



U.S. Department of Justice

Office of the United States Trustee

*Region 18: Alaska, Idaho, Montana,  
Oregon, and Washington*

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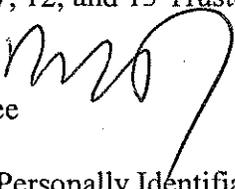
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**MEMORANDUM**

DATE: July 28, 2010

TO: Region 18 Chapter 7, 12, and 13 Trustees

FROM: Robert D. Miller Jr.   
United States Trustee

SUBJECT: Clarification of the Personally Identifiable Information Policy for Trustees

On May 5, 2010, we issued updates to both the chapter 7 and standing trustee handbooks that reflected the Program's policy regarding a trustee's duty to report the loss or potential loss of personally identifiable information (PII). Based on that policy, questions have been raised with respect to PII and the trustees' conduct of section 341 meetings of creditors. Specifically, the question is whether there is a PII issue associated with (1) the trustee's calling of a case by the debtor's full name and case number, and the trustee's similar identification of the case for the record at the section 341 meeting; and (2) the posting of a calendar of scheduled section 341 meetings showing a debtor's full name and the full case number, either on the trustee's Web site or outside the meeting room.

While the provisions of the Privacy Act do not apply to trustees since they are not federal employees and the PII loss notification procedures are different, the Program is sensitive to the problem of identity theft and the misuse of PII. As to the first issue identified above, it is important that trustees be able to, on the record, properly identify debtors at section 341 meetings. Accordingly, with respect to the calling of a section 341 meeting, it is appropriate and you should continue to identify on the record each case individually at the start of the meeting using the debtor's full name and full case number.

With respect to the posting of a section 341 meeting calendar on a trustee's Web site, placing a debtor's PII on the Internet significantly increases the risk of identify theft or improper use of a debtor's information. Therefore, the Program discourages trustees from posting section 341 meeting calendars on a trustee's Web site where the calendar includes a debtor's full name and case number, unless access is limited through a password or other means only to debtors and/or their attorneys and, preferably, only to the information specific to that debtor. If such access limitations are not possible, trustees should instead limit the amount of information

that is included on the calendar. For example, include only the last name of the debtor and a portion of the case number. In addition, trustees should evaluate their state privacy laws to determine if there are any limitations on what may be posted to a public Web site.

With regard to the posting of a section 341 meeting calendar showing a debtor's full name and case number, there is no prohibition against a trustee posting a paper copy of the section 341 meeting calendar outside of the meeting room; however, it must be removed at the conclusion of the meeting and properly disposed, preferably by shredding. Again, a suggested alternative to posting a debtor's full name and case number is to limit the amount of information that is included on the calendar.

If you have any questions, please contact me or your Assistant United States Trustee.

cc: Assistant United States Trustees