

## Rule 24

### PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION

- (a) **Obligation to Redact Personally Identifiable Information.** In all filings, an attorney, or a party if not represented by an attorney, is solely obligated to protect the confidentiality of personally identifiable information as identified in this rule by ensuring that the filing contains no personally identifiable information. A district court clerk has no duty to review a document to ensure compliance with this rule.
- (b) **Personally Identifiable Information.** The following is personally identifiable information:
- (1) the name of a minor who is not a named party in a case and, if applicable, the name of a person whose identity could reveal the name of a minor who is not a named party in a case;
  - (2) the name of an alleged victim of a sex crime;
  - (3) the name of a petitioner in a protection from abuse case;
  - (4) the name of a petitioner in a protection from stalking, sexual assault, or human trafficking case;
  - (5) the name of a juror or venire member;
  - (6) a person's date of birth except for the year;
  - (7) any portion of the following:
    - (A) an email address except when required by statute or rule;
    - (B) a computer username, password, or PIN; and
    - (C) a DNA profile or other biometric information;
  - (8) the following numbers except for the last four digits:
    - (A) a Social Security number;
    - (B) a financial account number, including a bank, credit card, and debit card account;
    - (C) a taxpayer identification number (TIN);
    - (D) an employee identification number;
    - (E) a driver's license or nondriver's identification number;
    - (F) a passport number;
    - (G) a brokerage account number;
    - (H) an insurance policy account number;
    - (I) a loan account number;
    - (J) a customer account number;
    - (K) a patient or health care number;
    - (L) a student identification number; and
    - (M) a vehicle identification number (VIN);
  - (9) any information identified as personally identifiable information by court order; and

- (10) the physical address of an individual's residence.
- (c) **Exceptions.** The following is not personally identifiable information:
- (1) an account number that identifies the property alleged to be the subject of a proceeding;
  - (2) the name of an emancipated minor;
  - (3) information used by the court for case maintenance purposes that is not accessible by the public;
  - (4) information a party's attorney, or a party if not represented by an attorney, reasonably believes is necessary or material to an issue before the court;
  - (5) the first name, initials, or pseudonym of any person identified in subsections (b)(1) to (b)(5);
  - (6) any information required to be included by statute or court rule; and
  - (7) any information in a transcript.
- (d) **Administrative Information Required.** When a filing user submits a new case through the Kansas Court eFiling System, the filing user must complete the administrative information requested at the eFiling interface to the extent possible. If an initial pleading in a new case is in paper form, the filer must submit a paper cover sheet that substantially complies with the form located on the judicial council website. The following rules apply.
- (1) Personally identifiable information gathered for administrative purposes when a new case is efiled:
    - (A) if stored electronically, must be accessible only by authorized court personnel and
    - (B) is not subject to reproduction and disposition of court records under Rule 108.
  - (2) Personally identifiable information gathered for administrative purposes using a paper cover sheet:
    - (A) must not be retained in the case file;
    - (B) is not subject to reproduction and disposition of court records under Rule 108; and
    - (C) may be shredded or otherwise destroyed within a reasonable time after the case is entered electronically into the case management system.
  - (3) In an action for divorce, child custody, child support, or maintenance, the administrative information provided must include, to the extent known:
    - (A) the parties' Social Security numbers;
    - (B) the parties' birth dates; and

- (C) the parties' child's full name or pseudonym, Social Security number, and birth date.
- (e) **Certification.** Each document submitted to a court must be accompanied by a certification by an attorney, or by a party if not represented by an attorney, that the document has been reviewed and is submitted under Rule 23(b) or complies with this rule.
- (f) **Remedies and Sanctions.** Failure to comply with this rule is grounds for sanctions against an attorney or a party. Upon motion by a party or interested person, or sua sponte by the court, the court may order remedies for a violation of any requirements of the Kansas eCourt Rules. Following notice and an opportunity to respond, the court may impose sanctions if such filing was not made in good faith.
- (g) **Motions Not Restricted.** This rule does not restrict a party's right to request a protective order, to move to file a document under seal, or to request the court to seal a document.
- (h) **Application.** This rule does not affect the application of constitutional provisions, statutes, or court rules regarding confidential information or access to public information.

### Comments

- [1] Rule 24 applies to information contained in a filing, not to information contained in an oral communication, whether made in a court proceeding or otherwise.
- [2] If use of a person's initials is unwieldy, parties may consider using other options such as a first name with the first initial of the last name, a generic descriptor such as "child 1," or a pseudonym in lieu of a name.
- [3] Rule 24(b)(10) includes "the physical address of an individual's residence" in the definition of personally identifiable information. However, if an exception in Rule 24(c) applies, this information is no longer considered to be personally identifiable information. If a party is required by law to include the physical address of an individual's residence, then it may be provided under Rule 24(c)(6). For example, if a document will be served by leaving a copy at a person's dwelling, see K.S.A. 60-205(b)(2)(B)(ii) or K.S.A. 61-3003(d), or by mailing the document to a person's last known address, see K.S.A. 60-205(b)(2)(C) or K.S.A. 61-3003(c), then providing the physical address is required by law to perfect service. In that situation, the physical address is needed and will not be considered personally identifiable information because it meets the exception of Rule 24(c)(6).
- [4] Under Rule 24(c)(4), "necessary" means information essential for the document to make sense or for the proper processing of the

document or information requested on a Judicial Council form. Examples include information necessary to establish the court's personal or subject matter jurisdiction, to process a protective order, to serve a filed document on another party, or to issue and execute a subpoena.

**[History:** New rule adopted effective June 14, 2019; Am. effective June 12, 2020.]