

AMENDED BANKRUPTCY RULES AND FORMS AS OF DECEMBER 1, 2003

October 8, 2003

At its September 2002 session, the Judicial Conference of the United States approved proposed amendments to the Federal Rules of Bankruptcy Procedure and the Official Forms which will implement the Conference policy on privacy and public access to electronic court files. Barring Congressional action, these amendments will become effective **December 1, 2003**. The privacy policy provides that the court collect the debtor's full social security number, but display only the last four digits. The implementation of this policy also calls for the debtor to list only the last four digits of account numbers on schedules and to omit certain other personal identification information. The notice of the section 341 meeting that is mailed to creditors will contain the full social security number to assist the creditor in correctly identifying the debtor.

Key Changes to Rules:

Rule 1005 will be amended to require that the debtor list only the last four digits of the debtor's social security number, but the federal tax identification number and any other federal identifier must be provided in full.

Rule 1007 will be amended to require the debtor to submit a verified statement of the debtor's full social security number with the petition or within 15 days after the petition is filed. This statement will be "submitted" rather than "filed" and will not become part of the case file available to the public over the Internet. To assist the court in making judicial disqualification decisions, Rule 1007 is also amended to add an obligation that corporate debtors include information regarding their owners that are also corporations.

Rule 2002 will be amended to require the clerk to include the debtor's full social security number on the notice of the section 341 meeting that is sent to creditors, but not on the copy that becomes part of the court file.

Rule 2016 is amended to provide that bankruptcy petition preparers must disclose any compensation paid to them or promised to them.

Rule 7007.1 requires the parties in adversary proceedings to disclose the names of corporate entities that own 10% or more of the stock of a corporate litigant. The purpose of the rule is to aid the court in making judicial qualification decisions.

Amendments to Official Forms: 1, 3, 5, 6, 7, 8, 9, 10, 16A, 16C and 19

Petition, Schedules, Statement of Financial Affairs, Proof of Claim Form will be amended to

require that a debtor or creditor disclose only the last four digits of the debtor's or creditor's social security or other taxpayer identification number.

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Schedule D, E & F instructions will be amended to inform the debtor that the debtor's account number with a listed creditor is useful to the trustee and to the creditor and should be provided whenever practicable, but the schedules will not require the number to be provided.

Schedule I will be amended to provide greater privacy to minors and other dependents of the debtor by deleting the requirement that the debtor disclose their names.

Proof of Claim form will be amended to require a wage creditor to disclose only the last four digits of the creditor's social security number.

Petition Preparers:

Pursuant to section 110(c) of the Bankruptcy Code, non-attorney bankruptcy petition preparers must continue to provide the full social security number of the individual who actually prepares the documents.

**Who is responsible for insuring only the last four digits
are provided to the public?**

The person filing the document, not the bankruptcy clerks' office, is responsible for redacting the social security numbers and other personal identifiers such as dates of birth, financial account numbers, and names of minor children in documents they file with the court. In addition, caution should be used when filing documents that contain the following: (1) medical records, treatment and diagnosis, (2) employment history, (3) individual financial information, and (4) proprietary or trade secret information. The responsibility to redact personal identifiers from pleadings, or not to include such information at all, rests solely with counsel and parties. The clerks' office will not review each pleading or attachment for compliance with the policy. The Amendments are not retroactive. Courts will not have to go back and redact documents filed before adoption of the Rules. Likewise, courts will not be required to eliminate electronic access to documents that could be electronically accessed prior to the policy. The court's CM/ECF system will be upgraded to conform with the amended rules. Also, there is a new national form, Official Form B21 "Statement of Social Security Number(s)," that will be used to provide the court with the debtor's full social security number.

Additional information regarding the new privacy requirements is available on the Federal Rulemaking page of the Judiciary's website at <http://www.uscourts.gov/rules>. Click on "Pending Rules of Amendments Awaiting Final Action," and then select "Amendments Submitted to the Judicial Conference (Sept. 2002)."