

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

STANDING ORDER BALANCING IDENTIFICATION AND PRIVACY CONCERNS RE
MOTIONS TO EXCUSE ATTENDANCE OF A DEBTOR AT 341 CREDITORS' MEETING

WHEREAS, pursuant to the DEBTOR IDENTIFICATION PROGRAM promulgated by the U. S. Department of Justice through the Executive Office of the U. S. Trustee Program, at the request of the United States Trustee for the region embracing this judicial district, on May 31, 2002, this court inaugurated the inclusion of language in chapters 7 and 11 section 341 creditors' meeting notices requiring the debtor(s) to provide original picture identification and proof of social security number to the trustee (presiding officer) at the scheduled meeting of creditors; and

WHEREAS, prior to the prohibitions arising out of the enactment of the E-Government Act of 2002, 44 U. S. C., sections 3500 et seq., and the promulgation of privacy rules pursuant thereto by the Administrative Office of the United States Courts under its statutory responsibilities and the authority of the Judicial Conference of the United States, it was legally permissible for U. S. bankruptcy courts to include in public records of such courts bankruptcy petitions, pleadings and other documents containing social security numbers of debtors in bankruptcy cases that had been filed in such courts; and

WHEREAS, before the advent of such prohibitions that were so enacted and promulgated, it was not uncommon to find among bankruptcy court records bankruptcy petitions, motions, other pleadings and orders including the recitation of debtors' social security numbers and relating to the topic of excusing, for cause, debtors from attending section 341 creditors' meetings; and

WHEREAS, at the present time privacy rules prohibit the inclusion of unredacted social security numbers (i. e., inclusion of digits other than the last 4 digits of the social security number) in public record bankruptcy petitions, motions, pleadings, orders or other documents, all of which, if containing unredacted social security numbers, provide fertile ground for identity theft, especially in the present milieu of electronic access to public records; it is

ORDERED that in lieu of including the social security number(s) of debtor(s) on any of the aforementioned documents that may become a public record in connection with the seeking of an excused absence of debtor(s) from attending a "341" meeting, debtor(s) or attorneys for debtor(s) shall, when filing with the clerk of court any such request for an excused absence from attending a "341" meeting, send separately to the case trustee under sealed cover a photocopy of debtor(s)' original social security card(s) and a photocopy of debtor(s) current driver's license(s) or other photo identification card ; and a certificate of service thereof (NOT RECITING SUCH NUMBER OR NUMBERS) shall be appended to the request filed with the clerk of court.

DATED: August 12, 2004

/s/

David W. Houston, III
J U D G E

