

When Redactions Don't Redact

The press has widely reported on Paul Manafort's attorneys' failed attempt to redact sensitive information in a recent legal filing, allowing the press to uncover and publish the very information the attorneys intended to redact. The problem stemmed from the attorneys' use and understanding of Adobe Acrobat's black highlighting function.

Manafort's counsel assumed that highlighting certain text in a brief filed in the form of a PDF file and then setting the highlight color to black was sufficient to keep the information from the public. The trouble began when the press learned that by simply copying the highlighted portion of the text and pasting it into a word processing document, the text becomes readable.

This fairly significant misstep raises two questions:

- (1) How could this happen?
- (2) How can attorneys and paralegals avoid the mistakes made by Manafort's lawyers?

The answer to the first question is that Manafort's attorneys apparently misunderstood the utility of Adobe Acrobat's highlighting function. Highlighting text is not the same as redacting it. Highlighting simply applies a layer on top of the text. It does not remove the text, which means the text still exists in the PDF file and can be identified and uncovered, as the Manafort team discovered.

Regarding the second question, avoid this mistake by understanding the important distinction between highlighting and redacting, and try following the [National Security Agency's best practices](#). The NSA, and Perkins Coie attorneys, make sure to "sanitize" each file before it goes out. "Sanitizing" is Adobe's way of deleting the highlighted text and related metadata such that it can never be recovered by the recipient.

The same is true for files produced through the use of commercially available document review platforms. Most of these platforms have built-in processes to automatically sanitize productions before they are sent to the requesting party so there is no way for anyone to uncover the hidden text. These processes are applied to both the images of the documents as well as to associated text files and even native files if they are also produced. This way the producing party can ensure that redactions really do remove the text they intend to withhold.

Attorneys and paralegals are often asked to redact PDF files and production documents. Please reach out to experienced counsel with any questions or concerns about the proper way to redact information. The mistakes made by Manafort's attorneys are easy to make but impossible to undo. This is an opportunity to learn from their experience and prevent future mistakes.



Geoffrey A. Vance

Partner

GVance@perkinscoie.com [312.324.8477](tel:312.324.8477)

Explore more in

[Business Litigation](#) [Product Liability Litigation](#) [Labor & Employment](#) [Intellectual Property Law](#)

Related insights

Update

Wrapping Paper Series: Issues and Trends Facing the Retail Industry During the Holiday Season

Update

Department of Commerce Adopts Final Rule Restricting Tech and Telecom Supply Chain Transactions With Foreign Adversaries