



STATE OF NEW YORK
UNIFIED COURT SYSTEM
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A. GAIL PRUDENTI
Chief Administrative Judge

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MEMORANDUM

April 9, 2012

TO: All interested persons

FROM: John W. McConnell, Esq.

SUBJECT: Proposed amendment of 22 NYCRR § 202.5-b(d)(3)(iii)

The Administrative Board of the Courts seeks public comment on a proposed amendment to 22 NYCRR § 202.5-b(d)(3)(iii) excluding certain documents from electronic filing in "secure" status. (Exhibit A).

Under section 202.5-b(d)(3)(iii) a party e-filing a document containing sensitive information may designate the document as "secure." Public online access to "secure" documents is restricted to counsel of record and self-represented parties in the case. Members of the public seeking access to documents e-filed as secure must travel to the courthouse or the County Clerk's Office and view them on a computer terminal.

The proposed amendment, drafted at the request of e-filing administrators and county clerk staff, recognizes that the "secure" designation is not appropriate for certain types of documents, such as a notice of pendency, that are designed for broad public notice and by definition do not contain sensitive information warranting a restriction on public online access.

Persons wishing to comment on this proposal should send their submissions by e-mail to OCARule202-5-bcomments@nycourts.gov or by regular mail to: John W. McConnell, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 11th Fl., New York, New York 10004. The text of the proposed amendment and other explanatory materials can be obtained at www.nycourts.gov/rules/comments/.

Comments must be received no later than May 24, 2012.

EXHIBIT A

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and upon consultation with and approval by the Administrative Board of the Courts, I hereby amend, effective immediately, section 202.5-b(d)(3)(iii) of the Uniform Civil Rules for the Supreme and County Courts, relating to electronic filing of actions in the Supreme Court, to read as follows:

(iii) Secure information. When electronically filing a document, the filer shall indicate whether it contains any of the following: individually identifiable health information, a social security number (where filing of such number is allowed by General Business Law §399-dd(6)), a credit card or bank account number, an individual's date of birth or home address, a minor child's name, or trade secrets. If such person indicates that any of this information is contained in the document, access to it on the NYSCEF site will be restricted to consenting parties to the action, the County Clerk and the court and, if the filer is a filing agent, to the agent. The document will, however, be available for public inspection at the office of the County Clerk unless sealed by the court. **Secure filings of the following documents shall not be permitted: (1) affirmation/affidavit of service; (2) notice of pendency; (3) cancellation of notice of pendency (lis pendens); (4) bill of costs; (5) proof of service; (6) request for judicial intervention (all forms); (7) release of lien; and (8) satisfaction of judgment.**

Chief Administrative Judge of the Courts

Dated:

AO/ /