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December 18, 2008

Ms. Debra P. Hackett, Clerk of the Court
United States District Court for the Middle District of Alabama
PO Box 711
Montgomery, Alabama 36101-0711

THIRD AND FINAL NOTICE

Dear Ms. Hackett:

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. I confirmed with Ms. Redmond of the Public Information Office the contents of this preliminary audit. The final audit was delivered, again by Federal Express, on October 24, 2008.

You will find enclosed a second copy for your convenience of the October 24 final audit, including a DVD containing both redacted and unredacted documents. I am assuming you have received these materials promptly from the Administrative Office of the Courts on October 3 and October 24 given the extremely pressing nature of the materials uncovered.

As you are of course aware, the United States District Court for the Middle District of Alabama is in substantial violation of the E-Government Act and the consequent Rules and Practices promulgated by the Judicial Conference. These violations are non-trivial, including exposure of the medical records and social security numbers of minors, illegal identifying information such as birth dates and social security numbers for court employees and law enforcement officials, and numerous unredacted tax and other forms.

In the course of our audit, we examined 956,991 pages of documents made public by the United States District Court for the Middle District of Alabama. A total of 171 problem documents were uncovered. In addition we provided for your convenience an analysis by judge of these issues. As you can see in Figure 5 of the attached document, 83% of the very numerous problems uncovered in your court can be attributed to 3 of the judges. As we note in our audit, case loads vary both in volume and composition, so these "red flags" should be considered a first step for further investigation.

Given the serious nature of these issues, it is disappointing that no progress has been made by your court in redacting these documents. We have conducted a spot check of the documents that were called to your attention twice before and no redactions have been performed on any of the documents we checked as of December 18, 2008.

With this third and final notice, I hope you will treat this matter with the seriousness it deserves. However, if the United States District Court for the Middle District of Alabama is unable or unwilling to perform these duties required by you under the law by January, 31, 2009 we will be forced to **directly notify the named parties** in the documents that you host on your web site.

Respectfully yours,

Carl Malamud
President & CEO
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