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MAY 24, 2024  
  
CLERK US DISTRICT COURT  
DISTRICT OF ARIZONA  
  
BY s/ M. Everett DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

In the Matter of

HIGHLY SENSITIVE DOCUMENTS

GENERAL ORDER 24-07

**SUPERSEDES GENERAL ORDER 21-04**

In response to disclosures of widespread breaches of private sector and government computer systems, federal courts immediately implemented procedures to protect highly sensitive documents (HSDs) filed with the courts.

**THE COURT FINDS** that, pursuant to Fed. R. Civ. P. 5(d)(3)(A) and Fed. R. Crim. P. 49(b)(3)(A), good cause exists to permit the filing of HSDs outside of the Court's Case Management and Electronic Case Filing (CM/ECF) system. These documents shall remain under seal until further order of the Court.

**IT IS HEREBY ORDERED** that the Court has adopted the following procedures governing the filing of HSDs. The procedures are effective as of the date of this Order and until such time as the Court orders otherwise.

**IT IS FURTHER ORDERED** this General Order supersedes any inconsistent provisions in existing local rules or other standing orders of this Court.

**Procedures Governing the Filing of Highly Sensitive Documents Outside the Court's Case Management and Electronic Case Filing (CM/ECF) System**

The filing of HSDs shall be subject to the procedures and requirements set forth below. In all cases, the filing party bears the burden to identify any proposed HSDs and file a motion to designate HSDs pursuant to these procedures.

1     **Section 1. Documents and Materials Subject to this Order**

2     **Definition:** A **Highly Sensitive Document (HSD)** is a document or other material that  
3 contains sensitive, but unclassified, information that warrants exceptional handling and  
4 storage procedures to prevent significant consequences that could result if such information  
5 were obtained or disclosed in an unauthorized manner. Although frequently related to law  
6 enforcement materials, especially sensitive information in a civil case could also qualify  
7 for HSD treatment.

8         **Examples of HSDs:** Examples include *ex parte* sealed filings relating to:

9         A. national security investigations,

10        B. cyber investigations,

11        C. especially sensitive public corruption investigations; and

12        D. documents containing a highly exploitable trade secret, financial information, or  
13 computer source code belonging to a private entity, the disclosure of which could  
14 have significant national or international repercussions.

15        E. Documents whose sensitivity rises to the level of the types of documents listed  
16 in Section 1.A through 1.D above and are designated as "highly sensitive" by the  
17 Court.

18         **Exclusions:** Most materials currently filed under seal do not meet the definition of  
19 an HSD and do not merit the heightened protections afforded to HSDs. The form or nature  
20 of the document, by itself, does not determine whether HSD treatment is warranted.  
21 Instead, the focus is on the severity of the consequences for the parties, or the public should  
22 the document be accessed without authorization. Most presentence reports; pretrial release  
23 reports; pleadings related to cooperation in most criminal cases; social security records;  
24 administrative immigration records; applications for search warrants, interception of wire,  
25 oral, or electronic communications under 18 U.S.C. § 2518; and applications for pen  
26 registers, trap and trace devices would not meet the HSD definition.

27         HSDs vary in their physical form and characteristics. They may be paper, electronic,  
28 audiovisual, microform, or other media. The term "document" includes all recorded

1 information, regardless of its physical form or characteristics.

## 2 **Section 2. Procedure to Designate Highly Sensitive Documents**

3 The filing party shall deliver in paper to the Clerk's Office, one original and a copy  
4 of: the Motion to Designate Highly Sensitive Documents, the proposed Highly Sensitive  
5 Documents, a Proposed Order to Designate Highly Sensitive Documents that are to be filed  
6 outside of CM/ECF and remain sealed until otherwise ordered; and unless the documents  
7 are submitted *ex parte*, a certificate of service for the motion. The motion shall explain why  
8 each proposed document should be afforded treatment as an HSD under the criteria set  
9 forth in Section 1 and whether the motion is opposed.

10 Both the original and copy are to be submitted in a sealed envelope, marked  
11 "HIGHLY SENSITIVE DOCUMENT." The outside of the envelope shall be affixed with  
12 a copy of the motion's first page (with confidential information redacted) and the CM/ECF  
13 case number, unless the documents subject to the motion are case initiating documents for  
14 which a case number has not yet been assigned.

15 Any response to the Motion to Designate Highly Sensitive Documents must be filed  
16 within 14 days of the filing of the Motion to Designate. The response shall be filed in paper  
17 in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The first page of the  
18 response shall be affixed to the outside of the envelope (with confidential information  
19 redacted). The filing must include the original and one copy of the Response to the Motion  
20 to Designate Highly Sensitive Document and the face page of the motion to which the  
21 response applies, including a certificate of service. No replies are permitted.

22 Clerk's Office staff will docket a Notice of Receipt of an HSD Motion and any  
23 response in CM/ECF as an entry restricted to court staff. The Clerk's Office will store the  
24 HSD-related documents in a secure paper filing system.

25 If the Court grants the Motion to Designate Highly Sensitive Documents, Clerk's  
26 Office staff will docket an entry in CM/ECF that is restricted to court staff. The Clerk's  
27 Office will then store the motion, order, and related filings in a secure paper filing system.  
28 The order must state the identity of the persons who are to have access to the documents

1 without further order of the court and set forth instructions for the duration of HSD  
2 treatment. HSDs are stored temporarily or permanently offline as the situation requires.  
3 Therefore, when designating a document as an HSD, the order should indicate when the  
4 designation will automatically lapse.

5 If the Court denies the Motion to Designate Highly Sensitive Documents, Clerk's  
6 Office staff will docket the motion, order, and any related documents under seal in  
7 CM/ECF unless otherwise ordered.

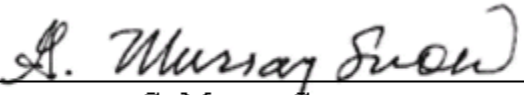
8 If a party seeks to designate documents currently filed in CM/ECF as HSDs, the  
9 party must file a Motion to Designate Highly Sensitive Documents as detailed above. The  
10 motion and proposed order shall contain the specific document numbers to be deleted from  
11 CM/ECF. If the motion is granted, previously filed documents that are designated HSDs  
12 will be stored in the secure paper filing system and deleted from CM/ECF.

13 This Order does not change any filing procedures for documents that are considered  
14 sensitive or confidential and filed under seal but do not meet the definition of HSDs. Any  
15 questions about how an HSD should be filed with the Court pursuant to this Order should  
16 be directed to the Clerk's Office.

### 17 **Section 3. Protective Orders for Highly Sensitive Documents**

18 If a party requests a protective order regarding disclosure of HSD information, the  
19 Court's determination that a document is an HSD is "good cause" for an appropriate  
20 protective order under Fed.R.Crim.P.16(d)(1) or Fed.R.Civ.P.26(c)(1).

21 Dated this 24<sup>th</sup> day of May, 2024.

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24 G. Murray Snow  
25 Chief United States District Judge  
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