

Best Practices: Redaction of Information

To facilitate compliance with Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, 18 U.S.C. 3509(d), and other applicable laws, parties should redact certain sensitive information, such as personal identifiers, from all court filings.

E-filers must use extra care to make sure that the PDF documents submitted to ECF are completely free of any hidden data which may contain redacted information. A common error in redacting information is to use the wrong method to redact the electronic file. Below is a partial list of methods NOT to use:

* Changing the font to white does make it look like the words disappear, but they don't! The text can be copied and pasted into a word processor.

* Placing black boxes over text in a word processor covers up the text in the word processor, but when it is converted to PDF, the text may still be recoverable.

Word processing programs retain hidden information (called "metadata") that can contain revision history, notes and other information. This metadata may reveal anything that was contained in the file at any time, even text that was previously deleted or changed, and even if the file was re-saved. This is a useful tool for tracking revisions, but if this information is not purged from the document, anyone may be able to view this information. Consult your word processing and PDF generating programs for instructions on how to properly flatten and sanitize the document prior to filing.

Ink-marking, using semi-translucent tape or paper to cover areas of a document to be scanned can still sometimes show enough information for someone to see what was assumed hidden. Especially if that same data repeats throughout a document.

The court does not profess to be experts on redaction or metadata, and we do not endorse any specific method to "sanitize" a document. There are consulting and software resources which specialize in redaction of data if you need assistance. We do offer a few examples of ways to ensure that your documents may be redacted as you intended:

1. In your original document, replace all the text you wish redacted with the word [REDACTED]. Example: Replace all instances of "John Wilkes Booth" with "[NAME REDACTED]", "JWB" or whatever you deem fit. Be careful that you do this for all instances and for all variants of the text you need to redact (if you do a find/replace for "John Wilkes Booth", it will not replace "John Booth" or "John Wilkes Booth's" or "J. Wilkes Booth" because those phrases are totally different to the computer!). Flatten and sanitize the document and save as a new redacted version.
2. Click here (<https://www.mnd.uscourts.gov/sites/mnd/files/ProperRedaction.pdf>) for instructions on how to flatten and sanitize a document in Adobe Acrobat (your experience may vary depending upon version).