

The background features abstract, overlapping green geometric shapes in various shades of green, creating a modern and dynamic look. The shapes are primarily triangles and polygons, some solid and some semi-transparent, arranged in a way that suggests movement and depth. The overall color palette is a range of greens, from light lime to deep forest green.

REDACTING 101: YOU NEED TO CUT IT!....

SANDRE STREETE MONCRIFFE, Esq.

#HOTLIST

- ▶ 1. TRCP 21C:
- ▶ PRIVACY PROTECTION FOR DOCUMENTS
- ▶ 2. REDACTING FOR ADMISSION OF EVIDENCE
- ▶ 3. TX BUS & COMM CODE: SECTION 501
- ▶ 4. MEDICAL RECORDS PRIVACY

TRCP 21C

- ▶ Effective Jan. 1, 2014 under the Texas Rules of Civil Procedure RULE 21c. **PRIVACY PROTECTION FOR FILED DOCUMENTS.** (a) Sensitive Data Defined. Sensitive data consists of: (1) a driver's license number, passport number, social security number, tax identification number, or similar government-issued personal identification number; (2) a bank account number, credit card number, or other financial account number; and (3) a birth date, a home address, and the name of any person who was a minor when the underlying suit was filed.
- ▶ (b) Filing of Documents Containing Sensitive Data Prohibited. Unless the inclusion of sensitive data is specifically required by a statute, court rule, or administrative regulation, an electronic or paper document, except for wills and documents filed under seal, containing sensitive data may not be filed with a court unless the sensitive data is redacted. (c) Redaction of Sensitive Data; Retention Requirement. Sensitive data must be redacted by using the letter "X" in place of each omitted digit or character or by removing the sensitive data in a manner indicating that the data has been redacted. The filing party must retain an unredacted version of the filed document during the pendency of the case and any related appellate proceeding.
- ▶ (d) Notice to Clerk. If a document must contain sensitive data, the filing party must notify the clerk by: (1) designating the document as containing sensitive data when the document is electronically filed; or (2) if the document is not electronically filed, by including, on the upper left-hand side of the first page, the phrase: "NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA." (e) Non-Conforming Documents. [The clerk may not refuse to file a document that containing sensitive data, but give you a deadline to correct.]

CASELAW AND CONSEQUENCES....

In re Hale, 110217 TXCA4, 04-17-00631-CV, IN RE Cynthia S. HALE No. 04-17-00631-CV Court of Appeals of Texas, Fourth District, San Antonio November 2, 2017 Original Mandamus Proceeding

On September 29, 2017, Relator filed an emergency motion for stay. On October 10, 2017, Relator filed a petition for writ of mandamus. In the body of her petition, Relator identifies a minor by name. In addition, the appendices to Relator's petition for writ of mandamus and motion for emergency stay include unredacted documents identifying the minors by name. Texas Rule of Appellate Procedure 9.9(b) requires sensitive data be redacted. Sensitive data includes the "name of any person who was a minor when the underlying suit was filed." Tex.R.App.P. 9.9(a)(3). Sensitive data must be redacted as set out by Texas Rule of Appellate Procedure 9.9(c). **Because Relator failed to comply with the requirements of Texas Rule of Appellate Procedure 9.9, we ORDER Relator's petition and motion for temporary relief STRICKEN.** Relator may file an amended petition and motion, solely for the purpose of redacting all sensitive data, no later than November 6, 2017. On October 27, 2017, Real Party in Interest filed a response to the petition for writ of mandamus. The appendix to the response includes unredacted documents identifying the minors by name. Because Real Party in Interest failed to comply with the requirements of Texas Rule of Appellate Procedure 9.9, we ORDER Real Party in Interest's response to Relator's petition for writ of mandamus STRICKEN. Real Party in Interest may file an amended response, solely for the purpose of redacting all sensitive data, within two days of Relator filing her redacted petition for writ of mandamus and motion for stay. If all parties timely file redacted pleadings and appendices as provided by this order, oral argument in this case will remain scheduled for November 29, 2017 at 11:00 a.m. It is so ORDERED. -----

CASELAW AND CONSEQUENCES CONTINUED...

- ▶ *In re J.R.N.*, 040110 TXCA9, 09-08-00029-CV
- ▶ *IN THE MATTER OF J.R.N.*, III No. 09-08-00029-CV Court of Appeals of Texas, Ninth District, Beaumont April 1, 2010 Submitted on August 7, 2009 On Appeal from the County Court at Law No. 4 Montgomery County, Texas Trial Cause No. 06-12-1242
- ▶ Summary:
- ▶ A jury found J.R.N. engaged in delinquent conduct by committing the offenses of aggravated sexual assault and indecency with a child. The trial court committed J.R.N. to the Texas Youth Commission for a ten-year determinate sentence. In four issues, J.R.N. appeals the jury's verdict. We affirm the trial court's judgment.
- ▶ Redacting Issue: J.R.N. argues that the trial court erred because the court allowed the SANE report to be admitted into evidence, without redactions, and the Children's Safe Harbor videotaped interview, without redacting inadmissible statements, and (4) the evidence is factually insufficient to sustain the verdict in this case.
- ▶ ISSUE THREE: J.R.N. contends that the trial court erred in allowing the SANE report and the Children's Safe Harbor videotaped interview into evidence without redacting inadmissible statements. We review a trial court's decision to admit or exclude evidence for an abuse of discretion. *Shuffield v. State*, 189 S.W.3d 782, 793 (Tex. Crim. App. 2006). Unless the trial court's decision was outside the zone of reasonable disagreement, we uphold the ruling. *Id.*; *Montgomery v. State*, 810 S.W.2d 372, 391 (Tex. Crim. App. 1990) (op. on reh'g). The State offered the SANE report through the testimony of nurse Trevino. **While J.R.N. objected to the unredacted report as containing hearsay, J.R.N. did not specify the portions of the report that he alleged contained hearsay statements nor did he tender a redacted report.**
- ▶ Likewise, J.R.N. objected to the admission of the videotaped interview on the basis that it contained hearsay and "information about other alleged perpetrators." J.R.N. objected to any portion of the videotape "[t]hat's not specifically a prior inconsistent statement . . . to use for impeachment purposes." However, J.R.N. failed to offer a redacted version of the tape or otherwise specify what portions of the interview were inadmissible. In light of the fact that S.W. recanted on the stand, and that the videotape was not redacted or edited prior to trial, the trial court admitted the videotaped interview in its entirety. The trial court need never sort through challenged evidence in order to segregate the admissible from the excludable, nor is the trial court required to admit only the former part or exclude only the latter part. If evidence is offered and challenged which contains some of each, the trial court may safely admit it all or exclude it all, and the losing party, no matter who he is, will be made to suffer on appeal the consequences of his insufficiently specific offer or objection *Willover v. State*, 70 S.W.3d 841, 847 (Tex. Crim. App. 2002) (quoting *Jones v. State*, 843 S.W.2d 487, 492 (Tex. Crim. App. 1992) (overruled on other grounds), cert. denied, 507 U.S. 1035, 113 S.Ct. 1858, 123 L.Ed.2d 479 (1993)). J.R.N.'s objection was insufficient to identify to the trial court the portions of the SANE report and videotaped interview that were alleged to be inadmissible. Under these circumstances, we find no abuse of discretion in the admission of the report and videotape in their entirety. Issue three is overruled.

BAD?

Manafort's poorly redacted filing reveals new Mueller investigation details

Mueller thinks Manafort shared 2016 polling data with a Russian associate.

By Andrew Prokop on January 8, 2019 3:15 pm

GOOD?

I would summarize the history of the thermonuclear development as follow

- (1) The **DELETED** as conceived in 1946 is probably not feasible, certainly impractical.
- (2) There are at present only two promising ways to obtain large-scale thermonuclear reactions, **DELETED**
DELETED
- (3) Development of a possibly practicable device could begin in earnest only after the invention of the radiation implosion which originated outside the thermonuclear program.
- (4) The invention **DELETED** in 1951 was largely accidental. It is unpredictable whether and when a similar invention was made or will be made by the Russian project. The invention



Texas Bus & Comm. Code §501 Protections

- ▶ §501.001 of the Texas Business and Commerce Code: CERTAIN USES OF SOCIAL SECURITY NUMBER PROHIBITED. (a) A person, other than a government or a governmental subdivision or agency, may not: (1) intentionally communicate or otherwise make available to the public an individual's social security number; (2) display an individual's social security number on a card or other device required to access a product or service provided by the person; (3) require an individual to transmit the individual's social security number over the Internet unless: (1) the Internet connection is secure; or (2) the social security number is encrypted;
- ▶ Bus & Comm Code Section 501 (cont'd) (4) require an individual's social security number for access to an Internet website unless a password or unique personal identification number or other authentication device is also required for access; or (5) except as provided by Subsection (f), print an individual's social security number on any material sent by mail, unless state or federal law requires that social security number to be included in the material. Added Sections provide penalties of up to \$500 per offense.

Medical Records Privacy

Chapter 181 of Texas Health and Safety Code “Medical Records Privacy”

- ▶ Primary Statutes:
 - ▶ • HIPAA: Health Information Privacy and Accessibility
 - ▶ • HITECH: stands for Health Information Technology for Economic and Clinical Health (2009)
 - ▶ • “Omnibus Rule” (2013) protecting patients’ health data
- ▶ “Covered Entity:” Are Lawyers “Covered Entities” subject to the Act?
- ▶ You may be if: a. You collect or store PHI;
- ▶ b. You come into possession of PHI;
- ▶ c. Obtain or store PHI, or your are an employee of somebody who does any of the above.
- ▶ NOW WHAT DO YOU NEED TO DO?

Chapter 181 Tx H. & S. Code, cont'd

- ▶ (2) "Covered entity" means any person who: (A) for commercial, financial, or professional gain, monetary fees, or dues, or on a cooperative, nonprofit, or pro bono basis, engages, in whole or in part, and with real or constructive knowledge, in the practice of assembling, collecting, analyzing, using, evaluating, storing, or transmitting protected health information. The term includes a business associate, health care payer, governmental unit, information or computer management entity, school, health researcher, health care facility, clinic, health care provider, or person who maintains an Internet site;
- ▶ (B) comes into possession of protected health information;
- ▶ (C) obtains or stores protected health information under this chapter; or
- ▶ (D) is an employee, agent, or contractor of a person described by Paragraph (A), (B), or (C) insofar as the employee, agent, or contractor creates, receives, obtains, maintains, uses, or transmits protected health information. (2-a) "Disclose" means to release, transfer, provide access to, or otherwise divulge information outside the entity holding the information.

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“If you want to go quickly, go
alone. If you want to go far, go
together.” African Proverb