



Judicial Council of California

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Subject Details (With Text)

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Title

Appellate Procedure: Privacy in Appellate Opinions (Action Required)

Summary

The Appellate Advisory Committee recommends adopting a new rule to provide guidance on the use of protective nondisclosure of names in appellate court opinions to protect the privacy of specific categories of individuals. To better highlight existing requirements for protecting the privacy of social security and financial account numbers in filed documents, the committee also proposes moving these existing requirements to a new rule and cross-referencing the requirements in the appellate rules. This proposal is based on concerns about privacy protection raised by appellate justices and individuals whose identity or personal information has been revealed in appellate opinions.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2017:

1. Amend rule 1.20 (Filing) to move the requirements for protecting the privacy of social security and financial account numbers in filed documents from subdivision (b) of this rule to new rule 1.201;
2. Adopt California Rules of Court, rule 1.201 (Protection of privacy), to contain the content of former rule 1.20(b);
3. Adopt rule 8.41 to cross-reference in the appellate rules the existing requirements for protecting the privacy of social security and financial account numbers in filed documents;
4. Adopt rule 8.90 (Privacy in opinions) to provide guidance on the use of names in appellate court opinions, and place this rule in new article 7 (Privacy), within title 8, division 1, chapter 1, of the California Rules of Court; and
5. Revise *Confidential Reference List of Identifiers* (form MC-120), making a technical change to replace a reference to current rule 1.20(b) with a reference to new rule 1.201.