Foxit WHITE PAPER

HANDLING REGULATORY REQUESTS

with Greater Security and Efficiency

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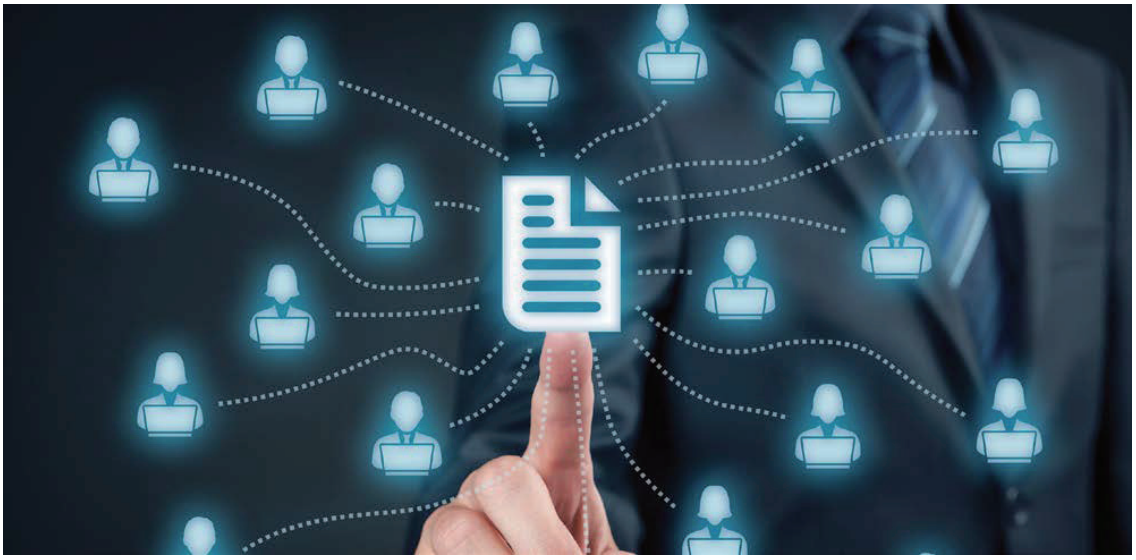
Providing information to citizens, private groups, regulatory agencies and others is so essential to a well-informed citizenry and functioning democracy that it has been codified by laws at the Federal and state levels.



But responding to these requests is more complicated than in the past. Information is held across many repositories and content systems, making tracking down the right documents more difficult and time-consuming. Documents are increasingly digital, requiring more sophisticated redaction techniques than simply obscuring sensitive information on a physical copy. And the threat of foreign agents or actors with malicious intent attempting to compromise sensitive information has grown exponentially.

Technology, and the automation it affords, are key to meeting the demands of today's regulatory requests. This paper looks at the factors making it necessary to cross the digital divide, as well as readily available technologies that can facilitate efficient response to increasing volumes of requests—without compromising the security of the nation or its citizens.

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Adapting to an Increasingly Digital Landscape

Providing government information to citizens generally occurs through:

- **Freedom of Information Act.**
  FOIA was signed into law in 1966 to implement "a general philosophy of full agency disclosure." The law provides that information not already published in the Federal Register be made available for public inspection and copying. Exemptions are made for issues of sensitivity and personal rights.

- **State open-records laws.**
  While FOIA pertains only to executive branch government agencies, state governments have enacted similar laws known as Sunshine Laws, Public Records Laws, and Freedom of Information Laws. Most are broadly patterned after FOIA, but statutes vary by state.

- **Electronic Discovery or eDiscovery.**
  Emails, voice mails, texts, videos, social media, data gathered by IoT1 devices, and other electronically stored information is becoming increasingly important and of interest to citizens and groups requesting government information. Gathering this information from disparate devices and storage platforms can be an onerous task when proper systems aren't in place.

IIncreasingly, these Federal, state, and eDiscovery requests touch on the digital realm. It could be an original electronic document, electronically stored information or a request that the information be provided electronically. For example, a 2016 revision to FOIA requires that when a document has been requested three or more times, an electronic copy of it must be made public. And new Section 508 compliance standards, enacted in January 2017, update the requirements for facilitating access to electronic information and communication technologies for people with disabilities.

> **800.000** *FOIA Requests made in fiscal year 2016, a record number*

What's more, many agencies are mandating the use of electronic documents—particularly PDFs—for legal filings, including complaints, petitions, briefs, depositions, and bankruptcies.

While electronic documents and responses are more expedient, keeping this information secure presents an additional challenge. It's always been vital that disclosures and sensitive information not fall into the wrong hands and compromise individuals or state secrets, or result in lawsuits or compliance violations. And threats have always come from outside attacks, inside agitators, whistleblowers, and disgruntled employees. Even employees who are merely careless and send the wrong document or don't redact sensitive information could be considered a threat.

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Electronic documents introduce the additional risk of not redacting information correctly. Embedded data can travel with the document and knowledgeable actors can use it to compromise personal information and reveal text that was “redacted.”

Alongside increasing security needs is the growing volume of regulatory requests, fueled by factors such as a politically divided atmosphere, more-informed citizenry, and even greater numbers of media outlets conducting investigative reporting. Responding to more requests puts a strain on shrinking or stagnant budgets, especially for government agencies that are already understaffed. This can lead to delays that result in compliance violations, or even lawsuits. What’s more, staff time spent searching for pertinent documents and redacting sensitive information is a lost opportunity as their efforts could be spent on other tasks.

Technology provides a way to address these challenges by adding layers of protection and automating processes.

Increasing Security for Electronic Documents

Electronic files are often stored offsite in the cloud or in content management systems that are on-premise at government agencies.

While these services have security safeguards such as firewalls in place, the digital nature of the information can still render it vulnerable. It may be possible for files to be altered, copied, downloaded to unsecure devices, attached to emails and texts, and otherwise become corrupted or get outside of the secure platform.

Furthermore, specific steps must be taken to redact information completely from electronic documents to obscure not only sensitive text, but also embedded information. This can be built into document-creation products, such as Foxit Software’s PhantomPDF, which removes sensitive information before the document is published, including metadata, comments, hidden data from previous saves, and more.

> *Document intelligence is a technology that helps* **improve security** *by providing greater control over how documents are used.*

Even greater control over how documents are used is provided by document intelligence. This technology allows tracking of who has access to what, where, and when throughout the document’s lifecycle. This includes:

- How much time a reviewer spent on each page
- Which pages were skipped by individual reviewers
- Which pages were copied and by whom
- What information was redacted
- Whether additional protection was added, such as Rights Management Services (RMS) or Digital Rights Management (DRM)
- Whether the document was signed digitally
- If the document was sent out for shared review

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Because the intelligence travels with the document wherever it goes, reviewers with full access can track if anything unauthorized or malicious happens to the electronic file.

Foxit Software's ConnectedPDF technology comes with PhantomPDF and allows the owner to remotely control and even recall a document. These digital documents can only be opened, printed, or edited if the owner grants permission. This is true even after the document has been sent. So if information gets into the wrong hands either intentionally or unintentionally, the document's owner is alerted and can disable permissions, effectively recalling the document. The technology's tracking data is synchronized through the cloud and kept fully secure through a private, on-premise or public deployment.

> *Electronic documents introduce the* ***additional risk*** *of not redacting information correctly.*

Retrieving Documents More Efficiently

Since government information is stored both on-premise and offsite, there need to be efficient systems and tools for identifying their location. These can include:

- **Advanced eDiscovery tools.** These tools use sophiticated analytics to identify and collect electronically stored information so users can search for, collect, process, and review records in a fraction of the time. Other features include providing workflows that demonstrate compliance with transparency laws and automatically organizing information during the investigative phase.

- **Case-management systems.** These systems provide centralized management for all information that is in a shared database and then make this data accessible to all authorized staff. This accelerates the viewing and retrieval of documents and information related to a particular request or case. The result is increased work process efficiencies, plus improved information sharing among staff (no one has the physical file), so agencies can respond to regulatory requests more effectively and efficiently.

> **93%** *eDiscovery began in earnest in 1999 when a University of California study showed that 93% of information generated that year was created in digital form.*

Accelerating Redaction and Production

Being able to review documents, redact information faster, and accelerate compliance can help government agencies keep pace with the growing volume of regulatory requests. Some tools available to help with this are:

- **Document collaboration.** The traditional, single-flow process of passing documents back and forth among reviewers wastes time. This service enables multithread reviews with real-time collaboration among internal and external reviewers, who can see each other's comments as they happen.

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PhantomPDF with ConnectedPDF technology from Foxit Software is one such product that ensures a comment made by one internal or external reviewer is automatically synchronized to all other authorized reviewers, so no one reads the wrong version. Realtime collaboration allows reviewers with greater authority to immediately approve or disapprove a suggested redaction, minimizing wasted time. The Document Share feature enables users to quickly, easily, and securely share information to a select group of recipients via a file link, social media, or privately.

- **Automated mass redactions.** Server-based products, such as Foxit Software's Rendition Server, integrate with datacenter infrastructures and use patterns and keywords to accelerate redactions for quantities of documents. Rendition Server is an on-premise Web service that enables the conversion of office files, emails, scanned documents, PDFs, and PostScript files to easily searchable PDF or PDF/A documents. Foxit PhantomPDF allows for auto-search and redaction for individual files.

- **Automated Section 508 compliance solutions.** New rules from the United States Access Board mandate that official documents posted online must be 508-compliant. Document management, cataloging, archives, referral records, and emails are required to be retained for long-term access. Automating compliance with this statute saves time spent on manual OCR and tagging. Foxit server solutions and PhantomPDF automate this processing. Other features provide bulk conversions of emails and attachments, check existing documents for Section 508 compliance, and enable easy touch-up of PDFs that allow users with disabilities to read these documents, with or without assistive software and devices.

To sum up, the volume and scope of regulatory requests is likely to continue increasing. What's more, today's information comes from a greater variety of sources and more of it is now completely digital. Addressing these challenges requires technological solutions—including document intelligence and collaboration, eDiscovery tools, and case-management systems. These can ensure that regulatory requests are handled more efficiently, without compromising the security of sensitive information.

About Foxit Software

Foxit Software is a leading provider of fast, affordable, and secure PDF solutions. Over 560,000,000 users spread across 100,000 customers in 200 countries rely on Foxit products, which are designed specifically to address:

- **Connected PDF.** Leading-edge technology that powers document intelligence, security, and collaboration for PDF files.
- **Enterprise automation.** Server software for enabling large-scale PDF document management and data capture.
- **Developer solutions.** APIs, developer kits, and more that facilitate incorporating powerful PDF technology into applications.

To learn more, visit foxitsoftware.com

1 Internet of Things
2 International Standards Organization

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