

BIGGER GETS BETTER: TECH VASTLY IMPROVES HOW LARGE CITIES RESPOND TO PUBLIC RECORDS REQUESTS

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Bigger Gets Better: Tech Vastly Improves How Large Cities Respond to Public Records Requests

Officials in major cities such as Los Angeles and New York are struggling to respond efficiently to a growing number of public records requests. Tasked like so many others today to do more with fewer resources, their response times lag far behind established requirements.

Many public officials aren't aware that technology exists to help them respond faster and more thoroughly to open records requests. It's affordable, and it's available now to cut response times up to one-third while vastly improving the ease and accuracy in finding responsive records.

That's the message our own eDiscovery Director, Jeffrey Wolff, shared with a group of about 120 people, mostly attorneys from municipalities and agencies throughout California, at the [2018 California Public Records and Open Meetings Conference](#) held by the California Lawyers Association on April 27 at UCLA.*

Are public records request response rates really that bad?

Despite California's 10-day response requirement, requesters wait an average of 51 days for a response to [a public records request](#). The State of New York has a required response time of within 20 days, yet the average time to [receive a response](#) is actually 84 days.

State and city governments aren't alone in this. And the problem extends beyond missed response deadlines. Public officials also wrestle with issues such as privacy laws and problems searching records that impede their ability to fully disclose complete records.

In a recent analysis of the [federal government's responses](#) to records requests filed under the Freedom of Information Act (FOIA), the Associated Press found that during the last 10 years:

- Requesters received censored files or no files at all in 78% of the requests.
- The government turned over everything requested in only about 1 of every 5 requests.

- When the government did turn over records, it censored documents in nearly two-thirds of cases.

The AP reported that “FOIA requests can take months, even years, for the federal government to fulfill.”

What’s holding up the public information pipeline?

These statistics may appear a bit suspicious to the skeptic. But we know from dealing with many well-intentioned yet struggling public officials that their origins have to do more with overwhelm from trying to use outdated systems to handle new types of data than anything nefarious.

“Federal agencies are failing to take advantage of modern technology to store, locate and produce records in response to FOIA requests, and the public is losing out as a result,” Adam A. Marshall from Reporters Committee for Freedom of the Press said in the AP analysis.

3 main impediments to faster fulfillments

Among several factors clogging up the government’s response pipeline, three main impediments among several Jeff shared with the audience at the CLA conference include:

- Varying formats such as paper, blueprints, audio, video, email, and social media make data difficult, if not impossible, to fully access, process, or review.
- Data is spread across multiple departments and various geographies, and may also be located on premises or in the cloud, further complicating access, collection, and review.
- Manual search process review and disclosure, printing, and IT infrastructure come at a steep price that can be difficult for departments on a budget to meet.

Jeff saw the audience of city leaders at the CLA Conference nod their heads in recognition of these problems. But the audience members, like many public officials, likely didn’t know that solutions to these struggles are readily available until they heard Jeff and our partner, Joy Murao of Practice Aligned Resources who was also at the conference, share this:

City departments can leverage eDiscovery technology to eliminate these struggles and vastly improve their ability to respond to records requests.

The Catch: City officials don’t know eDiscovery tools exist.

Many attorneys, paralegals, and litigation support personnel are familiar with e-discovery technology. They rely on its tools to:

- Allow individuals and teams to work together to collect, process, review, and produce large amounts of data and documents.
- Quickly and accurately gather and process impressive amounts of data from varying file types and formats and multiple, disparate sources.
- Swiftly process and analyze all types of files and data (including video and audio) and provide the ability to accurately search within them.

- Greatly reduce collection, processing, review, and production time with automatic data classification, auto-redaction, and a host of other tools.

When you transfer eDiscovery technology's superior collaborative and analytical capabilities over to the public records disclosure realm, it becomes clear to see:

Powerful eDiscovery tools help cities respond faster to open records requests and return more complete disclosures.

And getting that message out is the first step in reversing the troubling statistics above.

"People in the public records world are surprised to learn that tools like this exist," Jeff explains. "The tools are available, and they're affordable. We can automate their response processes, and we can make them more efficient so they can do more with less."

For example, left with minimal resources, city officials may exempt entire pages rather than risk disclosing sensitive private data. Tools such as auto-classification and auto-redaction allow responders to review and anonymize data much more efficiently without exempting entire pages. This makes it much easier for city officials to produce a greater number of responsive documents.

Without the help of advanced technology, audio and video recordings are too difficult and time-consuming to review, and are therefore generally deemed exempt from disclosure. But now, we can phonetically search police camera video, call center recordings, and voicemails, ultimately ensuring that ALL relevant materials are produced in future requests.

De-duplication, near duplication detection, automated processes, and other analytical tools provide additional benefits to local governments responding to records requests such as the ability to:

- Integrate with open-source and third-party management tools.
- Collect and search across all paper and electronic document repositories to identify relevant documents.
- Automatically classify documents by department, document type, custodian, withholding reasons, exemptions, and other categories.
- Auto-redact person identifiable information (PII) and protected health information (PHI).
- Implement powerful review accelerators and reporting functions.
- Share searches of old disclosures with the public to limit new requests.

When we fully integrate eDiscovery technology into governmental records disclosure processes, we give officials the tools to repair the information pipeline to the public.

eDiscovery tech tools vastly increase government transparency, making us all better-informed citizens.

In the past, public records requests were met with limited capabilities to respond, all-too-ready exemptions, and incomplete disclosures. Advanced technology is making today's public officials better than ever at meeting their duty to inform the public.

Jeff and others of the ZyLAB team will continue to spread the word by sponsoring events such as the recent CLA conference. We hope to see the worrisome statistics above begin to reverse as technology helps widen doors to create a more open relationship between the U.S. government and its citizens.

**California Lawyers Association. Established in 2018, the CLA is a nonprofit, voluntary organization and the new home of the Sections of the State Bar of California and the California Young Lawyers Association. At the event, Jeff partnered with Joy Murao, of Practice Aligned Resources, who shared the workflow and technology techniques she uses to support public entities in optimizing the process of handling their public records requests. Together, Jeff and Joy illustrated how multiple departments can work together and leverage eDiscovery technology to respond to requests.*