

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

**INTERIM GENERAL ORDER REGARDING PROCEDURES
FOR THE FILING, SERVICE, AND MANAGEMENT OF
HIGHLY SENSITIVE DOCUMENTS**

Because of the recent disclosures of wide-spread breaches of both private sector and government computer systems, federal courts are immediately adding new security procedures to protect highly sensitive documents filed with the courts.

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 certain highly sensitive documents outside the Court's electronic filing system.

IT IS HEREBY ORDERED that, effective as of the date of this order and until the Court orders otherwise, the filing of certain Highly Sensitive Documents (HSD) shall be subject to the procedures and requirements set forth below. This General Order supersedes all inconsistent provisions in existing local rules or other general orders of this Court.

1. Documents Subject to this Order

The filing procedures set forth below apply to documents that contain highly sensitive information:

- a. These types of documents are deemed HSDs: Title III applications for electronic surveillance under 18 U.S.C. § 2518; Motions pursuant to § 5K1.1 of the United States Sentencing Guidelines or pursuant to Rule 35 of the Federal Rules of Criminal Procedure; and Criminal case documents referencing cooperation.
- b. Any document that a party believes contains information that is so sensitive that disclosure would cause a high risk of imminent and extreme harm to an identifiable person or entity, would expose trade secrets, or would breach national security.
- c. Any dispute about whether a document is an HSD will be resolved by the presiding judge or, when no presiding judge is assigned, the Chief Judge.

2. Filing of Motions to Treat a Document as an HSD

- a. A party shall file a Motion under seal to treat a document as an HSD electronically on CM/ECF, except that a copy of the proposed HSD shall not be filed electronically.
- b. As soon as practicable after the motion is filed, the filing party shall deliver to the Clerk's Office two copies of the HSD sought to be filed or a copy on a secure

electronic device. These documents or secure electronic devices should be securely packaged and labeled HIGHLY SENSITIVE DOCUMENT.

- c. The filing party shall serve the HSD on the other parties as follows:
 - i. Civil cases - by any manner specified in Civil Rule 5(b)(2), except for service through the Court's electronic filing system; or
 - ii. Criminal cases - by any manner specified in Criminal Rule 49(a)(3)(B) or (a)(4).
- d. The Court will issue an order on the motion and, if granted, the Clerk will make an informational entry on the case docket showing that the HSD has been filed with the Court. The Clerk's Office will maintain the HSD in a secure paper filing system or a secure standalone computer system that is not connected to any network.

3. Questions about HSD Filing Procedures

Any party with questions about how an HSD should be filed with the Court pursuant to this General Order should call the Clerk's Office at 401-752-7200.

IT IS SO ORDERED.

By the Court:

January 13, 2021

/s/ John J. McConnell Jr., Chief Judge