

eDiscovery Technology Ends the FOIA Bottleneck

December 27, 2018

Every year, the number of Freedom of Information Act requests to U.S. federal government agencies increases. State, county, and city governments are also inundated with requests for information about their activities that the public has a right to know. Meanwhile, certain information must be proactively disclosed online on a continual basis.

We hear from public officials at all levels of government that they struggle to manage several challenges related to responding to public records requests (PRRs). Chief among them is the bottleneck in processing requests caused by their inability to thoroughly search agency records and accurately locate all the information that is relevant to a request.



Less-than-ideal circumstances prevent agency employees from searching agency records efficiently and effectively.

As the number of FOIA and public records requests increases, so too do the numbers and types of records that must be searched through for the presence of responsive information. But, this is not just a numbers game for the agency employees who must locate and produce records in response to PRRs. It's not about finding some or even most of the information relevant to the request. Ideally, they would be able to locate practically *every record* that contains relevant information. Then, they'd move on to swiftly review and redact any exempted and private information before making those records readily available to the public.

However, when many public officials receive requests today, they find that the ever-growing mountains of records they must search through also include an increasing number of files that are difficult or impossible to access and search. Video and audio from meetings, surveillance cameras, and body cams, social media and instant messages, and other types of files introduce serious bottlenecks in the search and review processes officials must complete to respond completely. These files are often set aside for tedious manual review or omitted from responses altogether.

It's not just new media files clogging FOIA/PRR workflows. Despite a push since 2012 for agencies to develop fully electronic recordkeeping practices, some agencies still don't use electronic means at all to search records when responding to PRRs. According to a [2017 survey regarding FOIA practices](#), some federal officials instead rely entirely on manual procedures to collect, review, redact, and produce records. Meanwhile, others cobble together piecemeal solutions, sometimes using Microsoft search capabilities to locate responsive records and Adobe to redact exempted and private information, while at other times leafing through copies of paper records with a black marker in hand.

eDiscovery tools solve FOIA and PRR challenges

The future success of agencies to respond effectively to PRRs hinges on their ability to use appropriate digital-era technologies to access, search, and process records.

We know this because some agencies, such as the Securities & Exchange Commission, have already discovered the superior capabilities of eDiscovery platforms for handling PRRs. eDiscovery tools are traditionally used in the legal field to manage massive amounts of documents and electronic records during the litigation discovery process. Because they are designed specifically to locate specific information from within monstrously huge amounts of data, eDiscovery technologies are also ideally suited to meet FOIA/PRR challenges with demonstrated abilities to:

- Directly search email accounts, Office 365, file shares and other document repositories, visual and audio recordings, and even paper collections to identify and collect potentially relevant documents;
- Eliminate duplicates, near-duplicates, and irrelevant system files to greatly reduce the overall number of documents to review;
- Automatically classify documents by department, document type, custodian, withholding reasons, exemptions, and many other relevant categories for faster, more organized review;
- Automatically redact exempted information, Personal Identifiable Information (PII) and Protected Health Information (PHI); and
- Accelerate review and production of responsive records with customizable, automatic reporting and indexing features.

Others are catching on to the unique suitability of eDiscovery tools

As part of its continual search for FOIA process improvements, the [FOIA Advisory Committee](#) believes that, currently, “almost every executive branch agency can improve the FOIA search process.” The committee recommends that to “replace inefficient software with equally powerful and more cost-effective alternatives” agencies should “regularly explore the application of eDiscovery tools in FOIA searches and implement affordable, appropriate options.”

To better understand how the FOIA Advisory Committee’s recommendation can be applied to your agency’s current FOIA/PRR processes, download and read “[How to Take Control of Public Records Requests: A Maturity Model](#)” The information in this white paper helps government officials evaluate how well their agency currently supports efforts to respond thoroughly to PRRs. The model provides a framework for comparison from which officials can discover the pitfalls and shortcomings of the tools and procedures in use and identify solutions to remedy each. The maturity model outlines a route for controlled progress toward optimized, automated processes that eliminate any FOIA/PRR bottlenecks and deliver smart, efficient results.