

ATTORNEYS ADVISED TO ENSURE DOCUMENTS ARE PROPERLY REDACTED

An article in the *Connecticut Law Tribune* pointed out the continued problem of improper redaction techniques by attorneys and other end users. The *Tribune* reported that lawyers for General Electric improperly “redacted” information from pleadings filed with the U.S. District Court for the District of Connecticut. These documents then were available on PACER, where someone simply copied the black bars covering the text and pasted them into a Word document. The underlying sensitive information (metadata) then was visible.

The existence of metadata in electronic documents requires more sophisticated redaction techniques than simply highlighting text in black. The highlighter function in Adobe creates a black box over the data, but it merely hides the data. While the “redacted” information is unreadable, the metadata is still imbedded in the document. As counsel found out, anyone can copy the black box, paste it into a word-processing document, and the information under the black box appears. Changing the font color for the redactable information to white also is not effective. Again, the words in the document are not readable, but a savvy user can highlight the blank-looking area, change the text color, and read the “redacted” information.

There are effective means of eliminating this metadata from electronic documents. The simplest method is to omit the information from the original document. For example, a Social Security number can be included as XXX-XX-1234. Commercially-available software also can be used to redact, not just hide, the sensitive information. Redax from Appligent is one commercial product widely used by federal agencies. Adobe Acrobat 8.0 Professional is another commercial product with a robust and effective redaction tool that scrubs the metadata and other information from the document. Effective techniques for redacting metadata is key to avoiding the problems experienced by counsel for General Electric.

Note: The reference to commercial products and services in this article does not imply a recommendation or endorsement by the United States Courts, nor does it imply that the mentioned products and services are the best available for each purpose.