

## **Supreme Judicial Court Approves Interim Guidelines to Prevent Identity Theft**

The Justices of the Supreme Judicial Court recently approved Interim Guidelines designed to protect against identity theft by having court filers omit or delete certain personal identifying information, such as social security numbers, in criminal and civil court documents. The Guidelines for the Protection of Personal Identifying Data (PID) in Publicly Accessible Court Documents are non-binding and take effect on September 1, 2009.

The Interim Guidelines apply only to court documents that are publicly available. It is solely the filer's responsibility to delete or omit data. The Guidelines contain a number of exemptions for situations when personal information may be necessary to include in documents because it is required by law or court rules or for other specific reasons.

A subcommittee of the SJC Standing Advisory Committee on the Rules of Civil and Appellate Procedure, chaired by Assistant Attorney General Peter Sacks, thoroughly studied the issue of personal data in court documents. After reviewing the Federal rules on personal identifying data, which took effect in 2007, the subcommittee surveyed judges, court personnel and others in the Massachusetts courts to determine how rules requiring partial redaction might apply in the state courts. The subcommittee focused on specific elements of PID that would be useful in committing identity theft. Interim Guidelines were developed to begin to protect personal information in public court documents and to gain experience that will help in formulating a rule at a later date. Following further internal review, the subcommittee invited widespread public comment on the proposed Interim Guidelines in 2008. Based on input received, the Interim Guidelines were revised and approved by the subcommittee and the Standing Advisory Committee on the Rules of Civil and Appellate Procedure, and then recommended to the Supreme Judicial Court.

The Interim Guidelines and a summary fact sheet are available in court clerks' offices statewide, and can be found at [www.mass.gov/courts/sjc/personal-data-guidelines.html](http://www.mass.gov/courts/sjc/personal-data-guidelines.html). Comments and suggestions can be sent to [PIDGuidelines@sjc.state.ma.us](mailto:PIDGuidelines@sjc.state.ma.us) or to PID Guidelines, Supreme Judicial Court, One Pemberton Square, Suite 2500, Boston, MA 02108.

###