CM / ECF
Case Management / Electronic Case Files

Guidance on Redacting Personal Data Identifiers in Electronically Filed Documents

Pursuant to Section ECF-9 of the Administrative Order Regarding Electronic Case Filing, unless the court orders otherwise, parties must refrain from including or must redact the following personal data identifiers from documents filed with the court to the extent required by FRAP 25(a)(5):

▸ Social Security numbers. If an individual's Social Security number must be included, use the last four digits only.

▸ Financial account numbers. If financial account numbers are relevant, use the last four digits only.

▸ Names of minors. If the involvement of an individual known to be a minor must be mentioned, use the minor's initials only.

▸ Dates of birth. If an individual's date of birth must be included, use the year only.

▸ Home addresses. In criminal cases, if a home address must be included, use the city and state only.

To ensure compliance with this provision, the court offers the following guidance on improper and proper ways of redacting such information.

COMMON ERRORS WITH REDACTING INFORMATION

A common error in redacting information is to use the wrong method to redact the electronic file. Below is a partial list of misconceptions and methods **NOT** to use:

▸ Changing the text's font to white will make it look as though the words disappear, but they don't! The metadata that remains can be used by tech savvy individuals to reveal the hidden text you were attempting to redact.

▸ All word-processing programs (such as Microsoft Word, Corel WordPerfect, WordStar, etc.) retain a lot of hidden code (called "metadata") that can contain revision history and other information. This metadata can 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 can view this information, even after it has been converted to PDF.

▸ Adobe Acrobat (the full version) has some graphic and "commenting" tools which can

black-out, cover over or remove sections of text. The edits these tools make can still be removed by anyone to reveal the text underneath.

▸ Ink-marking or 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 a number of times across a document.

PROPER METHODS OF REDACTING INFORMATION

▸ **Adobe Acrobat Professional** - Adobe Acrobat Professional (Version 8.0 or later) is the only version of Acrobat that can be used reliably to permanently redact information once a document is in PDF format.

Redacting Items in Acrobat 8 & 9:

1. To view the Redaction toolbar, go to View > Toolbars > Redaction.

2. Choose the "Mark for Redaction" tool from the toolbar.

3. Mark items you want to remove by doing any of the following:

   • Double-click to select a word or image.
   • Press Ctrl as you drag to select a line, a block of text, an object, or an area. Use this method to select areas of a page in a scanned document.

4. Once all text or sections have been chosen, click "Apply Redactions" in the Redaction toolbar.

5. Click OK to remove the items. The items aren't permanently removed from the document until you save it.

6. After you apply the redactions, the "Examine Document" function will appear. This allows you to find additional hidden text, metadata, etc. and remove it.

7. Be sure to rename the document upon saving using a name that identifies this as the redacted version of your document . This way you'll have a redacted version and an unredacted version. Acrobat will prompt you to rename the document when you save it, but will not rename it for you.

8. Once you save the document, the information that has been redacted is permanently deleted.

If you don't use Adobe Acrobat Professional: You can redact information by deleting the text in the word processing version of your pleading. In order to mark the text as having been redacted, you can add the phrase "text redacted" in the place of the redacted information. You can then convert the pleading to PDF format for filing. The method described next also provides another process.

▸ **Redacting a Word-Processing File**

The best way to redact your document is to make sure that the <u>source</u> contains no unwanted text or data to begin with. One way is to use a simple-text editor (such as Windows Notepad: Start > Programs > Accessories > Notepad) to create the final redacted version of the document. Notepad cannot save any hidden code, since it only uses simple-text (.txt) format. This format can only save basic text info (ASCII) so if it's in Notepad, "what you see is what you get (WYSIWYG)", and nothing more. Here's how (we will assume for these instructions that you are using Microsoft Word, the same instructions work for WordPerfect, WordStar, etc.):

1. In your original Word document, replace all the text you wish redacted with the word [REDACTED], and/or do a <u>find and replace</u> of all the text you wish redacted.

   Example:

   Replace all instances of "John Q. Public" with "[NAME REDACTED]", "JQP" 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 Q. Public", it will not replace "J. Public", "John Public" or "John Quincy Public" because those phrases are different variations than the search criteria).

   Save this as a new "temp-redacted" version.

2. Copy all the text from Word and paste it into Notepad[*]:

   • Select all the text in Word (type Ctrl-A, or click Edit > Select All)
   • Copy all the text in Word (type Ctrl-C or click Edit > Copy)
   • Paste all the text into Notepad (Start > Programs > Accessories > Notepad, or Start > Run, type notepad, click OK). To paste, type Ctrl-V or click Edit > Paste into Notepad. This will remove all hidden code from the document, but as you

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[*] Note: Windows Notepad may not be able to work with large files. You could try working with the file in sections, or you could try using a different simple-text editor.

will notice, it will also remove most of the formatting (page numbering, tabs, justification, paragraph numbering, bullets, bold, italics, underlining, fonts, etc.). If you now PDF this Notepad document directly from within Notepad, the PDF file will contain only the info you see within Notepad and nothing more, so it is totally safe.

- Save this file in Notepad as the "text-redacted" version. It will now be a text (.txt) file.

3. If you must reformat the document (usually you will), then you must re-open the "text-redacted" version back in Word because Notepad can not perform any text formatting. This is fine to do, but you MUST only do so in a BRAND NEW BLANK FILE! Do not place the text from Notepad back into the same Word file that it originated from. Here's how:

- Save and close the Notepad file.
- In Word, select File > Open, then open the "text-redacted" text (.txt) version.
- You may then reformat the text however you need and save you work as the "final-redacted" version. **Be sure you do not change any text, just the formatting.**

4. This Word file can now be converted to PDF and all it will contain is the text and formatting you see on your screen. Convert/Save this file as the "PDF-redacted" version and electronically file it.

5. The "text-redacted" and "temp-redacted" versions may now be deleted.

In a nutshell...

1. Find & Replace all the text to be redacted in your original file and save it as a "temp-redacted" version.

2. Copy all the text from the "temp-redacted" version and paste it into Notepad, save this as the "text-redacted" version and close it.

3. Open the "text-redacted" version in your word-processing program, make any needed formatting changes, PDF this file and electronically file it.

4. Clean up the temp files - DONE!

▸ **Redacting a Scanned File (tiff, jpeg, gif, etc.):**

This is a little more tricky since you are modifying an "image" or photo of a file and the data which contains that image may not be fully removed or destroyed using common software tools. Check the support documentation of the software you use to manipulate graphics (such as Photoshop, Paint, etc.) to determine if their tools are sufficient to redact a document. You may also want to consider printing-out the document and using the last method shown below.

▸ **Redacting a Paper Document: Before scanning the document:**

1. Cut-out (literally) all the text to be redacted and properly dispose of (shred) the clippings. This method will always be 100% effective.

2. Use opaque (100% impenetrable by light; neither transparent nor translucent) tape or paper to cover over the sections to be redacted. Do not use plain-paper as the scanner may pick up images through the paper. Even some black paper may allow some light reflection - so be careful.

FURTHER INFORMATION

Court staff do not profess to be experts on file metadata, and we do not endorse any specific method or to "sanitize" a document. As there are a number of consulting and software resources commercially available which specialize in redaction of data, you may want to read the articles cited below for further information concerning redaction issues and methods:

▸ Kaplan, Ari. "A New Generation of Redacting Tools." *The National Law Journal* 14 Nov. 2002. Incisive Media US Properties, LLC <http://www.law.com/>.

▸ Malan, Douglas S. "A Major Redaction Gaffe." *Connecticut Law Tribune* 26 May 2008. Incisive Media US Properties, LLC <http://www.ctlawtribune.com/>.