IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Arizona Democratic Party, et al., Plaintiffs, v. Arizona Secretary of State's Office, et al., Defendants.	No. CV-16-01065-PHX-DLR **ORDER**

The Court has reviewed the non-Party United States Federal Bureau of Investigation and the Parties' Motion for Privacy Act Order and Protective Order. (Doc. 309.) For good cause shown,

IT IS ORDERED that the joint motion is **GRANTED.**

IT IS FURTHER ORDERED that the United States is authorized to disclose the records sought by the subpoena as described in the joint motion as follows:

1. The United States is authorized to release to the parties in this action, and the parties in this action are authorized to disclose and use, records protected by the Privacy Act, 5 U.S.C. § 552a, without obtaining the prior consent of the individuals to whom such documents and information pertain, on the terms and conditions set forth in this Order.

2. FBI records that identify specific individuals or contain sensitive law enforcement information, as determined by the United States, shall be marked

"PRODUCED SUBJECT TO PROTECTIVE ORDER" or "SUBJECT TO PROTECTIVE ORDER" or contain a similar marking, and once so designated, the documents and information shall be deemed "protected Information" subject to this Order.

3. Protected Information may be used only for purposes of the above-captioned litigation and any appellate proceedings in this action, and for no other proceeding or purpose.

4. No person having access to Protected Information shall disclose such information to any person except as provided in this Order. Protected Information may be disclosed only to (a) the parties in this action, (b) legal counsel to the parties in this action and such counsel's law clerks, paralegals, assistants, experts and consultants to the extent reasonably necessary to render professional services in this case, (c) legal counsel to the United States appearing in this action and such counsel's law clerks, paralegals, assistants, (d) licensed court reporters used in this action, (e) this Court and its staff, and (f) the jury in this action, if any.

5. Except as provided herein, no person having access to the Protected Information shall make public disclosure of those records or that information without further Order of this Court. Any Protected Information filed within this matter must be filed under seal pursuant to paragraph 9.

6. If a marked document is (other than the marking) identical to a previously disclosed unmarked document in this litigation, that document (either marked or unmarked) shall be subject to this Order.

7. All individuals to whom records subject to this Order are disclosed shall be informed of and shall agree with the terms of this Order and shall not otherwise disclose the records subject to this Order to the public or to any person or entity.

8. The United States and Intervenor-Defendants reserve the right to move the Court to modify the terms of this Protective Order at any time, and each reserves the right to oppose any motion to modify the terms of the Protective Order.

9. Unless this Court has previously ruled that a document or information is not subject to the Privacy Act and/or the Privacy and Protective Order, or not otherwise within the scope of this Order, Protected Information may be presented to the Court only under seal.

10. Within sixty (60) days of the termination of this case, including any subsequent appeals, all Protected Information shall be destroyed or returned to the United States, and all documents that contain or refer to Protected Information shall be destroyed or redacted. Any person having access to Protected Information shall, upon request of the United States, promptly certify in writing that all Protected Information in his or her possession, custody or control has been returned to the United States, destroyed, or redacted in accordance with this Order. Provided, however, that no party is required to destroy or redact any document that has been filed with this Court or with a court of appeals of competent jurisdiction in connection with this case, or as necessary to be retained as per attorney ethical obligations.

11. Neither the United States, nor any of its officers, employees, or attorneys, shall bear any responsibility or liability for any unauthorized disclosure of any documents obtained under this Order, or of any information contained in such documents.

12. This Order does not constitute any ruling on the question of whether any particular document or category of information is properly discoverable and does not constitute any ruling on any potential objection to the discoverability, relevance, or admissibility of any record, other than objections based on the Privacy Act.

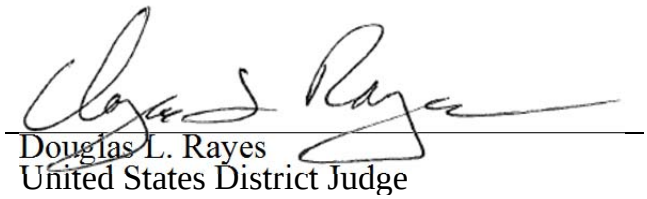
13. The terms and conditions set forth herein shall not apply to the disclosure of any classified national security information or any information subject to a claim of privilege or other basis of exclusion, and this Order shall not be precedent for adopting any procedure.

14. The Court may modify this Order in the interests of justice or for public policy reasons.

Accordingly, pursuant to 5 U.S.C. § 552a(b)(11) the United States is authorized to

disclose protected records relevant to this litigation, without obtaining prior written consent of the individuals to whom those records pertain. Such documents shall be marked "SUBJECT TO PROTECTIVE ORDER."

Dated this 15th day of June, 2017.



Douglas L. Rayes
United States District Judge