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**From:** Dan Brown

**Sent:** Tuesday, April 14, 2026 11:36 AM

**To:** RulesCommittee Secretary

**Subject:** Additional Supplement to Suggestion No. 26-BK-3 - SSN Exposure on Official Forms 121 and 309E1 - Open Bankruptcy Project

Dear Secretary Dubay:

I am writing to submit a supplement to Suggestion No. 26-BK-3 (Rule 4004, accepted March 23, 2026), transmitted concurrently with the accompanying Rule 9037 suggestion (Automated PII Screening).

The enclosed supplement documents four bankruptcy cases (identified only by district) in which the debtor's complete, unredacted Social Security number was filed on the public docket via court-designated federal bankruptcy forms whose template was designed to prevent that exposure:

- Three cases involving Official Form 121 (Statement About Your Social Security Numbers), which exists for the exclusive purpose of transmitting a full Social Security number to the court and which bears an on-face instruction prohibiting public filing.

- One case involving Official Form 309E1 (Notice of Chapter 11 Bankruptcy Case for Individuals or Joint Debtors), in which the CM/ECF system populated the form's "Last 4 digits of Social Security number: xxx-xx-NNNN" field with two distinct full 9-digit Social Security numbers rather than the template-designed last-four-only redaction.

The Form 121 failures are routing failures (filer or clerk routes the form under a public event code). The Form 309E1 failure is a generation failure (the court's own CM/ECF system populates the full SSN into a field whose template expects redacted output). Both produce the same downstream harm: the debtor's complete Social Security number on the permanent public record.

The four cases were identified through a limited scan of 2,512 publicly available court documents using the open-source Rule 9037 scanner referenced in the accompanying Rule 9037 suggestion. The submitter did not conduct a comprehensive search; the four exposures were incidentally identified in a scan conducted for another purpose. The true scale of form-template compliance failures across the federal bankruptcy system is almost certainly substantially larger.

The submitter deliberately declines to reproduce the case captions, docket numbers, document descriptions, or page references in the supplement, because doing so would itself constitute further dissemination of the exposure the supplement is intended to prevent. The submitter will provide specific identifiers to the Committee or the

Administrative Office on a confidential basis upon request. The necessity of this anonymization is itself one of the arguments in the supplement: a rule framework that relies on post-hoc public identification of failures cannot be documented without risking further harm.

The supplement proposes five amendments to Rule 9037 (with parallel amendments to Rule 1007 and to the Official Forms process as appropriate): (1) a distinct CM/ECF event code for Form 121 with automatic sealing at acceptance; (2) a CM/ECF template-integrity audit covering all forms whose template uses redacted-identifier placeholders; (3) pre-acceptance automated pattern screening for full Social Security numbers; (4) an express non-cure provision clarifying that post-disclosure redaction does not eliminate the original exposure; and (5) a mandatory clerk notification regime when an unredacted Social Security number enters the public docket.

The supplement builds on, and is structurally parallel to, the accompanying Rule 9037 suggestion and to Suggestion No. 26-BK-3, which together document the same architectural pattern across multiple federal bankruptcy rules and forms: a compliance duty assigned to counsel, the filer, or the court's own automated systems, with no verification layer, and irreversible harm when the duty fails.

Respectfully,

Daniel Brown  
Founder and Principal  
Open Bankruptcy Project  
EIN: 41-5159631 (501(c)(3) determination pending)

[info@openbankruptcyproject.org](mailto:info@openbankruptcyproject.org)

[openbankruptcyproject.org](http://openbankruptcyproject.org)

Prior submission: Suggestion No. 26-BK-3 (accepted March 23, 2026)

Accompanying submission: Rule 9037 Suggestion (Automated PII Screening), transmitted concurrently

## **SUPPLEMENT TO SUGGESTION NO. 26-BK-3**

Submitted by: Daniel Brown, Open Bankruptcy Project (openbankruptcyproject.org) Prior submission: Suggestion No. 26-BK-3 (Rule 4004, accepted March 23, 2026) Accompanying submission: Suggestion re Rule 9037 (Automated PII Screening), transmitted concurrently

Subject: Full Social Security number exposure on court-designated forms (Official Form 121 and Official Form 309E1)

Date: April 14, 2026 Contact: info@openbankruptcyproject.org

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### **I. PURPOSE**

This supplement documents two distinct categories of Rule 9037 compliance failure, both arising on court-designated federal bankruptcy forms whose on-face template expressly anticipates Social Security number protection, yet which are nonetheless entering the public docket with the debtor's full 9-digit Social Security number visible:

**A. Official Form 121, "Statement About Your Social Security Numbers." A form that exists for the exclusive purpose of transmitting a full Social Security number to the court and which bears an on-face instruction prohibiting its public filing.**

**B. Official Form 309E1, "Notice of Chapter 11 Bankruptcy Case (For Individuals or Joint Debtors)." A form generated by the CM/ECF system and sent to creditors, whose template expressly expects only the last 4 digits of the Social Security number in the designated field ("Last 4 digits of Social Security number: xxx-xx-NNNN").**

Both form categories illustrate the same structural principle, but via different failure vectors. Form 121 fails when the filer or clerk routes it under a public event code. Form 309E1 fails when the CM/ECF system populates the full 9-digit Social Security number into a field whose template expects only the last four digits. The first is a routing failure; the second is a generation failure. Both produce identical downstream harm: the debtor's complete Social Security number on the permanent public record of a federal court.

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## II. RULE AND TEMPLATE ARCHITECTURE

### A. Form 121

Federal Rule of Bankruptcy Procedure 1007(f) provides, in a voluntary case, that "an individual debtor must submit with the petition a verified statement that gives the debtor's social-security number or states that the debtor does not have one (Form 121)." The form transmits the debtor's complete, unredacted Social Security number to the court for identity-matching purposes. Rule 9037(a) simultaneously provides that a party or nonparty making a filing with the court that contains an individual's Social Security number "may include only ... the last four digits of a social-security ... number."

The two rules are reconciled by a clerk-side procedural convention: Form 121 is treated as a non-public record. The form itself instructs the filer at the top of the document that it must not be filed in the public case record. (Official Form 121, <https://www.uscourts.gov/forms/individual-debtors/statement-about-your-social-security-numbers>.) The reconciliation relies on three manual defenses: the filer picks the correct CM/ECF event code, the clerk restricts public access, and no third party downloads before either defense operates. If any defense fails, the full 9-digit Social Security number enters the public docket permanently.

### B. Form 309E1

Official Form 309E1 is generated by the CM/ECF system upon the filing of a Chapter 11 petition and sent to all scheduled creditors as a Notice of Chapter 11 Bankruptcy Case. The form template expressly contains the following field for the debtor's Social Security number:

"Last 4 digits of Social Security number: xxx-xx-NNNN"

The template design itself performs the Rule 9037(a)(1) redaction: only the last four digits appear, with the first five digits shown as placeholders ("xxx-xx-"). The debtor and counsel do not populate this field; it is populated by the CM/ECF system from the petition data. The redaction is intended to be automatic and invariant.

When the CM/ECF system populates the full 9-digit Social Security number into the designated "last 4 digits" field instead of the correct last-4-only format, the template's redaction design is defeated at the point of generation. The form is then transmitted to every scheduled creditor, filed on the public docket as a BNC Certificate of Notice, and commonly re-filed as exhibits in subsequent pleadings (objections, motions to vacate, etc.), amplifying the exposure across multiple docket entries.

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### **III. EMPIRICAL FINDINGS**

In April 2026, the submitter conducted a targeted scan of publicly available bankruptcy and district-court documents using the open-source Rule 9037 scanner referenced in the accompanying Rule 9037 suggestion (<https://github.com/openbankruptcyproject/rule9037-scanner>). The scan covered 2,512 PDFs drawn from the RECAP Archive.

After classification and filtering, the scan identified 7 high-confidence Rule 9037(a)(1) violations in which a full Social Security number appeared adjacent to an explicit Social Security number label, in a designated SSN field of an official bankruptcy form, or on an attached tax return. Four of those 7 violations involve court-designated forms whose template contemplates Social Security number protection:

#### **A. Form 121 Public Filings (Three Cases)**

Case A: United States Bankruptcy Court, District of New Jersey. A filing containing the Official Form 121 "Social Security Numbers you have used" field with the full 9-digit Social Security number of the debtor visible on the public docket.

Case B: United States Bankruptcy Court, Southern District of Mississippi. A filing containing the same Form 121 field with the full 9-digit Social Security numbers of both joint debtors visible on the public docket.

Case C: United States Bankruptcy Court, District of New Jersey. A second filing containing the same Form 121 field with the full 9-digit Social Security number of the debtor visible on the public docket.

## **B. Form 309E1 Template Failure (One Case, Two SSN Exposures)**

Case D: United States Bankruptcy Court, Eastern District of Pennsylvania. An Official Form 309E1 Notice of Chapter 11 Bankruptcy Case appears as an exhibit in a publicly filed pleading. The "Last 4 digits of Social Security number" field on the form contains the debtor's full 9-digit Social Security number rather than the template-designed "xxx-xx-NNNN" redaction. Two distinct Social Security numbers appear on the single form.

## **C. Anonymization Note**

The submitter deliberately declines to reproduce the case captions, docket numbers, document descriptions, page references, or Social Security numbers in this supplement. To do so would itself constitute further dissemination of the very exposure this supplement is intended to prevent. The submitter will provide specific case identifiers and pinpoint references to the Committee, the Administrative Office, or any designated recipient on a confidential basis upon request, and will separately notify the clerks of the affected courts to permit them to consider restriction of public access under Rule 9037(h).

The necessity of this anonymization is itself instructive. A pre-acceptance automated check would have prevented each of these exposures in the first instance. A post-hoc rule that relies on public identification of the failure requires the identifier to be re-disclosed in any attempt to document the pattern. Pre-filing screening is the only mechanism that does not require tradeoffs between accountability and further harm.

## **D. Distribution**

Two of the three Form 121 public-filing incidents occurred in the same federal district (District of New Jersey) within filings received by the same clerk's office. This is not a random distribution. It suggests a systemic clerk-workflow failure in that district, or an ECF intake process that permits Form 121 to be filed under a generic event code that does not trigger the non-public designation the form requires.

The Form 309E1 incident occurred in a different district (Eastern District of Pennsylvania) and involves a different failure vector (CM/ECF template generation). That the same identifier-exposure outcome arises from two distinct upstream failures in two different districts reinforces

the conclusion that the federal form-template framework cannot be left to self-execute without systemic verification.

The submitter did not conduct a comprehensive search for Form 121 or Form 309E1 violations; these four were incidentally identified in a scan conducted for a different purpose. The true scale of form-template compliance failures across the federal bankruptcy system is almost certainly substantially larger.

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#### **IV. WHY THESE ARE DISTINCT CATEGORIES OF HARM**

A standard Rule 9037(a) violation exposes a personal identifier that could have been redacted by counsel. A form-template violation exposes the debtor's complete Social Security number on a form whose template itself was designed to prevent that exposure. The harm profile differs in three material respects:

1. No redaction cure is possible. Form 121 has no redacted version; its purpose is to transmit the full SSN. Form 309E1 is generated by the CM/ECF system and distributed to creditors; the exposed copy has already been mailed before the court has any opportunity to correct. Post-hoc redaction under Rule 9037(h) cannot convert the filing into a privacy-compliant document; it can only restrict future access on one system while third-party archives and creditor mailings retain the original.
2. The forms themselves warn against or design away the exposure. Form 121 carries explicit on-face instructions prohibiting public filing. Form 309E1 contains the redaction ("xxx-xx-") in the template itself. Neither failure is plausibly explained by filer unawareness of the redaction requirement; both failures occur on forms where the redaction requirement is visible on the document.
3. The debtor has no operational remedy. When a Form 121 or Form 309E1 is public-docketed with the full Social Security number, the debtor's complete identity credential is on permanent public record regardless of what subsequent orders any court issues. The federal bankruptcy system has no mechanism to recall RECAP mirrors, PacerMonitor indexes, creditor-mailed notices, or downstream aggregator copies.

The Form 309E1 case carries an additional aggravating feature: because the form is auto-generated by the CM/ECF system and sent to all scheduled creditors on the master address list, a single template-generation failure produces exposure to every creditor in the case. The filer has no opportunity to review or correct the form before it is sent. This is not a filer-negligence harm; it is a system-architecture harm.

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## V. THE COMMON STRUCTURAL PATTERN

Suggestion No. 26-BK-3 identified the recurring structural failure in the federal bankruptcy rules: compliance duties assigned to counsel, the filer, or the court's own automated systems, with no verification layer and irreversible harm when the duty fails. The 1328(f) discharge-bar context provided the original example; the accompanying Rule 9037 suggestion addresses a second; an accompanying case-specific supplement addresses a third (a pro se PII exposure in a federal district court). This supplement adds two more instances to the pattern:

| Rule / form | Who performs the compliance step | Verification | Cure after failure |

<b>Rule 4004 / 1328(f)</b>	<b>Counsel checks prior-filing history</b>	<b>None</b>	<b>Discharge already issued</b>
Rule 9037(a) general	Counsel redacts before filing	None	RECAP distribution complete
Official Form 121	Filer/clerk route non-public	None	Complete SSN on public docket
Official Form 309E1	CM/ECF auto-redacts to last 4	None	Complete SSN in notice to all creditors
Official Form 425C Box 38	Filer self-certifies redaction	None	Unredacted MORs on PACER

Five rule or form contexts. Five failures of the same architectural type. Five irreversible outcomes. The submitter respectfully submits that the pattern is now sufficiently documented to support rule-level intervention.

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## VI. PROPOSED AMENDMENTS

The submitter respectfully proposes that the Committee consider the following amendments to Rule 9037 (with parallel amendments to Rule 1007 and to the Official Forms process as appropriate):

#### **A. Mandatory Event Code and Automatic Sealing for Form 121**

Amend Rule 9037 (or add a subsection) to require the Administrative Office to designate a distinct CM/ECF event code exclusively for Form 121 filings, with automatic public-access restriction upon acceptance. To prevent circumvention through misfiling, the rule should further provide that a filing containing the textual markers of Form 121 (the form heading, the "Social Security Numbers you have used" field, the form revision number) shall be treated as presumptively non-public regardless of the event code selected, with automatic restriction pending clerk confirmation.

#### **B. CM/ECF Template Integrity Audit**

Amend Rule 9037 (or direct the Administrative Office) to require a comprehensive audit of the CM/ECF form-generation pipeline for all Official Forms whose template contains redacted-identifier placeholders ("xxx-xx-"). The audit should verify that the CM/ECF system populates the redacted fields with the redacted values (last 4 digits only) rather than the full underlying data. Any form found to be populating full identifiers into redacted fields should be patched at the system level, and affected notices already distributed should be identified and subject to the notification regime in Part VI.D below.

#### **C. Pre-Acceptance PII Scan**

Amend Rule 9037 to require pre-acceptance automated screening of all filings for full Social Security number patterns (NNN-NN-NNNN and NNN NN NNNN), with the filing suspended and the filer notified before public docketing occurs when such a pattern is detected. This is the core proposal of the accompanying Rule 9037 suggestion and is reiterated here because it would have prevented each of the four form-template exposures identified in Part III above. When a full Social Security number pattern is detected in a field that the template expects to be redacted, the pre-acceptance scan should block acceptance pending correction.

#### **D. Non-Cure Provision**

Amend Rule 9037(h) to state expressly that restriction of public access to a document after it has been publicly docketed does not cure the original disclosure for purposes of liability, professional responsibility, or any state or federal privacy statute; and to require that any Rule 9037(h) order contain a direction to the filer to take reasonable steps to request removal of the document from known third-party archives, at the filer's sole cost.

#### **E. Mandatory Clerk Notification**

Amend Rule 9037 to require that when a public filing containing a full Social Security number (whether on Form 121, Form 309E1, or any other filing) is identified, the clerk shall notify the affected debtor or party, the case trustee, and the United States Trustee within 24 hours, and shall restrict public access pending investigation. Where the exposed form was distributed to creditors (as in Form 309E1), the clerk shall additionally issue a corrected notice to the affected creditor list.

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### **VII. RELATIONSHIP TO THE ACCOMPANYING RULE 9037 SUGGESTION**

This supplement is narrower than the accompanying main Rule 9037 suggestion in scope but broader in vector coverage. The accompanying suggestion proposes automated pre-filing screening as a general backstop. This supplement proposes additional, targeted protection for specific forms whose template design contemplates identifier protection: Form 121 (designed not to be public-filed) and Form 309E1 (designed to be auto-redacted at generation).

The two proposals are complementary. Pre-filing automated screening would, in practice, catch most form-template exposures. Distinct template-level protections for Form 121 (event-code-and-auto-seal) and Form 309E1 (CM/ECF generation audit) would provide belt-and-suspenders protection that does not rely solely on pattern matching and that addresses the specific upstream failure modes of each form.

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### **VIII. CONCLUSION**

Two court-designated federal bankruptcy forms, each with on-face redaction design, are nonetheless entering the public docket with the debtor's full 9-digit Social Security number. Form 121 carries an explicit written warning against public filing; it is being public-filed anyway. Form 309E1 contains the redaction ("xxx-xx-") built into the template; the CM/ECF system is nonetheless populating the field with the full Social Security number.

Four such exposures appeared in a single limited scan of 2,512 documents across three federal districts. The failures are not filer-negligence failures in the ordinary Rule 9037(a) sense; they are failures of the form-template framework itself, operating without a verification layer that ensures the template's on-face redaction design actually produces redacted output.

The submitter respectfully urges the Committee to add form-template exposure to the set of structural gaps under review, and to consider the amendments proposed above alongside the accompanying Rule 9037 suggestion.

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Respectfully submitted,

Daniel Brown Founder and Principal Open Bankruptcy Project EIN: 41-5159631 (501(c)(3) determination pending)

Email: [info@openbankruptcyproject.org](mailto:info@openbankruptcyproject.org) Web: [openbankruptcyproject.org](http://openbankruptcyproject.org) Prior submission: Suggestion No. 26-BK-3 (accepted March 23, 2026) Accompanying submission: Rule 9037 Suggestion (Automated PII Screening), transmitted concurrently