

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

7/2011 Rev

**POLICY ON THE ELECTRONIC AVAILABILITY OF  
TRANSCRIPTS OF COURT PROCEEDINGS**

Effective May 17, 2008, the United States District Court for the District of Delaware, in accordance with Judicial Conference Policy and amendments to Federal Rule of Civil Procedure 5.2 and Federal Rule of Criminal Procedure 49.1, implemented the following policy regarding official court transcripts:

- A transcript provided to the Court by a court reporter or transcriber will be available at the public terminals of the Clerk's Office, for inspection only, for a period of 90 days after it is filed.
- During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference. The transcript will then be available by remote electronic access to any party or attorney of record who has purchased a copy from the court reporter.
- After the 90-day period has ended, the transcript will be available for inspection and copying in the Clerk's Office, and for download through PACER.

The following information provides guidance for counsel and parties in requesting the redaction of **personal data identifiers** from a transcript, before the transcript is made electronically available to the general public through PACER. The responsibility for redacting personal identifiers rests solely with counsel and the parties. Neither the Clerk's Office nor the court reporter will review transcripts for compliance with the redaction policy.

**Notice of Intent to Redact:**

**Within 7 calendar days** of the filing of an official court transcript, each party wishing to redact a transcript must inform the court by filing a Notice of Intent to Redact.

**Redaction Request:**

If a redaction is requested, a party must submit to the court reporter a Redaction Request **within 21 days** from the filing of the transcript, indicating where the personal identifiers appear in the transcript by page and line, and how they are to be redacted. This procedure is limited to the redaction of the specific personal data identifiers listed below:

- Social Security numbers or taxpayer identification numbers should be limited to the last four digits;
- financial account numbers should be redacted to the last four digits;
- dates of birth should contain only the year of birth;

- names of minor children should be referred to by initials; and
- home addresses in criminal cases should reveal only the city and state.

If a party files a Notice of Intent to Redact but fails to timely file a Redaction Request or Motion to Extend Time, no redactions will be made and the original transcript will be available to the public by remote electronic access after 90 days.

**Requests for Additional Redactions:**

**If a party requests further redactions, in addition to the personal identifiers listed above, the party must move the Court by filing a separate Motion for Redaction of Electronic Transcript.** Until the Court has ruled on any such motion, the transcript will not be available by remote electronic access, even if the 90-day restriction period has ended.

**Remote Public Access to Transcripts:**

When an original transcript is filed, it is viewable by Court staff and the public at the public terminal in the Clerk's Office. If there is no request for redaction, then the original transcript will be electronically available through PACER after 90 calendar days.

If a redacted transcript is filed with the Court, it will be electronically available through PACER after 90 calendar days from the date of filing of the original transcript, and the original transcript will never be electronically available through PACER. However, the original unredacted transcript will be viewable by Court staff and the public at the public terminal in the Clerk's Office. The original unredacted transcript will not be placed under seal since **transcripts will only be sealed pursuant to a court order.**

**PACER Fees:**

PACER fees will be applied both during and after the 90-day restriction period. Charges will not be capped at 30 pages as they are for other court documents, but will accrue for the entire transcript. The user will incur PACER charges each time the transcript is accessed, even though he or she may have purchased it from the court reporter and been assigned remote electronic access rights. There is no "free look" for transcripts.

Note: This policy applies to transcripts of events taking place in the court's courtrooms, not depositions taken outside of court or proceedings of state courts or other jurisdictions.