

# PACER BRINGS COURT RECORDS TO THE PUBLIC

## What is PACER?

Public Access to Electronic Court Records (PACER) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts as well as the U.S. Party/Case Index via the Internet. PACER is a service of the U.S. judiciary and exemplifies its long-term commitment to providing public access to court information. Each court maintains its own database of court information, and the PACER Service Center is run by the Administrative Office of the United States Courts.

## Who has access to PACER?

PACER is available to anyone who registers for an account at [www.pacer.gov](http://www.pacer.gov).

## What information is available through PACER?

PACER includes case and docket information for all 94 district courts, 90 bankruptcy courts, and all 13 courts of appeals. PACER currently provides access to 500 million case file documents. Documents are available immediately after they have been electronically filed. No other court system provides such rapid access to this much case information. The U.S. Party/Case Index allows users to search the database to determine if a party is involved in federal litigation.

## Who uses PACER?

There are more than one million active PACER users, including lawyers, pro se filers, government agencies, trustees, bulk data collectors, researchers, educational institutions, commercial enterprises, financial institutions, the media, and the general public.

## Why use PACER?

The PACER system offers an inexpensive, fast, and comprehensive case information service to any individual who has a personal computer and Internet access. PACER allows users to request information about a particular individual or case. The data is displayed directly on the user's computer screen within a few seconds. The system is simple enough that little user training or documentation is required, and it is accessible days, nights, and weekends. Updates to active and recently closed cases can be verified without the need to make repeated trips to the court to review paper records. If there have been no updates, this can be confirmed in seconds. PACER was developed as an alternative to going to the courthouse during business hours and making copies of court documents at 50 cents a page, whereas the fee to print out a PACER file at a courthouse is 10 cents a page.

## What fees are associated with use of PACER?

The current cost, as set forth by the policy-making Judicial Conference of the United States, is 8 cents per page; the maximum charge for any single document or case specific report, no matter its length, is \$2.40. These fees are significantly lower than those charged by commercial services and more economical than the copying charge of 10 cents per page that individual courts charge. If an indi-

vidual PACER account does not reach \$10 annually (which equates to 125 pages), no fee is charged; in 2008, more than 145,000 accounts were not charged.

## Is any PACER information available for free?

In addition to those users who do not reach the annual threshold to be billed (\$10), free access to all judges' opinions is provided through the "Opinions Report" included in PACER. The parties in a court case receive a free copy of the filings in their case. At every federal courthouse, public access terminals provide free PACER access to view filings in that court. In addition, about 20 percent of all PACER usage is performed by users who are exempt from any charge, including indigents, academic researchers, bankruptcy trustees, Criminal Justice Act attorneys, and pro bono attorneys.

## Why is any user fee charged?

Fees for electronic public access are collected to maintain and improve public access to court information. In the judiciary's 1991 Appropriations Act, Congress required that improved electronic access to court information be funded through reasonable fees paid by the users of the system, not by taxpayers. In compliance with the E-Government Act of 2002, information available through PACER is "freely available to the greatest extent possible," and charges imposed are the minimum needed to recover costs. The Judiciary Appropriations Act of 2004 called for the use of fees as the basis for supporting the Case Management/Electronic Case Files system. Revenue from fees allows the judiciary to pursue new technologies for providing public access, develop prototype programs to test the feasibility of new public access technologies, and develop enhancements to existing systems. By authorizing the fee, Congress has provided the judiciary with revenue that is solely dedicated to promoting and enhancing electronic public access to court information. These fees are used only for public access and are not subject to being redirected for other purposes.

## What happens to the money generated by PACER?

As required by Congress, the fees paid by PACER users are used solely to fund the judiciary's electronic public access programs and operations. Funds are used to pay the expenses of the public access program, including telecommunications, replication, and archiving expenses, as well as the Case Management/Electronic Case Files system and electronic bankruptcy notifications, which in 2008 transmitted more than 20 million bankruptcy notices. As PACER usage has increased greatly in recent years, so have the expenses associated with continually expanding network capacity and improving the system's architecture to keep up with the demand.

## What privacy considerations have been made regarding documents available through PACER?

The federal judiciary has been in the forefront of protecting privacy interests while ensuring public access to electronically filed information. More than a decade ago, before electronic filing was adopted by federal district and bank-



ruptcy courts—and well before enactment of the E-Government Act of 2002—the Judicial Conference of the United States began developing a policy to protect private information in electronic case files while ensuring Internet-based public access to those files. That policy became effective in September 2001. Changes to the Federal Appellate, Bankruptcy, Civil, and Criminal Rules, which mainly incorporate the privacy policy and address other rules’ aspects of protecting personal identifiers and other public information from remote electronic public access, became effective in December 2007, under the E-Government Act and pursuant to the Rules Enabling Act process. Adherence to these policies and rules by litigants and attorneys is essential to ensure that personal identifier information is appropriately redacted from court filings. The Judicial Conference is currently examining how the privacy rules are working in practice. In addition, the Administrative Office is taking a number of steps to ensure that the privacy protections established in the federal rules can be followed more easily; one such step is the establishment of a task force to study the issue.

#### What information is typically redacted?

The personal identifiers that must be redacted include

the first five digits of a person’s Social Security number, financial account numbers, the name of a minor, a person’s date of birth, and home addresses in a criminal case. These redaction requirements were incorporated into the Federal Rules amendments promulgated in December 2007 after the public notice and comment period prescribed under the Rules Enabling Act.

#### Who is responsible for redactions in documents available through PACER?

Responsibility to redact filings rests with counsel and the party or nonparty to the case who is making the filing. The litigants and lawyers are in the best position to know if private information appears in any of the documents and, if so, where it appears. Court staff is not allowed to modify documents, because doing so has the potential to compromise the neutrality of the court. Courts have been actively involved in educating the bar about lawyers’ responsibility for redacting filings, and a reminder of this responsibility is included on the electronic document filing log-on screen so that every time a document is filed with a federal court, the filer will be alerted to the redaction rules established to protect privacy. **TFL**