file by motion. The person must identify the specific location of the information in the record, using a court form developed for this purpose. The clerk will perform the redaction by applying redaction software to an electronic copy of the document. The burden is on the moving party to bring any errors to the clerk's attention. The redacted copy will be placed in the open part of the file and the unredacted copy will be treated as confidential.

While most motions for retrospective redaction must be heard by a judicial officer, the clerk may redact an individual's social security number and passport number upon the written request of that individual.

#### **5. Permissive redaction of transcripts**

Some courts require redaction of personal identifiers and financial account numbers in transcripts.<sup>23</sup> The committee concluded that the procedures used in these states introduce delay and create a burden on the parties and court reporter that does not seem to be necessary. The committee is not aware that the use of protected information from transcripts has been a major source of information for identity theft or invasion of privacy.

Instead, the proposed rule provides for redaction of transcripts upon the motion of a party. If confidential information becomes an issue in a particular case, the party may file a motion to redact the transcript, using the same method as redaction of previously filed documents. A form will also be created to facilitate the process. The court may also order portions of the transcript to be sealed. To keep the procedure from causing delay, the motion to redact a transcript must generally be made within 30 days of the time the transcript is filed with the court.

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<sup>22</sup> See *State v. Melton*, 2013 WI 65, ¶71-79.

<sup>23</sup> Redaction of transcripts is required in Iowa, Utah, and the federal courts.

When the electronic filing rule becomes effective, court reporters will be able to upload completed transcripts into the electronic filing system and will no longer be required to send paper copies to attorneys or to self-represented litigants who use the system. Paper transcripts will be provided only to self-represented litigants who do not use the electronic filing system. Redacted copies follow the same rule. Since many redactions will consist simply of omission of identifying numbers, a self-represented party may not need or want the redacted copy. The rule therefore requires the court reporter to provide a redacted copy only if the party so requests.

## **6. Cross-references**

The rule petition will include cross-references needed to make it clear that the same procedures apply in criminal and juvenile cases. A cross-reference has also been added for clarification with respect to redaction of transcripts.

## **Review process**

This rule was reviewed and approved by the Committee of Chief Judges, the CCAP steering committee, and the PPAC planning subcommittee in June and July 2014. It will be reviewed by the full PPAC committee in August and circulated to bar committees over the late summer and early fall. Comments will also be sought from other interested groups. A rule petition will be filed with the Wisconsin Supreme Court in fall 2014, with a request that it be heard in spring 2015.

## **Conclusion**

Wisconsin courts should offer litigants the opportunity to protect their personal identifiers and financial account information, as other state courts and the federal courts have done. This rule should be enacted in conjunction with the electronic filing rule, so all electronic documents going forward are adequately protected.

Questions about this rule may be directed to Marcia Vandercook, Circuit Court Legal Advisor, [marcia.vandercook@wicourts.gov](mailto:marcia.vandercook@wicourts.gov), or to Jean Bousquet, Chief Information Officer, [jean.bousquet@wicourts.gov](mailto:jean.bousquet@wicourts.gov).

## **Appendices**

- A. Proposed Wis. Stat. 801.19, Information excluded from public access
- B. Protected information form prototype

## **APPENDIX A – PROPOSED RULE**

### **NEW 801.19 Information excluded from public access.**

#### **(1) REQUIRED REDACTION OF PROTECTED INFORMATION.**

**(a)** To retain privacy and prevent misuse of personal information, no party shall submit protected information in any action or proceeding in circuit court except in the manner provided by this rule. Protected information in a circuit court record consists of social security numbers, employer or taxpayer identification numbers, financial account numbers, driver license numbers, passport numbers, and similar information deemed protected by court order.

**(b)** The parties to the action are solely responsible for ensuring that protected information does not appear on a pleading or other document filed with the court except in the manner provided in subd. (c). The court will not review each pleading or document filed by a party for compliance with this section. Protected information that is not properly submitted is accessible to the public to the same extent as the rest of the court record.

**(c)** A party shall omit protected information from documents filed with the court unless the information is required by law or is material to the proceedings. When protected information is provided to the court, a party shall omit or redact it from any documents filed and provide it to the court in the following manner.

1. When submitting a pleading or other original document, a party shall omit the protected information from the document. Protected information formatted as a string of digits may be identified by providing the last four digits, in a manner that indicates that information has been redacted. If the protected information is necessary to the action, the party shall submit it separately on the protected information form approved by the court for that purpose.

2. When submitting an exhibit or other previously existing document, a party shall redact all protected information from a copy of the document. Protected information formatted as a string of digits shall be obscured except for the last four digits. If the protected information is necessary to the action, the party shall submit it separately on the protected information form. The party shall submit the redacted copy for the public case file and attach an unredacted copy to the protected information form.

3. If redaction of a document is impracticable, the document may be attached to the protected information form without redaction. Any disagreement as to proper redaction of protected information shall be decided by the court.

**(d)** The protected information form and attachments are not accessible to the public, even if admitted as a trial or hearing exhibit, unless the court permits access.

**(e)** In actions affecting the family, protected information may be submitted together with the information protected by ss. 767.215 and 767.127.



**(f)** A party waives the protection of this section as to the person's own information by filing it without the confidential information form. If a party fails to comply with the requirements of this section, the court may, upon motion or its own initiative, seal the improperly filed documents and order new documents to be prepared. If a party fails to comply with the requirements of this rule in regard to another individual's protected information, the court may impose reasonable expenses, including attorney fees and costs, or sanction the conduct as contempt.

**(g)** The court shall not include protected information in documents generated by the court, including judgments, orders, decisions, and notices, except in the manner provided in subd. (c). Notwithstanding this section, protected information may be referred to in open court to the extent deemed necessary by the court and may be taken down by the court reporter as part of the record.

**(h)** 1. Protected information shall be accessible to the parties, their attorneys, guardians ad litem appointed to the case, judicial officers, and court staff as assigned, unless otherwise ordered by the court. Access to other persons and agencies shall be allowed as provided by law. The parties may stipulate in writing to allow access to protected information to any person.

2. Any person may file a motion for access to personal restricted information for good cause. Written notice of the motion to all parties shall be required.

3. If the person seeking access cannot locate a party to provide the notice required under this section, an affidavit may be filed with the court setting forth reasonable efforts to locate the party and requesting waiver of the notice requirement. The court may waive the notice requirement if the court finds that further efforts to locate the party are not likely to be successful.

**(i)** On appeal, if the record assembled under s. 809.15(c) includes the redacted version of any document, it shall also contain the unredacted version. The unredacted version shall be submitted as confidential.

## **(2) WHEN DOCUMENTS MAY BE FILED AS CONFIDENTIAL.**

Certain documents made confidential by law may be submitted by a party without a motion or court order and will be automatically treated by the court as confidential. A list of such documents is available from the clerk and on the court's website. The filing party is responsible for properly identifying the document as confidential at the time it is filed. The clerk of circuit court and register in probate are not required to review documents to determine if the documents are confidential in nature.

## **(3) SUBMITTING DOCUMENTS UNDER SEAL.**

**(a)** A party seeking to protect a court record not listed under subd. (a) shall file a motion to seal the document or specific information in the document. The motion must be served on all parties to the action. The filing party shall specify the authority for asserting that the information should be restricted from public access. The information to be sealed or redacted may be filed under a

temporary seal, in which case it shall be considered confidential until the court rules on the motion.

(b) The court may conduct a hearing on a motion to seal a court record. The court may require that the moving party provide notice to the general public by posting information at the courthouse or other location, including the time, date, and location of the hearing.

(c) The court shall determine whether there are sufficient grounds to prohibit public access according to applicable constitutional, statutory and common law. In restricting access, the court will use the least restrictive means that will achieve the purposes of this access rule and the needs of the requester. The court may order that a document be redacted in the manner provided by subd. (1)(c). If the court seals or redacts information, the public record shall contain at least the court order and the name of the person who filed the motion.

(d) Subsequently filed documents subject to the sealing order must be so identified by the filing party.

(e) On appeal, if the record assembled under s. 809.15(c) includes a sealed document, the sealed document shall be submitted as confidential.

#### **Comment**

This rule is intended to define the procedural prerequisites for filing of documents under seal. This rule is not intended to expand or limit the confidentiality concerns that might justify special treatment of any document. The rule is intended to make it clear that filing parties do not have the unilateral right to designate any filing as confidential and that permission from the court is required. This permission may flow from a statute or rule explicitly requiring that a particular document or portion of a document be filed confidentially or from an analysis of the facts of the case and the applicable law.

#### **(4) REDACTION OF PREVIOUSLY FILED DOCUMENTS.**

(a) This section does not require any party, attorney, clerk, or judicial officer to redact protected information that was filed prior to [*insert effective date of rule*].

(b) For documents filed prior to [*insert effective date of rule*], a person affected may by motion request that protected information in a circuit court file be redacted as provided in this section, using a form approved by the court for this purpose. The moving party shall identify every place in the court record where the information to be protected is located. The protected information shall be submitted on or attached to a protected information form as provided in subd. (1).

(c) If the motion is granted, the clerk of circuit court or register in probate shall redact the information from the record at the places identified by the party. The clerk or register is not responsible for making any other redaction. The moving party shall be responsible for verifying that the redaction is complete as requested. Replacement documents shall not be submitted to the court.

(d) The redacted version of the record shall be accessible to the public to the same extent as the rest of the court record. The information submitted on or attached to the protected information form shall not be accessible to the public. The custodian may certify the redacted record as a true copy of an original record on file with the court.

(e) The judge or court commissioner may, on his or her own initiative, order redaction of protected information in the same manner.

(f) The clerk of circuit court or register in probate may redact an individual's social security number and passport number upon the written request of that individual. All other requests for redaction of information already filed must be determined by a judge or court commissioner.

#### **(5) REDACTION OF TRANSCRIPTS.**

(a) Within 30 days of the time a transcript is filed with the circuit court, a person affected may file a motion with the circuit court to redact protected information or to seal information in the transcript. The moving party shall identify by page and line every place in the transcript where the protected information or information to be sealed is located. The information shall be submitted on or attached to a protected information form as provided in subd. (1). The unredacted transcript shall be publicly available while the motion and redaction are pending unless otherwise provided by law or court order. The court may order redaction or sealing after the 30-day period for good cause shown.

(b) Upon court order, the court reporter shall, without charge, redact the protected information or seal a portion of the transcript in accordance with the court order and directives established by the director of state courts office. The court reporter shall file the complete redacted version of the transcript with the circuit court and shall send a notice of transcript redaction to the parties. The court reporter is not required to provide a paper copy of the redacted version of the transcript to registered users of the electronic filing system. The court reporter shall provide a redacted copy of the transcript, without charge, upon the request of a party not registered to use the electronic filing system. If the page numbers of the transcript do not change after redaction, only replacement pages may be provided.

(c) The redacted version of the transcript shall be accessible to the public to the same extent as the rest of the court record. The original unredacted transcript shall be sealed.

(d) The court reporter shall certify the transcript under SCR 71.04 by stating that the redacted version is a verbatim transcript of the proceedings from which protected information has been redacted, as provided in this rule and ordered by the circuit court. The protected information form and the unredacted transcript may be included with the record on appeal if the information is material to the appeal or otherwise required by law.

(e) Other than as provided in this section, a court reporter is not required to redact protected information from any transcript of a circuit court proceeding.

**Cross-references:**

**New 971.027 is created to read:**

**971.027 Protected information.** In criminal cases, a party submitting pleadings or other documents containing protected information as defined in s. 801.19 shall submit them in the manner provided in that section.

**New 48.396(2)(ad) is created to read:**

**(ad) Protected information.** In proceedings under this chapter and ch. 48, a party submitting pleadings or other documents containing protected information as defined in s. 801.19 shall submit them in the manner provided in that section.

**Current 938.396(2) is amended to read:**

**(2) COURT RECORDS; CONFIDENTIALITY.** (a) Records of the court assigned to exercise jurisdiction under this chapter and ch. 48 and of municipal courts exercising jurisdiction under s. 938.17 (2) shall be entered in books or deposited in files kept for that purpose only. Those records shall not be open to inspection or their contents disclosed except by order of the court assigned to exercise jurisdiction under this chapter and ch. 48 or as required or permitted under sub. (2g), (2m) (b) or (c), or (10).

**New 938.396(2)(b) is created to read:**

**(b) Protected information.** In proceedings under this chapter and ch. 48, a party submitting pleadings or other documents containing protected information as defined in s. 801.19 shall submit them in the manner provided in that section.

**SCR 71.04(13) is created to read:**

(13) A court reporter may certify a transcript that has been redacted in accordance with Wis. Stat. 801.19(4) by stating that the redacted version is a verbatim transcript from which protected information has been redacted in accordance with that rule and as ordered by the circuit court. The court reporter shall file the complete redacted version of the transcript with the circuit court and shall send a notice of transcript redaction to the parties. The court reporter is not required to provide a paper copy of the redacted version of the transcript to registered users of the electronic filing system. The court reporter shall provide a redacted paper copy of the transcript, without charge, upon the request of a party not registered to use the electronic filing system. If the page numbers of the transcript do not change after redaction, only replacement pages may be provided.

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**APPENDIX B**

Enter the name of the county in which this case is filed.	<b>STATE OF WISCONSIN, CIRCUIT COURT,</b> _____ <b>COUNTY</b>	<b>For Official Use</b>
<b>This form is used for all case types. Some information may not apply to your case.</b>	<b>Petitioner/Plaintiff:</b> _____ First name                      Middle name                      Last name	<b>Protected Information Form DRAFT</b>
Enter the case number.	<b>Respondent/Defendant:</b> _____ First name                      Middle name                      Last name	
		Case No. _____

Certain information in court records is protected by §801.19(1), Wis. Stat. When this information is material to the action or is required by law, it must be omitted from public court records and submitted with this form. See §801.19, Wis. Stat., for an explanation of the responsibility and procedures for protected information. The following protected information has been omitted or redacted:

Enter the name of each party. For each party, submit all the protected information that is necessary for this action.

Do NOT fill in the information if it isn't relevant to this action.

A. Name: \_\_\_\_\_  
Information to be protected: \_\_\_\_\_  
Social Security number: \_\_\_\_\_  
Employer or taxpayer ID number: \_\_\_\_\_  
Passport number: \_\_\_\_\_  
Driver license or state ID card number: \_\_\_\_\_  
Financial account numbers: \_\_\_\_\_  
\_\_\_\_\_  
Other identifiers or numbers: \_\_\_\_\_  
\_\_\_\_\_

B. Name: \_\_\_\_\_  
Information to be protected: \_\_\_\_\_  
Social Security number: \_\_\_\_\_  
Employer or taxpayer ID number: \_\_\_\_\_  
Passport number: \_\_\_\_\_  
Driver license or state ID card number: \_\_\_\_\_  
Financial account numbers: \_\_\_\_\_  
Other identifiers or numbers: \_\_\_\_\_  
\_\_\_\_\_

If there are persons who are not parties to this action but their personal information is necessary for this action, enter the name of the person and the information to be protected. Do NOT fill in the information if it isn't relevant to this action.

C. Name: \_\_\_\_\_  
Information to be protected: \_\_\_\_\_  
Social Security number: \_\_\_\_\_  
Employer or taxpayer ID number: \_\_\_\_\_  
Passport number: \_\_\_\_\_  
Driver license or state ID card number: \_\_\_\_\_  
Financial account numbers: \_\_\_\_\_  
\_\_\_\_\_  
Other identifiers or numbers: \_\_\_\_\_  
\_\_\_\_\_

The party(s) filing this form must sign and print your name and date the document.

▶ \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Date