

# TRANSCRIPT REDACTION POLICY<sup>1</sup>

Judicial Conference policy requires courts that provide electronic access to court records via the Public Access to Court Electronic Records (PACER) system to also provide such access to transcripts of court proceedings. Prior to being made electronically available from a remote location, however, the transcripts must conform to RCFC 5.2. The following procedures apply to these policy requirements.

## I. ACCESS TO ELECTRONIC TRANSCRIPTS

- (1) A transcript provided to the court by a court reporter or transcriber will be available at the office of the clerk of court for inspection only for a period of 90 days (unless extended by the court) after it is delivered to the clerk.
- (2) During the 90-day restriction period:
  - the clerk's office may not make a copy of the transcript;
  - the transcript will be available within the court for internal use;
  - a copy of the transcript may be purchased from the court reporter or transcriber; and
  - an attorney of record or other filing user in the case who purchases the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the court's Case Management/Electronic Case Files (CM/ECF) system for purposes of creating hyperlinks to the transcript in court filings and for other purposes.
- (3) During the 90-day restriction period, access to the transcript in CM/ECF is restricted to four types of users:
  - court staff;
  - public terminal users;
  - attorneys of record or other filing users in the case who have purchased the transcript from the court reporter or transcriber; and
  - other persons as directed by the court.
- (4) After the 90-day restriction period has ended, the filed transcript will be available for inspection and copying in the clerk's office and for download from the court's CM/ECF system through the judiciary's PACER system. The transcript copy filed with the clerk of court may be reproduced without compensation to the court reporter or transcriber under the same terms and conditions that any other official public document in the case file may be reproduced.
- (5) The requirement to provide a certified transcript (whether in paper or electronic format, as determined by the court) to the clerk for the records of the court is unaffected.

## II. REDACTION OF ELECTRONIC TRANSCRIPTS

- (6) Once a transcript is provided to the court, the attorneys in the case are (or, where there is a self-represented party, the party is) required to review the transcript to redact personal information covered by RCFC 5.2. An attorney or party in the case may review the transcript for redaction

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<sup>1</sup> This policy applies to transcripts of public proceedings made available via CM/ECF and PACER. This policy does not affect any court rules or ruling requiring the sealing or restriction of materials or the protection of sealed or restricted materials. *See* numbered paragraphs (12) and (14) of this policy.

purposes either by purchasing a copy from the court reporter or transcriber or by inspecting the transcript at the courthouse using the public terminal.

- (7) Within 7 calendar days after the clerk files the official transcript in CM/ECF, a party must file a Notice of Intent to Request Redaction. If a party does not file notice during the 7-day period, the court will assume that redaction of personal data is not necessary. The transcript will remain restricted during the 90-day period even if no notice is filed.
- (8) Within 21 days after the clerk files the official transcript in CM/ECF, the party must submit a redaction request to the official transcriber. The redaction request must list the places in the transcript where personal information to be redacted appears. During the 21-day period, the transcript will be available for inspection at the court's public terminal or for purchase from the court reporter or transcriber but will not be available remotely to the public on PACER or for copying from the court's public terminal until the 90-day restriction period has ended.
- (9) These procedures are limited to the redaction of the specific personal data identifiers listed in RCFC 5.2. During the 21-day period, or longer if the court so orders, a party may move the court for additional redactions to the transcript. If a party desires to respond to a motion for additional redaction, the court may establish a briefing schedule. The transcript will not be made available on the internet until the court has ruled on any such motion.
- (10) If a redaction request is not submitted within 21 calendar days (where the party has filed a Notice of Intent to Request Redaction), the court may enter an Order to Show Cause or an order directing the clerk to withdraw the Notice of Intent.
- (11) Within 31 calendar days after the filing of the transcript, or longer if the court so orders, the court reporter or transcriber must perform the requested redactions and submit a redacted version of the transcript for filing in CM/ECF.

**Policy Notes:**

- (12) This policy applies to transcripts of public proceedings made available via CM/ECF and PACER. It does not affect in any way the obligation of the court reporter or transcriber, pursuant to Judicial Conference policy, to promptly deliver to the clerk of court the court reporter's or transcriber's original records of a proceeding or the inclusion of a transcript with the records of the court.
- (13) Nothing in this policy changes any rules or policies with respect to sealing or redaction of court records for any other purpose.
- (14) This policy does not affect or limit the right of any party (or any other person or entity) to order production of a transcript on an expedited basis. This policy does not affect any court rules or ruling requiring the sealing or restriction of materials or the protection of sealed or restricted materials.
- (15) Extensions of time to comply with the deadlines set forth in this policy will not be routinely granted, due to the potential for delay of court of appeals proceedings in the event redaction procedures extend beyond 31 days.

**Questions** - Please direct all questions concerning this policy to the Office of the Clerk at (202) 357-6406.