

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

**PROTOCOL GOVERNING THE
FILING OF HIGHLY SENSITIVE
INFORMATION**

**ADM-1
ORDER 21-1**

INTERIM ORDER

THE COURT FINDS that, pursuant to Civil Rule 5(d)(3)(A) and Criminal Rule 49(b)(3)(A), good cause exists to file and maintain documents containing unredacted highly sensitive information outside of the court's electronic filing system.

THEREFORE, IT IS HEREBY ORDERED that, effective as of the date of this order and until such time as the court orders otherwise, the filing of documents containing highly sensitive information shall be subject to the procedures and requirements set forth below. This Administrative Order supersedes any and all inconsistent provisions in the court's local rules or other general orders of this court.

1. Information Subject to this Order

The filing and storage procedures set forth in this order apply to documents that contain highly sensitive information ("HSI"). HSI consists of information that, if revealed, could create a high risk of imminent threat to an identifiable individual, cause harm to our country's national security, or expose trade secrets. To make this determination, a judge may consider factors such as whether the information implicates or adversely impacts foreign sovereign interests, domestic cybersecurity, government or public officials in high-level positions or the reputational interests of the United States.

2. Court Management of Documents Containing Unredacted HSI

Documents submitted after the date of this order that contain unredacted HSI shall not be stored in the court's electronic filing system, and instead will be maintained in a secure paper filing system. Additionally, although the following documents may not contain HSI, such documents filed after the date of this order will not be added to the court's electronic filing system:

- a. Documents filed conventionally pursuant to AP 3.1(b), such as seizure warrants, search warrants, pen registers, wiretap requests, and electronic tracking device requests;
- b. Documents filed conventionally pursuant to LR 83.12(a)(3) related to a departure or sentence reduction motion based solely on substantial assistance; and

- c. Unredacted sentencing memoranda (filed conventionally with a motion to seal) related to a departure or sentence reduction motion based on cooperation.

If the filer believes any documents identified in section 2 (a) – (c) of this order contains HSI, a motion to designate that information as HSI pursuant to section 3 of this order is required.

3. Filing of Authorized HSI.

- a. All requests to designate information as HSI must be made by motion.
- b. A motion to designate information as HSI and the document containing HSI must be conventionally filed. The motion to designate information as HSI and the document containing HSI shall be submitted in an envelope with a notation on the outside of the envelope such as “DOCUMENTS DESIGNATED AS HSI.” The filer shall submit an original and one copy of each document filed.
- c. If only a portion of the document contains HSI the party must provide both (1) a redacted copy, and (2) an unredacted copy of the document highlighting in a translucent color the portion(s) of the document containing HSI. The redacted copy will be docketed in ECF and the unredacted copy will be maintained in a secure paper filing system. The filings will be handled pursuant to this court order subject to the court’s subsequent ruling on the motion.

4. Service of Highly Sensitive Court Orders

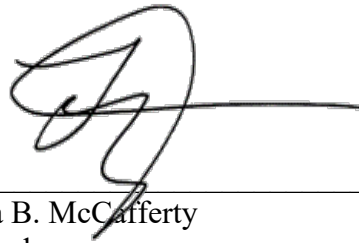
If the court determines that a court order contains HSI, the clerk’s office will file and maintain the unredacted order in a secure paper filing system and will serve paper copies of the order on the parties via mail.

5. Removal of Existing HSI from the Court’s Electronic Filing System

Upon motion of a party or upon its own motion, the court may determine that a document, or any portion of it, that has been filed electronically contains HSI, and direct that the document containing unredacted HSI be removed from the court’s electronic filing system and maintained by the clerk’s office in a secure paper filing system.

SO ORDERED.

Date: January 12, 2020



Landya B. McCafferty
Chief Judge