



DOCUMENT METADATA

AVOIDING RISK OF INADVERTENT DISCLOSURE

ROGER CHANCE

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- 18 years software engineering, management and consulting for firms including Disney, NCR, Symantec, Lockheed, BlueCross
- Anti-Money Laundering, Technology Contracts & Licensing, Drone Law, Trademark and Copyright
- US Navy submarine veteran



WHAT IS METADATA?

VITAL INFORMATION HIDDEN
WITHIN AN ELECTRONIC FILE
ABOUT THE FILE DATA

SO, WHY IS THIS A PROBLEM?

- Litigation/Negotiation Tactics
- Confidential or Privileged Info
- Billing/Competitive

PROBLEM DATA

- Author(s)/Contributor(s), Creation/modification timestamps (by selecting “File/Properties”)
- Tracked changes/revisions
- Comments


PROPERTIES

Total Editing Time	51 Minutes
Title	Add a title
Tags	Add a tag
Comments	Add comments
Template	Normal.dotm
Status	Add text
Categories	Add a category
Subject	Specify the subject
Hyperlink Base	Add text
Company	
Review 1 Type	Select...
Review 2 Type	Select...
Requires Deliverable Acceptance?	Select...
*WIP Status	Show Details
Project Deliverable Name	Add text
Work Product ID	Show Details
Description	Add text
Phase	Show Details
Team	Show Details
Project Deliverable ID	Add text

Related Dates

Last Modified	2/27/2018 5:37 PM
Created	2/22/2018 5:31 PM
Last Printed	

Related People

Manager	Specify the manager
Author	 Tiffany

TRACKED CHANGES/REVISIONS

→ → → → 4

And you didn't go with him...?' ¶

Nina arrived home and jogged up the short, dusty track leading to the house. She pushed in the flywire door of Red Gums, checked her watch and frowned. She always lost track of time out at Billabong. Jinx, her gentle retriever, followed her inside. ¶

'Guess you'll have to see in the new year by yourself,' she said, fondling the dog's soft golden ears. Jinx furrowed his honey-coloured brow. Nina felt a sudden, nervous quiver in her stomach. Her ten-year high-school reunion was tonight. ¶

Nina wasn't a party person. She hated crowds and didn't do small talk. Maybe she'd lived alone in the bush for too long, or maybe she was just plain anti-social. Whatever the reason, she felt like a fish out of water in town these days. There were a couple of people she'd like to see though. Dylan, for instance, and her friend Kate. It was New Year's Eve, after all. ¶

'I don't think so,' she'd said, when Kate had first asked. 'And anyway, Lockie can't go.' ¶

Kate had laughed knowingly. 'Can't or won't?'

Lockie Carver managed Macquarie Station, a large pastoral property just out of

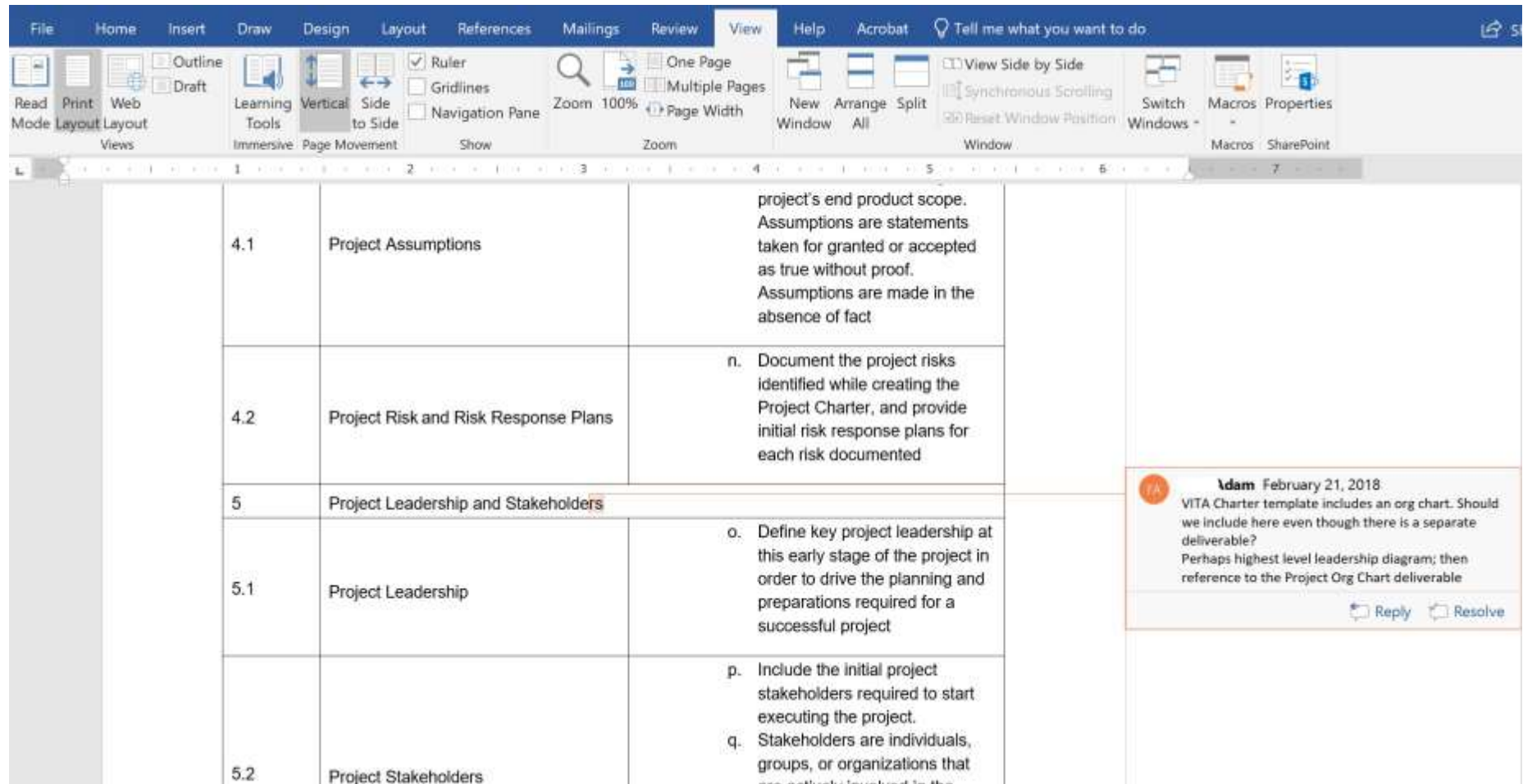
Formatted: Left, Tab stops: 1.09 cm, Left + 14.71 cm, Right

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COMMENTS



The screenshot shows the Microsoft Word interface with the 'View' tab selected. The ribbon includes options for 'Read Mode', 'Print Layout', 'Web Layout', 'Draft', 'Immersive', 'Page Movement', 'Show', 'Zoom', 'Window', and 'Macros'. The main content area displays a table with the following rows:

4.1	Project Assumptions	project's end product scope. Assumptions are statements taken for granted or accepted as true without proof. Assumptions are made in the absence of fact
4.2	Project Risk and Risk Response Plans	n. Document the project risks identified while creating the Project Charter, and provide initial risk response plans for each risk documented
5	Project Leadership and Stakeholders	
5.1	Project Leadership	o. Define key project leadership at this early stage of the project in order to drive the planning and preparations required for a successful project
5.2	Project Stakeholders	p. Include the initial project stakeholders required to start executing the project. q. Stakeholders are individuals, groups, or organizations that are actively involved in the

A comment box on the right side of the table contains the following text:

Idam February 21, 2018
VITA Charter template includes an org chart. Should we include here even though there is a separate deliverable?
Perhaps highest level leadership diagram; then reference to the Project Org Chart deliverable

Buttons for 'Reply' and 'Resolve' are visible at the bottom of the comment box.

POTENTIAL FOR INADVERTENT DISCLOSURE

- Portions of privileged conversations
- Client or transactional party identity
- Fees charged to some other interested party
- Reference to some other dispute or matter

HYPOTHETICAL

- You email exchange drafts of a settlement agreement with your client, making comments and edits
- You email a settlement proposal to opposing counsel with the draft agreement attached.
- If that information is not scrubbed from the document before transmission, any sensitive confidences or strategies exchanged with your client can be viewed by opposing counsel accessing the metadata.
- **The greater the amount of evidence produced in electronic form, the greater the odds that undiscoverable confidential or privileged content will be disclosed in metadata.**

FLORIDA BAR OPINION 06-2

“(1) It is the *sending lawyer’s* obligation to take reasonable steps to safeguard the confidentiality of all communications sent by electronic means to other lawyers and third parties and to protect from other lawyers and third parties all confidential information, **including information contained in metadata**, that may be included in such electronic communications.

2) It is the recipient lawyer’s concomitant obligation, upon receiving an electronic communication or document from another lawyer, not to try to obtain from metadata information relating to the representation of the sender’s client that the recipient knows or should know is not intended for the recipient. Any such metadata is to be considered by the receiving lawyer as confidential information which the sending lawyer did not intend to transmit. See, Ethics Opinion 93-3 and Rule 4-4.4(b), Florida Rules of Professional Conduct, effective May 22, 2006.

The foregoing obligations may necessitate a lawyer’s continuing training and education in the use of technology in transmitting and receiving electronic documents in order to protect client information under Rule 4-1.6(a).“

“To maintain the requisite knowledge and skill [for competent representation], a lawyer should engage in continuing study and education.”

SOLUTION

Scrub your data if you don't want it read by the opponent or counterparty

- Scrubbing tools
 - iManage, NetDocs,
 - Workshare, Litera, cleanDocs – legal-specific
- Manual scrubbing
- “Save As” new document (with properties cleared)



SOLUTION

Establish policies for dealing with metadata

Lawyers should generally avoid sending documents to third parties in their native formats. Either convert them to a Portable Document Format (PDF) or scan and convert to an image.

That will remove most - but not all - potentially harmful metadata.



SOLUTION

Remove Metadata From Word

1. Click the File Tab in Word and click on Info, Click Check for Issues and select **Inspect Document**.

To see Personal Information click the Show All Properties link at the bottom of the right column.

If you have Office 2007 click the Office Button, Prepare, and then Inspect Document. To see Personal Information before removing it, click Prepare and then Document Properties.

Documents - WA 155

Protect Document
Control what types of changes people can make to this document.

Check for Issues
Before publishing this file, be sure that it contains:
Document properties, document server properties, content type information, template name, author's name, related people and related dates

Inspect Document
Check the document for hidden properties or personal information.

Check Accessibility
Check the document for content that people with disabilities might find difficult to read.

Check Compatibility
Check for features not supported by earlier versions of Word.

Properties

Size	76.3KB
Pages	14
Words	3000
Total Editing Time	9 Minutes
Title	Project Document Management...
Tags	Add a tag
Comments	Add comments
*Local Content Type	Project Documentation and
Primary Global Industry	Enter a choice
*Business Title	GL1025-Project Document Man...
Primary Local Industry	Enter a choice
*Global Content Type	Best Practice or Terminate IP
Primary Global Client Service	Technology
*Applicable Geography	Global
*KAM Language	English
*Geography of Origin	United States
Primary Local Client Service	United States Consulting: Te...

Related Dates

Last Modified	4/9/2018 3:52 PM
Created	4/9/2018 3:28 PM
Last Printed	4/9/2018 2:57 PM
*Content Date	8/18/2013

Related People

Author: BM Michael James
Add an author

Last Modified By: PM Monica

*KAM Contributor: Currently unavailable
KAM Author: Currently unavailable

Related Documents

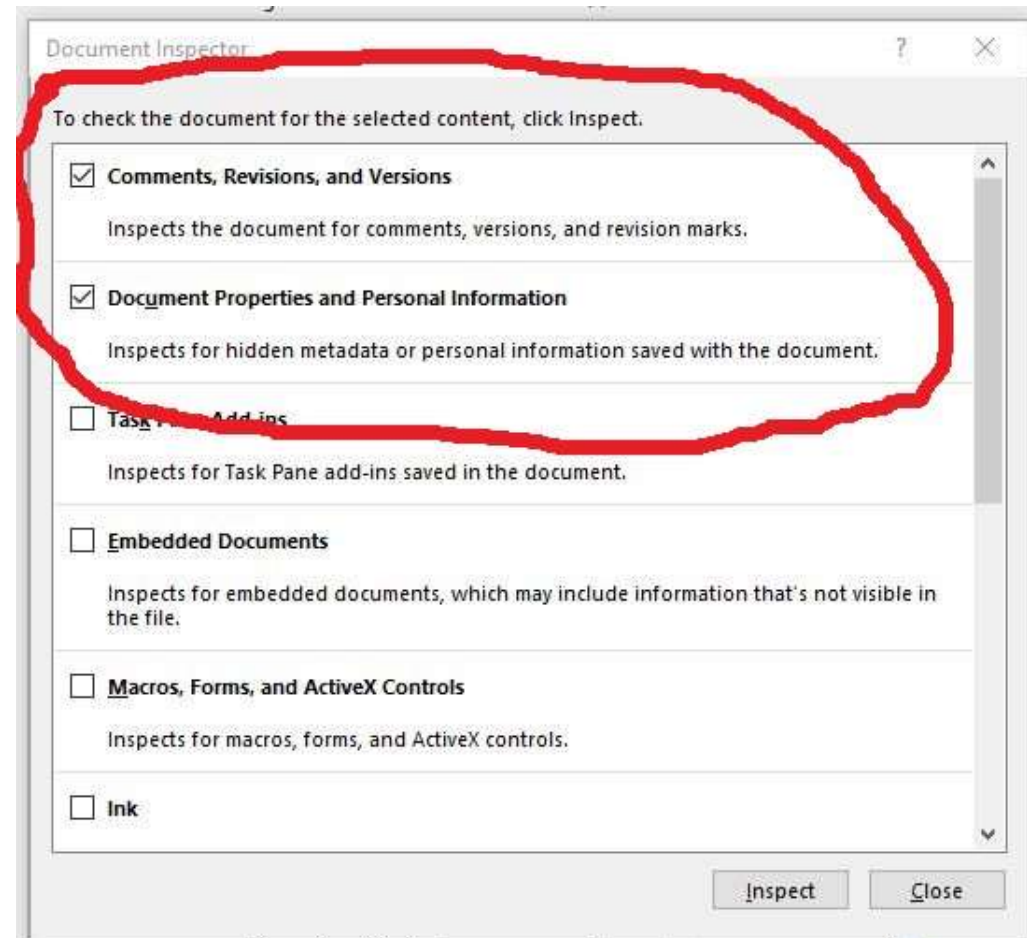
Open File Location

Show All Properties

SOLUTION

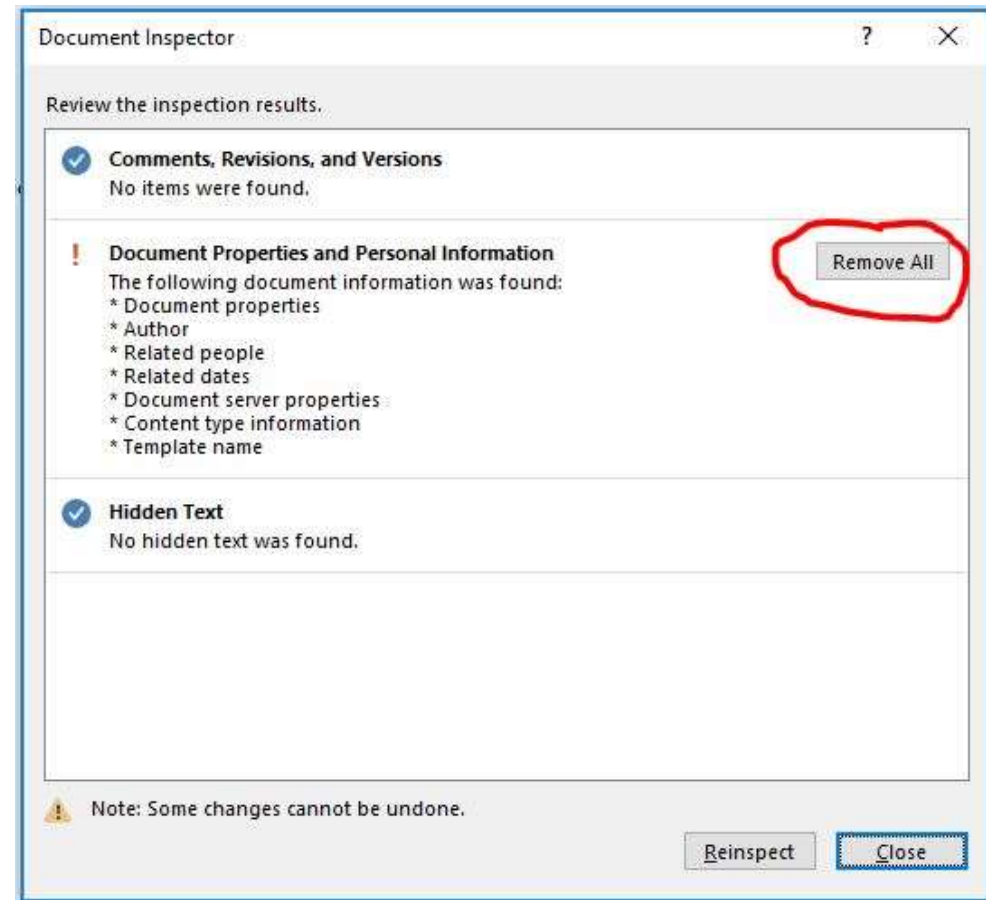
Remove Metadata From Word

2. Select the type of content you want Word to check for removal



SOLUTION

- Word will find the selected types of metadata, and display a list of the types ready to remove.
Clicking **Remove All** cannot be undone!



A WORD ABOUT ADOBE PDF FILES

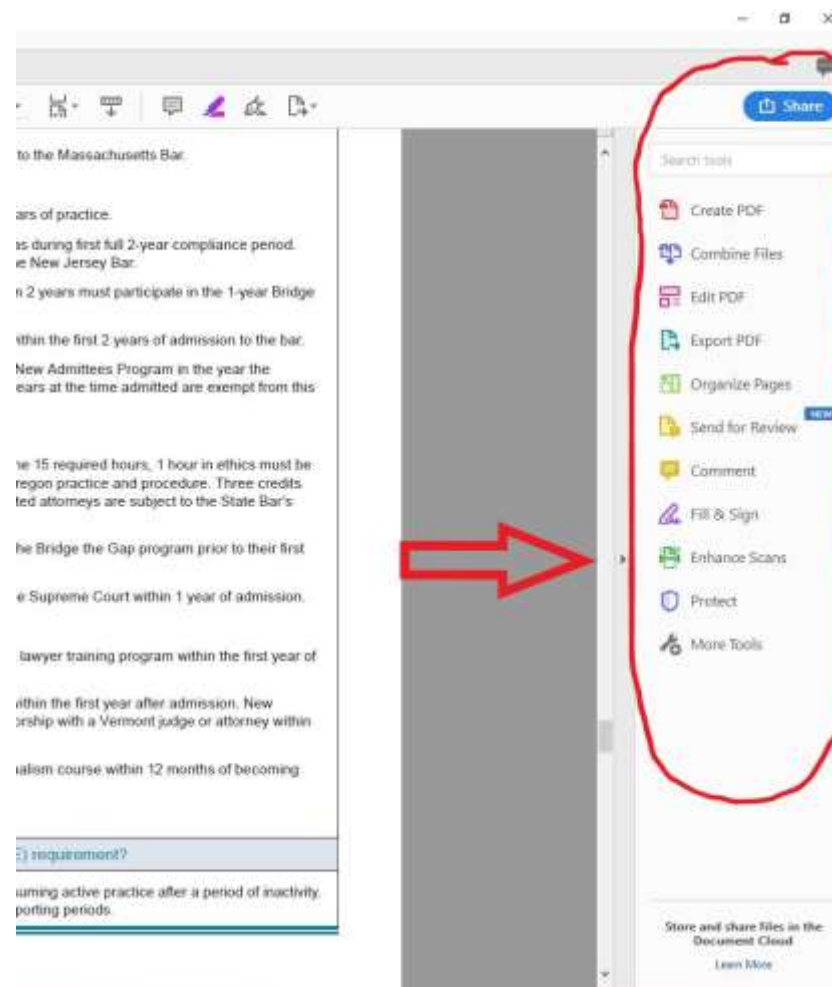
What metadata is stored in PDF files?

- Author – who created the document
- CreationDate – the date and time when the document was originally created
- Creator – the originating application or library
- Producer – the product that created the PDF
- Subject – what is the document about
- Title – the title of the document
- Keywords – keywords can be comma separated
- ModDate -the latest modification date and time

ADOBE PDF

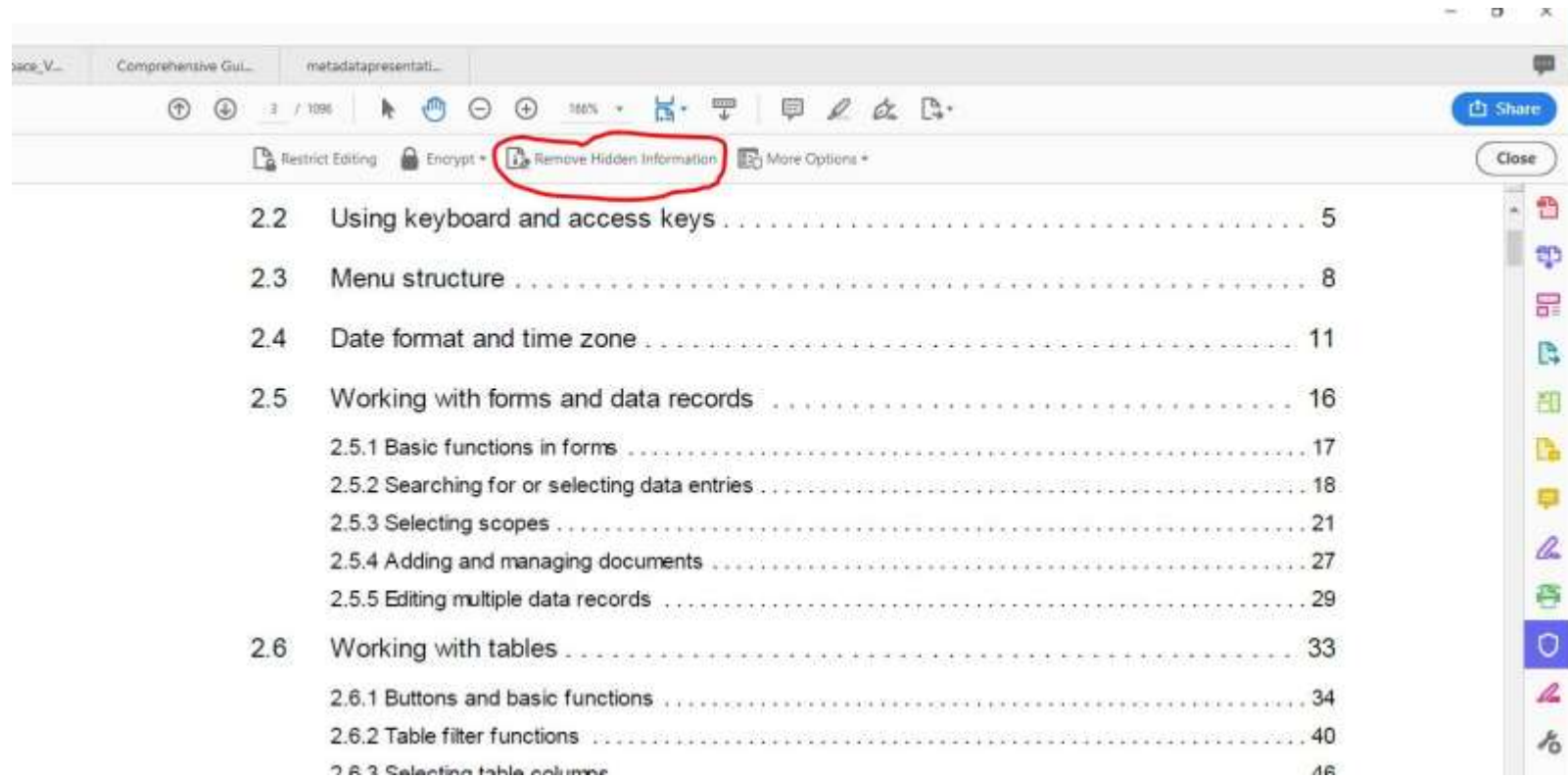
Remove hidden data from PDF files

1. At the right of Acrobat, click the Tools pane.
2. Open the Protection panel.



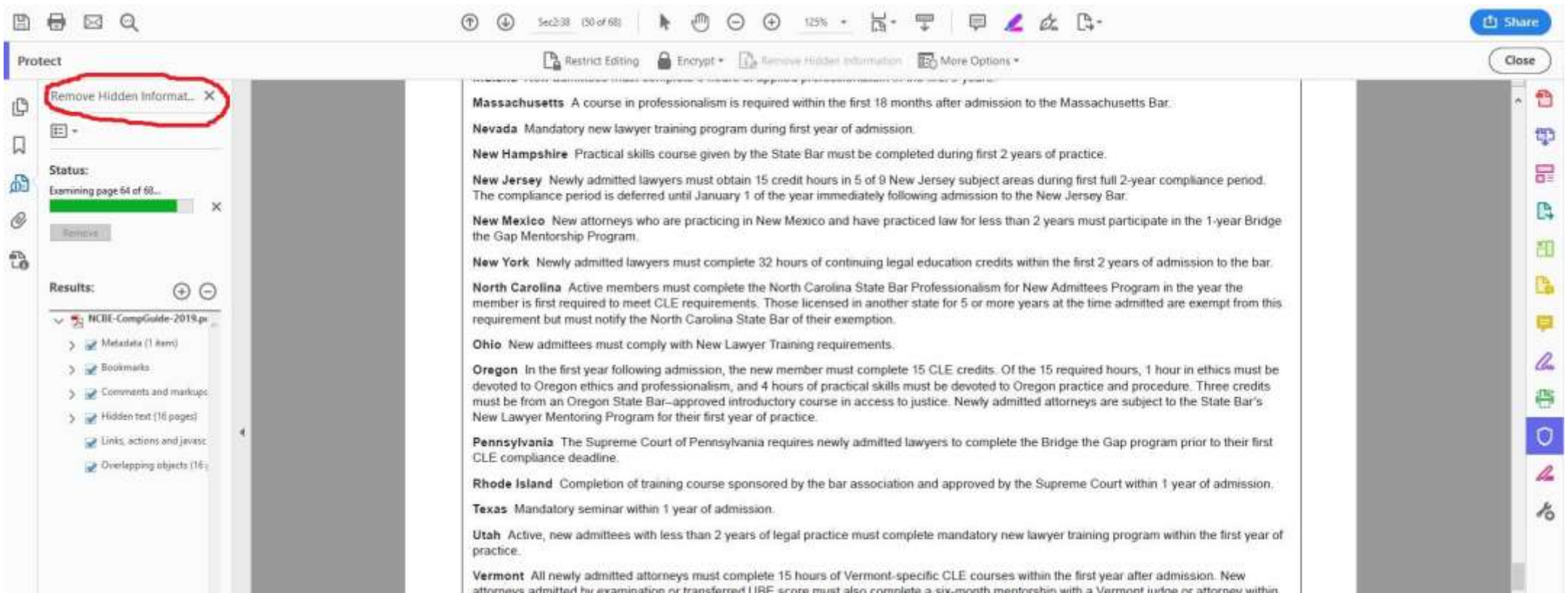
ADOBE PDF

3. The sanitation tools are listed under the heading **Hidden Information**.



ADOBE PDF

4. To permanently remove items such as metadata, comments, and file attachments, select **Remove Hidden Information** in the left frame.





THANK YOU

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