FOIA Redaction Workshop

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Knowledge,
Skills, and
Abilities to
Redact

Time

• Needed to consult with subject matter experts
• Search, prepare, review, copy, redact
electronically, double-check work, release, &
post to 'reat

• Understanding/Comprehension

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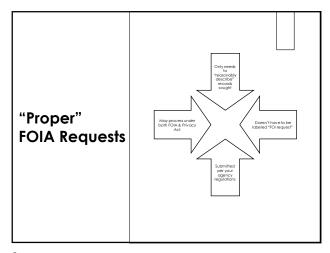
• Spolicy, subject matter expertise, training or
mentoring

Work Habits

• Ability to focus, understand, research, consult,
work autonomously & make supportable
decisions (with appropriate documentalism)

• Supervisor, mentor, trainee, search only,
quality control

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Statutory Redaction Requirements

- Make a reasonable effort to estimate the volume of redactions, <u>and</u>
- Clearly identify the location & extent of all redactions, <u>and</u>
- Release segregable portions of records, <u>and</u>
- Insert the exemption which supports the redaction at the site of each redaction.

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Posting Redacted Records

The "Rule of 3" is Codified for Frequently Requested Records:

 Agencies required to "make available for public inspection in an electronic format," records "that have been requested 3 or more times."

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Best Practices

Negotiate with Requesters

- •Clarify or modify a request
- Narrow scope of request, if possible

 Document all revisions in cover letter/email

Making Redactions

- •Don't begin making redactions if request is unclear
- Take reasonable steps to release nonexempt information

Discretionary Release

- •Speculative or abstract fears are
- insufficient grounds to withhold a record

 •Foreseeable Harm Test

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Not All Exemptions are Eligible for	No discretion for exemptions 1, 3, 4, 6, 7C, 7D If you reasonably foresee that disclosure would harm a protected interest, an agency may use discretion to withhold
Discretionary Release	records under Ex. 2, 5, parts of 7, 8, & 9 Maintain an administrative record

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Redaction Issues: Checking Your Work Before Release

- >Equities in other agencies, requiring coordination prior to redaction/release?
 - ► Mosaic effect?
- >Understand mandatory withholding vs discretionary withholding, & redact using foreseeable harm test
- ▶ >Meet physical requirements for redaction
- ▶ >Use technology email, CDs, DVDs, etc.
- >Posting to Internet, in compliance with section 508 of Americans with Disabilities Act

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Non-Standard Redactions (*Note Possible Privacy Act Implications*)	Video & audio tapes*
	Microfiche
	WAVE files (voice mail messages) NARA: http://www.archives.gov/records.mgmt/email-mgmt.html
	Biometric indicators*
	Photographs*
	PDFs

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