

Electronic Redaction

By Christine Musil, Director of Marketing, Informative Graphics Corp.

Redaction may be a small part of the overall responsibilities of paralegals, but it is a significant one. Companies, law firms, and courts alike have been tripped up by improper electronic redaction. From the internal company valuation of Facebook to the inner workings of Transportation Security Administration (TSA) security screening processes, sensitive information continues to find its way to the hands of the public (or worse) because of a relatively simple mistake.

The most common error people make is to overlay an opaque rectangle, usually using a drawing shape, over the text to be redacted. This is usually done using the authoring application, like Microsoft Word or Corel WordPerfect. The document is then converted to PDF for filing with the courts or releasing to other parties.

Unfortunately, the text under the shape is still accessible.

How do the media and other parties access the underlying content in this scenario? It is remarkably easy. Open the PDF document and highlight the text, starting just before the redaction and ending just after. Copy that text and paste it into a word processing application. The entire text string, including what was under the box is now visible...simple as that (Fig. A).

In May of 2008, the *Washington Journal* used this method to find information under redaction areas in documents filed into the PACER federal filing system about a General Electric sexual discrimination case. In February of 2009, the Associated Press was able to do the same thing in documents filed in the *Facebook v. ConnectU* case, revealing internal company valuations for

Facebook. Most recently, the "Wandering Armenian" blogger used this simple method to access information about TSA security screening procedures.

It is possible to "lock" a PDF to prevent users from copying text, but this still does not guarantee the security of the underlying text. PDF is an open format, meaning Adobe shares the format with other vendors so they can read and write PDF files as well. This openness is what makes PDF so universally accepted and used, but people need to understand the limitations of open formats in terms of security. A quick Google search will yield dozens of PDF editors and applications to open password-protected PDFs, even if they are locked.

Even when doing proper redaction, users can be tripped by not carefully

searching for all variations of a search term. In the Facebook example, the courts redacted all instances of monetary values. In transcripts, however, these numbers may not always have the "\$" in front of them. Performing a search and redact on "65 Million" will leave the "\$" visible. Searching for "\$65 million" will miss 65 million (Fig. B).

Also, names are frequently misspelled. A typo led to information breaches around the "torture memos" of the Bush administration. They redacted all correctly spelled instances, but missed on misspelling and the occurrence of the name in the document footer.

The solution to these redaction snafus is simple—know your redaction tool. Let's start with a good definition of what electronic redaction is. True electronic redaction is the removal of content from a document. Adobe added redaction to Acrobat in Version 8 Professional, yet some users are still doing it improperly because they lack proper training and knowledge of how to use the software.

There are also other redaction tools available, such as Redact-It from Arizona-based Informative Graphics or RapidRedact from New Zealand-based Onstream Systems. These tools only do redaction, so they have more functionality than Acrobat and may be easier for some to use.

Don't be discouraged. There are some simple considerations that can make electronic redaction a great time saver, and just as secure as the old Sharpie methods.

steps needed to create and check redactions. Do the lawyers at the office want to review recommended redaction areas? Who will finalize the redactions once they are agreed on?

3. Identify your redaction needs. The right redaction tool can save a lot of time, depending on the types of cases involved. When evaluating redaction tools consider the following requirements. If you can't readily find the answer, don't be afraid to ask the vendor.

- a. Does the redaction tool create an extensive log?
- b. Are you concerned about masking the length of redacted words? Some applications may substitute text like "redacted" for each redacted word, ensuring the original word length is also obscured.
- c. Does the redaction application integrate with your case management system?
- d. Would a tool with intelligent search capabilities, pattern matching (*eg*: finding and redacting all social security numbers) or the ability to record reusable redaction scripts be helpful?
- e. Can you create a template that can be reused? When redacting scanned forms such as public records, human resources forms, and financial documents, this can really save time.

4. Include human verification in the redaction process. There is no substitute for a human review. Before finalizing your redactions, verify that all redaction entities fully cover the text. This step is particularly important when redacting scanned documents that have undergone optical character recognition (OCR) to make the text readable. This is because what you see on the screen doesn't always match the underlying or content of the document as it is read by applications, so some shifting or "floating" may occur. This is also important for checking embedded images that may contain text to look for misspelled words that

may have been missed by the search technology.

5. Spot-check finalized documents. This is particularly important when multiple people were involved in the redaction process. Open a few of the final, redacted PDF documents in Acrobat and try to copy the text under the redaction entity.

Major law firms, the US military, and other entities that regularly deal with issues of content security have been guilty of improper redaction. Don't fall victim to the same, easily preventable mistake. Electronic redaction can be a great time-saver when done properly, but disastrous when done improperly.

Remember that the *FRCPL* and most states have a "claw-back" clause allowing re-submittal of documents, but like the old saying, it may be like trying to close the barn door after the horse is out. In today's interconnected world, documents can take on a life of their own after they leave your organization. Be sure your documents are properly protected so redaction errors do not occur on your watch.

Christine Musil is Director of Marketing for Informative Graphics Corporation, a viewing, annotation and content management software company based in Arizona. Informative Graphics makes several products including Redact-It, an electronic redaction solution used by law firms, corporate legal departments, government agencies and a variety of other professional service companies.



cmusil@infograph.com.

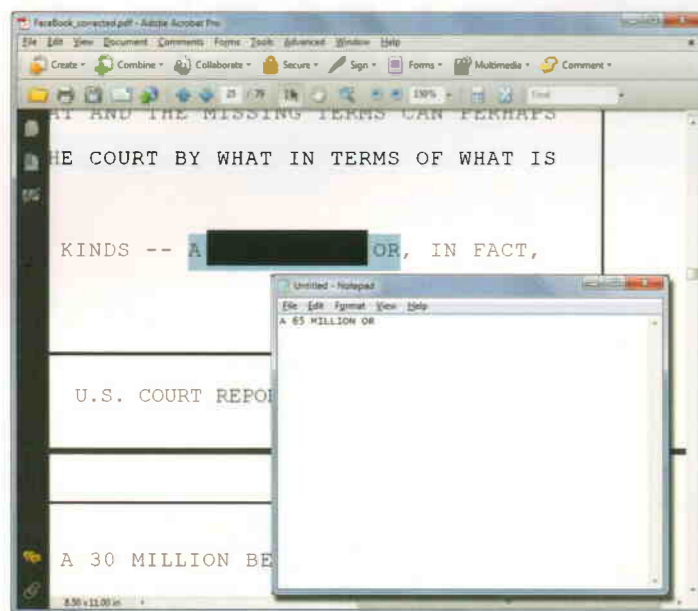


Figure A: This screenshot illustrates how simple it is to reveal improperly redacted text. Just highlight the text, starting before the redaction and ending beyond it, then paste it into a word processing application. There is the hidden content.

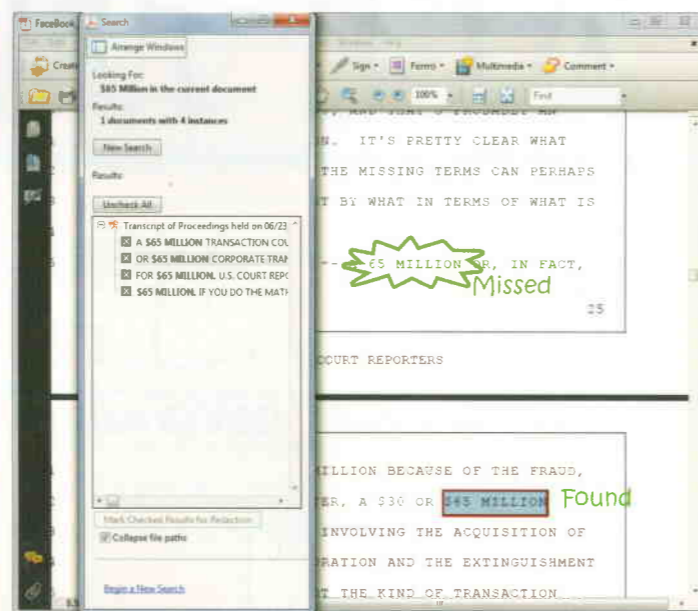


Figure B: Searching for "\$65 million" won't catch "65 million".