



## U.S. District Court, District of Minnesota CONFIDENTIALITY STATEMENT

Judicial employees must ensure that nonpublic information learned in the course of employment is kept confidential. In the performance of job duties, employees may have access to files, records, draft materials, and conversations that are, under the Code of Conduct for Judicial Employees or by practice of the court, confidential. Canon 3D of the Code sets forth the minimum standard:

*A judicial employee should avoid making public comment on the merits of a pending or impending action and should require similar restraint by personnel subject to the judicial employee's direction and control. This proscription does not extend to public statements made in the course of official duties or to the explanation of court procedures. A judicial employee should never disclose any confidential information received in the course of official duties except as required in the performance of such duties, nor should a judicial employee employ such information for personal gain. A former judicial employee should observe the same restrictions on disclosure of confidential information that apply to a current judicial employee, except as modified by the appointing authority.*

### **Confidential Information**

Confidential information is information, however communicated, received in the course of judicial duties that is not public and is not authorized to be made public. Current and former employees, externs, interns, and volunteers are prohibited from using or disclosing confidential information. This includes information received by the court pursuant to a protective order or under seal; expressly marked or designated by a judge to be kept confidential; or relating to the deliberative processes of the court or an individual judge.

Examples of confidential information include:

- a. the substance of draft orders or opinions;
- b. internal discussions or documents prepared in connection with matters before the court;
- c. the content or occurrence of conversations among judges or between a judge and judicial employees concerning matters before the court;
- d. the timing of a decision, order, or other judicial action;
- e. views expressed by a judge in the course of discussions about a particular matter before the court; and



- f. any subject matter the appointing authority has indicated should not be revealed, such as internal office practices, informal court procedures, the content or occurrence of statements or conversations, and actions by a judge or staff.

Information that is not considered confidential includes court rules, published court procedures, public court records including the case docket, information disclosed in public court documents or proceedings.

### **Inadvertent Disclosure**

Sometimes breaches of confidentiality do not involve intentional disclosure but are the result of overheard remarks, casual comments, or inadequate shielding of sensitive materials. Judicial employees should take care to prevent inadvertent disclosure of confidential information by avoiding:

- a. Case-related conversations and discussions of confidential information in public places within the court, such as the library, hallways, and elevators;
- b. Case-related conversations and discussions of confidential information at bar association meetings, law schools, gatherings of non-court persons, or in public places;
- c. Visible display of confidential documents in public places such as a library, on public transportation, or area non-court persons have access;
- d. Substantive discussions with counsel, litigants, or reporters about the merits of a matter before the court;
- e. Use of writing samples from judicial employment without adequate redaction and approval of the appointing authority; and
- f. Posting comments online about the Court or its cases.

### **Authorized Disclosure**

Confidential information is authorized to be disclosed in the following circumstances:

- a. Pursuant to a statute, rule, or order of the court, or authorization from the appointing authority;
- b. Pursuant to a valid subpoena issued by a court or other authorized authority; and
- c. To report an alleged criminal violation to the appointing authority or other appropriate government or law enforcement official.

The restriction against disclosing confidential information does not apply to (nor should it discourage) reporting misconduct, including sexual or other forms of harassment.



**Continuing Obligation**

Confidentiality obligations do not end when judicial employment or unpaid service ends, or when a matter is completed, or a case is closed. Former judicial employees, externs, interns, and volunteers should observe the same restrictions on disclosure of confidential information that apply to current employees. Confidentiality restrictions continue to apply with respect to open, as well as closed and completed matters.

Employees are to consult with an appointing authority or judge if there is any doubt whether disclosure is authorized before a disclosure is made. Employees are to notify their appointing authority or judge immediately if there is reason to believe confidentiality requirements have been violated.

**Acknowledgement**

I acknowledge I have read, understand, and agree to abide by this confidentiality statement.

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Signature

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Date