

Mastering the MAZE

Navigating FOIA and Legal
Requests, Technical
Strategy Meets Legal
Compliance



Team Springdale



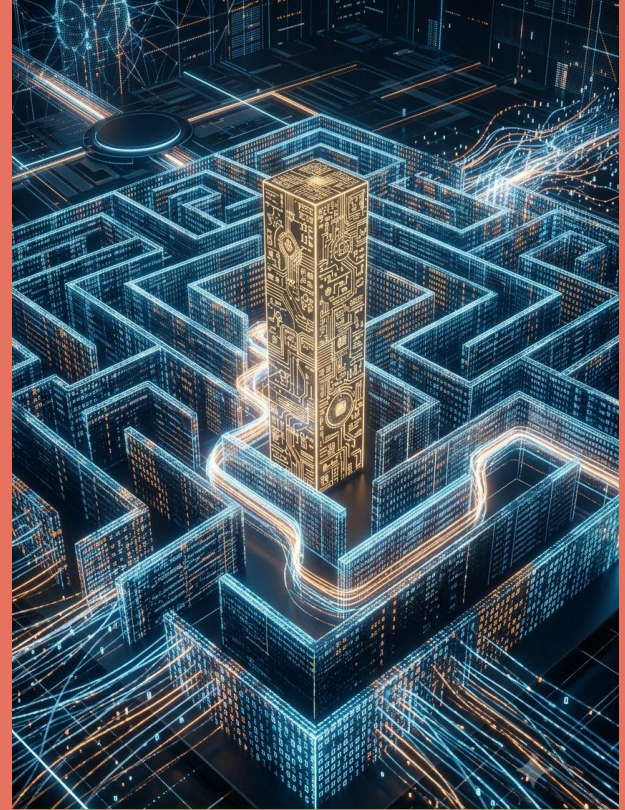
Kendra Clay
General Counsel



Paul Miller, CISSP
Director of
Technology

The MAZE

In an era of increasing digital complexity and heightened public scrutiny, responding to Freedom of Information Act (FOIA) and legal discovery requests is no longer just "finding a paper file." It requires a seamless partnership between administrative leadership, legal counsel, and IT departments.



Today's Reality

We started with desktops, then laptops, then 1:1, we virtualized servers, moved to the cloud, and now we store data everywhere!

- 1 The “Fishing Expedition” vs Specific Requests
- 2 Public Scrutiny and politicization of public records.
- 3 Standardize data storage. Google Drive, M365, LMS Platforms, etc.

3 legged-stool of legal compliance

Role	Responsibility	Potential Blindspot
Administration	Policy, timeline management, and public facing communication.	Doesn't know <i>where</i> the data physically lives.
Legal Counsel	Reviewing exemptions, redacting PII/FERPA, and statutory timelines.	Doesn't know <i>how</i> to extract the data efficiently.
IT Department	Technical search, preservation, and data exporting.	Doesn't know the <i>legal nuances</i> of what should/shouldn't be released.

True Compliance requires **Seamless Partnership**

FOIA Basics

- Any record that constitutes the performance or lack of performance of an official function
- Acknowledge Receipt
- Three business days to respond

THE TECHNICAL BOTTLENECKS

The “Keyword” Trap:

Ambiguous search terms that yield 50,000 irrelevant emails

Hidden Data Silos:

Texts on personal devices, WhatsApp, Slack, Google Chat, deleted-but-archived local files

The Redaction Nightmare:

Manually blacking out all sensitive data on thousands of pages

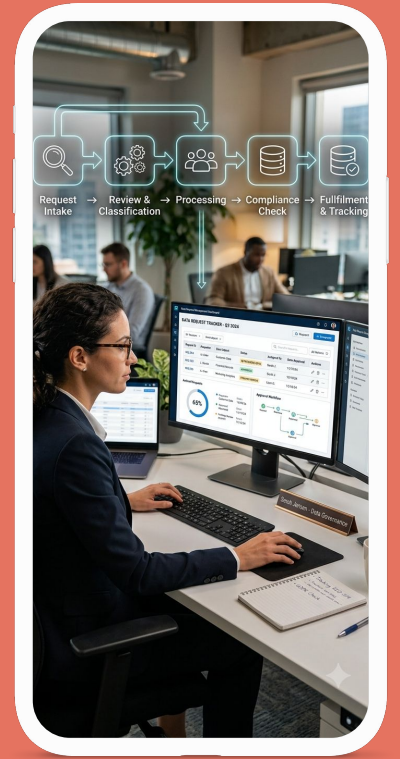
The MAZE



- 1 M:** Manage and Track
- 2 A:** Assess and Clarify
- 3 Z:** Zero in on Records
- 4 E:** Exemption and Redaction

Manage and Track

What happens when you receive the dreaded FOIA Request?



Hi Ms. Clay,

Pursuant to the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101 et seq., I respectfully request the following public records:

- 1) All emails sent and received by Trent Jones between January 20, 2021, and February 20, 2021, including all attachments.
- 2) All emails sent and received by Kelly Koons between December 4, 2020, and January 31, 2021, including all attachments.
- 3) The attachment titled "statement from Jenkins" as originally submitted for review (prior to revisions), which was attached to Kimberly Jenkins' email dated January 27, 2021, at 11:11 a.m., with the subject "Re: my personal statement."

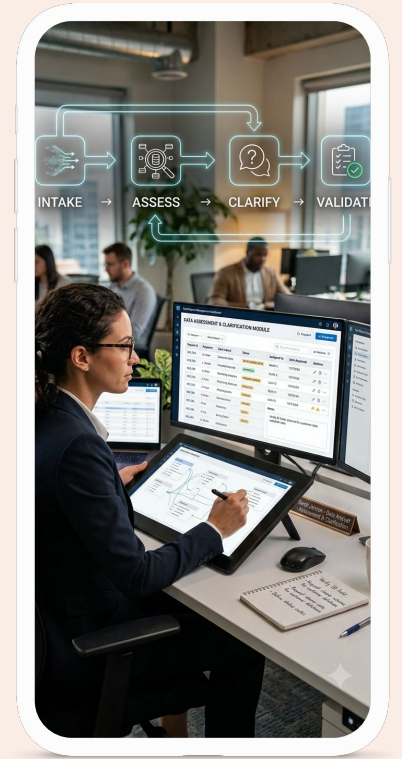


FOIA Initial Response

“We are in receipt of your FOIA request. Any responsive documents are in active use or storage and will be provided to you by the end of the day on [3 Business Days].”

Assess and Clarify

The best way to reduce the amount of work required is to discuss what the requestor is really after.



Good morning! I've attached the personal statement attachment. As far as the emails, could you provide some keywords or individuals the emails would be sent to/from to narrow the search? The initial query shows 3,000-4,000 emails each.

Thanks! To narrow the search, please revise the requests as follows:

1. Trent Jones: All emails sent or received by Trent Jones (To, CC, or BCC), including all attachments, from January 22, 2021, through February 10, 2021.
2. Kelly Koons: All emails sent or received by Kelly Koons (To, CC, or BCC), including all attachments, from January 22, 2021, through February 2, 2021.

Mr. Jones's emails returned about 2,500 results and Mr. Koons about 750. Please confirm that you would like us to proceed or provide further narrowing information. Also, if you want anything related to [REDACTED] to not be redacted, I'll need an updated verification that she is still a dependent filed on your tax return.

To: Paul Miller

Call when you can. FOIA.

Tue, Jul 14 at 9:50 AM

3,904 emails just for Trent

Ok. What about Koons

Same dates?

Dec 4, 2020 to Jan 31, 2021.
Also need send and received. Is
that what you did for Trent?

Yes

Koons is 3,166

Tue, Jul 14 at 12:39 PM

She narrowed scope to Jan 22,
2021 through Feb 10, 2021 for
Trent and Jan 22, 2021 through
Feb 2, 2021 for Koons. How
many is that for each?



iMessage



New iMessage



To: Paul Miller

I'll check

Dropped it to 2,592 for Trent

Oh boy. What about for Koons?

753

Proceed with processing?

Sure 🙄

Zero in on Records

SUPPORTING DATA

- Google Cloud Storage
- Microsoft One Drive
- Local file storage
- Hard records

Assimilating all the data into a usable format for review.



INTEGRATION

Being able to integrate all the data together is key to providing what the requestor is after.



Data Retrieval Details

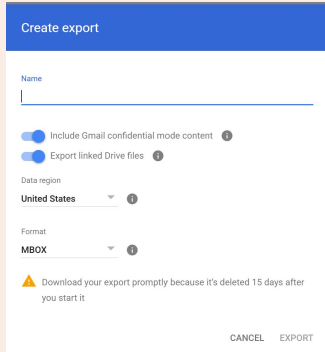
Verify all info: to ensure you are providing what is needed and not providing fuel for a future fire. Dates, Users, and Specific Key-Words.

Stay organized: All of the information you are providing will have metadata associated with it. The query used, the dates and time info was pulled, the individuals who conducted the collection. All of this information can come into question.

Backup and Duplicate: Ensure the collected data is stored in a secure location that is redundant or backed up. You are gathering data into a collection which can be a target and needs to be protected.

Be Transparent: As this is a legal request you are not legally allowed to hide or remove information that may be damaging to your organization from these requests. **DO NOT SELF FILTER.**

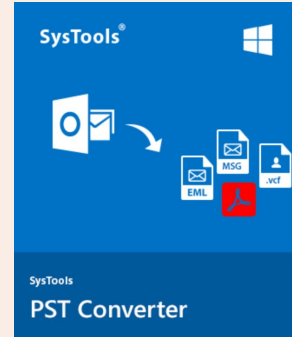
DATA COLLECTION AND PROCESSING



The screenshot shows the 'Create export' window in Google Vault. It has a blue header with the text 'Create export'. Below the header, there is a 'Name' field with a text input line. Two toggle switches are visible: 'Include Gmail confidential mode content' and 'Export linked Drive files', both of which are currently turned on. Below these, the 'Data region' is set to 'United States' with a dropdown arrow. The 'Format' is set to 'MBOX' with a dropdown arrow. At the bottom, there is a warning icon (a yellow triangle with an exclamation mark) and a message: 'Download your export promptly because it's deleted 15 days after you start it'. At the very bottom right, there are two buttons: 'CANCEL' and 'EXPORT'.

Google Vault

Query user, time/date, and keywords in Google Vault



SYSTOOLS PST Converter

Tool used to extract each email into a single or combined PDF



PST VS MBOX

PST, Microsoft outlook
MBOX, Google generic

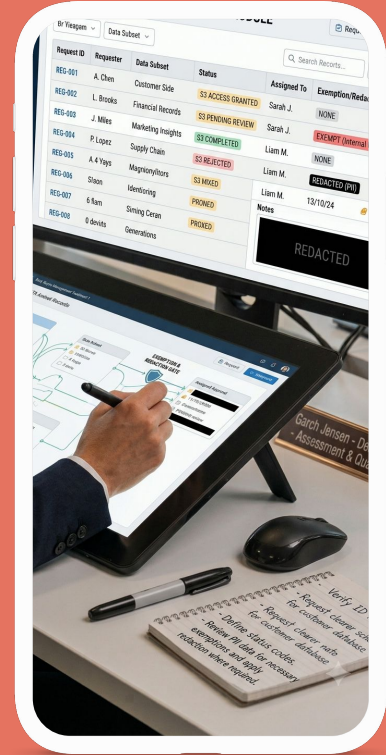


Google Drive Storage

Once files are exported I organize them into a shared folder that can only be accessed by the users who need it.

Exemption and Redaction

Before sharing data it needs to be legally compliant to protect all information and parties involved.



Selected Exemptions

- **Records protected under the Family Educational Rights and Privacy Act (FERPA)**
- **Home addresses, home phone numbers, cell phone numbers and personal e-mail addresses of non-elected school district employees**
- **Personnel records that constitute a “clearly unwarranted invasion of privacy”**
- **Job evaluations unless conditions are met**

All tools x

- Export a PDF
- Edit a PDF
- Create a PDF
- Combine files
- Organize pages
- Style this PDF NEW
- Send for comments
- Request e-signatures
- Translate this PDF NEW
- Scan & OCR
- Protect a PDF
- Redact a PDF
- Compress a PDF
- Prepare a form
- Fill & Sign

Get PDFs e-signed. Recipients sign online for free.

Request e-signatures

Vertical toolbar with icons for selection, text, drawing, and other editing tools.

Sent: 2/2/2021 12:00:00 AM
From: Kimberly Mundell (ADE) <Kimberly.Mundell@arkansas.gov>
To: "Liz" "Joel" "Michael" "Madison" "Jerrod" "Lincoln" "Lauren" "Matt" "Gale" "Suzanne" Carter Carol "David" cajones@dollarwayschools.org kimberly.thomes@strong.ssc.k12.ar.us "Tonya" "Lori" "Brianna" lbradley@bentonschools.org "Tania" "Freddie" Kendrick Heather chwilliams "Adriane" "Susan" "Tara" "Ronda" "Genia" "Dena" "Alisha Lewis" <(AOHE)> "Tiffany" "Amenda" "Trent" "Jason" "Ashley" "Betsy" Duff Jessica "Jessica" "ONEAL" aclark@pcsd.org "Patrick" "Alan" "Holy" "Jessica" "Kasey" OWENS KENDALL "Pamela" Holmes William Walker Dennis Garvey Jack Toolefree Shannon "Dustin" "Jenni" fowler@dps-littlejohns.net blankenshipb@dps-littlejohns.net Bridges Brian "Beverly" bmccastlain@dequeneleopard.org "Devin" "Alex" mrenihan@gobsd1.org "Marcie" "Christina" "Zena" areith@fortsmithschools.org
Cc:
Bcc:
Importance: Normal
Subject: Game App for Students

Good morning! I wanted to share the press release below from the Department of Commerce. The Office of Skills Development (under the Dept. of Commerce) launched a new game app yesterday that promotes the diesel technician career field. Our Division of Career and Technical Education plans to share this with CTE teachers, but I wanted you to be aware as well.

Thank!

Kimberly Mundell, MPA
Director of Communications
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Like us on Facebook at Arkansas Department of Education<<https://www.facebook.com/arkansased>>
Follow us on Instagram at arkansas_ed<https://www.instagram.com/arkansas_ed>.

Arkansas Department of Commerce

Office of Skills Development and American Trucking Associations Launch Game App for Students
Press release

2021-02-02 09:36

<https://cdn.filestackcontent.com/IM6oFddpS3OceLz9bROx4>

Little Rock, Ark. (February 2, 2021)- The Office of Skills Development (OSD), a division of the Arkansas Department of Commerce, in partnership with the American Trucking Association's Technology and Maintenance Council and Be Pro Be Proud announced the release of a new augmented reality game app aimed at attracting a new generation of skilled technicians to the trucking industry. The game is first being made available to students and other interested parties in the State of Arkansas.

"In recent years, the state of Arkansas has made significant investments into the training of Diesel Technicians to provide a pipeline of talent for the trucking industry which is a vital component of the Arkansas economy," said Office of Skills Development Director Cody Watts. "Recognizing that students learn and engage differently has led to the partnership with ATA/TMC and the creation of this gamification app, which will allow Arkansas students to begin exploring the transportation industry and perhaps becoming interested in becoming Diesel Technicians."

Following an initial 30-day reveal in the state, the game will be marketed nationally to students, teachers, and other interested parties. TMC SuperTech: The Game is available free in the Apple App Store and Google Play Store.

According to TechForce Foundation, a non-profit organization that champions students through education leading to qualified technicians, the trucking industry is short more than 25,000 diesel technicians. This shortage puts a premium on recruiting younger technicians. Using tools like gamification allows students to learn about careers at a younger age and helps meet a critical workforce need.

"We are excited to share this engaging learning opportunity with students as they explore possible career paths beyond high school," said Dr. Angela Kremers, Director of the Arkansas Department of Education's Division of Career and Technical Education. "Connecting students to careers at an early age is essential to helping them find a career path that connects their interests to future career goals. This game serves as a new and

Right sidebar with icons for search, share, and other document management functions.

Redact a PDF

- Redact text and images
- Redact pages
- Find text and redact
- Set properties
- Sanitize document

Tools sidebar with icons for selection, eraser, highlighter, and other editing tools.

Sent: 2/2/2021 12:00:00 AM
From: Kimberly Mundell (ADE) <Kimberly.Mundell@arkansas.gov>
To: "Liz" Joe" Michael" Madison" Jerrod" Lincoln" Lauren" Matt" Gale" Suzanne" Carter Carol" David" cajones@dollarwayschools.org kimberly.thomes@strong.scs.k12.ar.us "Tonya" "Lori" "Brianna" bradley@bertonschools.org "Tania" "Freddie" Kendrick Heather chwilliams "Adriane" "Susan" "Tara" "Ronda" "Genia" "Dena" "Alisha Lewis" <(AOHE)> "Tiffany" "Amanda" "Trent" "Jason" "Ashley" "Betsy" Duff Jessica "Jessica" "ONEAL" aclark@pcssd.org "Patrick" "Alan" "Holy" "Jessica" "Kasey" OWENS KENDALL "Pamela" Holmes William Walker Dennis Garvey Jack Toilefree Shannon "Dustin" "Jenni" fowler@dps-littlejohns.net blankenship@dps-littlejohns.net Bridges Brian "Beverly" bmccastain@dequeenleopards.org "Devin" "Alex" mrenihan@gobsd1.org "Marcie" "Christina" "Zena" areith@fortsmithschools.org
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Right sidebar with icons for search, bookmark, print, and other document management functions.

X



⑤.

9.

④

Cc:
Bcc:
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[\[https://odn.filestackcontent.com/M6oFddpS3OceUz9bROx\]](https://odn.filestackcontent.com/M6oFddpS3OceUz9bROx)

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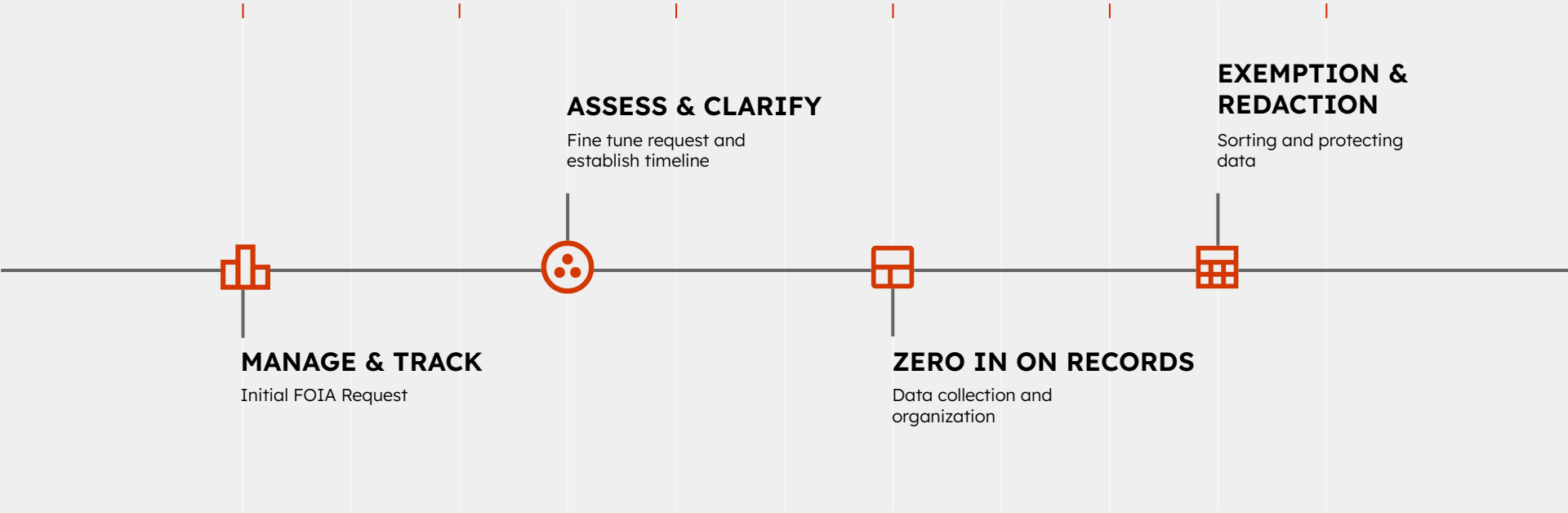
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Apply

Data Sharing

Completing the request, or
closing the loop

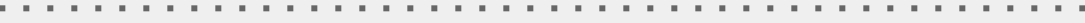




MAZE SUMMARY

Q&A

Any questions?



Thank You!