



Michael B. Joseph
NACTT President
Chapter 13 Trustee
District of Delaware

President's Message

Chapter 13 Trustees Personal Security & Privacy

Marilyn Delpy: "What are you doing?"

Mark Zuckerberg: "Checking in to see how it's going in Bosnia."

Marilyn Delpy: "Bosnia?"

Mark Zuckerberg: "They don't have roads, but they have Facebook." (From "The Social Network" 2010)

Social networks, Google, YouTube, emails, texts, and tweets are a part of everyday life and now an important method of communication. We can contact a whole range of friends and business associates. We can find, connect and catch up with old acquaintances and instantly share memories and photos. We can post comments and items we believe are interesting on a Facebook Wall. We can blog. We can enter our names and addresses in numerous websites whose aim is to make our lives easier. Recently Mark Zuckerberg founder and CEO of Facebook announced that the social network is 500 million members strong and confident they will hit one billion members at some point.¹ The big caveat in all of this, is it safe?

Everyone now realizes once you sign onto a social networking site and post personal information it becomes public for all to see. In fact your postings become permanently fixed in cyberspace. Without consideration of the existence embarrassing information (more on that later), personal identifiable information is more troublesome.

In May, 2010 the Executive Office for United States Trustees issued the following mandate:

"Participants in the bankruptcy system run the unfortunate risk of becoming the target of threats, violence or other crimes. As a result, the standing trustee must take all reasonable measures to insure the safety and security of employees, debtors, creditors and other persons involved in Chapter 13 cases..."²

What is left unstated in the above Handbook reference is that Chapter 13 Trustees should and must be vigilant about their own personal safety. Over the years bankruptcy trustees have been subject to physical threats and worse. Federal judges and their families have been subjected to violence.³ We must be aware of the environment in which we work. We should be cognizant of appropriate security and safety precautions.

This past year, the NACTT discovered that a major

corporation that sells information on the internet, which includes public records, identity information, and investigation tools, had linked all standing chapter 13 trustees' personal identifiable information (PII) from assigned debtor bankruptcy cases. To be clear, if a customer wanted information about a trustee, the customer could "click" on the trustee's name in an assigned case and then would be hyperlinked to the trustee's personal information. This PII may include the trustee's social security number, home address, previous residences, children's details, and other irrelevant information.

The NACTT sent a written demand that this practice be stopped immediately as it might subject trustees and their families to physical harm as well as identity theft. Fortunately we were able to reach a settlement with this corporation and chapter 13 trustees are now able to have this hyperlink removed from the cases. Once removed, the only available data about a trustee in a case is information already in the public domain.

This is a situation that we discovered and have addressed. However, the internet is vast and we do not know everything out there that is dangerous. Individuals do have the power to limit information, for example requesting unlisted home telephone numbers, and restricting information entered on forms and applications. Nevertheless, if you believe you have done all that is necessary to protect your privacy try entering your name and the state where you live in a free internet people search engine such as **www.zabasearch.com**.⁴ I think you will agree that the results are frightening.

I have asked Debra Miller, NACTT President Elect, to chair a new committee this year: The NACTT Committee on Trustee Personal Security & Privacy. Deb and her committee will be working with national security firms to assess and develop recommendations for trustee's personal security and safety at home and in the office. It is anticipated this will also include a

review of the existence of trustee's PII on the internet. While we should have reasonable measures in place to insure the safety of our staff and participants in the bankruptcy system, we also need recommendations so that we may protect ourselves and our families.

The perils of social networking can lead to embarrassment as well, and potentially threaten your position. Consider this scenario: A state court Judge in Texas recalled that a lawyer asked for a continuance because of the death of her father. The Judge earlier had seen a string of status updates by the lawyer on Facebook, detailing her week of drinking, going out and partying. But in court in front of the Judge she told a completely different story.⁵ Be wary of what you post on the internet. Understand that everything you share has the potential to become unrestricted public information for all to see.⁶

Information technology and social media are changing the way we live and conduct business. While we can take advantage of the tremendous opportunities available, trustees should and must be aware of the peril, risk and danger involved in web-based technologies and communications. ●

Footnotes:

- 1 See TechCrunch "Zuckerberg Makes it Official: Facebook Hits 500 Million Members" July 21, 2010
- 2 Handbook for Standing Trustees p. 9-8: this section only effective 5/1/10
- 3 In March 2005, before killing himself a Chicago man killed Federal District Court Judge Joan Lefkow's husband and mother, www.cbsnews.com, March 10, 2005; "Bel-Air California Man Convicted of Bankruptcy Fraud and Assault": Milton Lee Vandevort was found guilty of assaulting a chapter 7 trustee's process server. Federal Bureau of Investigation, Department of Justice Press Release July 15, 2010.
- 4 Note: Neither the NACTT or I endorse Zabasearch or any other search engine and its reference is only as an example .
- 5 "Facebooking Judge Catches Lawyer in Lie, Sees Ethics Breaches," ABA Journal Law News, July 31, 2009.
- 6 Look for special program about this topic at the NACTT Annual Seminar, August 3 to 6, 2011 in Anaheim, CA

WELCOME NEW MEMBER: Kelly Renno – Mt. Pleasant, SC

THE NATIONAL ASSOCIATION OF CHAPTER 13 TRUSTEES APPLICATION FOR ASSOCIATE MEMBERSHIP

The undersigned hereby applies for Associate Membership in the National Association of Chapter 13 Trustees. Associate membership dues of \$150 include a subscription to the quarterly publication NACTT Quarterly, plus notice of all seminars and right to participate as a member, but does not include voting rights.

DUES OF \$150 PER YEAR, renewable annually, must accompany this application.

Membership period is October 1 through September 30.

Name: _____ E-mail Address: _____

Address: _____ City, State, Zip: _____

Telephone: _____ Fax: _____

Please check applicable box:

Attorney: _____ Creditor: _____

Court Officer: _____

Organization: _____ Other: _____

Date: _____ Signature of Applicant: _____

Mail check and application or address changes to NACTT Headquarters:

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