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Redaction and Bankruptcy Rule 9037

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Bankruptcy Rule 9037 was adopted to be in compliance with the E-Government Act of 2002, Public Law No. 107-347. The rule requires that social security numbers, taxpayer identification numbers, birth dates, names of individuals other than the debtor who are known to be minors, and financial account numbers must be redacted from all documents and information filed with the court.

The redaction must be in the form of completely eliminating all but the last four digits of the social security number and taxpayer identification number, all but the year of the individual's birth, and only the initials of a minor may be visible. Only the last four digits of a financial account number may be visible. This redaction can be made by using a very dark marker to completely cover any of the above information that is contained on documents filed with the court. Trial exhibits are also subject to Rule 9037 to the extent that they are filed with the court.

A recent trend of adversarial proceedings being filed in the bankruptcy courts alleging violations of this rule is being observed. There is no doubt that many courts will issue sanctions for this type of infraction.

What if you have already filed a document in violation of this rule? You should immediately file an appropriate motion with the court to have the documents stricken from the record. Some courts will grant this motion without a hearing and direct the clerk of the court to expunge documents that contain information in violation of this rule from the electronic case filing system and all court files.

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