

M.R. 3140

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered November 21, 2014.

(Deleted material is struck through and new material is underscored.)

Effective immediately, Supreme Court Rule 138 is amended.

Amended Rule 138

Rule 138. Personal Identity Information

(a) Applicability.

(1) In civil cases, personal identity information shall not be included in documents or exhibits filed with the court except as provided in paragraph (c). This rule applies to paper and electronic filings.

(2) This rule does not apply to cases filed confidentially and not available for public inspection.

(b) Personal identity information, for purposes of this rule, is defined as follows:

(1) Social Security and individual taxpayer-identification numbers;

~~(2)~~ (2) birth dates [eff. Jan. 1, 2015];

~~(3)~~ (3) names of individuals known to be minors [eff. Jan. 1, 2015];

~~(4)~~ (2) driver's license numbers;

~~(5)~~ (3) financial account numbers; and

~~(6)~~ (4) debit and credit card numbers.

A court may order other types of information redacted or filed confidentially, consistent with the purpose and procedures of this rule.

(c) A redacted filing of personal identity information for the public record is permissible and shall only include:

- (1) the last four digits of the Social Security or individual taxpayer-identification number;
- ~~(2) the year of the individual's date of birth [eff. Jan. 1, 2015];~~
- ~~(3) the minor's initials [eff. Jan. 1, 2015];~~
- ~~(4) (2) the last four digits of the driver's license number;~~
- ~~(5) (3) the last four digits of the financial account number; and~~
- ~~(6) (4) the last four digits of the debit and credit card number.~~

When the filing of personal identity information is required by law, ordered by the court, or otherwise necessary to effect disposition of a matter, the party shall file a form in substantial compliance with the appended "Notice Of Confidential Information Within Court Filing." This document shall contain the personal identity information in issue, and shall be impounded by the clerk immediately upon filing. Thereafter, the document and any attachments thereto shall remain impounded and be maintained as confidential, except as provided in paragraph (d) or as the court may order.

After the initial impounded filing of the personal identity information, subsequent documents filed in the case shall include only redacted personal identity information with appropriate reference to the impounded document containing the personal identity information.

If any of the impounded personal identity information in the initial filing subsequently requires amendment or updating, the responsible party shall file the amended or additional information by filing a separate "Notice Of Confidential Information Within Court Filing" form.

(d) The information provided with the "Notice of Confidential Information Within Court Filing" shall be available to the parties, to the court, and to the clerk in performance of any requirement provided by law, including the transfer of such information to appropriate justice partners, such as the sheriff, guardian *ad litem*, and the State Disbursement Unit (SDU), the Secretary of State or other governmental agencies, and legal aid agencies or bar association *pro bono* groups. In addition, the clerk, the parties, and the parties' attorneys may prepare and provide copies of documents without redaction to financial institutions and other entities or persons which require such documents.

(e) Neither the court nor the clerk is required to review documents or exhibits for compliance with this rule. If the clerk becomes aware of any noncompliance, the clerk may call it to the court's attention. The court, however, shall not require the clerk to review documents or exhibits for compliance with this rule.

(f)(1) If a document or exhibit is filed containing personal identity information, a party or any other person whose information has been filed may move that the court order redaction and confidential filing as provided in paragraph (b). The motion shall be impounded, and the clerk shall remove the document or exhibit containing the personal identity information from public access pending the court's ruling on the substance of the motion. A motion requesting redaction of a document in the court file shall have attached a copy of the redacted version of the document. If the court allows the motion, the clerk shall retain the unredacted copy under impoundment and the redacted copy shall become part of the court record.

(2) If the court finds the inclusion of personal identity information in violation of this rule was willful, the court may award the prevailing party reasonable expenses, including attorney fees and court costs.

(g) This rule does not require any clerk or judicial officer to redact personal identity information from the court record except as provided in this rule.

Adopted Oct. 24, 2012, eff. July 1, 2013; amended June 3, 2013, eff. July 1, 2013; amended June 27, 2013, eff. July 1, 2013; amended Dec. 24, 2013, eff. Jan. 1, 2014; amended May 29, 2014, eff. immediately; amended Nov. 21, 2014, eff. immediately.

Committee Comments

October 24, 2012
(Revised June 3, 2013)
(Revised December 24, 2013)
(Revised May 29, 2014)

Paragraph (a)

Supreme Court Rule 138, adopted October 24, 2012, prohibits the filing of personal identity information that could be used for identity theft. For instance, financial disclosure statements used in family law cases typically contain a variety of personal information that shall remain confidential to protect privacy concerns.

Paragraph (b)

While paragraph (b) defines the most common types of personal identity information, it further allows the court to order redaction or confidential filing of other types of information as necessary to prevent identity theft.

Paragraph (c)

The procedures in paragraph (c) address the filing of personal identity information in redacted form for the public record. Where the personal identity information is required by law, ordered by the court, or otherwise necessary to effect a disposition of a matter, the litigant shall file the document in redacted form and separately file the subject personal identity information in

a protected document titled a “Notice of Confidential Information Within Court Filing,” using the appended form. The filing of a separate document without redaction is not necessary or required because the personal identity information will be available to authorized persons by referring to the “Notice of Confidential Information Within Court Filing” form.

Paragraph (d)

The clerk of court can utilize personal identity information and share that information with other agencies, entities and individuals, as provided by law.

[Appendix]

In the Circuit Court of the _____ Judicial Circuit,
_____ County, Illinois
(Or, In the Circuit Court of Cook County, Illinois)

_____)
Plaintiff/Petitioner,)
)
v.) Case No. _____
)
_____)
Defendant/Respondent)

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

Pursuant to Illinois Supreme Court Rule 138(c), the filer of a document containing personal identity information required by law, ordered by the court, or otherwise necessary to effect disposition of a matter shall, at the time of such filing, include this confidential information form which identifies the personal identity information redacted from such filing pursuant to Rule 138(c), and which will be redacted from future filings to protect the subject personal identity information. **This personal identity information will not be available to the public and this document will be stored in a separate location from the case file.**

Party/Individual Information:

1. Name: _____
Address: _____

Phone: _____

SSN: _____

Other personal identity information as defined in Rule 138(b), to the extent applicable:

2. Name: _____

Address: _____

Phone: _____

SSN: _____

Other personal identity information as defined in Rule 138(b), to the extent applicable:

(Attach additional pages, if necessary.)