

FILED
Clerk
District Court

FEB 10 2021

for the Northern Mariana Islands
By af
(Deputy Clerk)

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

IN THE MATTER OF
HIGHLY SENSITIVE DOCUMENTS

GENERAL ORDER No. 21-00002

I. Purpose

Federal courts are adding new security procedures to protect highly sensitive documents (HSDs) filed with the courts in response to recent disclosures of widespread breaches of private sector and government computer systems. Finding good cause exists to permit filing of HSDs outside of the Court's electronic filing system (CM/ECF), the court issues this order establishing procedures to identify and ensure the security of HSDs. This order does not change the presumption in favor of public access to court documents or the filing procedures for documents that do not meet the definition of HSD.

II. HSD Definition

- (a) HSDs are defined as unclassified sealed documents involving:
- (1) Foreign sovereign interests; criminal activity related to cybersecurity, intellectual property, or trade secrets;
 - (2) Terrorism;
 - (3) Investigation of public officials;
 - (4) Potential negative impact on national security or foreign relations of the United States; and
 - (5) Sensitive commercial information likely to be of interest to foreign powers.

(b) The following types of documents generally will not qualify as HSDs:

- (1) Presentence reports and related documents;
- (2) Pleadings related to cooperation in most criminal cases;
- (3) Social security administrative records;
- (4) Immigration administrative records; and
- (5) Most sealed documents in civil cases that do not qualify as HSDs.

III. HSD Filing Procedures

(a) Submission

- (1) When an HSD designation is requested, the filing party must submit the following in paper format:
 - (A) The Motion to Designate Highly Sensitive Documents. The motion must explain why each proposed document should be afforded treatment as an HSD under the criteria set forth in Section II.
 - (B) The proposed HSDs;
 - (C) A proposed Order to Designate Highly Sensitive Documents; and
 - (D) A Certificate of Service, unless the motion and documents are submitted ex parte in accordance with the law and local rules.
- (2) The paper copy must be submitted to chambers in a sealed envelope marked “PROPOSED HIGHLY SENSITIVE DOCUMENT” with the case number, if already assigned.
- (3) If submission by paper is not feasible then the submitting party may contact chambers or the Clerk of Court for instructions for a secure method of electronic submission, if available.

(b) Service

Unless submitted ex parte, the filing party must serve the motion, proposed HSDs, and proposed order on the other parties as follows:

- (1) For civil cases, service may be accomplished by any manner specified in Fed. R. Civ. P. 5(b)(2), except for service via the Court's electronic filing system; or
- (2) For criminal cases, service may be accomplished by any manner specified in Fed. R. Crim. P. 49(a)(3)(B) or (a)(4).

IV. Requests for HSD Already Filed in CMECF

For matters already filed in CM/ECF that may qualify as HSD, litigants may request an HSD designation and removal from CM/ECF by following the steps in Section III of this Order.

V. HSD Determination

The standard for designating a document as HSD is higher than the standard for filing under seal. The assigned judge will determine whether the documents qualify as HSDs and may set a briefing schedule on the matter. If the judge grants the motion, the motion, documents and order will be stored in a secure paper filing system and in a stand-alone computer as needed. If the judge denies the motion, the Clerk's Office will file the motion, order and documents in accordance with the court order, the local rules and standard procedures for filing and sealing documents.

SO ORDERED this 10th day of February 2021.



RAMONA V. MANGLONA
Chief Judge