

## **List of Documents Automatically Sealed after an Order Grants a Party’s Motion for Leave to File a Document under Seal<sup>1</sup>**

Local Rule 5 addresses “permission-sealed” documents that are automatically filed under seal after an order of the court grants a party’s motion for leave to file a document under seal. Namely, Local Rule 5(c)(1) provides:

**Filing Sealed Documents.** Unless otherwise authorized by these rules, the ECF Procedures Manual, or a statute of the United States, a party seeking to file documents under seal first must file a motion requesting leave to do so. The documents sought to be filed under seal must **not** be attached to the motion or they will become part of the public case file. Instead, the documents must be described in the motion with sufficient particularity to enable the court to rule on the motion without reviewing the documents.

1. If an order is entered granting a motion to file documents under seal or directing a party to file documents under seal, then the parties thereafter must, without obtaining a further order from the court, . . . electronically file under seal all documents covered by the order.<sup>[2]</sup> The parties also must file under seal all documents referring to or disclosing confidential information in the sealed documents.

There are three categories of “permission-sealed” documents: **(1) Document Sealed (Access Provided to Court Users and Attorneys of Record when Applicable and Limited Access Provided to Public); (2) Document and Docket Entry Sealed (Access Provided to Court Users and Attorneys of Record when Applicable); and (3) Private Document and Docket Entry Sealed (Access Provided to Court Users).** Each category has a specific restriction level for the listed documents.

Generally, a document filed under seal is electronically accessible only to the court and counsel of record. Some documents filed under seal in

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<sup>1</sup> Documents, rather than cases, are addressed herein. Some cases, because of their nature, are sealed by the court. Consequently, all documents filed in certain cases denoted by cr (criminal), cv (civil), mj (magistrate judge), pr (pen register), wt (wiretap), gj (grand jury), and sm (sealed miscellaneous) may be sealed. The court may unseal a case and its related documents as circumstances warrant. For example, a qui tam case is filed under seal and such case remains sealed until certain events occur.

<sup>2</sup> If the court enters a protective order, the parties must abide by the parameters for filing sealed documents that are set forth in such order. Even if a protective order has been entered by the court, circumstances may dictate that a party must file a motion for leave to file a document under seal to ensure that filing a document under seal is permissible.

criminal [and civil] cases are electronically accessible only to the court.

Local Rule 5(c)(3). Before electronically filing a document, a filer should consider whether the document will appear on the docket sheet<sup>3</sup> as a docket entry, who is able to electronically access the document, and how and to whom notice of the filed document is provided. In the interest of justice, the court may sua sponte seal a docket entry and/or a document, but it is the filer's responsibility to exercise caution when electronically filing a document that contains sensitive information, including but not limited to information that is listed in Local Rule 10(g).

The three categories of "permission-sealed" documents are described in detail below.<sup>4</sup>

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<sup>3</sup> The clerk's office maintains a docket sheet for all cases filed in the United States District Court for the Northern District of Iowa. Each document entered on the docket sheet is associated with a number and a docket entry that includes the date filed and docket text.

<sup>4</sup> Within each category, an asterisk denotes the listed document is a court filed document, rather than a party filed document, and cr, cv, or cr/cv denote the listed document is filed in criminal cases and/or civil cases. The ECF system provides a menu from which a filer selects an event for the document being filed. A filer must rely on and select from the events that are available in the ECF system. Where an event notes that access is based on the applicable or selected parties, a filer should consider what limits to access are appropriate before selecting and utilizing the event to file a document. Resources regarding the ECF system are available on the court's website.

**(1) Document Sealed (Access Provided to Court Users and Attorneys of Record when Applicable and Limited Access Provided to Public)**—A document listed under this category appears on the docket sheet as a docket entry for court users, attorneys of record, and members of the public, is electronically accessible by court users and attorneys of record, and generates a Notice of Electronic Filing (NEF) that is sent to the case participants; after a document listed under this category is electronically filed, it is not available to members of the public, but a member of the public, which includes an individual using the court’s public terminal or PACER, is able to view the docket entry in the ECF system.

The **Document Sealed (Access Provided to Court Users and Attorneys of Record when Applicable and Limited Access Provided to Public)** category<sup>5</sup> includes the following:

- Criminal Complaint (SEALED)—cr\*
- Information-Felony (SEALED) AP-DTP—cr\*
- Motion-Generic (SEALED) AP-DTP—cr/cv
- Response to Motion (SEALED) AP-DTP—cr/cv
- Order on Sealed Motion (SEALED) AP-DTP—cr\*/cv\*
- Correspondence (SEALED) AP-DTP—cr\*/cv\*
- Document-Generic (SEALED) AP-DTP—cr/cv
- Notice of Filing Sealed Exhibits (SEALED) AP-DTP—cr/cv
- Status Report (SEALED) AP-DTP—cr
- Sentencing Memorandum (SEALED) AP-DTP—cr
- Notice Regarding Revocation Issues (SEALED) AP-DTP—cr
- Motion to Reduce Sentence CARES Act (SEALED) AP-DTP—cr
- Order on Sealed Motion to Reduce Sentence CARES Act (SEALED) AP-DTP—cr\*
- Motion to Reduce Sentence First Step Act (SEALED) AP-DTP—cr
- Order on Sealed Motion to Reduce Sentence First Step Act (SEALED) AP-DTP—cr\*
- Motion to Reduce Sentence Compassionate Release (SEALED) AP-DTP—cr
- Order on Sealed Motion to Reduce Sentence Compassionate Release (SEALED) AP-DTP—cr\*
- Motion to Reduce Sentence Second Chance Act (SEALED) AP-DTP—cr
- Order on Sealed Motion to Reduce Sentence Second Chance Act (SEALED) AP-DTP—cr\*
- Motion to Reduce Sentence USSC Amendment (SEALED) AP-DTP—cr
- Order Denying Sentence Reduction USSC Amendment (SEALED) AP-DTP—cr\*
- Order Granting Sentence Reduction USSC Amendment (SEALED) AP-DTP—cr\*

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<sup>5</sup> Within this category, AP (applicable parties) indicates access to the document and the docket entry is provided to applicable parties, and DTP (docket text public) indicates access to the docket entry is provided to the public.

**(2) Document and Docket Entry Sealed (Access Provided to Court Users and Attorneys of Record when Applicable)**—A document listed under this category appears on the docket sheet as a docket entry for court users and attorneys of record, is electronically accessible by court users and attorneys of record, and generates a Notice of Electronic Filing (NEF) that is sent to the case participants; after a document listed under this category is electronically filed, it is not available to members of the public, and no member of the public, which includes an individual using the court’s public terminal or PACER, is able to view the docket entry or the associated document in the ECF system.

The **Document and Docket Entry Sealed (Access Provided to Court Users and Attorneys of Record when Applicable)** category<sup>6</sup> includes the following:

- Motion-Generic (SEALED) AP-NPA—cr/cv
- Response to Motion (SEALED) AP-NPA—cr/cv
- Order on Sealed Motion (SEALED) AP-NPA—cr\*/cv\*
- Document-Generic (SEALED) AP-NPA—cr/cv

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<sup>6</sup> Within this category, AP (applicable parties) indicates access to the document and the docket entry is provided to applicable parties, and NPA (no public access) indicates access to the document and the docket entry is not provided to the public.

**(3) Private Document and Docket Entry Sealed (Access Provided to Court Users)**—A document listed under this category appears on the docket sheet as a docket entry for court users, is electronically accessible by court users, and generates a Notice of Electronic Filing (NEF) that (a) confirms the filer electronically filed the document and (b) indicates either no notice (electronic or otherwise) will be sent or no electronic notice will be sent and notice by other means is necessary; after a document listed under this category is electronically filed, it is not available to attorneys of record or members of the public, and neither an attorney of record nor a member of the public, which includes an individual using the court’s public terminal or PACER, is able to view the docket entry or the associated document in the ECF system.

The **Private Document and Docket Entry Sealed (Access Provided to Court Users)** category<sup>7</sup> includes the following:

- Correspondence (SEALED) COA—cr\*/cv\*
- Document-Generic (SEALED) COA—cr/cv
- Application for Writ of Garnishment (SEALED) COA—cv

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<sup>7</sup> Within this category, COA (court only access) indicates access to the document and the docket entry is only provided to court users.