

**PROCEDURES FOR FILING CONFIDENTIAL INFORMATION
AND DOCUMENTS UNDER SEAL
IN THE PHILADELPHIA COURT OF COMMON PLEAS
COMMERCE PROGRAM**

The Court will seal documents only in very rare situations, upon good cause shown. A Confidentiality Stipulation and Order does not, alone, enable you to file documents under seal. **A separate court Order is required.**

The fact that a document may contain sensitive or private information, *i.e.*, customer names, trade secrets, financial data, does not necessarily mean that the court will permit all or any of the document to be filed under seal.

If confidential, sensitive, or private material is not relevant to your court filing, you should remove it. For instance, a person's social security number may be blacked-out on an exhibit to a Motion. If the information is not relevant and you remove it, then you should check "No" when the court's Electronic Filing ("E-filing") System asks if your filing contains "Confidential Information" and "Confidential Documents/Exhibits;" you also should check "No" when the E-filing System asks if your filing is being filed "Under Seal;" and you should file your document as a "Public Document."

If confidential, sensitive, or private material is relevant to your filing and fits the definition of "Confidential Information" and/or "Confidential Documents/Exhibits" under the United Judicial System's Public Access Policy¹ then you should check "Yes" when the court's E-filing System asks if your filing contains "Confidential Information" or "Confidential Documents/Exhibits." You should then follow the instructions for filing such "Confidential Information" or "Confidential Documents/Exhibits" in the court's E-filing System.

If sensitive or private material is relevant to your filing, but it does not fit the definition of "Confidential Information" and/or "Confidential Documents/Exhibits" under the UJS Policy, then you should follow the below instructions to obtain leave to file such material "Under Seal" through the Court's E-filing System.

1. If your filing is time-sensitive, e.g., it must be filed by an upcoming court-imposed deadline, you should e-file an edited version of your Pleading or Motion with the sensitive or private information removed.
 - a. You should e-file the edited version as a "Public Document" on the court's E-filing System, which means you should check "No" when the E-filing System asks if your

¹ See <http://www.pacourts.us/assets/files/page-1090/file-7031.pdf>, Section 7, p. 10 and Section 8, p. 13.

- filing contains “Confidential Information,” and “Confidential Documents/Exhibits,” and you should check “No” when the E-filing System asks if “your filing is being filed UNDER SEAL pursuant to a court order?”
- b. At the same time you e-file the edited version of your Pleading or Motion, you should serve all other parties with an unedited version.
 - c. If your edited document is a new Motion, you should pay the motion filing fee and obtain a Motion Control number for it.
 - d. If your edited document relates to a previously filed Motion, you should file it under the appropriate, existing Motion Control number.
 - e. If your edited document is a pleading, you should pay the appropriate filing fee and file it without a Motion Control number.
2. Before or immediately after filing the edited version of your Pleading or Motion, you must file a *Motion to File Under Seal*. The *Motion to File Under Seal* must be filed consistent with the motion procedures set forth in the Pennsylvania Rules of Civil Procedure and the Philadelphia Local Rules.
- a. You should not attach to the *Motion to File Under Seal* the sensitive or private material that you want sealed; you should instead offer to provide it to the court for *in camera* review.
 - b. The court may order the parties to appear for argument on the *Motion to File Under Seal* if the court believes you want to seal too much material or your adversary opposes your request to file under seal.
3. If the Court enters an Order granting your *Motion to File Under Seal*, you may then file your unedited Pleading or Motion “Under Seal” through the court’s E-filing System as follows:
- a. You should prepare a one page *Praeceptum to Supplement* to which you should attach, as the first page, a copy of the Order permitting you to file under seal, followed by the unedited version of your Pleading or Motion.
 - b. When you e-file the *Praeceptum to Supplement* and its attachments, you should check “No” when the court’s e-filing system asks if your filing contains “Confidential Information” or “Confidential Documents/Exhibits,” but you should check “Yes” when the court’s e-filing system asks if “your filing is being filed UNDER SEAL

- pursuant to a court order?” and then follow the E-filing System’s instructions for filing under seal.
- c. If the unedited document is part of a Motion filing, then you should e-file the *Praecipe to Supplement* under the appropriate, existing Motion Control number.
 - d. If the document is a Pleading, then you should e-file the *Praecipe to Supplement* without any Motion Control number.
 - e. If you check “yes” that it is being filed “Under Seal,” and if you follow all the e-filing instructions after that, your unedited document will be sealed when it is accepted for filing.
 - f. Documents that do not have a copy of the sealing Order attached or that are otherwise not in compliance with applicable rules may be rejected by the Office of Judicial Records.
4. If the court denies your *Motion to File Under Seal*, you should prepare a one page *Praecipe to Supplement* to which you should attach the unedited version of your Pleading or Motion:
- a. You should e-file the *Praecipe to Supplement* as a “Public Document,” which means you should check “No” when the E-filing System asks if your filing contains “Confidential Information,” or “Confidential Documents/Exhibits,” and you should check “No” when the E-filing System asks if “your filing is being filed UNDER SEAL pursuant to a court order?”
 - b. If the unedited document is part of a Motion filing, then you should e-file the *Praecipe to Supplement* under the appropriate, existing Motion Control number.
 - c. If the document is a Pleading, then you should e-file the *Praecipe to Supplement* without any Motion Control number.
5. If your filing is not time-sensitive, e.g., it does not have to be filed by an upcoming court-imposed deadline, you may file the *Motion to File Under Seal* and await the court’s ruling on that Motion before filing your Pleading or Motion that contains sensitive or private material:
- a. If the court grants your *Motion to File Under Seal*, you will need to e-file an edited version of your document as a “Public Document,” which means you should check “No” when the E-filing System asks if your filing contains “Confidential

Information,” or “Confidential Documents/Exhibits,” and you should check “No” when the E-filing System asks if “your filing is being filed UNDER SEAL pursuant to a court order?”

- i. You should also e-file separately a one page *Praeceptum to Supplement* to which you should attach, as the first page, a copy of the Order permitting you to file under seal, followed by the unedited version of your Pleading or Motion.
 - ii. When you e-file the *Praeceptum to Supplement* and its attachments, you should check “No” when the court’s e-filing system asks you if your filing contains “Confidential Information” or “Confidential Documents/Exhibits,” but you should check “Yes” when the court’s e-filing system asks if “your filing is being filed UNDER SEAL pursuant to a court order?”
 - iii. If the document is a new Motion filing, then you should pay the motion filing fee and obtain a Motion Control number for it.
 - iv. If your document relates to a previously filed Motion, you should e-file both the edited version and the *Praeceptum to Supplement* under the appropriate, existing Motion Control number.
 - v. If it is a pleading, it does not need a Motion Control number.
- b. If the court denies your *Motion to File Under Seal*, you should e-file your unedited document as a “Public Document.”

Any questions pertaining to these procedures may be directed to the E-Filing Review Office at (215) 686-6667 or (215) 686-6645.