IRFLP 218 Privacy Protection for Filings Made with the Court

Idaho Rules of Family Law Procedure Rule 218. Privacy Protection for Filings Made with the Court.

A. Redacted filings.

Unless the court orders otherwise, the parties shall refrain from including or shall partially redact, where inclusion is necessary, the following personal data identifiers from all documents filed with the court, including exhibits. This rule does not apply to exhibits offered at a trial or hearing unless they are filed with the court.

1. Social Security numbers. If an individual's social security number must be included in a pleading, only the last three digits of that number shall be used.

2. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child shall be used.

3. Dates of birth. If an individual's date of birth must be included in a pleading, only the year shall be used.

4. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers shall be used.

5. Home addresses. Only the city and state shall be identified; however, this rule does not apply to information required to be in the caption of a pleading pursuant to Rule 207 [1] or in a certificate of service.

B. Exceptions.

1. The redaction requirement does not apply to the record of a court, tribunal, administrative or agency proceeding if that record was filed before the effective date of this rule.

2. The redaction requirement does not apply to documents that are exempt from disclosure pursuant to Idaho Court Administrative Rule 32 [2].

3. The redaction requirement does not apply to documents that are required by statute or rule to include personal data identifiers.

C. Options when personal data identifiers are necessary.

A party filing a redacted document need not also file an unredacted version of the document; however, where inclusion of the unredacted personal data identifiers is necessary, a party may:

1. File the redacted document 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 shall be clearly identified as a reference list filed pursuant to this rule 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. The reference list shall be secured in the file and be exempt from disclosure pursuant to Idaho Court Administrative Rule 32 [2]; however, courts will share the reference list with other government agencies as required or allowed by law without court order or application for purposes of the business of those agencies.

2. File the redacted document together with an unredacted copy of the document. The unredacted copy shall be clearly identified as an unredacted copy filed pursuant to this rule and placed in a manila envelope marked “sealed” with a general description of the records, and the redacted copy placed in the court file. The unredacted copy shall be exempt from disclosure pursuant to Idaho Court Administrative Rule 32 [2]; however, courts will share the unredacted copy with other government agencies as required or allowed by law without court order or application for purposes of the business of those agencies.

D. Orders of the court.

1. If possible, the court shall refrain from including in court orders the personal data identifiers set forth in subsections A.1 through A.5 of this rule. If personal data identifiers are included in the order, the order shall be placed in a manila envelope marked “sealed” and be exempt from disclosure pursuant to Idaho Court Administrative Rule 32 [2]. Copies of the order shall be served on the parties and shall be available to the parties and other government agencies without court order for purposes of the business of those agencies. Upon request a redacted copy shall be prepared.

2. Exceptions. The court may include personal data identifiers in orders that are exempt from disclosure pursuant to Idaho Court Administrative Rule 32 [2], or that are required by statute to include personal data identifiers.

E. Responsibility for compliance.

The parties and counsel are solely responsible for redacting personal data identifiers. The clerk will not review each document for compliance with the rule. Failure to comply with this rule is grounds for contempt.

(Adopted April 2, 2014, effective for early adopters July 1, 2014, effective statewide July 1, 2015.)

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Links:
[1] http://www.isc.idaho.gov/irflp207
[2] http://www.isc.idaho.gov/icar