

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

IN THE MATTER OF:)	No. 24-mc-00001
)	
PROCEDURES FOR THE FILING, SERVICE,)	GENERAL ORDER /
AND MANAGEMENT OF HIGHLY)	ADMINISTRATIVE POLICY
SENSITIVE DOCUMENTS)	2024-13
)	

GENERAL ORDER

The United States District Court for the Southern District of Indiana sets forth the following procedures to uniformly protect Highly Sensitive Documents ("HSDs"), a narrow subset of sealed documents that must, for their protection, be stored outside the court's Case Management/Electronic Case Filing (CM/ECF) system.

The court finds that pursuant to [Civil Rule 5\(d\)\(3\)\(A\)](#) and [Criminal Rule 49\(b\)\(3\)\(A\)](#), good cause exists to require all parties to file HSDs outside of the court's CM/ECF system.

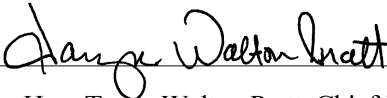
Therefore, **effective immediately** and until further order of the court, parties are **ORDERED** to file HSDs as provided in Attachment A. HSDs will be maintained by the clerk's office in a secure paper filing system.

This order supersedes all previous general orders regarding HSDs. To the extent this order is inconsistent with provisions of any existing local rules, this Order supersedes those provisions as well.

SO ORDERED.

For the Court,

Date: 5/10/2024



Hon. Tanya Walton Pratt, Chief Judge
United States District Court
Southern District of Indiana

ATTACHMENT A
(Revised May 2024)

I. Documents and Materials Subject to this Order

- (a) **Definition: A Highly Sensitive Document ("HSD")** is a document or other material that contains sensitive, but unclassified, information that warrants exceptional handling and storage procedures to prevent significant consequences that could result if such information were obtained or disclosed in an unauthorized manner. Although frequently related to law enforcement materials, especially sensitive information in a civil case could also qualify for HSD treatment.
- (1) **Examples of HSDs:** Examples include *ex parte* sealed filings relating to: national security investigations, cyber investigations, and especially sensitive public corruption investigations; and documents containing a highly exploitable trade secret, financial information, or computer source code belonging to a private entity, the disclosure of which could have significant national or international repercussions.
- (2) **Exclusions:** Most materials currently filed under seal do not meet the definition of an HSD and do not merit the heightened protections afforded to HSDs. The form or nature of the document, by itself, does not determine whether HSD treatment is warranted. Instead, the focus is on the severity of the consequences for the parties or the public should the document be accessed without authorization. Most presentence reports, pretrial release reports, pleadings related to cooperation in criminal cases, social security records, administrative immigration records, applications for search warrants, interception of wire, oral, or electronic communications under 18 U.S.C. § 2518, and applications for pen registers, trap, and trace devices would not meet the HSD definition.
- (b) **Presumed Highly Sensitive Documents**
- (1) Documents in cases implicating national security, cyber investigations, and especially sensitive public corruption investigations for which the United States of America presents the document as an HSD; and
- (2) Documents designated Highly Sensitive Documents by court order or applicable law.

II. Filing Procedures

- (a) **Filing procedures for presumed Highly Sensitive Documents**
- (1) A party filing an HSD that is presumed highly sensitive must submit two (2) paper copies of the HSD to the clerk's office, along with the certificate of service, and, if applicable, a copy of the court order or other law authorizing the treatment of that document as an HSD.

- (2) The documents must be in a sealed envelope marked “HIGHLY SENSITIVE DOCUMENT” and the HSD's caption page (with confidential information redacted) must be affixed to the outside of the envelope.
- (3) Unless permitted by court order to proceed otherwise, the filing party must serve the HSD on the other parties as follows:
 - i. Civil cases - by any manner specified in [Civil Rule 5\(b\)\(2\)](#), except that service under section (b)(2)(E) (via the court's electronic filing system or other electronic means, including email), is not permitted.
 - ii. Criminal cases - by any manner specified in [Criminal Rule 49\(a\)\(4\)](#),
- (4) The clerk's office will make a sealed informational docket entry in the court's electronic filing system indicating that the HSD was filed with the court and will maintain the HSD in a secure paper filing system.

(b) Filing procedures for documents not presumed Highly Sensitive Documents

- (1) The party must file under seal a Motion to Treat Document as an HSD and a proposed order under existing procedures (if the party is represented, the Motion and proposed order may be filed electronically via CM/ECF; if the party is pro se, the Motion and proposed order must be filed on paper, either in person or by mail, or in any other manner authorized by the court). The motion must explain why the proposed HSD should be subject to the heightened protection for HSDs.
- (2) As soon as practicable after the motion is filed, the filing party must deliver to the clerk's office two (2) paper copies of the proposed HSD along with a certificate of service, packaged as specified above in section II(a)(2).
- (3) The filing party must serve the proposed HSD on the other parties as specified above in section II(a)(3).
- (4) The court will issue an order on the motion. If the motion is granted, a sealed informational entry will be made on the case docket indicating that the HSD has been filed with the court. The clerk's office will maintain the HSD in a secure paper filing system. If the motion is denied, the court will return the document to the filing party and note the same on the case docket. The filing party may then elect to file the document in the normal manner.

III. Order Granting HSD Designation

An order granting a motion seeking HSD designation, or directing the filing of a document as an HSD on the court's own motion, will ordinarily:

- (a) State the identity of the persons who are to have access to the documents without further order of court; and
- (b) Set forth instructions for the duration of HSD treatment.

IV. Questions About HSD Filing Procedures

Questions about HSD classification and filing procedures should be directed to the clerk's office at (317) 229-3700.