

Out of sight, but not gone

To protect the privacy of litigants, the Federal Rules of Practice and Procedure require that certain personal data identifiers be modified or partially redacted from federal court case files. These identifiers are Social Security numbers, dates of birth, financial account numbers, and names of minor children, and in criminal cases, also home addresses. In all cases, it is the responsibility of the attorney and the parties in the case to redact the personal identifiers.

But redaction, once a matter of drawing a heavy black line through the words on paper, has changed with the electronic filing of documents. A black bar drawn over the text is no longer enough to block it from view. In an electronic file, the obscured text still lurks beneath the highlighter box and can be readily recalled. The text is hidden, not excised. One example of redaction prior to creating a PDF is to replace numbers with X's, i.e., Social Security numbers as xxx-xx-5325, birthdates as xx/xx/2001.

Attorneys filing pleadings recently in a Connecticut case learned that lesson the hard way. They created black boxes to cover text they wished to redact. Unfortunately, simply pasting the text into a Word file revealed the hidden information. Changing the text color to white so it disappears against the white screen/paper is similarly ineffective.

To redact text, its metadata—literally the information about the data—must be removed. For best results, delete the text from the file before creating a PDF file and save it with a new name. Commercial software designed specifically to redact is also available. While the Court does not endorse any specific method, and the responsibility for redacting personal identifiers rests solely with the parties, the following software and site references may be useful to you. Commercially-available software can be used to redact, not just hide, the sensitive information. Redax (www.appligent.com) and RapidRedact (www.rapidredact.com) are two examples of commercial products used by some. And Adobe Acrobat 8.0 Professional and WordPerfect XIV both contain redaction tools.

If you have questions, please call the Help Desk at (866) 463-4052.