

Guide to Judiciary Policy

Vol. 2: Ethics and Judicial Conduct
Pt. D: Financial Disclosure

Ch. 5: Report Redaction and Release

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§ 510 Overview

- (a) The Judicial Conference issued the "Regulations of the Judicial Conference of the United States on Access to Financial Disclosure Reports Filed by Judges and Judiciary Employees Under the Ethics in Government Act of 1978, as Amended" on December 2, 1999, and amended them on October 1, 2000, October 1, 2007, and March 14, 2017.
- (b) In September 2017, the Conference delegated to its Committee on Financial Disclosure (Committee) the authority to adopt and amend regulations under [5 U.S.C. app. § 105\(b\)\(3\)\(D\) \(JCUS-SEP 17](#), p. 13).
- (c) The regulations in this chapter govern access to the financial disclosure reports filed by judicial officers and judicial employees under the Ethics in Government Act, [5 U.S.C. app. §§ 101–111](#).

§ 520 Applicability

These regulations apply to the processing of requests for copies of the financial disclosure reports of judicial officers and judicial employees maintained by the Administrative Office of the U.S. Courts (AO).

§ 530 Responsibility

- (a) The Committee on Financial Disclosure:
 - (1) monitors the release of financial disclosure reports to ensure compliance with the statute and the Committee's guidance;
 - (2) reviews and, within the Committee's discretion, approves or disapproves any requests for the redaction of statutorily mandated information where the release of the information could endanger a filer or a filer's family member, as provided in [§ 550.30](#);
 - (3) reviews and approves or disapproves any requests for waiver of costs associated with a request for the release of a financial disclosure report; and
 - (4) provides guidance when questions not covered in these regulations arise.
- (b) The Committee's Subcommittee on Public Access and Security is delegated the authority to act for the Committee where necessary to implement the provisions of these regulations.

§ 540 Requesting a Report ([Form AO 10A](#))

- (a) Requesters must submit a Form AO 10A to the AO's Financial Disclosure Office. The form must:
 - (1) include a list of the filers whose reports are requested,
 - (2) be signed and dated by the requester, and
 - (3) contain the information identified below in § 540(c).
- (b) Each Form AO 10A received that results in the release or viewing of a report will be retained throughout the period that the report is available to the public (see: [§ 550.10](#)), except as provided in [§ 540.30\(b\)](#).

- (c) Under [5 U.S.C. app. § 105\(b\)\(2\)](#), all requests to examine, or for a copy of, a financial disclosure report must be submitted in writing to the Committee on Financial Disclosure and contain the following:
 - (1) the requester's name, occupation, and address;
 - (2) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and
 - (3) that the requester is aware of the prohibitions and restrictions with regard to obtaining or viewing the report.

§ 540.10 Request to View a Report

- (a) Financial disclosure reports may be viewed in the AO's Financial Disclosure Office by appointment.
- (b) Appointments must be made at least five working days in advance.
- (c) Staff will provide the requester with an approved copy of the requested report(s) to view.

§ 540.20 Cost for Copies of Reports

- (a) Unless otherwise requested, financial disclosure reports will be provided on an electronic storage device at no charge.
- (b) If a paper copy of a report is requested, the requester will be charged \$0.20 per page to cover reproduction and mailing costs.
- (c) A paper copy of a requested report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest, particularly the requester's inability to pay the fee.
- (d) Requests for waiver must be presented in writing to the Committee.

§ 540.30 Notification of a Request

- (a) The Financial Disclosure Office will notify the filer when a [Form AO 10A](#) is received requesting the release of a filer's financial disclosure report(s) and will provide each filer with a copy of the requester's Form AO 10A.
- (b) When a request involves a filer who is the subject of an ongoing criminal or ethics investigation by the U.S. Department of Justice, a Judicial Conference committee, or a circuit judicial council, the Committee will not notify a filer of the request and subsequent release of a financial disclosure report where the request's originator affirmatively asks that the

filer not be notified. The Committee staff will coordinate with the Committee Chair on the release of reports related to such investigations.

§ 550 Limitations on Release

§ 550.10 Custody of Financial Disclosure Reports

- (a) Any report filed under Guide, Vol. 2D, Ch. 2 will be retained by the AO for six years after receipt.
- (b) After the six-year period, the report will be destroyed unless needed in an ongoing investigation.
- (c) For individuals who file a report as a nominee under Guide, Vol. 2D, § 210.20 and are not subsequently confirmed by the Senate, such reports will be destroyed one year after the individual is no longer under consideration by the Senate, unless needed in an ongoing investigation.

§ 550.20 Incomplete or Improper Request

Under [5 U.S.C. app. § 105](#), financial disclosure reports will not be released to any individual who fails to properly complete [Form AO 10A](#) or pay assessed costs.

§ 550.30 Security

- (a) Financial Disclosure Committee staff will take reasonable steps to ensure the privacy and security of individuals required to file a financial disclosure report in accordance with the statute and the guidance provided by the Committee.
- (b) The staff will not release or allow the viewing of any report until notice has been given to the filer, except as provided in [§ 540.30](#).
- (c) In accordance with Committee direction, Committee staff will continue to monitor compliance with the Act, while minimizing security risks by removing information that is not required by the Act, including without limitation:
 - (1) spouse's and dependent's names, initials, and designations (e.g., "spouse," "son," "dependent child," "dc");
 - (2) home addresses;
 - (3) social security numbers;
 - (4) financial account and bank account numbers;

- (5) street addresses of rental properties, business properties, and financial institutions (including branch names or location identifiers);
- (6) ownership codes (e.g., "joint," "JTWROS," "UGMA," "UTMA"); and
- (7) filer's signature.

(d) A report that may be disseminated to the public may be redacted under [5 U.S.C. app. § 105](#) to prevent public disclosure of personal or sensitive information that could directly or indirectly endanger the filer or a filer's family member by a member of the public hostile to the filer or a filer's family member. The following procedure will be used to determine whether redaction is appropriate.

- (1) When an annual report is filed, the filer may request redactions believed to be appropriate before release of a report that may be disseminated to the public. Redaction requests may also be made after a filer receives a notification of a request under [§ 540.30](#).
- (2) Reports that will not be considered as ones that may be disseminated to the public include, but are not limited to:
 - (A) reports released upon request to appropriate committees of the Senate or House of Representatives; and
 - (B) reports released upon request to appropriate executive-branch officials.

Note: In the case of (A) and (B), redaction of the filer's signature under § 550.30(c)(7) may not occur if so indicated by the requester.

- (3) The filer must state with specificity what material is sought to be redacted. The filer must also state in detail the reasons justifying redaction. These reasons may include, but are not limited to:
 - (A) the purposes and need for an ongoing protective detail provided by the United States Marshals Service;
 - (B) particular threats or inappropriate communications;
 - (C) involvement in a high threat trial or appeal; or
 - (D) certain information on the form that could endanger the filer or a family member directly or indirectly if possessed by a member of the public hostile to the filer or a family member.

- (4) The Committee will determine, in consultation with the U.S. Marshals Service, whether information sought to be redacted could, if disseminated to the public, directly or indirectly endanger the filer or a family member, then grant or deny the request as appropriate.
 - (A) Information that could facilitate the financial harassment of a filer or a family member (e.g., identity theft) may be deemed information that could endanger a filer or a family member.
 - (B) However, no redaction will be granted that eliminates disclosure of the existence, rather than extent, of an interest in an entity that would disqualify the filer from serving as a judge in litigation involving that entity, unless disclosure of that interest would:
 - (i) reveal the location of a residence of the filer or a family member,
 - (ii) reveal the place of employment of the filer or a family member, or
 - (iii) possibly increase an existing danger to a filer or a family member based on circumstances described in § 550.30(d)(3)(A)-(C).
 - (C) The Committee may redact material without a request from a filer if it has received credible evidence that the release of information contained in a financial report could endanger the filer or a family member.
- (e) Information may be redacted from a report in accordance with such finding to the extent necessary to protect the judicial officer or judicial employee who filed the report and their families, and the redactions will be made for as long as the reasons for redacting the report exist.
- (f) The Committee staff will notify a filer when a report is actually released or reviewed and provide the filer with a copy of the redacted report. The staff will maintain a copy of the redacted material for as long as the original report is maintained.
- (g) A request for redaction and its supporting documents, except for copies of the financial disclosure report and any amendments to it, are considered confidential and will only be used to determine whether to grant a request for redaction. Such documents are not considered part of any report available for release under [5 U.S.C. app. § 105\(b\)\(1\)](#).

§ 560 Use of Reports

- (a) Under [5 U.S.C. app. § 105](#), it is unlawful for any person to obtain or use a report for:
 - (1) any unlawful purpose;
 - (2) any commercial purpose other than by news and communications media for dissemination to the general public;
 - (3) determining or establishing the credit rating of any individual; or
 - (4) use directly or indirectly in the solicitation of money for any political, charitable, or other purpose.
- (b) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited by this section. The court in which such action is brought may assess against such person a penalty in any amount not to exceed \$10,000. Such remedy may be in addition to any other remedy available under statutory or common law.
See also: Guide, Vol. 2D, § 630.

§ 570 Reporting Requirements

The Committee on Financial Disclosure will report the following to the appropriate Congressional Committees on an annual basis:

- (a) the total number of reports in which required information is redacted under exercise of the authority delineated in [§ 550.30\(d\)](#);
- (b) the total number of individuals whose reports have been redacted under exercise of the authority in § 550.30(d);
- (c) the types of threats against filers whose reports are redacted, if appropriate;
- (d) the nature or type of information redacted;
- (e) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine whether there is a conflict of interest;
- (f) principles used to guide implementation of redaction authority; and
- (g) any public complaints received relating to redaction.