

M.R. 3140

**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS**

Order entered December 3, 2015.

(Deleted material is struck through and new material is underscored, except in Rule 364, which is entirely new.)

Effective July 1, 2016, Illinois Supreme Court Rule 612 is amended and Rule 364 is adopted, as follows.

**Amended Rule 612**

**Rule 612. Procedural Matters Which Are Governed by Civil Appeals Rules**

The following civil appeals rules apply to criminal appeals insofar as appropriate:

- (a) Dismissal of appeals by the trial court: Rule 309.
- (b) Appeals to the Supreme Court: Rules 302(b), 302(c), 315, 316, 317, and 318.
- (c) Procedure if no verbatim transcript is available and procedure for an agreed statement of facts: Rules 323(c) and (d).
- (d) Preparation and certification of record on appeal by clerk: Rule 324.
- (e) Transmission of record on appeal or certificate in lieu of record: Rule 325. (If the defendant is represented by court-appointed counsel, no fees need be paid to the clerk of the trial court.)
- (f) Notice of filing: Rule 327.
- (g) Amendment of the record on appeal: Rule 329.
- (h) Return of record on appeal: Rule 331.
- (i) Contents, form, length, number of copies, *etc.*, of briefs: Rule 341.
- (j) Abstract: Rule 342.
- (k) Times for filing and serving briefs: Rule 343.
- (l) Briefs *amicus curiae*: Rule 345.
- (m) Inspection of original exhibits: Rule 363.
- (n) Appeal to wrong court: Rule 365.
- (o) Rehearing in reviewing courts: Rule 367.
- (p) Issuance, stay, and recall of mandates from reviewing court: Rule 368.

(q) Process in reviewing courts: Rule 370.

(r) Removing records from the reviewing court: Rule 372.

(s) Constructive date of filing papers in reviewing court: Rule 373.

(t) Redaction of personal identifiers for documents filed in courts of review: Rule 364.

Amended October 21, 1969, effective January 1, 1970; amended effective January 1, 1970, and July 1, 1971; amended July 30, 1979, effective October 15, 1979; amended September 22, 1997, effective January 1, 1998; amended May 24, 2006, effective September 1, 2006; amended July 27, 2006, effective September 1, 2006; amended Feb. 6, 2013, eff. immediately; amended Dec. 3, 2015, eff. July 1, 2016.

### Committee Comments

(Revised 1979)

This rule was new in 1967. It cross-refers to all of the civil appeals rules that are applicable to criminal appeals.

The references to an agreed statement of facts, as provided in Rule 323(d), and to the constructive date of filing papers in the reviewing court, as provided in Rule 373, were added in 1969. The reference to Rule 302(b), which deals with by-passing the Appellate Court in appeals in cases in which the public interest requires expeditions determinations, was added in 1971.

In 1971, former paragraph (g), referring to the short record provided by repealed Rule 328, was deleted, and the successive paragraphs relettered. Newly lettered paragraphs (i), (k), and (l) were amended to reflect changes in Rules 342, 343, and 344. See the committee comments to those rules.

### New Rule 364

#### **Rule 364. Privacy Protection for Documents Filed in Courts of Review.**

(a) Applicability.

(1) Any document, including exhibits, containing personal identifiers shall not be filed with a court of review except as provided in paragraph (c). This rule applies to paper and electronic filings.

(2) This rule does not apply to documents in cases filed confidentially or to any document filed under seal.

(b) Personal identifiers, for purposes of this rule, are defined as follows:

- (1) Social Security and individual taxpayer-identification numbers;
- (2) driver's license and state identification card numbers;
- (3) financial account numbers;
- (4) debit and credit card numbers; and

(5) for a juvenile or recipient of mental health services involved in a proceeding referenced in Rule 341(f), the name of the individual.

(c) The filing of a document containing personal identifiers is permissible if redacted, by using the letter "x" in place of each omitted digit or character, and shall only include:

- (1) the last four digits of the Social Security or individual taxpayer-identification number;
- (2) the last four digits of the driver's license or state identification card number;
- (3) the last four digits of the financial account number;
- (4) the last four digits of the debit and credit card number; and

(5) in appeals filed from proceedings referenced in Rule 341(f), rather than redaction, the respective juvenile or recipient of mental health services shall be identified by first name and last initial, except that initials only shall be used when, due to an unusual first name or spelling, using the first name and last initial would create a substantial risk of revealing the individual's identity.

(d) When the filing of personal identifiers is required by law, ordered by the court, or otherwise necessary to effect disposition of a matter, the party filing the document shall file a form in substantial compliance with the appended "Notice Of Confidential Information Within Court Filing," along with the number of copies required for motions pursuant to Rule 361. Proof of service, as provided by Rule 12, shall be filed with the notice. The notice shall contain the personal identifiers in issue, and shall be filed under seal by the clerk immediately upon filing. Thereafter, the notice and any attachments thereto shall remain under seal and not available for public access, except as the court or a justice thereof may order.

After the notice containing the personal identifier has been filed under seal, subsequent documents filed in the case shall include only redacted personal identifiers and, if necessary, appropriate reference to the sealed document containing the personal identifier.

If any of the personal identifiers in the sealed filing subsequently requires amendment or updating, the responsible party shall file the amended or additional information by filing a separate "Notice Of Confidential Information Within Court Filing" form.

(e) The clerk of the reviewing court is not required to review documents or exhibits for compliance with this rule.

(f) If a document or exhibit is filed containing personal identifiers, a party or any other person whose information has been included may file a motion pursuant to Rule 361 requesting that the court order redaction or the proper designation pursuant to this rule. The motion shall be filed under seal, and the clerk of the reviewing court shall remove the document or exhibit containing the personal identifier from public access pending the court's ruling on the motion. A motion requesting redaction or the proper designation pursuant to this rule shall have attached a copy of the redacted version of the document. If the court or a judge thereof allows the motion, the clerk shall retain the unredacted copy under seal and the redacted copy shall become available for public access.

## Appendix

### Case Number in the Reviewing Court

Name of Reviewing Court (Include Appellate District, if applicable)

Case Title (Complete) ) Appeal from Circuit Court of \_\_\_\_\_ County  
) Lower Court Case No. \_\_\_\_\_  
) Trial Judge \_\_\_\_\_

### NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

Pursuant to Illinois Supreme Court Rule 364(d), the filer of a document containing personal identifiers required by law, ordered by the court, or otherwise necessary to effect disposition of a matter shall, at the time of such filing, include this confidential information form which identifies the personal identifier redacted from such filing pursuant to Rule 364(d), and which will be redacted from future filings to protect the subject personal identifier. **This personal identifier information will not be available to the public and this document will be sealed by the clerk of the reviewing court.**

#### Party/Individual Information:

1. Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

SSN: \_\_\_\_\_

Other personal identifiers as defined in Rule 364(b), to the extent applicable:

2. Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

SSN: \_\_\_\_\_

Other personal identifier information as defined in Rule 364(b), to the extent applicable:

(Attach additional pages, if necessary.)

Eff. July 1, 2016.