

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

In Re: TEMPORARY PROCEDURES FOR
THE FILING AND MANAGEMENT OF
HIGHLY SENSITIVE DOCUMENTS

Administrative Order
No. 21-RL-001

1. On January 6, 2021, the Director of the Administrative Office (AO) of the U.S. Courts notified all United States Judges of a policy change related to highly sensitive documents (HSDs) maintained in the Court's electronic files in CM/ECF. This was a response to recent public disclosures of widespread cybersecurity breaches of both private sector and government computer systems. The policy change is expected to be temporary and to expire once the AO deploys appropriate additional security protocols.
2. The Court finds good cause to require filing and maintenance of certain HSDs outside of the Court's electronic filing system pending deployment of additional security protocols by the AO. HSDs are a narrow category of documents and do NOT include all matters routinely filed under seal or on a restricted access basis under current Local Rules and procedures.
3. HSDs include only those documents a party has moved to seal that contain highly sensitive information, defined as information that could readily be used to harm or compromise the interests of the United States, or any of its agencies. Factors to consider in determining which documents should be deemed HSDs include whether the case involves matters of national security, foreign sovereign interests, or cybersecurity; the extent of domestic or international interests; the involvement of public officials; or the reputational interests of the United States or its agencies.
4. In its motion to seal, the filing party shall state the basis on which it asserts the document filed is an HSD and, in particular, shall show how disclosure of highly sensitive information in the document could readily be used to harm or compromise the interests of the United States, or any of its agencies. The government is expected to be the party seeking HSD treatment most often, but other parties may do so if their proposed filing includes highly sensitive information as defined in this Administrative Order.
5. The following types of documents generally are not considered HSDs: presentence reports, pretrial release reports, pleadings related to cooperation in most criminal cases, social security records, administrative immigration records, and sealed or restricted access filings in most civil cases.

6. Any dispute as to whether a document is an HSD shall be resolved by the presiding judge or, when no presiding judge is assigned, the chief judge.
7. When filing a motion for HSD treatment, the proposed HSD documents shall accompany the motion and be submitted in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The outside of the envelope shall be affixed with a copy of the HSD's caption page (with confidential information redacted). The caption on the document contained therein shall state that it is a "HIGHLY SENSITIVE DOCUMENT." The offering party shall file one original and one paper copy of all required documents with the Clerk of Court.
8. Orders allowing HSD treatment and highly sensitive orders will be served on the parties by mail.

Dated: January 11, 2021



ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE