

Proposal 13-05
Supreme Court Rule 138
Comments requested on 6/27/13 amendments
Recommendations will be considered for improving efficiency of the Rule's procedures

M.R. 3140

IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS

Order entered June 27, 2013.

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

Effective July 1, 2013, the effective date of subparts (b)(2), (b)(3), (c)(2), and (c)(3) of Supreme Court Rule 138 is revised to January 1, 2014, as follows.

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, nor does it apply to petitions filed pursuant to section 11a-8 of the Probate Act of 1975 (755 ILCS 5/11a-8).

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

- (1) Social Security and taxpayer-identification numbers;
- (2) birth dates [eff. Jan. 1, 2014];
- (3) names of individuals known to be minors [eff. Jan. 1, 2014];
- (4) driver's license numbers;
- (5) financial account numbers; and
- (6) debit and credit card numbers.

FILED

JUN 27 2013

SUPREME COURT
CLERK

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 taxpayer-identification number;
- (2) the year of the individual's date of birth [eff. Jan. 1, 2014];
- (3) the minor's initials [eff. Jan. 1, 2014];
- (4) the last four digits of the driver's license number;
- (5) the last four digits of the financial account number; and
- (6) the last four digits of the debit and credit card number.

When the filing of personal identity information in its entirety is required by law, ordered by the court, or otherwise necessary to effect disposition of a matter, the filing must be accompanied by a form titled "Notice of Personal Identity Information Within Court Filing," which shall provide the required personal identity information without redaction. The notice, and any attachments thereto, shall be filed under seal and remain confidential, except as provided in paragraph (d) or as the court may order.

(d) The information provided with the "Notice of Personal Identity 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).

(e) Neither the court nor the clerk is required 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 filed under seal, 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 seal 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.
