

**Second Study Commission
Civil Law and Procedure
Questionnaire 2021**

HOW DATA PROTECTION RULES ARE IMPACTING ON CIVIL LITIGATION

Do you store digital data in your jurisdiction?

Yes, all US Federal Courts (hereafter US Courts) digitize and store case information in separate information systems, typically called case management systems. Separate information systems are used by State Court jurisdictions.

How is it stored and for how long?

Data storage and retention standards are dependent upon the type of data being stored. The Judiciary stores digital data in various types of databases, and retains data in accordance with various statutory and Judicial Conference requirements. Most data are stored indefinitely until archived.

Who has access to the digital data in your jurisdiction?

The US Courts provide access to public records to all interested parties and to the press and to the public. Non-public data access is limited to individuals who are authorized to have access to the data, such as the Court and counsel. The system called PACER permits access (for a fee) to copies of documents, transcripts, and uploaded audio of proceedings. The PACER system provides nationwide access for users to listen to audio recordings of specific court sessions, although not in video format.

Are there digital data protection rules in place in your jurisdiction?

Yes, there are policies in place to ensure the privacy and security of the data and systems that serve the US Courts. Furthermore, confidentiality Orders which require sealing of certain documents in certain limited cases must first be approved by the assigned Judge and all subsequent filings in that case docket which are subject to the Confidentiality Order must be filed under seal and will not be accessible on the public docket or exist in digital format.

Who covers the costs relating to the storage and protection of the digital data in your Jurisdiction?

Costs related to the storage and protection of digital data in the US Courts are covered through a combination of appropriated funds from Congress and fees collected for accessing data through the PACER system.

Respectfully submitted by:

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