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FEBRUARY 26, 2021  
  
CLERK US DISTRICT COURT  
DISTRICT OF ARIZONA  
  
BY s/M. Everette DEPUTY

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

In the matter of  HIGHLY SENSITIVE DOCUMENTS	GENERAL ORDER 21-04
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In response to recent disclosures of widespread breaches of private sector and government computer systems, federal courts are immediately implementing 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

1 file a motion to designate HSDs pursuant to these procedures.

2 **Section 1. Documents Subject to this Order**

3 The following types of documents may qualify as HSDs:

- 4 A. Documents related to unclassified matters of national security or which could  
5 potentially harm (or negatively impact) the foreign relations of the United  
6 States.
- 7 B. Documents related to foreign sovereign interests that, if disclosed, would  
8 create a risk to national security.
- 9 C. Documents related to criminal activities involving cybersecurity, intellectual  
10 property, or trade secrets; international terrorism; federal public officials; or  
11 the reputational interests of the United States; and that, if disclosed, would  
12 create a risk to national security.
- 13 D. Documents related to investigations of local, state, or federal elected or  
14 appointed officials as targets, or elections integrity or infrastructure.
- 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  
17 the Court.

18 The following types of documents generally are not considered HSDs: presentence  
19 reports; pretrial release reports; filings and documents related to pleas and sentencing and  
20 petitions for compassionate release and/or other sentencing relief; pleadings related to  
21 cooperation in most criminal cases; social security case documents; immigration  
22 documents; and sealed filings in most civil cases.

23 In considering whether to seek HSD designation for a particular filing, the filing  
24 party should weigh the risk of adverse consequences from unauthorized access or  
25 disclosure against the burden of seeking such a designation. After weighing those  
26 considerations, the filing party may decide not to seek HSD designation for a particular  
27 filing, even if the matter may implicate national security concerns. A filing party's decision  
28 not to seek HSD designation for a particular filing is not evidence of whether the filing or

1 matter implicates national security concerns.

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 If the Court denies the Motion to Designate Highly Sensitive Documents, Clerk’s

1 Office staff will docket the motion, order, and any related documents under seal in  
2 CM/ECF unless otherwise ordered.

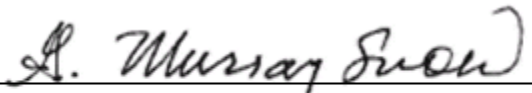
3 If a party seeks to designate documents currently filed in CM/ECF as HSDs, the  
4 party must file a Motion to Designate Highly Sensitive Documents as detailed above. The  
5 motion and proposed order shall contain the specific document numbers to be deleted from  
6 CM/ECF. If the motion is granted,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

8 This Order does not change any filing procedures for documents that are considered  
9 sensitive or confidential and filed under seal but do not meet the definition of HSDs.

10 **Section 3. Protective Orders for Highly Sensitive Documents**

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

14 Dated this 26<sup>th</sup> day of February, 2021.

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17 G. Murray Snow  
18 Chief United States District Judge  
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