Mastering complex FOIA & Public Records Requests: Part 2/2

Part 2: A single technology platform for the entire process

As we saw in the first of this two-part blog post, local, state, and federal government agencies are developing regulations and guidelines for including complex digital communications in public records disclosures required under open records laws.

However, most agencies still lack the appropriate technology to locate and collect records from various mobile devices, the cloud, private email accounts and social media platforms, or other locations. They do not have the tools to efficiently search and process scores of texts and messages sent via apps, social media, and chat services.

But that can change with one smart investment. With a single, comprehensive technology platform, agencies gain all the tools they need to overcome and set these challenges aside for good

Challenge: locating and collecting responsive records

More and more, important communications concerning agency business are never saved on agency PCs or shared drives. Instead, they originate from mobile devices or within social media and other digital platforms and remain there, in the cloud or on personal smartphones, tablets and other mobile devices.

Simply accessing the many varied file types is a logistics and technological nightmare. And without the right tools to make the process efficient, collecting records and conducting searches for relevant information within them is cumbersome and time consuming.

Solution: faster, more accurate identification and collection

If the agency owns the device or has custody and control of the data, then it has the right to access and copy it. However, agencies, like most companies today, have moved to a bring

your own device (BYOD) environment. While the agency can ask for permission to access and collect the data, the employee or elected official may not be willing to cooperate. It is always best to implement a BYOD policy defining the agency's right to access and then have the right technology available to collect that data.

Challenge: preserving the authenticity of records & defensibility of disclosures
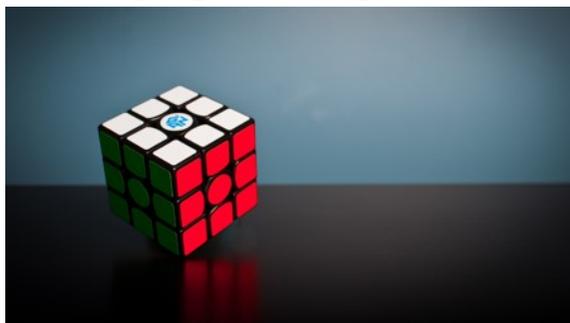
In the few instances that digital communications are saved, the record's authenticity is often damaged. Public records disclosures should show the communication's original context, including metadata (time, date, author, etc.), revisions, deletions, and embedded links, videos, images, etc. Actions such as forwarding text messages to email or saving screen shots of social media messages removes their authenticity. Agencies must also be able to defend the thoroughness and accuracy of their disclosure processes in court if necessary.

Solution: technology ensures authenticity & defensibility

Metadata is preserved intact and authenticity of records is ensured when records are captured using an advanced technology platform. Collection results are validated, and quality control checks help avoid inadvertent disclosures. Strong tracking and reporting capabilities on redactions, exemptions, and their reasons aid defensibility. Making these reports available publicly boosts transparency as well as public confidence in agencies. More complete and accurate responses are delivered faster while reducing the agency's exposure to potentially expensive lawsuits and fines.

Challenge: processing records efficiently and obtaining accurate, thorough results

Agencies tend to still rely on tedious manual processes or use ineffective, outdated tools to review, redact, and produce records, adding weeks and months to response times. Related costs are astronomical. In 2016, state and local agencies in Washington spent over $60 million in a single year fulfilling 285,000 PRRs. By far their greatest expense (over 90% of

costs) was the staff time needed to locate, review, redact and prepare public records for release.

Hurling even more staff time and manual efforts at this problem won't fix it. In fact, a recent study on FOIA requests found that the more staff and employees and agency had, the higher the number of the FOIA backlog.

Solution: process and review records using automation, Data Analytics, AI

Collect records from a variety of locations and devices, then standardize them for optimal search and review with an integrated technology platform designed to collect the complex formats (text, email, audio, video, etc.). Also extract embedded objects such as emoticons, images and links and OCR non-searchable content.

Powerful search, review and automation tools deliver immediate efficiencies that lower overall costs. Automation hits the biggest cost generator right where it counts, significantly speeding search and review processes. AI-enabled search capabilities find more responsive records by person, group, topics, date ranges, keywords, and more. Data analytics automatically classifies records by department, document type, withholding reasons, exemptions, etc., and instantly redacts potentially sensitive and exempted information.

Challenge: easing collaboration & ensuring consistent results

New regulations for privacy and data protection add to the complexities in determining which details meet exemption and confidentiality criteria. For example, Oregon's public records law contains "more than 400 exemptions scattered throughout various chapters and sections," adding to complications that cause non-routine and complex record requests to take "upwards of 265 days to fulfil." Their situation is far from unique. Employees puzzling through a plethora of vaguely worded exemptions often seek assistance from internal experts or outside legal counsel.

Solution: Improved Consistency and Streamlined Workflows

A single platform allows users to define and implement optimized workflows. Multiple users review the same records using the same identification, processing, and redaction classifiers and rules. Disclosures contain more relevant records and fewer errors. Defining multi-user processes for activities such as Section 508 coding and third-party consultations delivers more consistent results faster. Reduced wait times and more consistent responses help mend the public's trust.

The optimal solutions rest within a comprehensive, advanced technology platform that delivers smarter records identification, collection, review, and disclosure processes now and into the future.

Technology Masters Complex FOIA & Public Records Requests

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Today it's texts, Tweets, and the Internet of Things. Tomorrow it will be virtual and augmented realities and smart cities. Ten years from now, who can tell? You must rise to meet the challenges presented today to avoid being buried under backlogs and lawsuits when that time comes.

Act now to streamline your responses to complex FOIA and PRRs. Read [Take Control of Public Records Requests: A Maturity Model](#) to evaluate the strengths and weaknesses of your agency's current practices within a comparison framework of five different methods and tools agencies use to respond to complex PRRs. Start planning for success now, and you'll be prepared for whatever the future holds.

Download our white paper