

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED
FEB 19 2021

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

IN RE:)
PROCEDURES FOR THE FILING,)
SERVICE, AND MANAGEMENT OF)
HIGHLY SENSITIVE DOCUMENTS)
)

GENERAL ORDER 21-07

WHEREAS, in response to recent disclosures of wide-spread breaches of both private sector and government computer systems as part of what is suspected to be an intelligence-gathering operation by a hostile foreign government, federal courts are immediately adding new security procedures to further protect highly sensitive documents 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 require all parties to file certain highly sensitive documents, as defined herein, outside of the Court’s electronic filing system.

THEREFORE, IT IS HEREBY ORDERED that, effective as of the date of this order and until such time as the Court orders otherwise, the filing, service, and management of certain highly sensitive documents, as defined herein, shall be subject to the procedures and requirements set forth below. This General Order supersedes and vacates General Order 21-03 and supersedes any and all inconsistent provisions in the Court’s existing local rules or other general orders. This General Order does not limit or preclude the filing of documents under seal in accordance with existing procedures.

1. Documents Subject to this Order

- a. The procedures set forth below apply only to documents that contain highly sensitive information or which the filing party believes to contain highly sensitive information. Highly Sensitive Documents (HSDs) are documents that contain highly sensitive information that is likely to be of interest to the intelligence service of a hostile foreign government and whose use or disclosure by a hostile foreign government would likely cause significant harm. Very few documents filed in federal court would be considered HSDs.
- b. The Court nevertheless anticipates that HSDs may be part of cases involving the following subject matters: national security, foreign sovereign interests, cybersecurity, ongoing law enforcement investigations including search warrant applications and wiretaps involving highly sensitive information as defined above, intelligence gathering operations, information that would put at risk the safety of public officials or the integrity of governmental operations, non-public intellectual property including trade secrets whose disclosure would

benefit a hostile foreign government, and the reputational interests of the United States.

- c. The Court anticipates that the following types of documents will not generally be considered HSDs: presentence reports; pretrial release reports; pleadings related to cooperation in criminal cases; grand jury proceedings; juvenile proceedings; Social Security records; administrative records in immigration cases; most sealed filings in civil and criminal cases; and applications for search warrants and applications for electronic surveillance under 18 U.S.C. § 2518, unless they satisfy the definition of HSD above.
- d. Disputes as to whether a particular document is an HSD shall be resolved by the presiding district or magistrate judge or, when no presiding judge is assigned, by the chief judge.

2. Motion to Treat Document as an HSD

If a represented party or pro se party has a filing it believes is an HSD as described in paragraph 1 above, the party must seek leave of the Court for such treatment.

- a. The party shall file, in accordance with paragraph 3 below, a motion to treat the document as an HSD (HSD Motion).
- b. The HSD Motion shall explain, in detail, why the proposed document constitutes an HSD under the criteria set out in paragraph 1 above or why it should otherwise be subject to the heightened filing protection for HSDs.

3. Administrative Procedures for HSDs

The filing, service, and management of HSDs, including HSD Motions, shall be subject to the additional procedures and requirements set forth in the Administrative Procedures for Highly Sensitive Documents, available on the court's website at www.oknd.uscourts.gov.

4. Service of Highly Sensitive Court Orders

If the Court determines that a court order contains highly sensitive information, the Clerk's Office will file and maintain the order in a secure paper filing system and will serve paper copies of the order on the parties via mail.

5. Removal of Existing HSDs or Stripping of Highly Sensitive Cases from the Court's Electronic Filing System

- a. Upon motion of a party or upon its own motion, the Court may determine that a document or case that has been filed electronically is highly sensitive and direct that the HSD be removed or that the case information

be stripped from the Court's electronic filing system and maintained by the Clerk's Office in a secure paper filing system.

- b. A party's motion to remove an HSD or to strip a highly sensitive case from the Court's electronic filing system shall explain why such case or document is highly sensitive under the criteria set out in paragraph 1 above or why it should otherwise be subject to the heightened filing protections for HSDs.
- c. The party's motion shall be filed in accordance with paragraph 3 above.

6. Questions about HSD Filing Procedures

Any questions about how an HSD should be filed with the court pursuant to this General Order should be directed to the Clerk's Office.

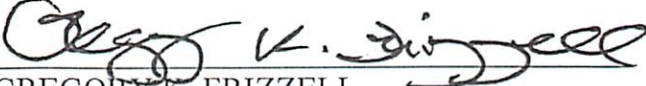
IT IS SO ORDERED this 19th day of February, 2021.



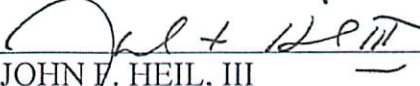
JOHN E. DOWDELL
CHIEF UNITED STATES DISTRICT JUDGE



CLAIRE V. EAGAN
UNITED STATES DISTRICT JUDGE



GREGORY K. FRIZZELL
UNITED STATES DISTRICT JUDGE



JOHN V. HEIL, III
UNITED STATES DISTRICT JUDGE



TERENCE C. KERN
UNITED STATES DISTRICT JUDGE