

Bid Protests: Guide for Document Redactions

The following guidance is provided to ensure that parties admitted to our protective orders comply with our protective orders in the preparation of redacted versions of documents. This guidance is intended to ensure that parties meet their obligations under our protective orders, but is also intended to assist agencies in the preparation of redacted documents and to recognize potential problems with redacted documents prepared by parties admitted to a protective order.

The terms of our protective orders limit “disclosure of certain material and information submitted in the . . . protest, so that no party obtaining access to protected material under this order will gain a competitive advantage as a result of the disclosure.” Protective Order at 1. A protective order “applies to all material that is identified by any party as protected, unless GAO specifically provides otherwise,” and strictly limits access to protected material only to those persons authorized under the order. Id. ¶¶ 1-3. Our protective orders set forth the following requirements for handling of protected information:

Each individual covered under this protective order shall take all precautions necessary to prevent disclosure of protected material. In addition to physically and electronically securing, safeguarding, and restricting access to the protected material in one’s possession, these precautions include, but are not limited to, sending and receiving protected material using physical and electronic methods that are within the control of individuals authorized by this protective order or that otherwise restrict access to protected material to individuals authorized by this protective order. Protected material may be sent using electronic mail unless objected to by any party in this protest. The confidentiality of protected material shall be maintained in perpetuity.

GAO Protective Order ¶ 6 (emphasis added).

As part of the obligations discussed above, parties admitted to a protective order must ensure that redactions to protected documents adequately obscure protected information. In this regard, an adequately redacted document must not permit access to the protected information. Our Office has encountered examples of redactions that do not meet the obligation to adequately redact documents. These include the following:

- Using a black marker to redact protected information on a hard copy of a document, and then faxing or providing photocopies of the redacted document despite the fact that the marker did not completely obscure the protected information in the faxed or photocopied documents.
- Applying black highlighting electronically in Microsoft Word and then converting the document to a PDF format using Adobe Acrobat. Be aware: this process preserves the redacted text and may allow the redacted text to be copied and pasted into another word processing document.

Either of these practices could lead to a disclosure of protected information and constitute a violation of the protective order.

Parties admitted to a protective order should use the following practices to ensure that redactions adequately prevent access to protected materials.

- Manual redactions to hard copies. Redactions should be prepared using a black marker or redaction tape, and then photocopied. The photocopied document should then be inspected to ensure that the redactions adequately obscure the protected information. If the photocopied document does not adequately obscure the protected information, the marker or redaction tape should be reapplied to the photocopied document, and then a photocopy of that document should be made.
- Electronic redactions to an electronic document. Redactions may be made by applying a highlighting function in a word processor in a manner that fully obscures the protected information when printed, printing the document, and then scanning the printed copy of the document into Adobe Acrobat. Word processor documents should not be converted directly from a word processor into a PDF document, as this process may allow the redacted text to be accessed in the PDF document. Other methods to redact information using Adobe Acrobat exist, but parties admitted to a protective order should seek technical guidance regarding such methods, and assume the risk as to whether the methods are adequate to comply with our protective orders.

If parties have questions concerning this guidance or the requirements of our protective orders, please contact the GAO attorney assigned to the protest.