

Take the risk out of redaction

Disclosing information requested under the Freedom of Information Act or state public records laws is already a tricky business. The use of improper redaction techniques now makes it incredibly risky, too.

Agency personnel struggle to find the perfect balance between the public's right to know about the inner workings of their government versus the need to protect private and exempt information. Federal agencies are directed to place an "emphasis on the [full-est responsible disclosure](#)." Because they are directed to "adopt a presumption in favor of disclosure," FOIA personnel increasingly rely on using redaction to protect sensitive information rather than exempt documents in full.

Unfortunately, they simultaneously raise the risk for the inadvertent disclosure of sensitive information when they:

- Use outdated technologies and inefficient processes to locate exempt information.
- Use improper and ineffective methods to apply redactions to text.

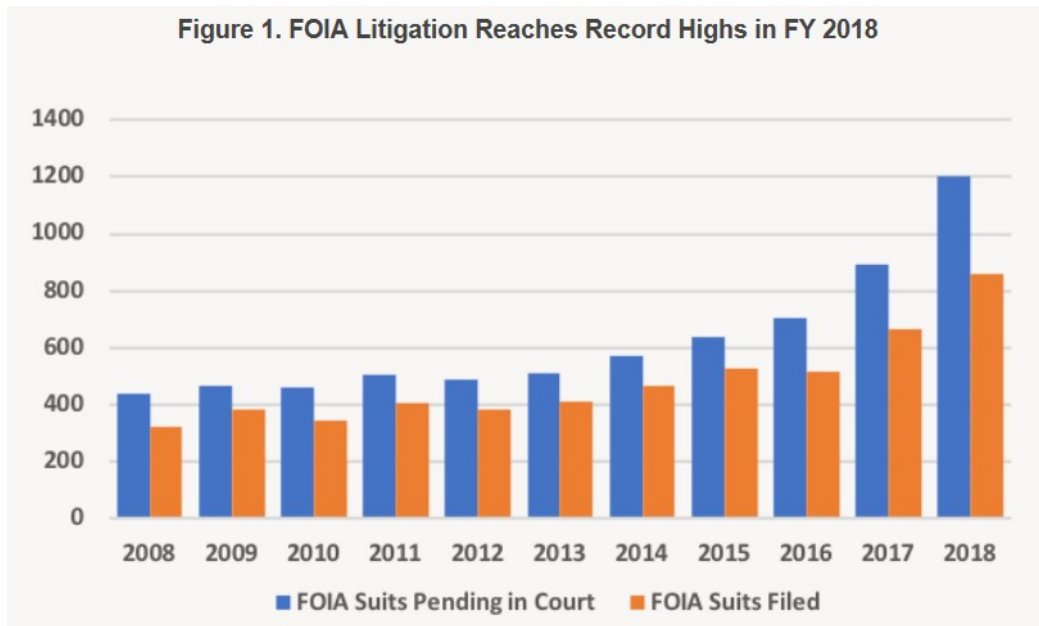
Covering text with black boxes is grossly insufficient today. This was on vivid display when reporters recently uncovered confidential information in the [Manafort case](#) simply by copying and pasting redacted paragraphs into a new document.

Proper redaction requires the complete removal of sensitive information from records. It is achieved most reliably through the use of modern technology that accurately pinpoints exempt information and properly redacts and thoroughly sanitizes records.

The Dangers of Too Much Redaction

In 2017, in a serious overabundance of caution, the FBI [redacted the names](#) of DC comic book characters to maintain their privacy in a public records disclosure.

It's an amusing story – but redacting too much information can lead to expensive problems. Requesters are not shy about taking their complaints to court to get at the information behind the black boxes, and cases like this one only help prove their points. [FOIA litigation](#) reached record highs in 2018, as requesters sought to reveal more information about unethical conduct by government officials, the Russia investigation, immigration, the environment, and other issues.



The Dangers of Improper Redaction

With the tools currently available, the days of manually redacting documents with redaction tape (never entirely trustworthy anyway) or a black marker should be long gone. Unfortunately, many agencies still tackle redactions manually. But today, way too many records must be plowed through, and humans can barely scratch the surface before accuracy suffers. Plus, no tape or marker will scrub the metadata from electronic records, which can reveal everything contained in a file – even deleted text.

Over the years, agency personnel have developed redaction methods such as using software tools to apply black boxes or a series of X's over text or to change the font to white. The results may look good on the surface. But the redactions fail spectacularly at protecting sensitive information.

- Publishing leaked NSA documents in 2014, three [redactions made by The New York Times](#) were intended to obscure sensitive national security

information. The information was uncovered with the same type of copy and paste technique used in the Manafort case.

- More recently, court records regarding an SEC fraud settlement included an affidavit with 100 pages of financial transactions [blacked out in a PDF file](#). The black boxes vanished when the file was uploaded to another application.

Examples like these will continue to crowd the headlines as more people become aware of the ease of accessing improperly redacted information.

Redaction Done Right

There's really only one way to tackle this [digital age challenge for an industrial age process](#): Use modern technology to streamline an otherwise error-prone task and deliver efficient, consistent, and reliable redactions. When armed with the right technology, FOIA personnel can:

- **Quickly and accurately find sensitive information.** Data analytics classify information according to pre-defined exemption codes. Using powerful search capabilities, reviewers quickly and accurately find all exempt information. The exemption reasons are also tracked and instantly available for reporting
- **Easily redact everything at once.** Mass or bulk redaction of information combines redacting with search so that multiple occurrences of a word, phrase or patterns such as social security or credit card numbers are redacted all at once.
- **Balance caution and transparency.** FOIA personnel use technology to work together to verify redacted content prior to release and flag documents that may require a second look. Reviewers can quickly locate all documents where redactions are made and create redaction reports, Vaughn indexes, and audit histories of when information was redacted and by whom.

- **Make redactions correctly.** Most importantly, sensitive information is permanently stripped completely from the disclosed document, not just covered up. Metadata is also removed to ensure thorough sanitization.

Take the Risk out of Redaction

Redaction is a critical and costly aspect of the document disclosure process – even more so when your agency must deal with the consequences of not doing it correctly. Having the right technology, such as that used for eDiscovery, arms personnel with search, analytics, and automation tools to redact with ease and confidence when making public records disclosures.

For a detailed demonstration of just how well eDiscovery technology helps U.S. cities and counties respond more efficiently to public records requests, please watch the webinar [Leveraging Technology for Efficient Public Records Requests](#). See how you, too, can take the risk out of redaction and finally achieve the right balance in meeting FOIA demands.