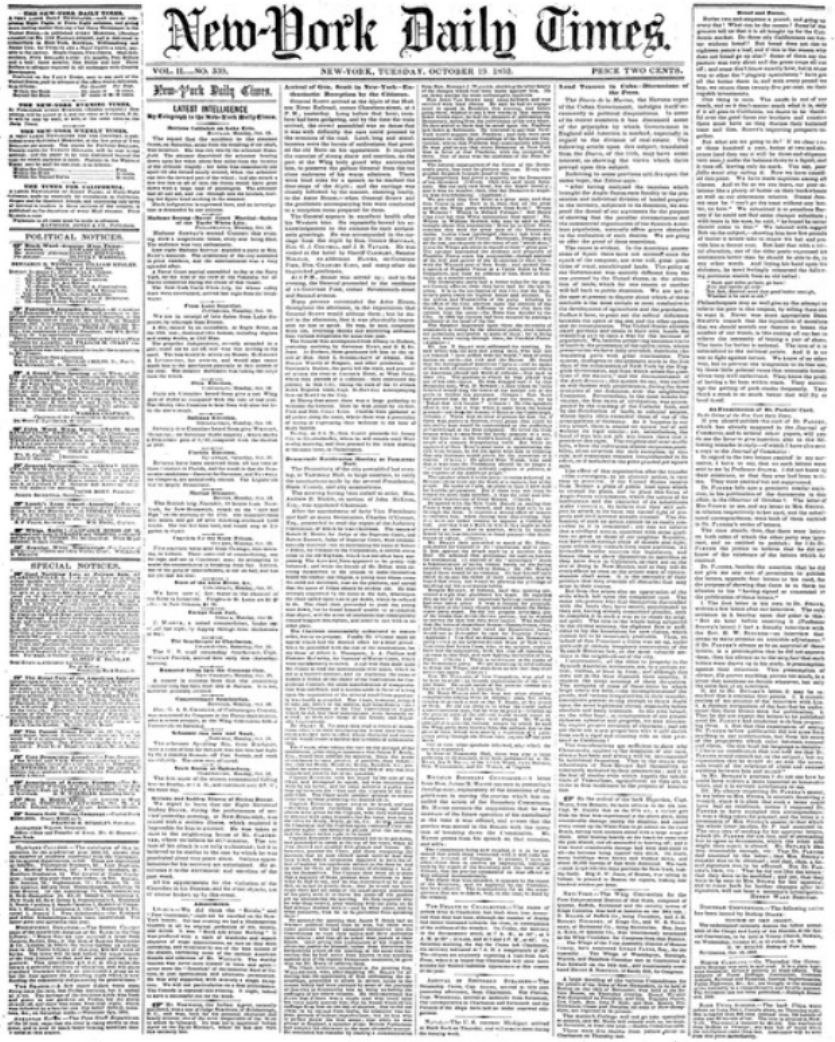
The Impact of Social Media on eDiscovery and Public Records Requests

Jeffrey M. Wolff



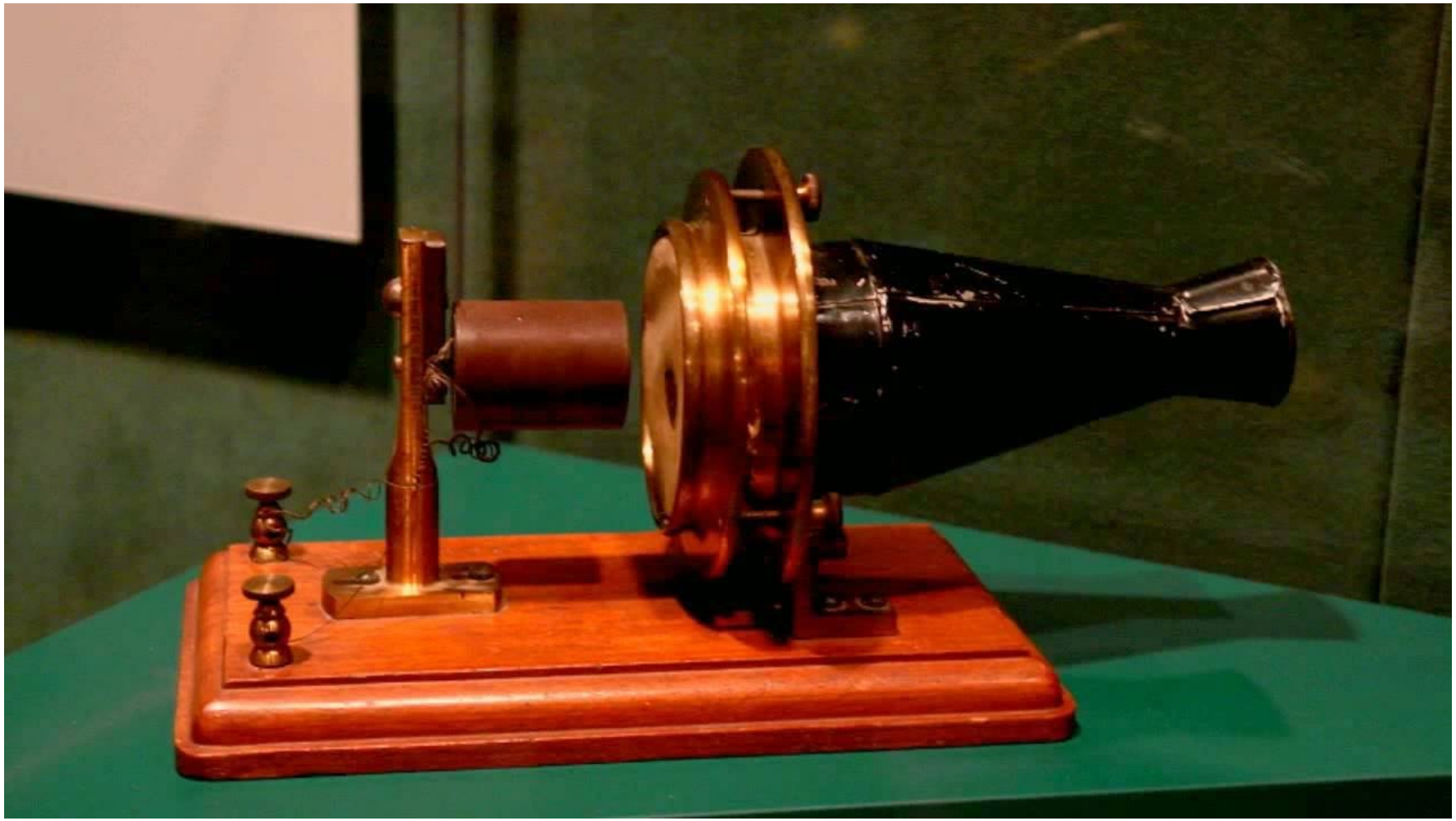
OCTOBER 19,1852



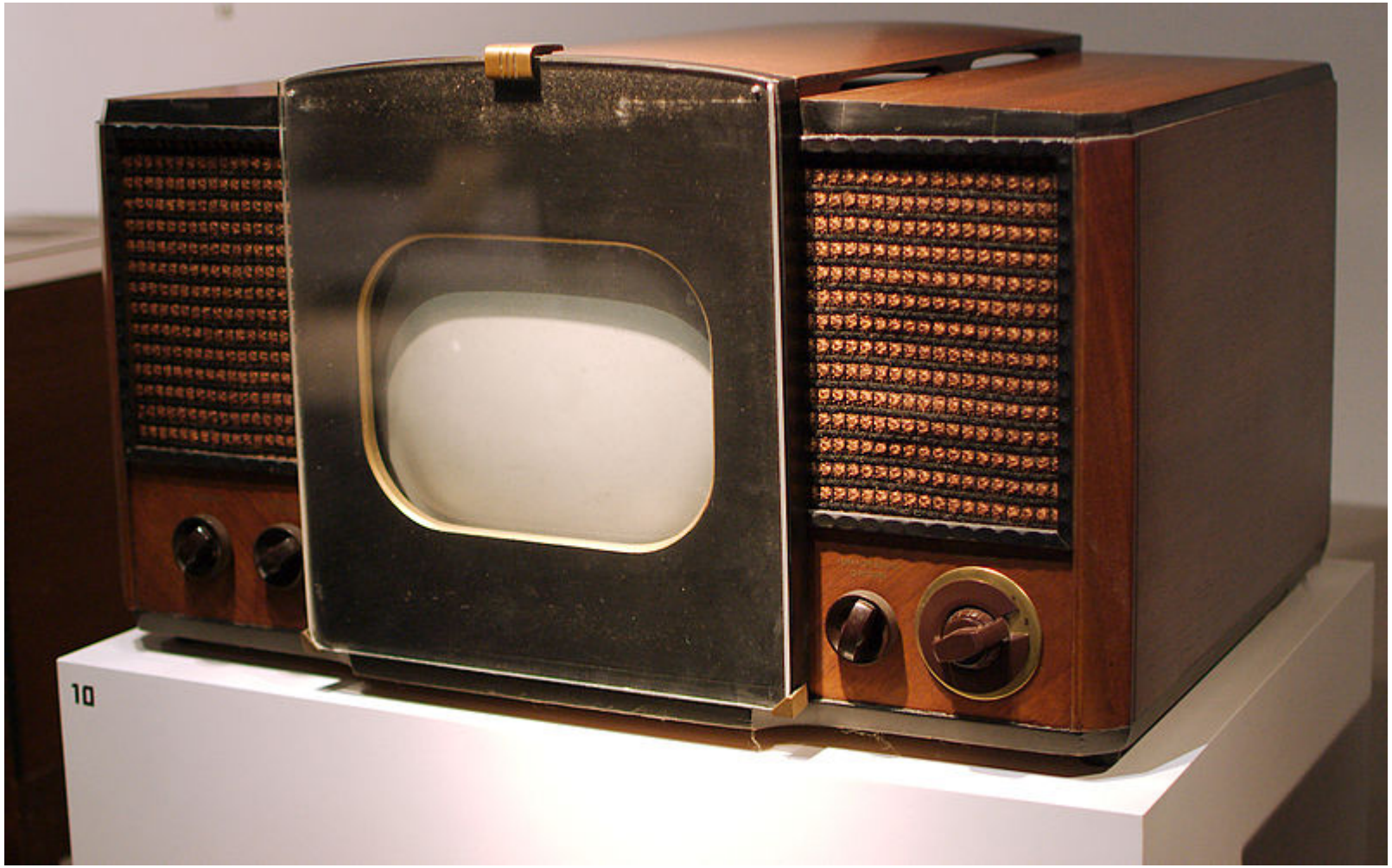
New-York Daily Times.

VOL. II.—NO. 330. NEW-YORK, TUESDAY, OCTOBER 19 1852. PRICE TWO CENTS.

THE WORLD CHANGES IN 1876



AND AGAIN IN 1927



AND AGAIN IN 1991



CONSUMER SOCIAL MEDIA PLATFORMS 2018



ENTERPRISE SOCIAL MEDIA PLATFORMS 2018













OPEN RECORDS COMPLIANCE - 1966

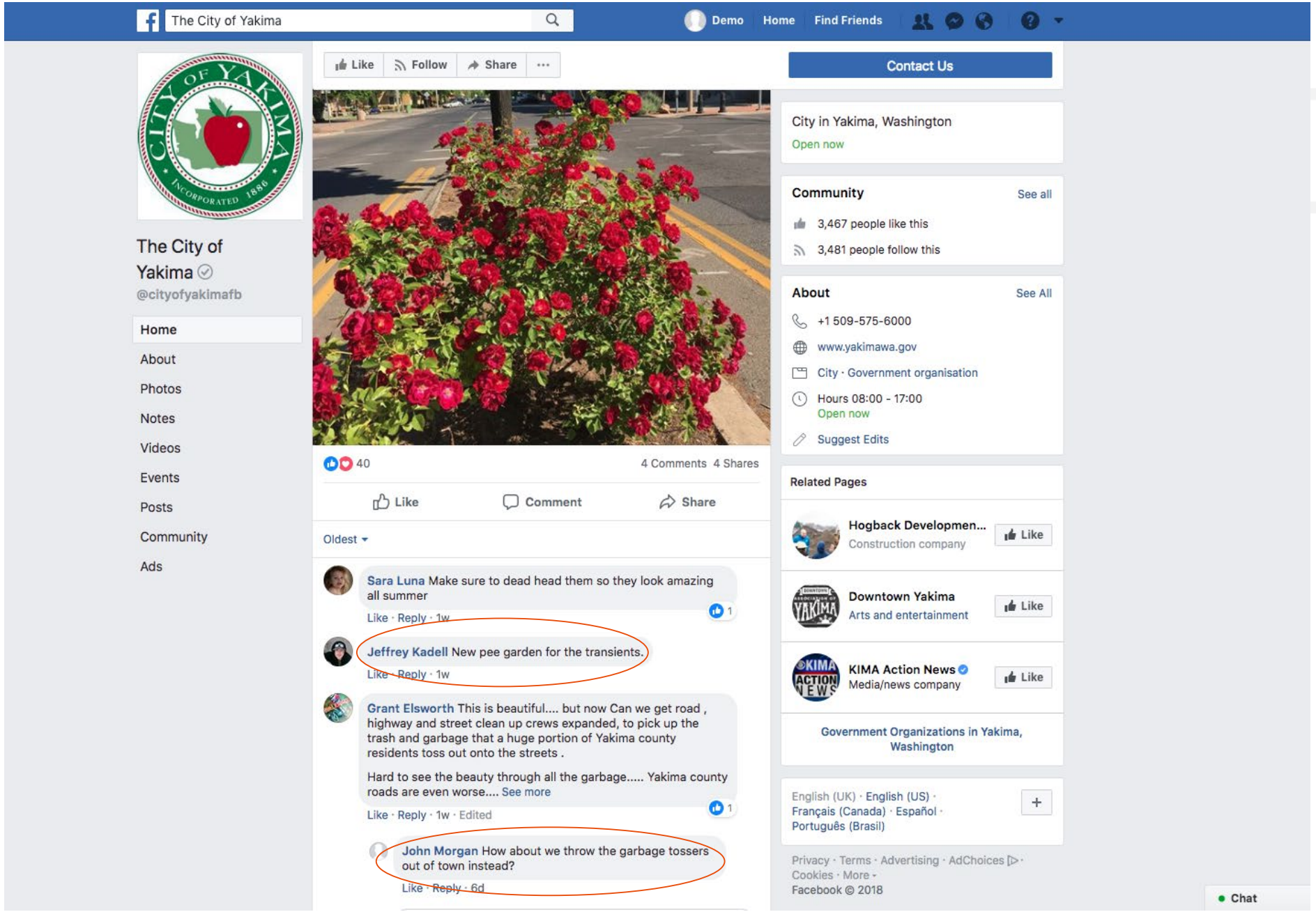
Federal Records Act (44 U.S.C. 3301)

“All books, papers, maps, photographs, machine readable materials, or other documentary materials, **regardless of physical form or characteristics…”**

WA State Open Record Act

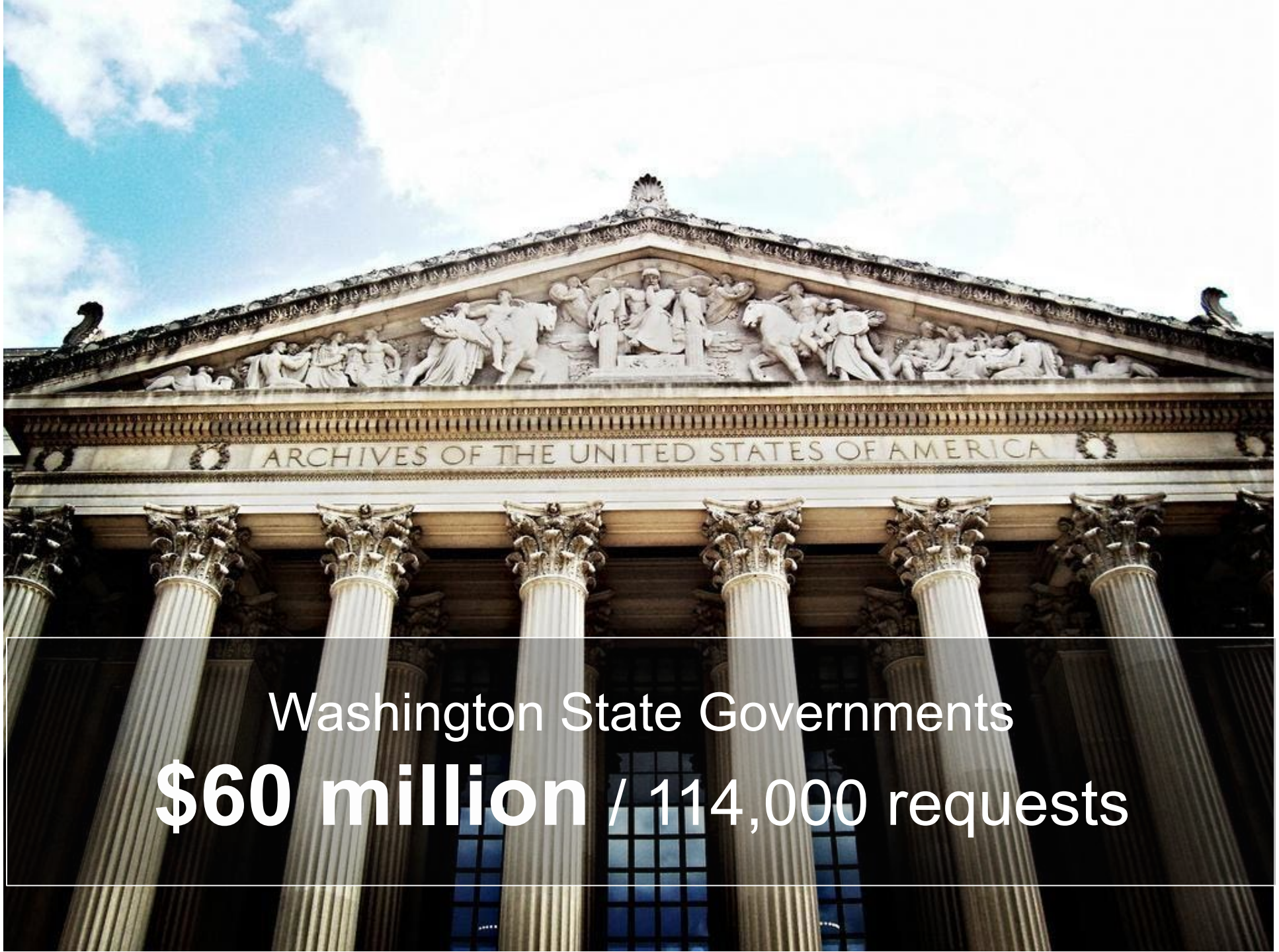
“All state and local government agencies must retain **all web content** in accordance with the approved retention schedules.” - WAC 434-662-140

“Electronic records transferred to the digital archives must contain sufficient **metadata** to categorize, search and retrieve the records.” - WAC 434-662-110


The City of Yakima
Demo
Home
Find Friends
Like
Follow
Share
Contact Us
The City of Yakima
@cityofyakimafb
Home
About
Photos
Notes
Videos
Events
Posts
Community
Ads
City in Yakima, Washington
Open now
Community
See all
3,467 people like this
3,481 people follow this
About
See All
+1 509-575-6000
www.yakimawa.gov
City · Government organisation
Hours 08:00 - 17:00
Open now
Suggest Edits
40
4 Comments 4 Shares
Like
Comment
Share
Oldest
Sara Luna Make sure to dead head them so they look amazing all summer
Like · Reply · 1w
Jeffrey Kadell New pee garden for the transients.
Like · Reply · 1w
Grant Elsworth This is beautiful.... but now Can we get road , highway and street clean up crews expanded, to pick up the trash and garbage that a huge portion of Yakima county residents toss out onto the streets .
Hard to see the beauty through all the garbage..... Yakima county roads are even worse.... See more
Like · Reply · 1w · Edited
John Morgan How about we throw the garbage tossers out of town instead?
Like · Reply · 6d
Related Pages
Hogback Developmen...
Construction company
Like
Downtown Yakima
Arts and entertainment
Like
KIMA Action News
Media/news company
Like
Government Organizations in Yakima, Washington
English (UK) · English (US) · Français (Canada) · Español · Português (Brasil)
Privacy · Terms · Advertising · AdChoices · Cookies · More
Facebook © 2018
Chat

AT WHAT COST?


Woman wins public records lawsuit
Spokane County
Chicago paid $670,000 in 2016
lawsuits alleging
NEWS > SPOKANE
Spokane Count
$100,000
Tue, Jan. 24, 2017, 5:46 p.m.
News
City of Madison
MPD settles open re
accountability
Wisconsin Institute for Law and Lib
by MOLLY LIEBERGALL · Apr 10, 2018
HOME
COMING UP
THE GROWING ECONOMY
STATE OF POLITICS LIVE
ABOUT US
CONTACT
« Nixon's S-Corp Had Tax Liens
Molinaro Proposes 'Pay-For-Play Ban' »
Cuomo Admin Spends $200K On Open Records Lawsuit With NYT
Gov. Andrew Cuomo's office has spent $200,000 in legal fees to fight an open records request by The New York Times, contract information posted by the state comptroller's office shows.
The Times has sued the administration after it was denied access to email, scheduling and other records related to Joe Percoco, a former close aide to the governor who was convicted earlier this year on corruption charges related to bribery, bid-rigging and fraud.
The newspaper had sought email correspondence between then-state Operations Director Jim Malatras and Todd Howe, a disgraced consultant-turned-star government
Tweet
Share
Patricia Strand is doing battle with the county assessor that began with her questioning her property tax assessment. (Colin Mulvany)
Assessor's Office
SHOP NOW



Washington State Governments

$60 million / 114,000 requests

WHAT ABOUT THE FUTURE?



THE GOOD NEWS

"The tools already exist for these types of records requests to be complied with. The agencies need to be thinking about ensuring compliance with existing law when they adopt new technology."

-Adam Marshall, Reporters Committee for Freedom of the Press, GCN 2017

WHY IS SOCIAL MEDIA HARD TO COLLECT?

Real-Time Activity

Content posted, edited or deleted in real-time

Deeplinked Content

30% of social media messages contain links to 3rd party website content

Link shorteners

Short links (bit.ly, goog.le) links can change over time or expire

Multifaceted Nature

Can contain images, videos, comments, likes



WEBSITES AND SOCIAL MEDIA IN LAWSUITS

Data Integrity

- How do you prove that a message has not been tampered with?

Data Authenticity

- How do you prove the date & time a page was captured?
- How do you prove from which URL a snapshot was taken?

Digital Signatures & Timestamps

- Provide data integrity & authenticity for business transactions
- eSign Act (2000)

WHAT ABOUT METADATA?

Where?

With whom?

How?

Date/Time?



DOCUMENT METADATA

- **Standard properties** - By default, Office documents are associated with a set of standard properties, such as **author**, **title**, and **subject**.
- **Automatically updated properties** - These properties include both file system properties (for example, **file size** or the dates when a file was **created** or **last changed**) and statistics that are maintained for you by Office programs (for example, the number of words or characters in a document).

MAINTAINING DATA INTEGRITY

Client metadata (FROM)

Browser, operating system, IP address, user

Webserver/API endpoint metadata (TO)

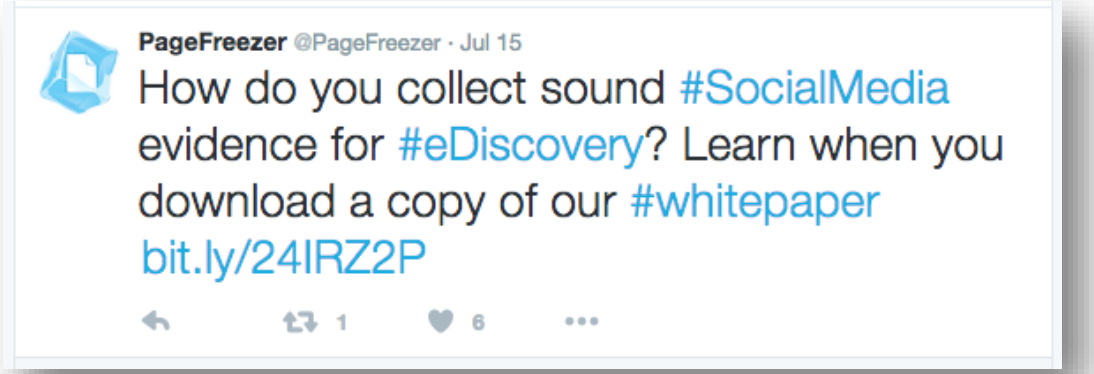
URL, HTTP headers, type, date & time of the request and response

Account metadata (WHO)

Account owner, bio, description, location

Message metadata (WHAT, WHEN)

Author, message type, post date & time, versions, links (un-shortened), location, privacy settings, likes, comments, friends



ARCHIVING YOUR WEBSITE/SOCIAL MEDIA

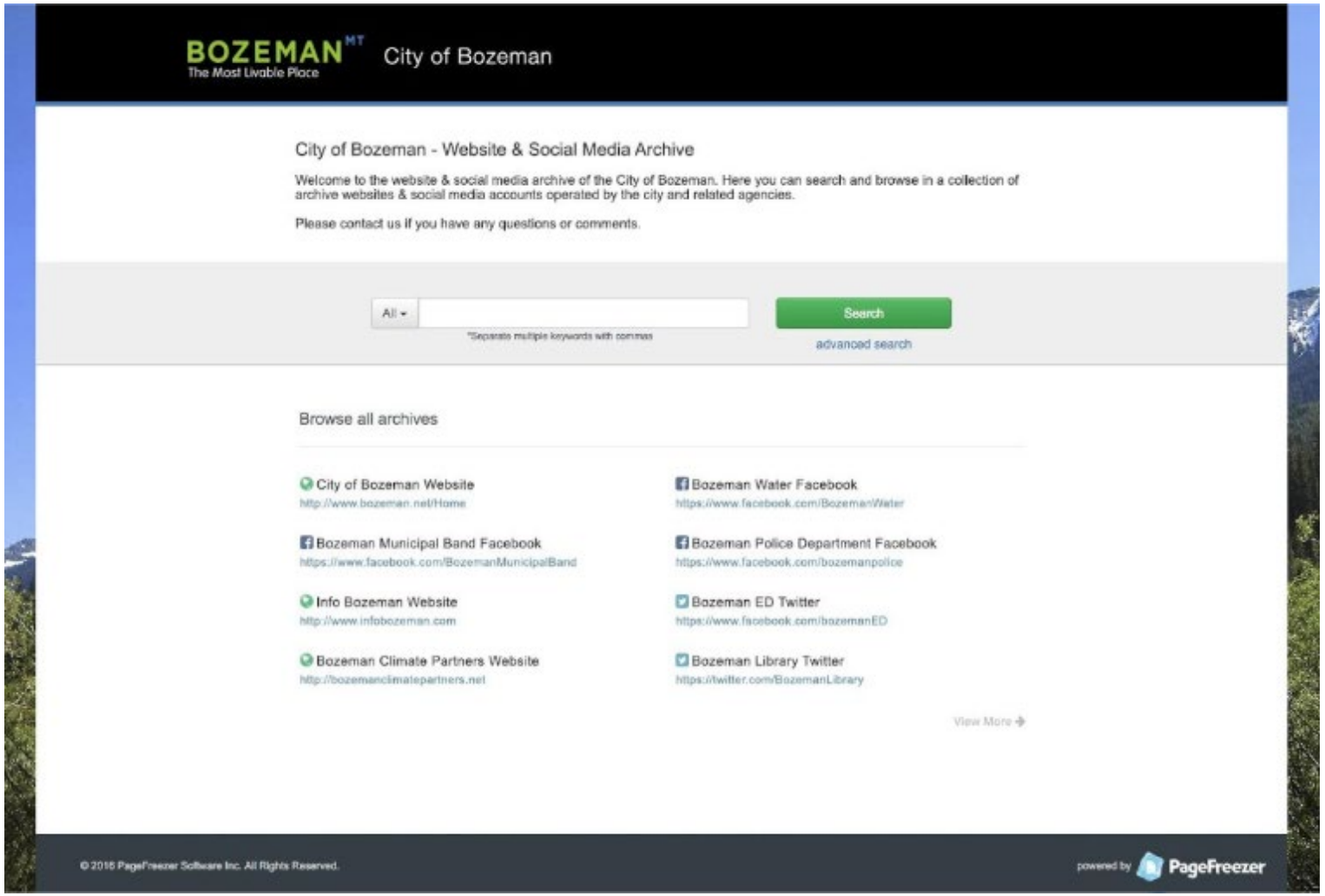
Data Back-Ups

- **Short term** insurance policy for disaster recovery
- Protect **active data** that frequently changes
- Data can and **will change**
- Tailored for system function
- High Compression
- Technology **Barriers**
- **Inadmissable** for courts and regulators

Qualified Records Archive

- Long Term **legal requirement**
- Provides ongoing rapid access to legacy **business information**
- **Data integrity** is authentic and maintained
- **High-performance** access
- User **friendly**

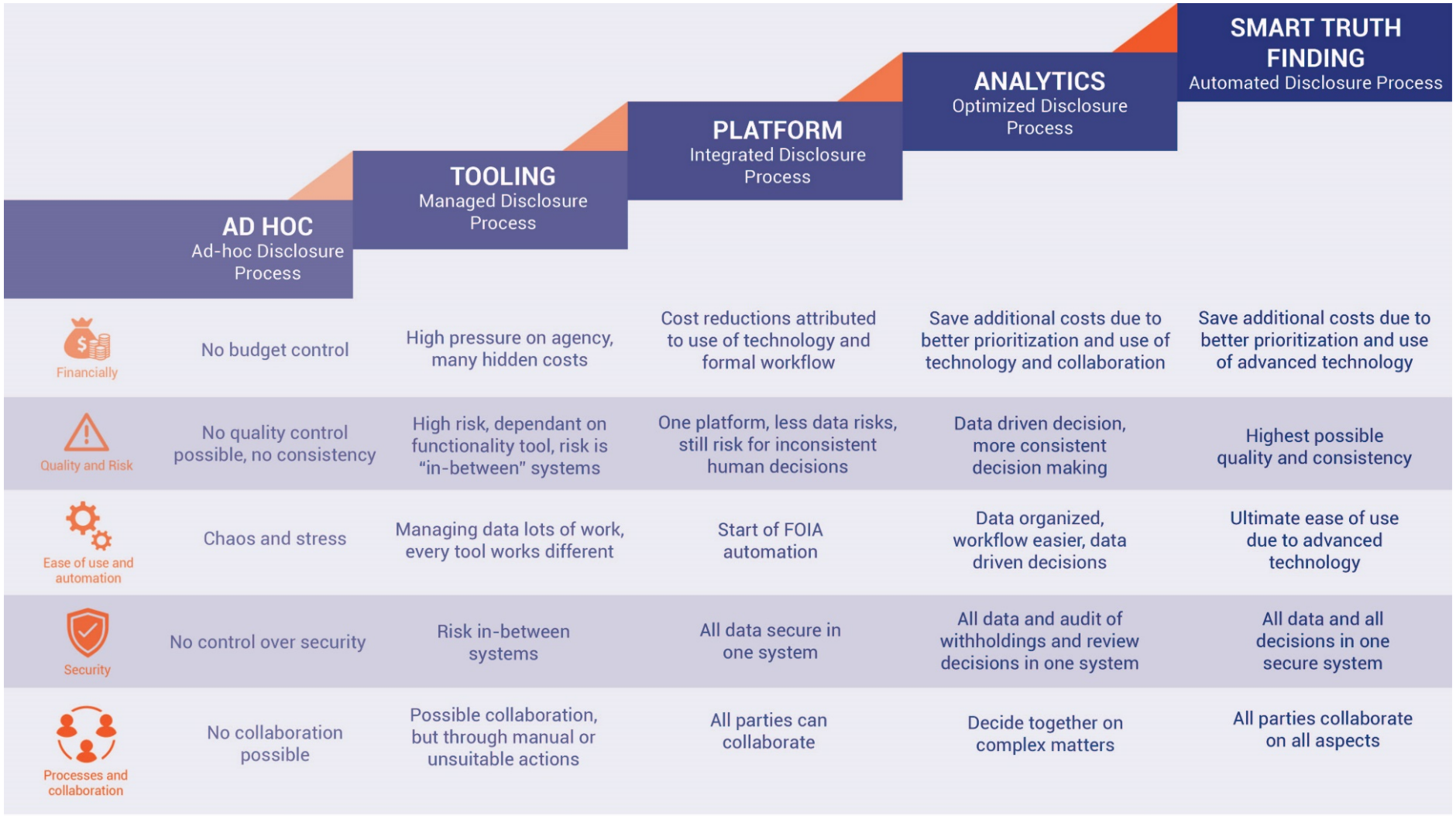
SELF-SERVICE ACCESS



INTEGRATE YOUR WORKFLOW

- **Collect** Communication Medium
  - Voice
  - Video
  - Webpages
  - Social Media
  - Text Message
- **Preserve** Repository
  - MetaData
  - Keywords
  - “As is”
- **Disseminate** via delivery platforms

FOIA MATURITY MODEL



	AD HOC Ad-hoc Disclosure Process	TOOLING Managed Disclosure Process	PLATFORM Integrated Disclosure Process	ANALYTICS Optimized Disclosure Process	SMART TRUTH FINDING Automated Disclosure Process
Financially	No budget control	High pressure on agency, many hidden costs	Cost reductions attributed to use of technology and formal workflow	Save additional costs due to better prioritization and use of technology and collaboration	Save additional costs due to better prioritization and use of advanced technology
Quality and Risk	No quality control possible, no consistency	High risk, dependant on functionality tool, risk is "in-between" systems	One platform, less data risks, still risk for inconsistent human decisions	Data driven decision, more consistent decision making	Highest possible quality and consistency
Ease of use and automation	Chaos and stress	Managing data lots of work, every tool works different	Start of FOIA automation	Data organized, workflow easier, data driven decisions	Ultimate ease of use due to advanced technology
Security	No control over security	Risk in-between systems	All data secure in one system	All data and audit of withholdings and review decisions in one system	All data and all decisions in one secure system
Processes and collaboration	No collaboration possible	Possible collaboration, but through manual or unsuitable actions	All parties can collaborate	Decide together on complex matters	All parties collaborate on all aspects

MORE READING – WWW.ZYLAB.COM/RESOURCES








Q&A
ZyLAB Webinars and Events:
https://zylab.com/company/event-calendar/
www.zylab.com