Electronic Discovery & FOIA

FOIAXpress® Advanced Document Review

White Paper
Introduction

Manual processing of Freedom of Information Act (FOIA) requests is a time consuming and labor intensive process. Reviewers spend hours searching for potentially responsive documents, both physical and electronic. Each document must then go through a series of redactions to ensure that sensitive information is not released to the public.

In addition, electronic documents now make up the majority of documents that FOIA Officers must review; while electronically reviewing and redacting documents is in many ways easier and more convenient, the volume of electronic documents is expanding exponentially because of the little effort it takes to create them, especially emails. With the increasing amount of electronic documents that need to be reviewed and redacted, FOIA officials must double their efforts to ensure that documents are not duplicated and are properly redacted. FOIA requests themselves have also become broader, encompassing a wider range of issues, potential documents, and document custodians. Requests can often span many departments within an agency, causing an increase in the effort to track down all relevant documents.

Each of these problems causes FOIA professionals to be overburdened and underutilized. Culling through the multitude of potentially relevant documents for a request takes valuable time, increasing an agency's backlog. By utilizing eDiscovery technology on a case management platform, agencies can greatly reduce the turnaround time for locating and releasing documents for FOIA requests enabling their FOIA professionals to spend less time on search and more time redacting and delivering documents.

Advanced Document Review (ADR) for FOIAXpress® helps agencies index documents during collection, de-duplicate documents and email threads, assign documents to reviewers, compare similar documents side-by-side, and build custom reports to analyze their document collection and review processes. The ADR module is an add-on that complements AINS full lifecycle FOIA request processing solution, FOIAXpress, for further ease in fulfilling each request. With the ADR module, agencies can increase their productivity in responding to FOIA requests and reduce their backlog, in turn becoming more compliant with the Department of Justice’s Office of Information Policy (DOJ OIP) FOIA Guidelines and Annual Reporting requirements.
The Email Problem

FOIA Officers face a barrage of issues when processing and reviewing documents for FOIA requests. Increasingly, the documents that must be included in a FOIA request response are electronic, and a large percentage of them are emails. These email messages cause a particular set of problems. For example, when importing a PST file, the associations and relationships of the messages contained in the file are often lost. These messages lose their integrity without these necessary connections. Reviewers spend an exorbitant amount of time culling through emails that are potentially responsive to a request and must manually determine which messages belong together. Email attachments often get separated from the original message and can be overlooked if not reviewed along with the relevant email exchange.

Email threads also produce a number of duplicate documents. When a message is replied to, forwarded along to another recipient, or copied to other recipients, the original message can be duplicated dozens of times. Identifying these duplicates is a waste of resources for an agency’s FOIA team. If multiple reviewers are assigned emails in the same thread, the final documents released for the request may still contain duplicate documents, which may then be redacted inconsistently.

An Undocumented Process

All of these issues translate into a long and arduous email review and collection process for responding to FOIA requests. It can be difficult to track the entire process and there remain many points of inconsistency and inefficiency. Further, if an agency comes under litigation for a specific FOIA request, the agency has no way of tracking how it searched for documents relevant to the request, who the custodians of the documents were, or how they were reviewed and redacted. Without documentation of this process, the agency could compromise litigation if it cannot prove that it did a reasonable and thorough search to fulfill the initial request, as well as providing documents relevant to the new case. An ideal FOIA tracking system would have capabilities to support an agency in each of these scenarios such that it can maintain its integrity.
The Solution: FOIAXpress® Advanced Document Review (ADR)

With the ADR Module, duplicate documents are removed from the set of relevant documents, thus saving time. Once documents are collected and reviewed, they can be exported to FOIAXpress for redaction and final production.

FOIA Officers can use the case management platform of the ADR Module to easily track and manage the document collection and review process. The system records all actions that are performed on each case folder, giving visibility and accountability to FOIA Officers. Settings and preferences are determined on a case basis, so permissions may be set on a user, case, or group level. With this feature, the case owner may notify a custodian of a request and request their documents, without the custodian having visibility into the entire case folder. The case owner may also assign documents to particular reviewers and ensure that the document collection and review processes are progressing as on schedule.

Because FOIAXpress ADR was built to complement FOIAXpress, customers that have currently implemented FOIAXpress in their FOIA office can now take advantage of the ADR Module to further enhance the request fulfillment process with the added document collection and review features.

ADR enables users to:

- Create and send legal hold notifications to potential custodians
- Index and cluster documents based on concept
- De-duplicate documents, including email messages and threads
- Identify and review near duplicate documents
- Compare similar documents side by side
- Track the review process
- Export documents to FOIAXpress for redaction and final production
- View document counts and size by custodian, data source, and reviewer
- Create custom and ad hoc reports
- Schedule and send reports automatically
Improving the Document Review Process

The features of the ADR Module will translate into a smoother, more efficient FOIA request fulfillment process. FOIAXpress ADR automatically removes duplicate documents and emails, thereby reducing the total number of documents to be reviewed by up to 70%. FOIA Officers can also compare similar and near-duplicate documents in a user-friendly side-by-side review pane. This allows reviewers to select the document that is more relevant to the request and ensure consistency with the request.

Officers are also able to more easily track the entire FOIA request fulfillment process by tracking the progress of the document collection and review processes. The visibility that FOIAXpress ADR provides will help agencies to process FOIA requests much more quickly and efficiently. These features allow collaboration between offices and departments, so that even broad FOIA requests can be fulfilled quickly and easily. The FOIAXpress ADR system allows the case owner to set deadlines and alerts to ensure that requests are fulfilled on time.

The ADR Module also retains the inherent connections between messages in an email thread. Typically, when PST files are imported for review and redaction, the relationships between messages and their attachments are lost. This causes reviewers to spend unnecessary time determining which messages and attachments should be linked. Since many messages may be meaningless on their own, this loss of connection can cause important documents to be overlooked and deemed to be irrelevant to the request. The ADR Module retains these connections, causing the fulfillment process to be faster and more efficient. Reviewers no longer have to waste their time figuring out the path of an email message. Email chains are de-duplicated and clustered, and can then be tagged so that they remain together. When the reviewer finally receives the documents, the email thread is maintained, with all duplicates removed. The reviewer then only needs to assess the thread and its attachments once, saving valuable time and increasing productivity.
Benefits

FOIAXpress ADR will help agencies to process FOIA requests much more quickly and efficiently because FOIA Officers and their reviewers will save time by having fewer documents to review. The ADR Module automatically removes duplicates, clusters near-duplicates, and retains the integrity of email chains. By cutting down on the number of documents and duplicate documents that need to be collected and reviewed, the agency will also ensure that its redactions are consistent.

Throughout the review process using the ADR module, the volume of documents is reduced, accompanied by a greater relevance of the remaining documents as FOIA staff cull, review and process the document set.

Because they are saving time via reduced data sets to review and redact, agencies will be able to respond to more FOIA requests on time and, in turn, reduce their backlog. Compliance with the DOJ OIP FOIA Guidelines and reporting requirements is a critical role of FOIA Offices. By saving time, agencies will become more compliant with transparency legislation.

About AINS

AINS Inc. is a minority-owned, small business headquartered in Gaithersburg, Maryland that has been providing innovative solutions for Enterprise Information Management (EIM) since 1988. AINS provides comprehensive Information Technology (IT) services to federal, state and local governments, health institutions, and commercial customers. By offering a single point of service for designing, installing, implementing, and supporting commercial off-the-shelf (COTS) and custom solutions, AINS is able to help our customers make best use of technology in support of their business.