

GIDEON GUIDE: NEW LAW RE REDACTING DISCOVERY (PC 1054.2)

1) What do you need to redact before sharing discovery with your client/client's family?

All "personal identifying information" for any victim or witness.

2) What is "personal identifying information"?

Everything listed in PC 530.55 except name, place of employment or an equivalent form of identification.

Best Method for redaction:

- Use Adobe's redaction tool
- Save a copy of your redacted discovery in the workspace so you have an accurate record of what you shared with the client.

Bottom Line: When in doubt, redact the information! It is easier to later provide additional information rather than retrieve inaccurately redacted discovery.

3) What is listed in PC530.55?

- ~~name~~
- address
- telephone number
- health insurance number
- taxpayer identification number
- school identification number
- state or federal driver's license, or identification number
- social security number
- ~~place of employment~~
- employee identification number [e. g. officer ID #]
- professional or occupational number
- mother's maiden name
- demand deposit account numbers, savings account number, checking account number
- PIN (personal identification number) or password
- United States citizenship and immigration services-assigned number
- government passport number
- date of birth
- unique biometric data including fingerprint, facial scan identifiers, voiceprint, retina or iris image, or other unique physical representation
- unique electronic data including information identification number assigned to the person, address or routing code, telecommunication identifying information or access device
- information contained in a birth or death certificate
- credit card number of an individual person
- ~~or an equivalent form of identification.~~

4) Can you rely on the prosecutor's redactions? No