

PROCEDURES FOR FILING HIGHLY SENSITIVE DOCUMENTS (HSDs)

• **Filing an HSD**

- A party filing an HSD pursuant to a court order shall submit to the Clerk's Office the HSD, a certificate of service, and a copy of the court order authorizing the treatment of that document as an HSD.
- The filing party must serve the HSD on the other parties by a manner specified in RCFC 5(b)(2) other than service via CM/ECF.
- To the extent possible, the submission should be in the form of an electronic copy on a secure electronic device as described in the court's March 9, 2021, Amended General Order; otherwise, the submission may be in the form of two (2) paper copies.
- The HSD must be submitted to the Clerk's Office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The outside of the envelope must be affixed with a copy of the HSD's caption page (with any highly sensitive information redacted).
- The HSD may be either hand delivered or delivered via secure mail (e.g., FedEx, UPS, or certified mail).
- Hand-delivered HSDs must be delivered to the Clerk's Office between the hours of 8:30 am and 4:30 pm. ***If building restrictions are in place, an HSD may be deposited in the court's night box located at the garage entrance on H Street N.W., between 15th Street and Madison Place. Absent building restrictions, HSDs should NOT be placed in the after-hours night box.***
- In advance of submitting an HSD, the filing party must contact the Clerk's Office at 202-357-6406 to advise of the estimated delivery time of the HSD and to arrange for the separate communication of the password if using a secure electronic device.
- Unless otherwise ordered by the court, within seven (7) days of filing the HSD, the filing party must file a redacted version of the HSD in CM/ECF, with the highly sensitive information removed.

• **Motion for leave to file an HSD**

- The motion must explain why the proposed document constitutes an HSD under the criteria identified in the court's March 9, 2021, Amended General Order or why it should otherwise be subject to the heightened protection for HSDs.
- The motion should be filed in CM/ECF but the HSD itself should not be included.
- If the motion does not include information covered by a protective order in the case, use the civil event **Motions and Related Filings → Motions → Leave to File a Highly Sensitive Document**.
- If the motion contains protected information, use the civil event **SEALED Filings → Sealed Motions → Leave to File a Highly Sensitive Document**.
- As soon as practicable after the motion is filed, the filing party must separately submit to the Clerk's Office a copy of the proposed HSD along with a certificate of service.
- The filing party must serve the proposed HSD on the other parties by a manner specified in RCFC 5(b)(2) other than service via CM/ECF.
- To the extent possible, the submission should be in the form of an electronic copy on a secure electronic device as described in the court's March 9, 2021, Amended General Order; otherwise, the submission may be in the form of two (2) paper copies.
- The proposed HSD must be submitted to the Clerk's Office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The outside of the envelope must be affixed with a copy of the proposed HSD's caption page (with highly sensitive information redacted).

- The proposed HSD may be either hand delivered or delivered via secure mail (e.g., FedEx, UPS, or certified mail).
 - Hand-delivered HSDs must be delivered to the Clerk's Office between the hours of 8:30 am and 4:30 pm. ***If building restrictions are in place, an HSD may be deposited in the court's night box located at the garage entrance on H Street N.W., between 15th Street and Madison Place. Absent building restrictions, HSDs should NOT be placed in the after-hours night box.***
 - In advance of submitting the proposed HSD, the filing party must contact the Clerk's Office at 202-357-6406 to advise of the estimated delivery time of the proposed HSD and to arrange for the separate communication of the password if using a secure electronic device.
 - If the motion is granted, unless otherwise ordered by the court, the filing party must, within seven (7) days of the court's order granting the motion, file a redacted version of the HSD in the court's electronic filing system, with the highly sensitive information removed.
- **Motion to designate an existing filing in CM/ECF as an HSD**
 - The motion must explain why such document constitutes HSD under the criteria identified in the court's March 9, 2021, Amended General Order or why it should otherwise be subject to the heightened protection for HSDs.
 - If the motion does not include information covered by a protective order in the case, use the civil event **Motions and Related Filings → Motions → Treat Previously Filed Document as Highly Sensitive.**
 - If the motion contains protected information, use the civil event **SEALED Filings → Sealed Motions → Treat Previously Filed Document as Highly Sensitive.**
 - If the motion is granted, unless otherwise ordered by the court, the filing party must, within seven (7) days of the court's order granting the motion, file a redacted version of the HSD in CM/ECF, with the highly sensitive information removed.

Note: For scenarios not outlined above, please contact the Clerk's Office at (202) 357-6406 for guidance.

For additional information regarding HSDs, please visit the court's website at <http://www.uscfc.uscourts.gov/node/3274>