



PUBLIC.RESOURCE.ORG ~ *A Nonprofit Corporation*

Open Source America's Operating System

"It's Not Just A Good Idea—It's The Law!"

February 4, 2009

The Honorable Mark E. Fuller, Chief Judge
U.S. District Court for the Middle District of Alabama
PO Box 711
Montgomery, Alabama 36101-0711
propord_fuller@almd.uscourts.gov

VIA ELECTRONIC MAIL AND U.S. POSTAL SERVICE

Dear Chief Judge Fuller:

I am writing in the matter of the privacy audit of selected courts, including the United States District Court for the Middle District of Alabama. The preliminary audit was sent to the Honorable Mr. Duff at the Administrative Office of the Courts by Federal Express on October 3, 2008. The final audit was delivered, again by Federal Express, on October 24, 2008. A Third and Final Notice was sent directly to the attention of Ms. Debra P. Hackett, the Honorable Clerk of the Court on December 18, 2009 and I spoke to Ms. Hackett on the telephone on February 2, 2009.

The Clerk of the Court was very clear that no actions will be taken, neither notification of the attorneys, nor the temporary removal or restriction of documents. I wish to appeal to you personally as I believe removal of these documents is required not only by the Rules of Practice and Procedure mandated by the Judicial Conference—rules which apply to the courts themselves as well as the attorneys who practice before you—but also by the standards of common decency and a duty to protect, to the extent possible and practical, the people appearing before your court.

The privacy transgressions uncovered were numerous, but I wish to call to your attention specifically a series of cases in which people in public service, employed as police officers, by the courts, or by the executive branch, are being endangered by the refusal of the United States District Court for the Middle District of Alabama to take action:

- In case [REDACTED], the identifying information for a U.S. government employee was improperly disclosed on your web site.
- In case [REDACTED], the identifying information for a court employee was improperly disclosed on your web site.
- In case [REDACTED], the identifying information for a U.S. government employee was improperly disclosed on your web site.
- In case [REDACTED], the identifying information for an attorney for the [REDACTED] was improperly disclosed on your web site, despite the fact she told me that she filed to have this information removed.
- In case [REDACTED], the identifying information for an Alabama state government employee was improperly disclosed on your web site.

The list of offending cases that was presented to Ms. Hackett and the Administrative Office of the Courts is 5 pages long, one of the worst performances in the judicial system. In addition to endangering the identities of government employees, your computer system includes improper disclosure of medical records, tax returns, information about minors, and numerous other problems.

Most of the other courts that were notified have promptly taken action. You will find enclosed, for example, a letter from the Honorable Chief Judge Royce C. Lamberth indicating that the U.S. District Court for the District of Columbia promptly examined the cases brought to their attention, verified the information, and then took action.

I am clear on the basic principle that it is the responsibility of the attorneys who practice before you to protect the identities of their clients. However, when the breaches are so widespread, it seems incumbent upon the court to act. I urge you to take prompt action to protect the identities of the government employees in public service detailed above, as well as all citizens who appear before your court.

Respectfully yours,

Carl Malamud
President & CEO
Public.Resource.Org

enc.

United States District Court
for the District of Columbia
Washington, DC 20001

Chambers of
Chief Judge
Royce C. Lamberth
United States District Judge

January 28, 2009

Mr. Carl Malamud
President & CEO
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Mr. Malamud,

This is in response to the your December 30, 2008 letter regarding the audit your organization conducted of our Court's database. Our Clerk's Office confirmed that the documents you cited included social security numbers that should have been redacted by counsel prior to filing. Those documents are no longer available for public viewing. Counsel for the parties have been notified to file redacted documents that are in compliance with the E-Government Act.

Thank you for bringing this to our attention. We appreciate your interest in our Court.

Sincerely,

A handwritten signature in black ink, reading "Royce C. Lamberth". The signature is fluid and cursive, with the first name "Royce" and last name "Lamberth" clearly legible.

Royce C. Lamberth
Chief Judge