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December 30, 2008

Ms. Nancy Mayer-Whittington, Clerk of the Court United States District Court for the District of Columbia 333 Constitution Avenue, N.W. Washington, D.C. 20001

THIRD AND FINAL NOTICE

Dear Ms. Mayer-Whittington:

I am writing in the matter of the privacy audit of selected courts, including the United States District Court for the District of Columbia. 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. 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 District of Columbia 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 employment records and social security numbers for local unions and personnel reviews, social numbers, and medical information for federal employees. Perhaps most shocking are items such as the list submitted by D.C. Attorney Ronald L. Drake who decided he wasn't being paid on time by the D.C. schools and thus raised his rates retroactively from \$390/hour to \$425/hour, submitting as evidence the names, home addresses, ages, and social security numbers of 67 children. I fail to see how you could fail to remove such information almost 3 months after first being notified.

In the course of our audit, we examined 1,423,178 pages of documents made public by the United States District Court for the District of Columbia. A total of 145 problem documents were uncovered. In addition we provide for your convenience in table 1 an analysis by judge of the number of occurrences of issues. 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.

Table 1: Number of Privacy Transgressions By Presiding Judge

Judge	Number of Issues
Magistrate Judge Deborah A. Robinson	20
Judge Richard W. Roberts	12
Judge Ricardo M. Urbina	13
Chief Judge Royce C. Lamberth	12
Judge Ellen Segal Huvelle	11
Judge Reggie B. Walton	9
Judge Henry H. Kennedy, Jr.	8
Judge Gladys Kessler	8
Judge Paul L. Friedman	7
Judge John D. Bates	7
Judge Emmet G. Sullivan	7
Magistrate Judge John M. Facciola	6
John Garrett Penn	6
Judge James Robertson	5
Judge Rosemary M. Collyer	4
Judge Richard J. Leon	3
Judge Colleen Kollar-Kotelly	3
Magistrate Judge Alan Kay	3

Given the serious nature of these issues, it is disappointing that no progress has been made by your court in redacting these documents as of December 30, 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 District of Columbia is unable or unwilling to perform these duties required by you under the law by January, 31, 2009 we will directly notify the named parties in the documents that you host.

Respectfully yours,

Carl Malamud President & CEO Public.Resource.Org