

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

IN THE MATTER OF:

AMENDMENTS TO THE MISSISSIPPI
RULES OF CIVIL PROCEDURE

FILED

FEB 22 2018

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

89-R-99001

PETITION TO AMEND CERTAIN RULES OF THE
MISSISSIPPI RULES OF CIVIL PROCEDURE

COMES NOW Attorney John D. Smallwood, and the Mississippi Commission on Guardianships and Conservatorships, and petitions the Supreme Court of Mississippi to approve amendments to the Mississippi Rules of Civil Procedure to increase the privacy protections for filings made with the courts, under Rule 5.1.

WHEREFORE, the Mississippi Commission of Guardianships and Conservatorships respectfully recommends and requests that the Mississippi Supreme Court amend the Mississippi Rules of Civil Procedure by adopting the revisions set forth in Exhibit A.

RESPECTFULLY SUBMITTED this the 31st day of January, 2018.

Mississippi Commission on Guardianships
and Conservatorships



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MOTION#

2018

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Proposed MRCP Rule 5.1 Privacy Protection For Filings Made with the Court.

(a) REDACTED FILINGS. Unless the court orders otherwise, in an electronic or paper filing with the court or exhibits admitted into evidence that contain an individual's social security number, taxpayer identification number, or birth date, the name of an individual known to be a minor, or a financial account number, a party, a nonparty or any attorney making the filing has a duty to include only:

- (1) the last four digits of the social security number and taxpayer identification number;
- (2) the year of the individual's birth;
- (3) the minor's first two initials and last name; and
- (4) the last four digits of the financial account number.

(b) EXEMPTIONS FROM THE REDACTION REQUIREMENT. The redaction requirement does not apply to the following:

- (1) a financial account number that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
- (2) information contained in the record of any administrative, agency, or court proceeding, if that record was not subject to the redaction requirement when originally created;
- (3) a filing governed by a statute, rule, regulation, or other provision of law that requires the inclusion of the information that would otherwise be subject to redaction by this rule; and,
- (4) a filing covered by Rule 5.2(c) and (d).

(c) GARNISHMENT. A Suggestion of Garnishment or Writ of Garnishment that is filed with a court shall only include the last four digits of the defendant's social security number, taxpayer identification number, or financial account number; provided however, that the plaintiff shall provide the defendant's full social security number, taxpayer identification number, or financial account number, if reasonably available to the plaintiff, on the copies of the Suggestion or Writ of Garnishment served on the garnishee.

(d) FILINGS MADE UNDER SEAL. The court may order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record.

(e) PROTECTIVE ORDERS. For good cause, the court may by order in a case:

- (1) require redaction of additional information; or
- (2) limit or prohibit a nonparty's remote electronic access to a document filed with the court.

(f) OPTION FOR ADDITIONAL UNREDACTED FILING UNDER SEAL. A person making a redacted filing may also file an unredacted copy under seal. The court must retain the unredacted copy as part of the record.

(g) OPTION FOR FILING A REFERENCE LIST. A filing that contains redacted information may be filed together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. The list must be filed under seal and may be amended as of right. Any reference in the case to a listed identifier will be construed to refer to the corresponding item of information.