

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA**

**PUBLIC NOTICE**

**ORDER ON PROCEDURES FOR THE  
MANAGEMENT OF HIGHLY SENSITIVE DOCUMENTS**

On February 4, 2021, and effective as of that date, the Court entered the attached Standing Order No. 21-3, Order on Procedures for the Management of Highly Sensitive Documents. Entry of this order, which is in response to recent disclosures of wide-spread breaches of both private sector and government computer systems, sets forth the procedures for the filing of certain highly sensitive documents outside the Court's Case Management/Electronic Case Files ("CM/ECF") System. The Court's CM/ECF Policy 6, as referenced in the attached order, is accessible on the Court's internet website at [CM/ECF Policy Statement](#) (scroll down to Policy 6 – Sealed Documents: Motion to Redact a Previously Filed Document).

This Public Notice is accessible on the [Court's internet website](#) under Virginia Eastern News.

William C. Redden  
Clerk of Court

Date: February 4, 2021

Attachment

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA

In re: )  
 )  
Procedures for the Management ) Standing Order No. 21-3  
of Highly Sensitive Documents )  
 )

ORDER ON PROCEDURES FOR THE  
MANAGEMENT OF HIGHLY SENSITIVE DOCUMENTS

In response to recent disclosures of widespread breaches of both private sector and government computer systems and good cause existing therefore, the Court hereby adopts the following procedures for the filing of certain highly sensitive documents outside the Court’s Case Management/Electronic Case Files (“CM/ECF”) System. It is ORDERED that:

1. **Continuing Application of CM/ECF Policy 6:** Except as provided herein, CM/ECF Policy 6 shall continue to apply in full force and effect.
2. **Motion for Highly Sensitive Document Protection:** A “Motion for Highly Sensitive Document Protection” may be filed in this Court when (a) (i) the need for such protection arises, or (ii) there is a change in circumstances that warrants reconsideration of the need for highly sensitive document protection; and (b) when the highly sensitive nature of the material requires a level of security greater than that provided through electronically sealing in CM/ECF. The materials that are the subject of the motion will be afforded highly sensitive document protection pending the court’s disposition of the motion.
  - a. **Procedure for Filing a Motion for Highly Sensitive Document Protection:**
    - i. A party filing a Motion for Highly Sensitive Document Protection shall file the following documents electronically in CM/ECF:

- (1) A public copy of the motion, the certificate described in section 4 hereof, and the document for which the party seeks designation as a highly sensitive document. This public copy shall have the highly sensitive material redacted; or
  - (2) If the document also discloses sealed material that is not highly sensitive, a sealed copy of the motion, the certificate described in section 4 hereof, and the document for which the party seeks designation as a highly sensitive document. Sealed material should be highlighted, and highly sensitive material redacted.
- ii. A party filing a Motion for Highly Sensitive Document Protection shall also submit to the Clerk's Office two (2) paper copies or an electronic copy on a secure electronic device of the motion, the certificate described in section 4 hereof, and the document for which the party seeks designation as a highly sensitive document. The required copies shall be submitted to the Clerk's Office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The outside of the sealed envelope shall also be marked with the proper case caption.

### **3. Motion to Remove Highly Sensitive Documents from CM/ECF:**

- a. A "Motion to Remove Document from CM/ECF" may be filed in this Court when
  - (a) (i) the need for such protection arises, or (ii) there is a change in circumstances that warrants reconsideration of the need for highly sensitive document protection; and
  - (b) when the highly sensitive nature of the material requires a level of security greater than that provided through sealing in CM/ECF.

- b. The Court may sua sponte determine that a previously filed document is highly sensitive and direct that it be removed from CM/ECF.
4. **Certificate for Highly Sensitive Document Protection:** At the time of filing either a Motion for Highly Sensitive Document Protection or a Motion to Remove Document from CM/ECF, the movant must file a “Certificate for Highly Sensitive Document Protection.” The certificate shall identify (i) the highly sensitive material, (ii) the order or other authority for treating the material as highly sensitive, and (iii) the document containing the highly sensitive material.
5. **Document Deemed as Highly Sensitive Document:** Upon proper motion in accordance with the procedures adopted herein or sua sponte, in the presiding judge’s discretion, a document may be deemed a “highly sensitive document.” Highly sensitive documents will not be available electronically in CM/ECF. Instead, such documents will be maintained by the Clerk’s Office in a secure paper filing system or secure standalone computer system.
6. **Highly Sensitive Court Orders or Other Documents:** If a court opinion, order, or other document discloses highly sensitive information, the document will be afforded the same protection afforded to highly sensitive documents filed by the parties, including filing in a secure paper filing system or secure standalone computer system and service on the parties via mail.

It is so ORDERED.

FOR THE COURT:

/s/ Kevin R. Huennekens  
KEVIN R. HUENNEKENS  
United States Bankruptcy Judge

Date: February 4, 2021