National Archives and Records Administration (NARA), Office of Government Information Services (OGIS) & Department of Justice (DOJ), Office of Information Policy (OIP),

on behalf of the Chief FOIA Officers Council Technology Committee

Request for Information (RFI): NexGen FOIA Tech Showcase

November 23, 2021

Submitted By:

Deloitte Financial Advisory Services, LLP | 1919 North Lynn Street | Arlington, VA 22209

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Chief FOIA Officers Council
National Archives and Records Administration (NARA), Office of Government Information
Services (OGIS)
Department of Justice (DOJ), Office of Information Policy (OIP)
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RE: Request for Information (RFI): NexGen FOIA Tech Showcase

Dear Committee Members:

Deloitte[1] is pleased to submit our response for market research to describe and present our
SecureRelease™ Freedom of Information Act (FOIA) technology solution's capabilities to the
Chief FOIA Officers Council Technology Committee and the FOIA community. We believe that
our submission addresses all the requirements of your inquiry and demonstrates that Deloitte
possesses the required level of skill, experience, and technological aptitude to successful fulfill
the needs outlined in the RFI.

We are excited by the prospect of working with you, and we hope our response conveys our
enthusiastic commitment to provide distinctive client service and highly specialized talent to this
project. If you have any questions or require additional information, please contact me at (202)
246-6586. Should you have any contractual questions, please contact our Contracts Senior
Manager, Mr. Andy Pegram at (571) 858-1792.

Sincerely,

Sue Seeley

Sue Seeley
Managing Director
Deloitte Financial Advisory Services, LLP

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[1] As used in this document "Deloitte" means Deloitte Financial Advisory Services LLP (including its subsidiary Deloitte Transactions & Business
Analytics LLP). Deloitte Transactions & Business Analytics LLP is not certified public accounting firm. Please see www.deloitte.com/us/about
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1.0   Day 1 Topics

1.1 Topic 1: eDiscovery & Electronic Record Search Tools

1.1.1   Increased data volumes, transparency requests, and information systems has created a complex environment that needs innovative approaches

In the 50 plus years since the passing of the Freedom of Information Act (FOIA), the landscape for agencies has evolved from relatively small numbers of simple, straight forward requests for records with limited sensitivities and equities to record-breaking number of requests received year after year for voluminous, complex, and broad requests that require the search, review, and production of vast amounts of information. Likewise, since the Privacy Act (PA) was passed in 1974, agencies have faced a growing legal, regulatory, and policy framework that governs how and when agencies collect, maintain, use, and disseminate information it maintains about individuals. Compounding the challenge are government technology modernization initiatives that have created an explosion in the volume of records and data stored by agencies. This means a substantial expansion in both the number of responsive records and the complexity of records searches and reviews, as well as a significant expansion in the privacy framework that protects unauthorized disclosure of that same information. Deloitte has over 25 years of experience assisting federal agencies with the disclosure of information in numerous forums, such as investigations, Congressional subpoenas, FOIA/PA requests, and discovery in litigation. We have a deep commitment to combining the best people, process, and technology to assist with the important dual responsibility of providing appropriate transparency while safeguarding private and protected information. As a result, Deloitte built a team of 100+ FOIA/PA professionals and developed our own proprietary FOIA/PA management platform – SecureRelease.™

1.1.2   Deloitte's SecureRelease™ Freedom of Information Act (FOIA) workflow platform utilizes cutting edge eDiscovery technology and features to help agencies handle increasing demand

The steady drumbeat of FOIA lawsuits such as <u>NDLON v. ICE</u>[2] from the Southern District of New York makes it clear that "FOIA requires the government to respond adequately to requests from the public and [the government] must learn to use twenty-first century technologies to effectuate congressional intent."[3] Deloitte created SecureRelease™ to help the government meet this challenge. SecureRelease™ is a FedRAMP Authorized Software as a Service (SaaS) solution[4] and is integrated into Relativity, the leading technology in the Electronic Discovery (eDiscovery) industry. We chose to build our platform on top of Relativity to provide best-in-class ability to **search and manage large volumes** of electronically stored information (ESI). Our decision to do so was also predicated on the fact Relativity has an **open Application Programming Interface (API)** and as a Strategic Alliance Partner, Deloitte is encouraged to develop new custom-built applications for integration with core Relativity. As such, SecureRelease[TM] combines Relativity's **robust processing, review, data analytics, and search functionality**, with Deloitte's comprehensive workflow management, automated redaction, reporting, and integrated communication.

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[2] NDLON v. US Immigration and Customs Enforcement, 811 F. Supp. 2d 713 (S.D.N.Y. 2011).

[3] Id at 44.

[4] https://marketplace.fedramp.gov/#!/product/evidence-management-system-ems?sort=productName&productNameSearch=Deloitte

✓ **Data Ingestion.** To make Relativity more effective in the FOIA/PA context, Deloitte augmented Relativity's traditional data ingestion process so SecureRelease™ users can ingest data at a request-specific level. As a result, the end-user can upload and ingest files to search themselves as opposed to relying on a vendor to do so.

✓ **De-duplication.** During data ingestion SecureRelease™ performs de-duplication analysis at both the individual request level (e.g., where various custodians from the same email chain have each identified some of the same messages at the search stage for the request), and at a broad, system-wide level for any other requests that may include the same record.

✓ **OCR.** Once ingested, the files and underlying metadata are made searchable through content extraction and Optical Character Recognition (OCR).

✓ **Searching.** Users have the ability search files leveraging a variety of traditional eDiscovery methods such as fuzzy searching, Regular Expressions, stemming, proximity, dictionary, and numerical pattern searches, as well as search methods using simple or complex Boolean and dtSearch operators or wildcards.

✓ **Advanced Analytics.** SecureRelease™ also features two advanced search options to parse data and glean meaningful insights from it.

> ➢ **Structured Analytics** consists of performing textual near-duplicate identification and email threading to enrich data sets and provide for more efficient reviews.

> ➢ **Conceptual Analytics** uses Latent Semantic Indexing (LSI) to analyze the document collection and create search indexes based on themes and ideas rather than simple keywords. This allows the analytics engine to identify relationship patterns between terms and concepts.

✓ **Automated Redaction.** SecureRelease™ combines machine learning with automated identification and redaction of protected material. The full power of automation comes when combining data analytics with machine learning. Through machine learning SecureRelease™ identifies potentially protected information and applies proposed redactions accordingly. Human reviewers then review the results, confirm whether the redactions are accurate, and adjust the work product as needed. Analytics are not intended to replace human review. Rather analytics enhance the FOIA/PA professional's capabilities by placing the burden of routine decisions on the machine, and allowing the FOIA/PA professional to focus on decisions requiring their substantive knowledge and interpretation of exemptions.

1.1.3 Deloitte's SecureRelease™ FOIA workflow platform includes electronic records capabilities

The ability to effectively search for and identify responsive records is a key element of the SecureRelease™ FOIA workflow platform. Records searches are often some of the most time intensive elements of the FOIA workflow and efficient identification of records is essential to timely FOIA processing. As data volumes and sources grow in the digital age finding records as become increasingly complex. SecureRelease™ provides needed records searching capabilities:

✓ **Email.** Searching, filtering, and threading email.

✓ **Search.** Advanced Search capabilities that include dtSearch, Boolean searches, graph analytics, ML-enabled faceting, relevancy ranking, and dynamic text classification.

✓ **Repository Integration.** API and integration to seamlessly connect to record and data repositories to streamline the records search and ingestion process.

✓ **Automation.** Process robotics to automate identification of salient records.

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1.2 Topic 2: Case processing tools (including the collection of records to review for redaction and posting accessible 508 compliant releases)

Traditional case processing tools FOIA-compliant agencies have used over the past decade do not meet current demands. Linear, standalone tools that have limited interaction with other applications and rigid workflows do not align with FOIA needs. From our FOIA experience Deloitte knows efficiencies can be gained when the right case processing tools are leveraged; this includes tools that are cloud-based and interoperable to enhance and streamline search, to meet not only the needs of the FOIA processor, but also the FOIA requestor.

1.2.1 SecureRelease™ is an end-to-end FOIA workflow management platform, built by FOIA professionals, for FOIA professionals

It was with these understandings in mind that Deloitte developed our SecureRelease™ case processing tool. For the past 25 years Deloitte has supported agencies and offices with FOIA and PA request processing, litigation support services, traditional eDiscovery services, and the processing of other disclosure requests. This experience provided us insights into the technological limitations of the currently available toolset, as well as a better understanding of the frustrations that the public at large was feeling with the FOIA process. Building SecureRelease™ was our response to these growing challenges. SecureRelease™ is built with a FOIA processor in mind; it provides the classical FOIA workflow that revolutionized FOIA processing decades ago, while introducing advanced technologies to enhance case processing abilities. These technologies include a cloud-based eDiscovery toolset, structured and conceptual analytics, flexible and adaptable workflows, mass document processing and ingestion, open Application Programing Interface (APIs), automated document redactions, 508 compliance, and data visualization-based reporting.

1.2.2 SecureRelease™ allows for advanced integrations and interoperability with other sites and platforms essential for full case management, including user portals

SecureRelease™ is what Deloitte believes is the first step in redefining the idea of end-to-end case processing platforms. The traditional steps of processing a case – request entry, document upload, review documents, and release documents – cannot position agencies and offices to meet the growing demands of FOIA processing in both number of cases and size of responsive documents. Deloitte believes that the ideal workflow needs to include a FOIA portal, integration with other applications, advanced case processing tools, and an interactive FOIA reading room. SecureRelease™ introduces technologies that enhance the customer experience with requestor-based solutions:

✓ **User Portal.** Our customized FOIA portal streamlines the submission and release process. It also allows for simplified communication between the organization and the requestor. The FOIA portal introduces an advanced reading room that directs requestors to documents that may be readily available during their request submission process. Our FOIA portal provides an interactive case processing experience that encourages requestors to specify which documents they seek and allows for real-time communication with FOIA public liaisons that can expedite the process. The portal also allows for real-time updates on case status, and not stagnate information that leads requestors to contact the government via email or phone.

✓ **Interoperability.** It is essential for the case processing tool to be interactive and interoperable with applications and databases where responsive documents are stored.

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SecureRelease™ is interoperable with other applications and has open APIs so that the search and uploading of documents is not an adjacent task that FOIA offices and professionals rely on others within their organization to conduct, but rather is interoperable with the applications and databases that do make up the document universe to streamline the collection of responsive records. Once records have been ingested into SecureRelease™ FOIA professionals have access to advanced review tools that allow for documents to be further culled, reviewed, and prioritized based on an agency's needs.

✓ **Adaptability.** The complexities of FOIA processing are also regularly changing the organizational structures of each agency and office. Because of this, FOIA processing tools must be flexible and adaptable to the specific needs of each organization. Rigid, hard-coded solutions do not allow for agency -specific needs to be met, and often lead to additional applications or databases being leveraged. SecureRelease™ provides the ability to be flexible, while at the same time never straying from the legal requirements and regulations of the act itself.

1.2.3 SecureRelease™ seamlessly integrates advanced eDiscovery capabilities into FOIA case processing

As described in our outline for Topic 1 (see **Section 1.1**) SecureRelease™ also has advanced eDiscovery capabilities that allow for FOIA professionals to improve FOIA case processing by further honing in on responsive documents using deduplication, structured and conceptual analytics, email threading, and data visualization:

✓ **De-Duplication.** Document dumps have become all too common and responsive document sizes in general are continuing to grow. FOIA professionals need to have ability to further process and refine document searches. By eliminating duplicative or non-responsive documents, the FOIA professional can more quickly get to reviewing a more accurate set of documents that directly answer the requestor's request.

✓ **Analytics and Automated Redaction.** FOIA processors also need to be provided with advanced review and redaction capabilities that enable expedited review of documents, while also securely releasing documents and minimizing human error. SecureRelease™ provides necessary analytics and automated redaction, leveraging regular expressions, templated redacted forms, and find-and-redact capabilities will provide the FOIA processor with tools that make processing the most complex requests more possible. By using analytics FOIA processors can trust their case processing tool to locate documents that have already been reviewed, so duplicated efforts are avoided and previous reviews are considered.

1.2.4 SecureRelease™ provides 508 compliant response capabilities

SecureRelease™ allows agencies to release documents with 508 compliance in mind, not only directly to individual requestors, but also to FOIA reading rooms. Using SecureRelease™ documents processed, released, and posted on public reading rooms can be accessed and digested by the visually and or hearing impaired. SecureRelease™ uses positional Optical Character Recognition (OCR) on all documents, so that 508 compliance can be more easily achieved and access to information can be made available to all individuals.

1.3 Topic 3: Redaction tools (including tools that allow for automatic redaction of similar forms and record types including paper, digital content, videos, data, etc.)

Agencies are seeking an automated redaction solution to keep pace with the ever-increasing demand of FOIA requests and preserving sensitive, protected information. Deloitte's approach combines analytics that automatically identify specific content with machine learning to pre-identify and pre-redact protected content across document sets identified for FOIA requests. Deloitte's SecureRelease™ platform was designed to accelerate existing FOIA workflows through automation leading to increased efficiencies and accuracy and allow FOIA professionals to focus more on identifying specific content that requires their expertise to analyze and protect.

1.3.1 SecureRelease™ supports the review and redaction of multiple data types, including standard MS products, audio/visual, and social media with native redaction capabilities

✓ **Document Types & Ingestion**. Our workflow launches by making all records searchable upon case ingestion into our platform. The SecureRelease™ platform can process emails, office documents such as Word, Excel, PowerPoint; Adobe PDF files; container files such as .ZIP; scanned hard copy documents, videos as well as other common Electronically Stored Information (ESI). During ingestion, text is extracted from the documents or gleaned via OCR, where applicable, to allow for searchability across the documents. Additionally, metadata is extracted and preserved for filtering as well as searching. After the documents are ingested within the SecureRelease™ platform, the files can be viewed in native format, rendered in a near-native viewer, or imaged within the system.

✓ **Audio & Transcription Redactions**. As technology has evolved over the past several years, the need for agencies to redact and produce audio and visual content has also increased. SecureRelease™ has an integrated tool that provides for an efficient and cost-effective approach to searching and tackling large volumes of video or audio content, or sensitive imagery. This automated redaction tool will allow the agencies to identify and redact sensitive information within audio, video, or imaged based files. Moreover, the tool also provides an automated transcription and translation of audio/video files to readable and searchable text, which the agencies can also redact.

1.3.2 SecureRelease's™ proprietary Automated Redaction uses machine learning to amplify FOIA professionals, tasking the machine with identifying routine information and freeing the FOIA SME to focus on discretionary determinations

✓ **Identifying Material for Redaction**. SecureRelease™ begins by making all records searchable upon import into the platform. Concurrently, SecureRelease™ automatically sorts documents into groups that may require specific redactions. Algorithms then scan the materials for keywords and expressions regularly identified as exempt, which are then automatically redacted.

✓ **Key Word Lists.** Assisted redaction can be used for any piece of information that can be identified using a regular expression or key word search, but they are most effective when used to identify commonly protected information such as PII. In fact, lists of key words can be preloaded to identify email addresses and other terms that are routinely redacted. As redactions have already been applied to PII, reviewers do not need to manually search for PII, but rather can QC the automated system, thereby increasing reviewer efficiency.

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✓ **Regular Expressions**. Deloitte's SecureRelease™ applies automated redactions, using regular expressions to identify specific words or phrases that routinely appear in a document and the assisted redaction tool is programmed to redact that specific content. It can identify and auto-redact words, phrases, lines of text, strings, and regular expressions, regardless of format or slight differentiations in verbiage. Regular expressions can find much of the routine sensitive information that should be withheld, streamlining the human page by page review and redaction of records.

✓ **Reviewer QC.** After the assisted redactions have been applied, the results are confirmed for accuracy by a human reviewer. By pre-identifying relevant content and pre-redacting protected information, the SecureRelease™ platform places the burden of routine decisions on the machine, allowing the FOIA processor to use their substantive knowledge of the agency's operation and legal interpretations of exemptions.

1.3.3 SecureRelease's™ has a wide range of key redaction capability to increase review efficiency and accuracy

Deloitte's SecureRelease™ platform leverages the industry leading review functionality of Relativity and affords FOIA professionals a wide range of applied redaction capabilities including, but not limited, to the following:

✓ **Redact Pages.** Allows the agency to redact a range of full pages, including either limited range of pages within a document, or all pages within the document.

✓ **Copy Redactions from Earlier Request.** The agencies have the capability to automatically apply redactions from a separate, previous request to be applied to the current request.

✓ **Copy Redactions from Redaction Template.** Provides the agency with the ability to create a redaction template that can be used on current and future, similar requests.

✓ **Redact by Keyword.** When redacting names, numbers words, or phrases across all pages in a document, agencies can use the Redact by Keyword function to automatically redact all instances of keywords at once.

✓ **Redact by Keyword List.** If one or more saved keyword list exists, the agencies can choose the relevant list, which will redact all words, numbers or phrases and any other information that has been pre-populated on the list.

✓ **Save Redaction as Template.** This feature allows the agencies to save the redactions in a document as a template to apply to future, similar documents.

✓ **Native Redactions.** While redactions typically must be conducted on image files, using Deloitte's proprietary assisted redaction capability within SecureRelease™, allows for the native redaction of Excel files, which typically do not lend themselves to imaging.

✓ **Optical Character Recognition (OCR)/Intelligent Character Recognition (ICR).** OCR/ICR functionality pulls the extracted text and the positional coordinates of that text to find material for redaction.

✓ **Document Compare and Similarity.** With a click of a button, this tool shows the similarities and differences between documents which can be very impactful when reviewing documents for similar content and production to requesters.

✓ **Customizable Exemption Redactions.** The agency can create redactions and customize to include multiple FOIA exemptions as applicable.

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1.4 Topic 4: Artificial Intelligence (AI) tools that may assist with FOIA case processing

AI tools assist FOIA processing from intake, review, publication, and reporting. AI provides job enhancement to FOIA professionals allowing them to manage multiple requests so that responses to numerous requestors can be made more timely and accurately. Manually reviewing documents can lead individuals to reviewing the same document multiple times. This can be compounded when multiple offices within an Agency have to review the same document and conflicting coding decisions can be made. This can lead to inadvertent productions or situations involving one group in the same agency producing the document in whole, another group releasing the document with redactions, and possibly a third group withholding the document in full. Deloitte's SecureRelease™ utilizes AI throughout the entire FOIA process to eliminate these risks.

1.4.1 Using AI greatly benefits FOIA processing and is well established as being accepted by Courts for FOIA and litigation

AI has been utilized for some time now in litigation and investigations and has been defined as Technology Assisted Review (TAR). TAR comes in various forms and includes instances:

- ✓ Where the processor is a given a random sample of documents with the goal of training the machine on what is responsive, not response, or privileged. These coding decisions are confirmed by the processor to ensure the authenticity of the review.
- ✓ Where documents are fed to processors starting at document one, not in random samples. In this Continuous Active Learning (CAL) documents are brought to the processor based on previous decisions where documents are marked similarly, and comparable content is elevated to the reviewer.

AI quickly learns the review decisions made by the FOIA professional which dramatically reduces the time to review each FOIA requests while also ensuring decisions are uniformly made. SecureRelease™ utilizes TAR to dramatically improve the FOIA process, decrease review times, as well as reduce Agency backlogs.

Embracing artificial intelligence for FOIA will allow agencies to align with The National AI Initiative Act of 2020 with the mission "to ensure continued U.S. leadership in AI research and development, lead the world in the development and use of trustworthy AI in the public and private sectors, and prepare the present and future U.S. workforce for the integration of AI systems across all sectors of the economy and society."[5] Orchestrating the numerus steps in the FOIA process can be achieved through the Automation and AI-based capabilities offered in SecureRelease.™

1.4.2 SecureRelease™ utilizes Automation and AI throughout the FOIA processing lifecycle to increase FOIA response efficiency and accuracy

Automation and AI is employed at multiple points in the SecureRelease™ workflow:

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[5] https://www.ai.gov/

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✓ **Natural Language Processing.** SecureRelease™ utilizes natural language processing to find similar documents and similar requests. Additionally, routing of requests based on subject matter to correct agencies offices and relevant experts can be efficiently performed.

✓ **Identification of Duplicate Documents.** Using MD5 Hash data identification determines if documents were previously requested, collected, reviewed, or produced. This greatly enhances the overall FOIA processing by decreasing review time as well as confirming information is uniformly redacted and produced.

✓ **Automated Redaction.** As discussed further in Topic 3 (**see Section 1.3**) Deloitte's SecureRelease™ features auto-redaction capabilities. This empowers the FOIA professional to efficiently and accurately redact information that is routinely redacted, and which previously had to be done manually. Personally identifiable information, deliberative material, other sensitive information can be identified predictively at the outset of setting up cases or updated throughout the review continuum using SecureRelease™.

✓ **AI-Based Searching.** SecureRelease™ enhances the ability to search for documents and data in ever growing and complex FOIA requests. Some of these key features include the use of dtSearch, Boolean searches, graph analytics, machine learning enabled faceting, relevancy ranking of data in relation to FOIA request, as well as dynamic text classification methods. This streamlines the FOIA professional's day-to-day workflow so they can locate and drill down on key content needed for review.

✓ **Structured Analytics.** SecureRelease™ uses structured analytics to make the overall FOIA process seamless from start to finish.

➢ **Email threading** can identify similar sets of information such as email chains and families. This allows for identification of the most inclusive email, which includes all the chains that were previously sent. The result is a reduction in the instances of where individuals have seen the same email numerous times.

➢ **Textual near duplicate identification** locates and ranks documents with similar content. This translates into a reviewer being able to simultaneously see all documents with similar text and apply consistent coding decisions across groups of near-duplicate documents.

➢ SecureRelease™ features **language identification** to discern the textual language of documents in a population with multiple languages and rank them in order of dominance.

✓ **Conceptual Analytics.** Conceptual analytics can visually depict relationships, custodians, topics, time frames, and other key data information. These are displayed through visual categorization, clustering, suggestions for concept searching, as well as utilizing similar document detection. These powerful tools focus a review by identifying key custodians and zeroing in on the most potentially protected content as well as releasable material, which in turn can foster better communication with the requestor and the scope of their request.

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2.0 Day 2 Topics

2.1 Topic 1: The future of FOIA

What does the future of FOIA look like? How similar or dissimilar will it be to what we experience today? Nobody knows the true answers to these questions. We do understand a few key points such as FOIA requests will continue to increase year over year, data volumes will expand, and investments in technology will be critical to addresses the increasing complexity and volume of requests in the future. Deloitte is committed to being as prepared as possible for the new and dynamic FOIA landscape. Utilizing Deloitte's SecureRelease™ application and toolset, both requestors and FOIA administrators can effectively and efficiently provide the governmental transparency that FOIA is intended to address.

2.1.1 The Future of FOIA will be driven by the digital world, with exponential increase in data volumes and sources. Successful FOIA programs will need varied and flexible FOIA processes and technologies

In addition to increasing numbers of FOIA requests each year, we also know that there will be other driving factors in the digital world, such as:

✓ **Data volumes.** Deloitte expects to see exponential growth in data volumes that are available to be collected and searched as part of routine FOIA processing. Investments in infrastructure and technology are paramount to efficiently locating and harvesting relevant data.

✓ **Data types.** As new technology platforms emerge, the ever-growing database of known file types will continue to add new file types, some of which will be proprietary. Deloitte continues to develop and integrate technologies into the SecureRelease™ application so FOIA processors can access and process all relevant data, including emerging and proprietary data types.

✓ **Data devices.** Everything from wearables to smart appliances to a myriad of audio/video recording devices are now being utilized in nearly every business arena and application. The number of devices that generate data is staggering. Agencies will not only need to adapt to these new devices but will also be required to save and store any FOIA applicable data that is sent or received from these devices. Investments to support these new technologies and storage will be required.

✓ **Data sources.** Even if you do not regularly introduce new devices to your environments, agencies will likely still encounter new data sources. For example, as agencies rollout new integrated programs inside Office (Outlook, Word, Excel, Teams, SharePoint, etc.), there is a whole litany of file types and data sources that come with each program. Being able to identify, collect, process, and produce those data sources is crucial. Deloitte's SecureRelease™ application is designed for that. Expanding the scope and sources to non-traditional business platforms introduces so many sources that could be viable targets for FOIA – some of which will be private such as 3rd party video and messaging services like Signal or Marco Polo. Agencies must be equipped to address new data sources even in a non-traditional business case setting.

✓ **Static vs. Dynamic data.** As FOIA is primarily designed to addressed static data, we cannot ignore the fact that more and more data/platforms are designed to be collaborative and dynamic. The use of Microsoft Teams is the perfect example of this paradigm. How can a

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FOIA processor decipher who was a member of the Team at *Time A* vs. *Time B*? How do we illustrate this dynamic data in a static way? How do we reconstruct Teams Chat in a structured and identifiable way for a FOIA reviewer to make privilege decisions on it?

2.1.2 The Future of FOIA will be affected by pressures around data types and sources, changes in communication forms, workforce challenges, and new regulation

Other important factors that must be considered when addressing long-term FOIA concerns:

✓ **Audio and video redaction capabilities.** More and more data are generated by a product that produces video and/or audio. As our bandwidth technologies improve, so does our capability to generate and transmit larger file sizes. Audio/video files are far more common now, and in some agencies, are a required part of everyday life. This trend will continue, and agencies will need the technology, power, and solutions to process, categorize, and produce these files to the public.

✓ **Encryption technologies.** As mentioned previously, encryption will go hand-in-hand with new data types and sources. More and more companies and agencies will integrate encryption to ensure their data is protected in transit and at rest. FOIA platforms of the future must be able to flag and report encrypted files and be able to process or re-process those flagged files once a decryption key/mechanism is introduced.

✓ **Social media and applicable policies.** Social media will likely continue to play a large role in agency life, for employees and the agency itself. Public relations and marketing campaigns are conducted on these platforms every day. As platforms rise and fall, agencies must be equipped to integrate with, and be able to process those social media files to comply with FOIA requirements. Partnering with a technology company like Deloitte gives agencies the resources and capabilities to comply with FOIA of the future, even in the social media world.

✓ **FOIA workforce capabilities.** We cannot overlook the people element of FOIA. It is the skills, expertise, time allocation, and dedicated long term strategies that will make an agency successful in their FOIA responsibilities. Additionally, there must be a prioritization and cross-collaboration effort by every agency that may require fundamental organizational shifts. Dedicated agency staff who specialize in FOIA will be critical to responding to requests and providing required reporting to oversight authorities. Collaborating across agencies on unified platforms will greatly reduce redundant requests, data storage, and work product. It will also reduce the likelihood of inconsistent information releases.

✓ **New regulations.** FOIA of the future will have new regulations which change as the world does. Agencies will be required to stay abreast of this changing regulatory landscape, and draft and implement the internal policies which enact those regulations at the agency level. Managing this with a dedicated organization or partner like Deloitte will be essential.

✓ **Cloud technologies.** Partnering with FedRAMP cloud providers will be the norm in the future. Only the power of cloud technologies can address the challenges outlined above. With the expectation that there will be increases in data volume, type, devices, and sources, agencies cannot be expected to purchase and maintain infrastructure systems that can keep up with emerging market solutions. With Deloitte as a partner and SecureRelease™ as a tool, agencies will be able to address those challenges.

2.2 Topic 2: Improved public FOIA reading rooms/websites

FOIA reading rooms serve to facilitate government transparency and public access to certain basic types of agency records, records of general interest and use to the public, and records that have been requested through FOIA three or more times. Often FOIA reading rooms are underutilized but Deloitte recognizes an opportunity for reading rooms to function at a higher level with improved efficiency. This can be achieved through practical and technology driven solutions, which Deloitte can implement using its SecureRelease™ platform.

SecureRelease™ is built on top of Relativity and embraces the configuration not customization approach. SecureRelease™ leverages Relativity's open Application Programming Interface (API) to easily integrate with outside technology. The platform is a cloud-based Software as a Service (SaaS). Because SecureRelease™ allows for flexible configuration, it can be modified to incorporate and enhance reading rooms.

2.2.1 SecureRelease™ directly links FOIA case processing with reading rooms for seamless communication and release of records

SecureRelease™ has a direct link feature that can seamlessly move records from case management systems directly to reading rooms with the click of a button. SecureRelease™ can provide APIs to transmit data from web-based applications to processing applications and from processing applications to reading rooms. This empowers agencies to post records in a timely manner. Providing this integrated feature ensures the records posted to a reading room are an exact duplicate of the records stored in the case management system. The direct link feature streamlines the process of making records available to the public by easing the administrative and logistical burden for the agencies. It provides convenience of access to the public and convenience of posting to the agencies. Further, records are posted to reading rooms in a timely manner, preserving the relevancy and usefulness of the information contained in the records, particularly for news media.

2.2.2 SecureRelease™ facilitates automated review and proactive disclosure of appropriate records including senior level calendars, request descriptions, and handling multiple and duplicative FOIA requests

✓ **Senior Level Calendars.** A frequent and common request topic for all agencies is senior level official calendars, especially for directors and secretaries. Recognizing the advantage of proactive disclosure, a handful of agencies currently disclose this record type in anticipation of receiving these requests, giving them the advantage of being in control of the disclosure as opposed to reacting to it. These proactive release calendars are largely accomplished through manual processing by FOIA professionals reviewing the records meeting-by-meeting, line-by-line to ensure senior agency level FOIA exemption information, including classified, sensitive, and personally identifiable information (PII) is protected.

By leveraging SecureRelease™ technologies and specifically, built-in AI features, agencies can immensely improve this proactive disclosure approach. AI functionalities such as natural language processing, analytics, and clustering, will instantly pinpoint and redact FOIA exempt information for further agency review and determination, economizing agencies' FOIA resources by significantly decreasing the overall review time. Further, as opposed to off the shelf AI technologies, SecureRelease™ maximizes AI application proficiencies

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through agency customization to identify and protect FOIA exempt information common and relevant to each agency. For instance, for agencies that regulate financial entities, SecureRelease™ AI can be customized to search for, identify, and protect financial entity names or key words revealing investigation and potential enforcement actions.

✓ **Request Descriptions.** Another approach for enhancing the public's reading room experience is to make frequent, recurring proactive disclosure of FOIA request descriptions. By disclosing current request descriptions to the public in regular intervals, requesters will be advised of records that are currently being processed for release, allowing them to request copies of those records rather than submitting similar requests, decreasing the total number of requests and the likelihood of those requests increasing the backlog. Because request descriptions themselves contain FOIA exempt information, the AI technologies of SecureRelease™ can automate the speed and accuracy of protecting exempt information, allowing agencies to conserve resources and proactively disclose request descriptions efficiently.

✓ **Multiple Requests.** Additionally, when a particular agency topic becomes the focus of multiple FOIA requests, rarely are the requests actual duplicates. While they all relate to the same topic, the scope of the requests, such as date range, custodians, and keywords, vary greatly making it challenging for agencies to provide the same set of records to each requester. If agencies disclose what is in the queue, requesters who want a copy of what is already being processed and in addition, want expanded or different information, can take advantage of that information to better refine their requests.

✓ **Impact on FOIA Logs.** This proactive disclosure approach contrasts with the reactive disclosure of FOIA logs, which are often posted several months after agencies have received requests and include information beyond the request description such as request dispositions. Because FOIA logs are not often posted in a timely manner, they are not as efficient in preventing duplicate requests.

2.2.3 SecureRelease™ combines reading rooms with robust search functionality to accelerate the FOIA user's experience and streamline FOIA responses

To increase the productivity and usefulness of reading rooms with robust repositories of records, the implementation of search functions, such as dtSearch, keyword, or Boolean accelerate a user's experience, allowing for faster, more efficient searches. As the volume of data the federal government creates and maintains continues to increase and the volume and frequency of FOIA requests continues to increase, technology will be imperative for users to navigate the changing landscape to utilize reading rooms, improving public transparency and public access to government activities and information.

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2.3 Topic 3: Improving the FOIA customer experience

Deloitte Disclosure has successfully helped government agencies improve their FOIA operations and eliminate annual backlogs. Our people, ideas, technology, and outcomes are all designed for impact and we bring a fresh perspective to help organizations anticipate disruption, reimagine the possible, and fulfill mission goals. Whether at the crossroads of AI and workforce transformation, cyber and IT modernization, or digital and citizen experience—we bring actionable insights to drive bold and lasting results. Our shared purpose and passion help organizations make an impact and improve the lives of citizens.

2.3.1 Deloitte has first-hand knowledge of FOIA processing that informs our perspective on how to optimize the FOIA customer experience

We are "in the trenches" with many of our clients, processing over tens of thousands of requests annually for a variety of federal agencies. In assisting these agencies to respond to FOIA requests, we see and understand not only the needs of our clients but the needs of requesters and the future of FOIA. Through our deep understanding of the technology platforms in the FOIA we recommend technologies and solutions that are designed to help our clients meet the specific challenges they face. This gives us perspective on what works, and does not work, in a full range of circumstances and constraints. Deloitte is providing a list of recommendations that is the future of FOIA to enhance and improve the FOIA customer experience.

2.3.2 FOIA customers need to feel secure about their data and how the access it

✓ Allowing customers to use facial and fingerprint recognition to gain to access to their request or information through their device (i.e. Apple FaceId). For example, instead of creating a username and password on a FOIA portal, a customer can use facial recognition to access their records or request.
✓ This type of identity authentication allows for more secure access to records that contain PII or PHI.

2.3.3 FOIA customers want easy access to their requested data – mobile accessibility is a key component of the future experience

✓ With the people always on the go whether using a table or mobile device, creating mobile-friendly web browsers and applications for FOIA.gov, agency FOIA websites and FOIA portals.
✓ Allows for customers to easily read or gain access to their records through their tablet or mobile phone.
✓ Creating mobile apps that allow customers to submit FOIA requests and even receive notifications regarding their request.

2.3.4 FOIA customers want real time updates about the status of their requests and an easy way to communicate

✓ Due to the surging backlog of requests that agencies receive, FOIA offices and personnel are overwhelmed with processing them. Thus, there is often a lack of communication to FOIA requester about the status of their FOIA request.

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✓ Real time updates and tracking can improve the communication to FOIA requesters as well as provide transparency regarding the end-to-end workflow process of a request.
✓ An example of this type of existing tracking technology is similar to when a customer is tracking the status of a package through USPS or even status of a pizza being made at Dominos. For FOIA requesters, a technology that allows them to track the status in real time from the moment of submission to the closing out of a request.

2.3.5 FOIA customers will benefit from automated assistance and technology enabled forms that streamline the process of submitting a request and increase the likelihood that the requestor has submitted an appropriate and reasonable request that can be addressed efficiently

Automated Assistance/Technology Enabled Forms
In an opinion published in 2018 by Office of Government Information Services (OGIS), OGIS stated they had "handled a number of cases in which the dispute occurred because of requester confusion about who to contact within agencies for FOIA questions, and/or confusion about the appropriate next steps in the FOIA process."[6] Deloitte agrees that a key component of resolving FOIA backlogs and timelines is streamlining communication with the requestor:

✓ Implementing a technology that would help guide requesters through the FOIA request submission process by using automated assistance via bots. This automated assistance would walk the requester through the form to fill out correctly and appropriately.
✓ Automated assistance could also help scan through the request and ask the requester if they want to narrow the scope of the request as well as recognizing the appropriate agency or component that the request needs to be routed to.
✓ This type of assistance would eliminate any errors or confusion by the requester and help the requester narrow the scope of a request. It would reduce the number of times the request needed to be re-routed to the appropriate agency or office.

2.3.6 FOIA customers need robust Help Desk Support to resolve technical issues with submission and to streamline their requests so that they are efficiently answered

A centralized FOIA helpdesk that FOIA requesters could contact for help on various FOIA topics. For example, if a requester had trouble understanding what requester category they would fall into, they could call the helpdesk, and someone could provide an explanation of each category and help the requester choose.

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[6] Office of Government Information Services Advisory Opinion No. 2018-01: Agency Communication with Requesters; **https://www.archives.gov/ogis/advisory-opinions/2018-01-agency-comms-with-requesters**.