

## **Digital Audio Files Available over the Internet**

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### **Digital audio in CM/ECF**

Beginning November 6, 2017, the United States Bankruptcy Court for the District of Delaware will begin making digital audio files of certain court proceedings available to the public over the Internet through the Public Access to Court Electronic Records (PACER) system. Audio files of all court proceedings before Judge Kevin J. Carey, unless otherwise specified by the judge, will be uploaded to the Case Management/Electronic Case Files (CM/ECF) system. Proceedings before additional judges may be added in the near future. Attorneys of record on a case will receive a Notice of Electronic Filing for the audio file and one free download. Audio files are also available to the public via PACER at a cost of \$2.40 per file, plus the cost of accessing the docket sheet or docket activity report.

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### **Limiting personal information**

If information subject to the court's privacy policy is stated on the record, it will be available in the audio files this court makes available. Since counsel and the parties are solely responsible for guaranteeing that pleadings and testimony comply with the court's rules requiring redaction of personal data identifiers, the better practice is to avoid introducing personal data identifiers and other sensitive information into the record in the first place, unless absolutely necessary to prove an element of the case. Also, be advised that courtroom deputies cannot redact audio files before they are placed on CM/ECF. Please take this into account when questioning witnesses or making other statements in court. If private information is mentioned during a hearing or trial, counsel may move the court to seal, restrict, or otherwise prohibit placement of the digital audio file of the hearing or trial on the Internet through the PACER system.

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### **Privacy policy**

The judiciary's privacy policy restricts the publication of certain personal data in documents filed with the court. The policy requires limiting the disclosure of Social Security and financial account numbers to the last four digits, using only initials for the names of minor children, and limiting dates of birth to the year. However, if such information is elicited during testimony or other court proceedings, it will become available to the public.

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## **Accessing audio files from a Notice of Electronic Filing (NEF)**

Each individual that receives a NEF for a case receives one free download of the audio file. Follow the instructions on our website under Case Info, Digital Audio in CM/ECF, to access audio files.