



STATE OF NEW YORK  
**UNIFIED COURT SYSTEM**  
25 BEAVER STREET  
NEW YORK, NEW YORK 10004  
TEL: (212) 428-2150  
FAX: (212) 428-2155

**A. GAIL PRUDENTI**  
Chief Administrative Judge

**JOHN W. MCCONNELL**  
Counsel

## MEMORANDUM

To: County Clerks and Chief Clerks

From: John W. McConnell  
Holly Nelson Lütz

Re: Omission or Redaction of Confidential Personal Information  
Uniform Rules for Supreme and County Courts - 22 NYCRR §202.5(e)(new)

Date: January 28, 2015

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As you may recall, the Administrative Board of the Courts recently approved the adoption of a new rule – section 202.5(e) of the Uniform Rules of the Supreme and County Courts (22 NYCRR 202.5(e)) – requiring attorneys to redact certain confidential personal information from court filings. (A copy of the administrative order implementing this rule, together with an explanatory memorandum, is attached as Exh. A.). The rule became effective on January 1, 2015; compliance is voluntary through February 28, 2015, and mandatory thereafter. This memorandum addresses several issues and recommended practices in the implementation of this new rule.

I. In response to questions we have recently received regarding the implementation of the new rule, we thought the following points should be emphasized:

- On and after March 1, 2015, unredacted documents containing confidential personal information as defined in the rule should be filed by parties only pursuant to the terms of an appropriate court order.
- The new rule covers both e-filed and paper-filed cases.
- Responsibility for compliance with the new redaction rule lies with the filer and, to a lesser extent, other litigation parties. The rule does not place any new document redaction or rejection obligation upon County Clerks or Court Clerks.

- To the extent that individual County Clerks have implemented procedures addressing the filing of court papers containing social security numbers (see, General Business Law § 399-dd and Public Officers Law § 96-a), they may continue to apply those procedures, so long as they are consistent with the new court rule. However, the new rule requires broader redaction than that addressed in GBL § 399-dd and POL § 96-a (including, for example, all taxpayer identification numbers).
- Unless further amendments are made to court rules, neither the County Clerk nor the Court Clerk may reject a document presented for filing because of the filer's failure to redact properly (see, CPLR 2102(c) 22 NYCRR §202.5).
- Current statutes and rules applicable to the sealing of court records are unaffected by the new rule.

II. With these general points in mind, the following is a summary of recommended procedural changes – in both e-filed and paper-filed matters – for implementation of the new rule. A recommended form for implementation is included as Exh. B.

A. E-filed cases -- Changes Under the New Redaction Rule

1. Redacted Version: NYSCEF has been modified to allow filers to indicate (by checking a box) whether the document they are submitting is in redacted form. The redacted document will be available to all parties and the public online unless otherwise sealed or restricted by court order. Such documents will bear the notation “Redacted” in the NYSCEF document list status column.
2. Unredacted Version: NYSCEF has been modified to add a new option to allow filers (by checking a box) to submit an unredacted version of a previously e-filed redacted document, if permitted by court order. Access to such documents will be limited (e.g., to the judge, or to the judge and parties) as provided by the order. Such documents will bear the notation “Unredacted” in the NYSCEF document list status column.
3. Notice of “Application Pending” Unredacted Hard Copy Filing in NYSCEF - The new rule (§§ 202.5(e)(2), (3)) permits filers to apply to the court for leave to file unredacted documents, and permits the filing of unredacted copies with such applications, as necessary. In such cases, filers should use the existing NYSCEF format for hard copy filings, and should submit with the application a cover page (Exh. B) that identifies the document filed as “Unredacted” and filed pursuant the appropriate court rule. The Clerk should record the application and the document and identify it with a notation of “Unredacted - Application Pending” on the docket. The unredacted document may be made available only to the Judge until further court order.

B. Non E-Filed cases – Changes under the New Redaction Rule

1. Redacted Version: Filers should submit a form cover page (Exh. B) with filed documents redacted according to the Rule. The Clerk should identify each such document on the docket with a notation as “Redacted.” Redacted documents should be made available to the public unless otherwise sealed or restricted by court order.

2. Unredacted Version: If a court directs the filing of a document with confidential information in unredacted form, the filer should submit a form cover page (Exh. B) that identifies the document as unredacted and provides information about the court order authorizing unredacted submission. The Clerk should identify each such document on the docket with a notation as “Unredacted.” The unredacted document should be made available to the parties and public only pursuant to the terms of such order.

3. Notice of “Application Pending” Unredacted Filing pursuant to 22 NYCRR 202.5(e)(2) or (3): Persons seeking any remedy specified under either 202.5(e)(2) or (3) must submit with his or her motion or application a cover page (Exh. B) that identifies the document filed as “Unredacted” and filed pursuant the appropriate court rule. The Clerk should record the application and the document and identify it with a notation of “Unredacted - Application Pending” on the docket. The unredacted document may be made available only to the Judge until further court order.

These forms and recommended procedures will be reevaluated as we gain further experience in implementation in the coming months.

Questions and suggestions about the new rule may be addressed to Holly Nelson Lütz of Counsel’s Office (518) 453-8650; [hlutz@nycourts.gov](mailto:hlutz@nycourts.gov)).

As always, thank you for your kind assistance in addressing this matter.

c: Hon. Lawrence K. Marks  
Hon. Fern A. Fisher  
Hon. Michael V. Coccoma  
Ronald P. Younkins  
Administrative Judges  
Maria Logus, Esq.  
Maria Barrington  
District Executives  
Jeffrey Carucci



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A. GAIL PRUDENTI  
Chief Administrative Judge

MEMORANDUM

JOHN W. MCCONNELL  
Counsel

November 12, 2014

To: Hon. Fern A. Fisher  
Hon. Michael V. Cocco

From: John W. McConnell  
Holly Nelson Lütz

Re: Omission or Redaction of Confidential Personal Information --  
Uniform Civil Rules for Supreme and County Courts -- 22 NYCRR §202.5(e) (new)

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Attached please find a copy of recently-issued administrative order AO/198/14 (Exh. A), adopting a new Rule 202.5(e) of the Uniform Civil Rules of the Supreme and County Courts, requiring attorneys to redact the following personal information in papers filed with the court:

- i. the taxpayer identification number of an individual or an entity, including a social security number, an employer identification number, and an individual taxpayer identification number, except the last four digits thereof;
- ii. the date of an individual's birth, except the year thereof;
- iii. the full name of an individual known to be a minor, except the minor's initials;  
and
- iv. a financial account number, including a credit and/or debit card number, a bank account number, an investment account number, and/or an insurance account number, except the last four digits or letters thereof.

This rule was approved by the Administrative Board of the Courts following lengthy discussion and public comment, and reflects extensive commentary by the Unified Court System's Advisory Committee on Civil Practice, bar association committees, and numerous practitioners. The new rule does not alter current rules and practices addressing the sealing of documents (22 NYCRR §216.1).

The rule becomes effective on January 1, 2015. However, compliance shall be voluntary through February 28, 2015, and mandatory thereafter. We anticipate that implementation of the

rule will take place in conjunction with published articles on compliance and practice pointers and seminars – as well as a separate memorandum directed to the County Clerks – to assist in notice of its requirements.

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Please circulate this memorandum to all Justices of the Supreme Court, Judges of the County Court, and other affected or interested persons within the court system. Questions about the new rule may be addressed to Holly Nelson Lütz of Counsel's Office (518-453-8650; hlutz@nycourts.gov).

And as always, thank you for your assistance.

cc: Hon. Lawrence K. Marks  
Ronald Younkins  
Administrative Judges  
Maria Logus, Esq.  
Maria Barrington  
District Executives  
New York City Chief Clerks  
County Clerks  
Jeffrey Carucci

**EXHIBIT A**

**ADMINISTRATIVE ORDER OF THE  
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend the Uniform Civil Rules of the Supreme and County Courts by adding a new section 202.5(e), relating to the omission or redaction of confidential personal information, to read as set forth below, effective January 1, 2015. Compliance with this rule shall be voluntary from January 1 through February 28, 2015, and mandatory thereafter.

§ 202.5 Papers Filed in Court

\* \* \*

(e) Omission or Redaction of Confidential Personal Information.

(1) Except in a matrimonial action, or a proceeding in surrogate's court, or a proceeding pursuant to article 81 of the mental hygiene law, or as otherwise provided by rule or law or court order, and whether or not a sealing order is or has been sought, the parties shall omit or redact confidential personal information in papers submitted to the court for filing. For purposes of this rule, confidential personal information ("CPI") means:

- i. the taxpayer identification number of an individual or an entity, including a social security number, an employer identification number, and an individual taxpayer identification number, except the last four digits thereof;
- ii. the date of an individual's birth, except the year thereof;
- iii. the full name of an individual known to be a minor, except the minor's initials; and
- iv. a financial account number, including a credit and/or debit card number, a bank account number, an investment account number, and/or an insurance account number, except the last four digits or letters thereof.

(2) The court sua sponte or on motion by any person may order a party to remove CPI from papers or to resubmit a paper with such information redacted; order the clerk to seal the papers or a portion thereof containing CPI in accordance with the requirement of 22NYCRR §216.1 that any sealing be no broader than necessary to protect the CPI; for good cause permit the inclusion of CPI in papers; order a party to file an unredacted copy under seal for in camera review; or determine that information in a particular action is not confidential. The court shall consider the pro se status of any party in granting relief pursuant to this provision.

(3) Where a person submitting a paper to a court for filing believes in good faith that the inclusion of the full confidential personal information described in subparagraphs (i) to (iv) of

paragraph (1) of this subdivision is material and necessary to the adjudication of the action or proceeding before the court, he or she may apply to the court for leave to serve and file together with a paper in which such information has been set forth in abbreviated form a confidential affidavit or affirmation setting forth the same information in unabbreviated form, appropriately referenced to the page or pages of the paper at which the abbreviated form appears.

(4) The redaction requirement does not apply to the last four digits of the relevant account numbers, if any, in an action arising out of a consumer credit transaction, as defined in subdivision (f) of section one hundred five of the civil practice law and rules. In the event the defendant appears in such an action and denies responsibility for the identified account, the plaintiff may without leave of court amend his or her pleading to add full account or CPI by (i) submitting such amended paper to the court on written notice to defendant for in camera review or (ii) filing such full account or other CPI under seal in accordance with rules promulgated by the chief administrator of the courts.

\* \* \*

  
\_\_\_\_\_  
Chief Administrative Judge of the Courts

Dated: November 6, 2014

AO/198/14

**EXHIBIT B**

COURT OF THE STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_,

Index No.

(\_\_\_\_\_, J.)

Plaintiffs,

- against -

\_\_\_\_\_,  
Defendants.

REDACTION COVER PAGE

<input type="checkbox"/>

The document filed is REDACTED in accordance with 22 NYCRR 202.5(e).

The document filed is UN-REDACTED in accordance with 22 NYCRR 202.5(e).

(a) The document filed contains SSN (as authorized by the order specified below).

(b) The document filed contains confidential personal information as defined under 22 NYCRR 202.5(e) (as authorized by the order specified below).

This document was previously filed REDACTED.  
Date:

This document was previously filed UN-REDACTED.  
Date:

The document filed seeks a remedy under 22 NYCRR 202.5(e)(2).

The document filed seeks a remedy under 22 NYCRR 202.5(e)(3).

Additional information:

There is a previously filed order of the Court regarding this document:  
yes / no

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Date of order:

Date order filed:

Other identifying information for such order:

The order of the Court is being filed with the redacted / un-redacted document: yes / no

<input type="checkbox"/>
<input type="checkbox"/>

Date of order:

Other identifying information for such order:

Signature of filer: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Counsel appearing for: \_\_\_\_\_ (name of party)

Filer is Unrepresented / Pro se: yes / no

Date: \_\_\_\_\_