

UNITED STATES BANKRUPTCY COURT
OFFICE OF THE CLERK
DISTRICT OF MARYLAND

Mark D. Sammons
Clerk

www.mdb.uscourts.gov



8308 U.S. Courthouse
101 W. Lombard Street
Baltimore, Maryland 21201
(410) 962-2688

November 18, 2003

**NOTICE TO BAR
NEW PRIVACY RULES
EFFECTIVE DECEMBER 1, 2003**

In response to the growing concern for identity theft, the Federal Rules of Bankruptcy Procedure will be amended effective December 1, 2003, incorporating new rules on privacy. Some of these changes will effect how attorneys conduct their work. The primary change is a restriction to providing complete social security and financial account numbers. The Official form for the petition page will be amended to display only the last four digits of the SSN. Proof of Claim forms will be changed to omit the full account numbers and debtor SSN. Instead only the last four digits will be displayed. Amendments to FRBP 1007 will require debtors to submit a verified statement containing the full nine-digit SSN (see Official form B21 attached) . This new statement will *not* be filed in the case and will *not* be available to the public over the internet. The notice provided pursuant to 11 U.S.C. § 341 which is sent out to all creditors, including the UST and any appointed trustees, will contain the full SSN, however the copy of the notice in the case record will only reflect the last four digits. It is the responsibility of filers, not the Clerk for redacting Social Security numbers and other personal identifiers such as dates of birth, financial account numbers, and names of minor children in documents they file with the Court. Attorneys who use

bankruptcy form software should contact their vendor for updates. The Court's new version of CM/ECF installed just last weekend accommodates these changes.

Do not include sensitive information in any document filed with the Court unless such inclusion is required by the Federal Rules of Bankruptcy Procedure or Official Bankruptcy Forms or the inclusion is otherwise necessary and relevant to the case. Please remember that any personal information not otherwise protected will be made available over the Internet via WebPACER. If sensitive information must be included, the following personal data identifiers must be partially redacted from the pleading, unless specifically required by statute, Federal Rule of Bankruptcy Procedure or Official Bankruptcy Form, whether it is filed traditionally or electronically: Social Security numbers, financial account numbers, dates of birth and the names of minor children. In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above may file an unredacted document under seal. This document shall be retained by the Court as part of the record. The Court may, however, also require the party to file a redacted copy for the public file. In addition, exercise caution when filing documents that contain the following:

- 1) any personal identifying number, such as driver's license number;
- 2) medical records, treatment and diagnosis;
- 3) employment history;
- 4) individual financial information; and
- 5) proprietary or trade secret information.

Counsel is strongly urged to share this notice with all clients so that an informed decision about the inclusion of certain materials may be made. If a redacted document is filed, it is the sole responsibility of counsel and the parties to

be sure that all documents and pleadings comply with the rules of this Court requiring redaction of personal data identifiers. The Clerk will not review each pleading for redaction.

To access the full text of the rule and form amendments, except for the new Official Form 21, you may visit the Rules Committee website at <http://www.uscourts.gov/rules/index/html> and click on “Pending Rules Amendments Awaiting Final Action” and then select “Amendments Submitted to the Judicial Conference (Sept. 2002).”

FORM 21. STATEMENT OF SOCIAL SECURITY NUMBER

UNITED STATES BANKRUPTCY COURT

DISTRICT OF MARYLAND

STATEMENT OF SOCIAL SECURITY NUMBER(S)

1. Name of Debtor (enter Last, First, Middle): _____
(Check the appropriate box and, if applicable, provide the required information.)

/ /Debtor has a Social Security Number and it is: ____-__-____
(If more than one, state all.)

/ /Debtor does not have a Social Security Number.

2. Name of Joint Debtor (enter Last, First, Middle): _____
(Check the appropriate box and, if applicable, provide the required information.)

/ /Joint Debtor has a Social Security Number and it is: ____-__-____
(If more than one, state all.)

/ /Joint Debtor does not have a Social Security Number.

I declare under penalty of perjury that the foregoing is true and correct.

X _____
Signature of Debtor Date

X _____
Signature of Joint Debtor Date

**Joint debtors must provide information for both spouses.*

Penalty for making a false statement: Fine of up to \$250,000 or up to 5 years imprisonment or both. 18 U.S.C. §§ 152 and 3571.