**A Reminder about E-Filing Confidential Information**

With the advent of electronic filing in Vanderburgh County, attorneys need to be aware of the changes Indiana Trial Rule 86(M) creates to e-filing a document with the Court that contains confidential information. With e-filing, there is no longer the need to file a document containing confidential information on “green paper.”

If the document contains BOTH public information and confidential information that is necessary for the disposition of the case, the party must file the following three (3) documents electronically which may be in the same envelope:

1. a public access version of the document. This is a public document and is e-filed as the lead document with the confidential text redacted or omitted-remember to leave blank space for the redacted text.
2. a non-public access version. This is filed as a confidential document and is e-filed as a lead document. Do not redact.
3. a Notice of Exclusion. This is a public document and is e-filed separately as a lead document with the “Notice of Exclusion” filing code. An example of a Notice of Exclusion is below.

The court sees this above issue most commonly occur for e-filed proposed orders which contain a complete Social Security Number which is confidential under Administrative Rule 9(G)(2)(f) or a complete account number which is confidential under Administrative Rule 9(G)(2)(h).

If the document contains BOTH public information and confidential information that is NOT necessary for the disposition of the case, the party must file the following two (2) documents electronically which may be in the same envelope:

1. a public access version of the document. This is a public document and is e-filed as the lead document with the confidential text redacted or omitted-remember to leave blank space for the redacted text.
2. a Notice of Exclusion. This is a public document and is e-filed separately as a lead document with the “Notice of Exclusion” filing code. An example of a Notice of Exclusion is below.

If the entire contents of the document are NOT confidential, the party only files a public access version of the document.

If the entire contents of the document ARE confidential, the party must file the following two (2) documents electronically which may be in the same envelope:

1. a non-public access version. This is filed as a confidential document and as a lead document. Do not redact.
2. a Notice of Exclusion. This is a public document and is e-filed separately as a lead document with the “Notice of Exclusion” filing code. An example of a Notice of Exclusion is below.

If the entire case is confidential by rule or statute, the party only e-files the non-public access version as a confidential document. All documents in the case are confidential.

Please review Indiana Trial Rule 86 and Administrative Rule 9 for further guidance on this topic.

**Form Administrative Rule 9-G2**

STATE OF INDIANA

IN THE \_\_\_\_\_\_\_\_\_\_\_\_\_ COURT, COUNTY OF\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, )

Plaintiff(s), )

) Case No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

vs. )

)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, )

Defendant(s) )

**Administrative Rule 9(G)(5) Notice of Exclusion**

**of Confidential Information from Public Access**

Contemporaneous with the filing of this notice, [party name] has tendered confidential information on the “Not for Public Access” or “Confidential” Version in accordance with Administrative Rule 9(G)(6). Pursuant to Administrative Rule 9(G)(5), [party name], provides this notice that the confidential information contained on the “Not for Public Access” or “Confidential” Version is to remain excluded from public access in accordance with the authority listed below:

|  |  |
| --- | --- |
| Name or description of document  tendered on green paper.  [List here] | Administrative Rule 9(G) grounds upon which exclusion is authorized.  [List 9(G) grounds here.]  [NOTE: *If 9(G)(2)(a), 9(G)(2)(b) or 9(G)(3)(b) provides the basis for exclusion, you must also list the specific law, statute, or rule declaring the information confidential.*] |

Dated this day of , 20 . Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Signature]

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Administrative Rule 9(G)(5) Notice of Exclusion of Confidential Information from Public Access has been served upon:

*[here insert method of service]* on *[here insert the name and address for mailing purposes].*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name of attorney)