

RE: **Proposals to Amend Rule 9.1 of the Hawai'i Court Records Rules and Rule 10(b) of the Hawai'i Rules of Appellate Procedure**

DUTY TO REDACT PERSONAL INFORMATION FROM COURT FILINGS

The Supreme Court of Hawai'i seeks public comment regarding proposals to amend Rule 9.1 of the Hawai'i Court Records Rules (HCRR) and Rule 10(b) of the Hawai'i Rules of Appellate Procedure (HRAP). The amendment to HCRR Rule 9.1 clarifies - by offering examples - that parties have a duty to redact personal information from all submissions to the court. The amendment to HRAP Rule 10(b) clarifies that court reporters, when preparing transcripts, should redact from publicly accessible copies of the transcript all personal identifying information. The proposals are attached hereto.

Comments about the proposed amendments should be submitted, in writing, **no later than Wednesday, December 26, 2018**, to the Judiciary Communications & Community Relations Office by mail to 417 South King Street, Honolulu, HI 96813, by facsimile to 539-4801, or via the Judiciary's website.

Attachment

**PROPOSED AMENDMENT OF THE
HAWAI‘I COURT RECORDS RULES**
(New material is underlined)

**Rule 9. PARTIES’ RESPONSIBILITY TO PROTECT PERSONAL
INFORMATION.**

9.1. Prohibition; Form.

(a) Except as provided in this Rule 9 and notwithstanding any other rule to the contrary, a party shall not include personal information in any accessible document, including exhibits, transcripts, or attachments, filed in any state court or with ADLRO. Required personal information shall be submitted by means of a Confidential Information Form that substantially conforms to HCRR Form 2 of these rules; provided the name and birth date of a minor charged with a traffic infraction may be displayed on the citation and the name of a minor may be displayed in submissions in proceedings under HRS chapter 586 and section 604-10.5. The Confidential Information Form shall be designated confidential, protected, restricted, sealed, or not accessible.

**PROPOSED AMENDMENT OF THE
HAWAII RULES OF APPELLATE PROCEDURE**
(New material is underlined)

Rule 10. THE RECORD ON APPEAL.

(b) The transcript of court proceedings.

(1) REQUEST TO PREPARE TRANSCRIPT.

(G) Filing the Transcript in the Appellate Case. Upon completion of each transcript and receipt of payment, the court reporter shall file the transcript through JEFS or JIMS, designate the document as the "Transcript of proceedings held on <date>" and enter the date of the transcribed proceeding in the Notes field for the corresponding JEFS or JIMS docket entry.

Unless otherwise directed by the presiding judge, a court reporter shall redact from the original transcript filed in any court or the Administrative Driver's License Revocation Office the following personal information: all but the last four digits of social security numbers, driver's license numbers, vehicle identification numbers, and financial institution account numbers, dates of birth (except year), and names of minor children (except for the first initials of the first and last names). Such personal information shall not, however, be redacted on transcripts provided to the court or to the parties.
