



## Discussion Topics

- FOIA Request Overview
- Key threshold questions
- Determining Risk Factors
- Responding to FOIA Requests
- Top tips for avoiding mis-steps
- How can Microsoft and AvePoint technology help you retrieve data for FOIA Requests and DSARs





Migrate. Manage. Protect.



12 Global Cloud Instances

99.5% Availability Backed by Azure

24/7 World-Class Support

45PB+ Managed Customer Data

ISO Certification



17K Customers

7M Cloud Users

88 Countries

7 Continents

AvePoint is headquartered and maintains its principal operational center in Jersey City, NJ, with approximately 1,500 employees across five continents.



- 2017 Partner of the Year Winner Public Sector: Microsoft City/Next Award
- 2016 Partner of the Year Winner Technology for Good Citizenship Award
- 2015 Partner of the Year Winner Collaboration and Content
- 2014 Partner of the Year Winner Public Sector: Public Safety and National Security

# Dana Simberkoff

CHIEF RISK, PRIVACY AND  
INFORMATION SECURITY OFFICER,  
AVEPOINT



# FOIA Request

A freedom of information request is a request to gain information, **not about you**

Question	Freedom of Information Act Request
<i>What data are you requesting?</i>	Information that is not yet publicly available.
<i>Will it cost?</i>	In some cases however there is no initial fee for the request.
<i>When will I get a reply?</i>	Will vary depending on the complexity of the request and any backlog of requests already pending.
<i>Will I always get the information I want?</i>	Not always. Some information can be withheld for a number of reasons. Mainly to protect the government, the public, or the agency.
<i>Do I have to be a US citizen to make a request?</i>	No. You can be any nationality.
<i>Can I complain if I'm not happy with my response?</i>	Yes. You can make a complaint to appellate court.

<https://www.foia.gov/faq.html>



# Key threshold questions

Have I received a Freedom of Information Act Request?

For unfocussed requests where there are multiple repositories: Where do I search?

- Email (exchange)
- Document storage
- SharePoint
- Customer Relationship Management
- Invoices and billing
- Mailing lists
- Door access systems
- CCTV
- Backup tapes
- Web site logs
- Payroll and benefits systems
- System access logs

Is this request in the context of litigation?



# Determining Risk Factors

1

From an initial search, what do you know about the individual?

- Employee, Prior Employee or Interviewee?
- Have they made any FOIAR before?

2

What do you know about the circumstances of the request?

- Is there any related or unrelated dispute or complaint
- What could be the motive behind this FOIAR?

3

What do you know about the request itself?

- What is their response to any request for better ID documentation?
- What is their response to a DSAR scope request?
- Does their FOIAR appear to follow a standards form template?
  - And is this template available on the internet, if so where?

4

What do you know from your FOIAR dashboard?

- Are there any prior trends which can help you determine the risk factors for this FOIAR?
- Do requests to certain parts of your organisation take longer than usual?
- Is the information that is being retrieved from the request older than should be kept under your Document Retention Policy?

5

In contentious circumstances you may wish to do this Risk Factor analysis

# Dark Data is the Key Challenge

**Only 28% of data stored** today represents any value to day-to-day business\*

[Most collected] data is garbage... **72% of data collected** has no relevance whatsoever\*

## Security by Obscurity is Gone

- Migrations to the cloud eliminate blind-spots in your File Shares / legacy platforms
- Oversharing of information by users leads to risk of exposure / breaches without proper governance

## Costs are Hiding in the Dark

- Risks for eDiscovery or subpoenas discovering data that should have been purged
- GDPR and other regulations force mapping and discovering sensitive data wherever it lives
- Users are hoarders, high cost of storage and maintenance for legacy data

What is this?

What you need to keep...

What you use...



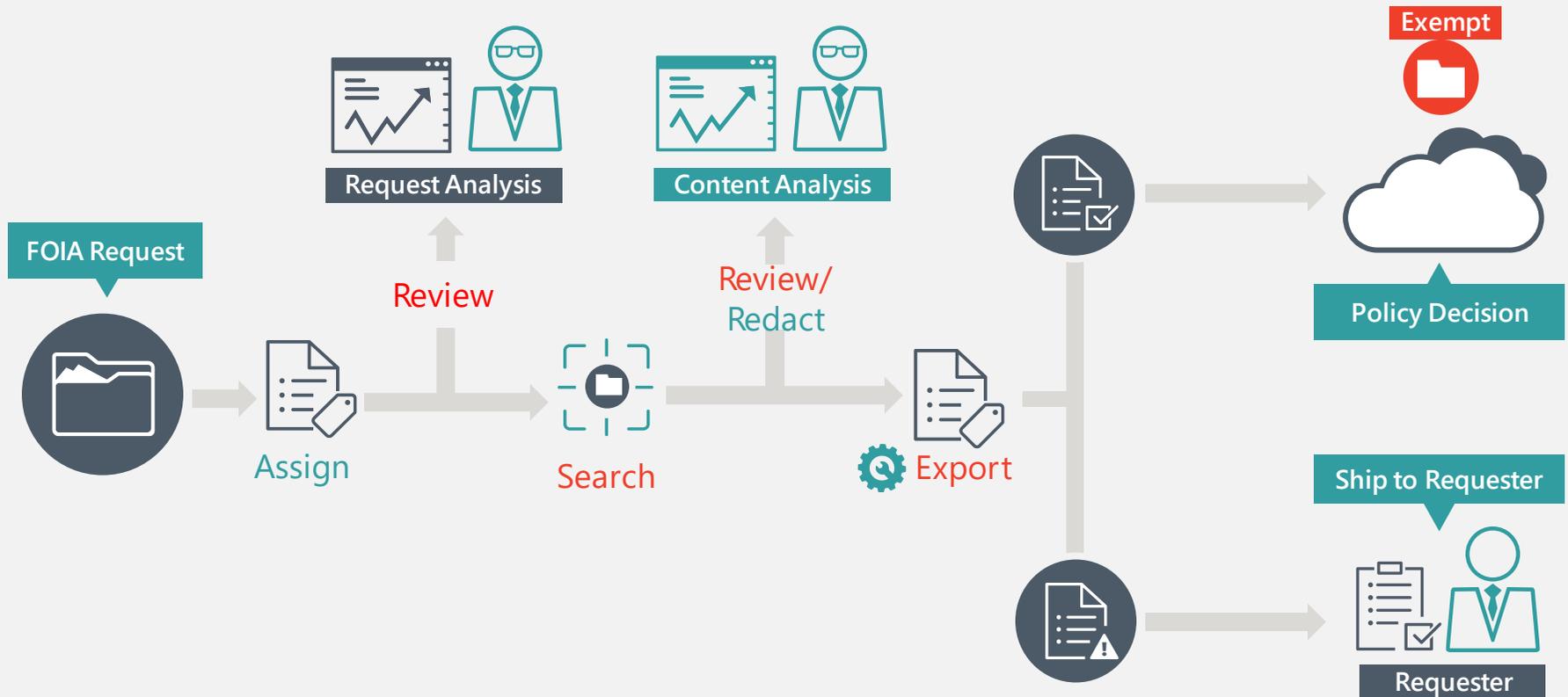
# Responding to FOIA Requests

- The agency will typically first search for the records and
- then review them to determine what can be disclosed
- While FOIA allows for many records to be released, there are also nine exemptions that protect certain types of information, such as personal privacy and law enforcement interests.
- The length of time to respond to your request will vary depending on its complexity and any backlog of requests.

<https://www.foia.gov/how-to.html>

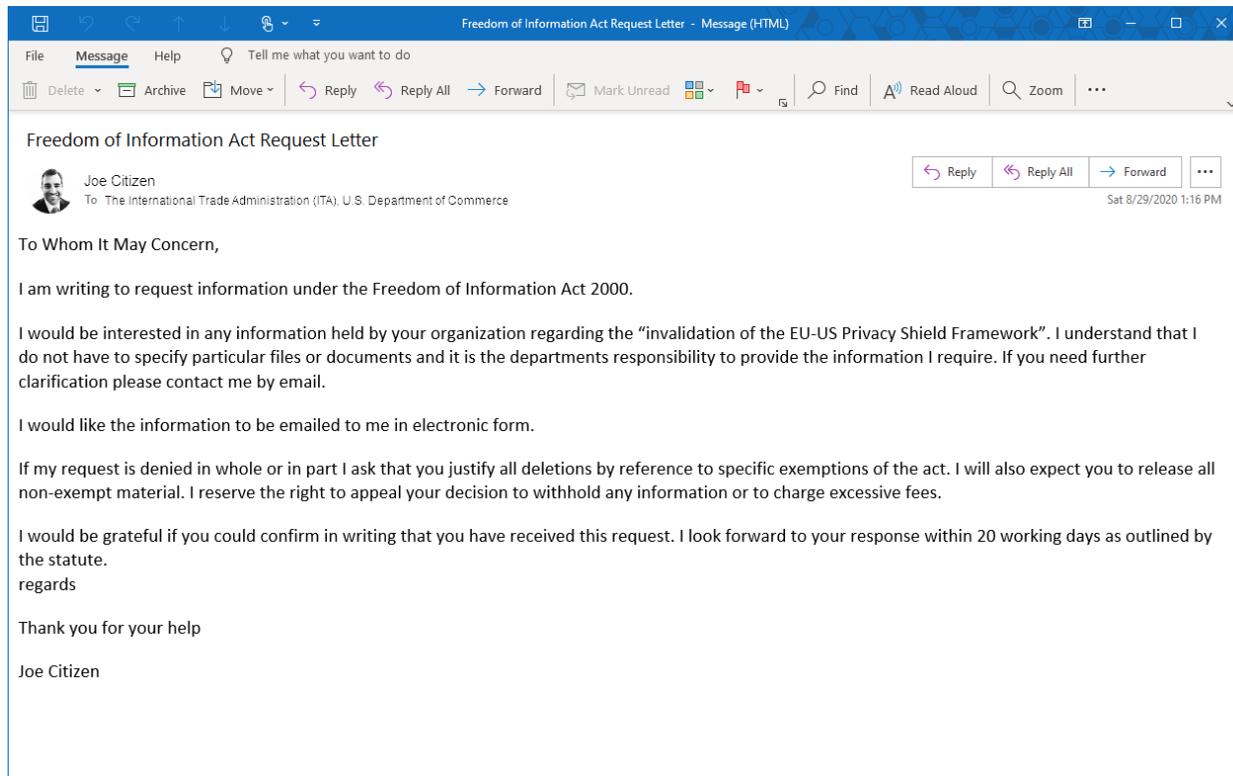


# FOIA Request Workflow Process



# Example Request

Sent to The International Trade Administration (ITA), U.S. Department of Commerce



The screenshot shows an email client window titled "Freedom of Information Act Request Letter - Message (HTML)". The window has a blue header bar with standard navigation icons. Below the header is a menu bar with "File", "Message", and "Help". A search bar contains the text "Tell me what you want to do". The main toolbar includes icons for "Delete", "Archive", "Move", "Reply", "Reply All", "Forward", "Mark Unread", "Find", "Read Aloud", and "Zoom".

The email content is as follows:

**Freedom of Information Act Request Letter**

 **Joe Citizen**  
To: The International Trade Administration (ITA), U.S. Department of Commerce

Buttons: Reply, Reply All, Forward, ...

Sat 8/29/2020 1:16 PM

To Whom It May Concern,

I am writing to request information under the Freedom of Information Act 2000.

I would be interested in any information held by your organization regarding the "invalidation of the EU-US Privacy Shield Framework". I understand that I do not have to specify particular files or documents and it is the departments responsibility to provide the information I require. If you need further clarification please contact me by email.

I would like the information to be emailed to me in electronic form.

If my request is denied in whole or in part I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all non-exempt material. I reserve the right to appeal your decision to withhold any information or to charge excessive fees.

I would be grateful if you could confirm in writing that you have received this request. I look forward to your response within 20 working days as outlined by the statute.

regards

Thank you for your help

Joe Citizen



---

# AvePoint Compliance Guardian & FOIA



Freedom of Information requests are an individual right under the U.S. Freedom of Information Act. Rights like these empower individuals to obtain the information that is public and receive information in the context of non-data protection disputes with data controllers.

AvePoint Compliance Guardian can help organizations respond to FOIA requests by automating and streamlining the process from logging, tracking and task management, through discovery, redaction/pseudo-anonymization and extraction of the information (providing copy of the files to the data controller/data subject).



---

# Automating the end-to- end process (steps)

1. Logging FOIA request
2. Assign tasks for review and processing of data
3. Determine in-scope data repositories
4. Determine exemptions
5. Report and analyze
6. Delete/redact
7. Export



# ERM

Assign tasks for review and processing of data

Incident Management > Add Incident rita.brewer@avepointats.com

← Back   Next →    Submit    Cancel

1 Incident Information ... 2 Settings Configuration ...

▼ General Information ⓘ

* Incident Name	FOIA Request - Joe Citizen
* Priority	High
Description	Joe Citizen (jctizen@contoso.com) has requested information regarding the "invalidation of the EU-US Privacy Shield Framework".
Incident Date	08/17/2020
Discovery Date	08/16/2020
* Incident Owner	ray.hill@avepointats.com
* Incident Reviewer	rita.brewer@avepointats.com
Tier-2 Reviewer	

▶ Additional Information ⓘ

▶ Threat Actions ⓘ

»



# ERM



A team member is assigned to investigate the FOIA Request

The screenshot shows the ERM interface with a table of tasks. An 'Assign' dialog box is open, allowing a reviewer to be assigned to a task. The dialog box contains the text 'Assign to the following reviewer:' and a text input field with the email address 'rita.brewer@avepointats.com' and a red 'X' icon. Below the input field are 'Assign' and 'Cancel' buttons.

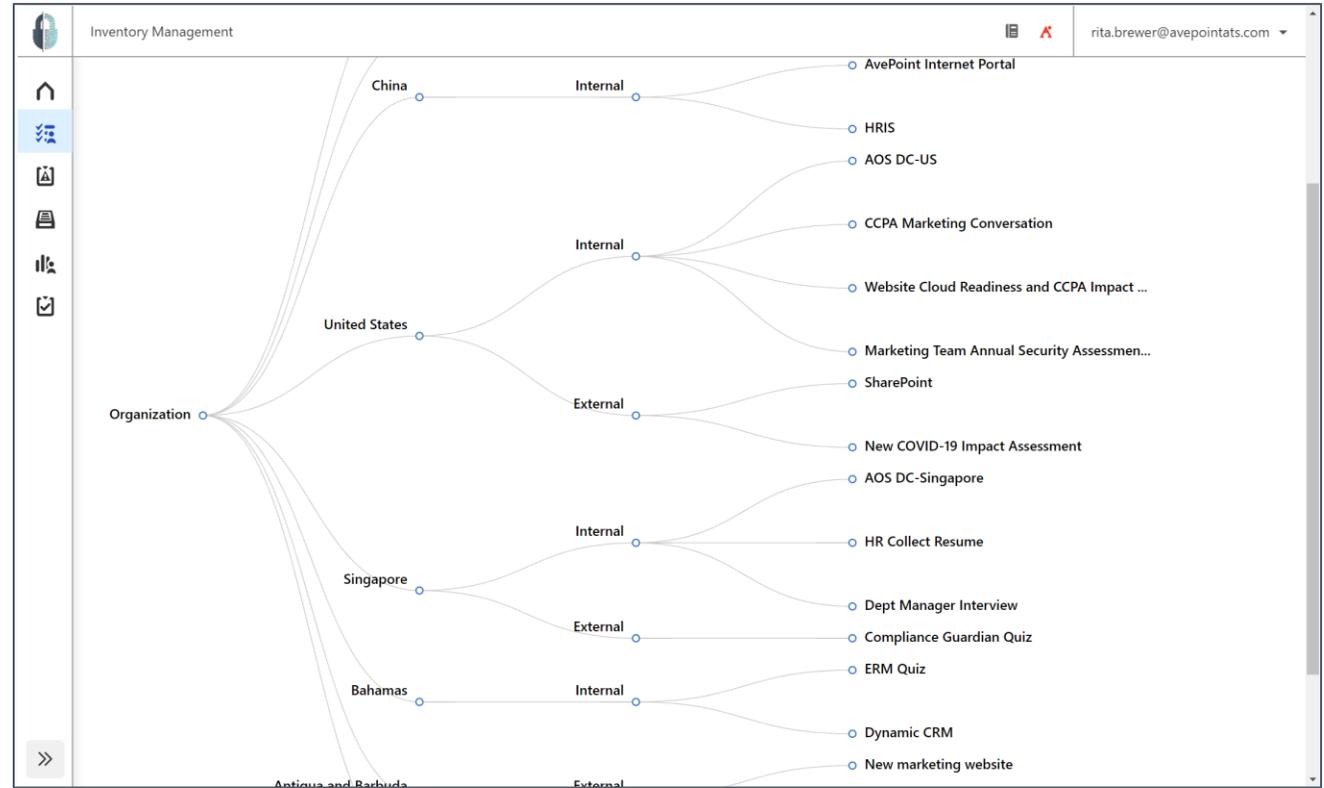
Assessment Name	Inventory Record Name	Risk Level	Risk Score	Responder	Reviewer	Status	Last Modified Time
<input type="checkbox"/> CLOUD READINESS ASSESSMENT	Marketing Team Security Assessment				rita.brewer@av...	🟢	01/23/2020 09:21:47 PM
<input type="checkbox"/> California Consumer Privacy Act (CCPA) Organizational Readiness Checklist	ERM Quiz				rita.brewer@av...	🔴	01/23/2020 07:22:57 AM
<input type="checkbox"/> California Consumer Privacy Act (CCPA) Organizational Readiness Checklist	New marketing m...				rita.brewer@av...	🟢	01/23/2020 07:21:18 AM
<input type="checkbox"/> CLOUD READINESS	Dept Manager In...				rita.brewer@av...	🟢	01/23/2020 07:18:42 AM
<input type="checkbox"/> Sarbanes-Oxley Section 404	AvePoint Internet Portal	🟡 High	1284	antoine.snow@...	rita.brewer@av...	🟢	01/23/2020 07:14:11 AM
<input type="checkbox"/> HEALTHCARE	Ray Hill Companies PIA	<input type="checkbox"/> No Risk	0	antoine.snow@...	rita.brewer@av...	🟢	01/23/2020 07:11:27 AM
<input type="checkbox"/> HEALTHCARE	Ray Hill Companies PIA	<input type="checkbox"/> No Risk	0	antoine.snow@...	rita.brewer@av...	🟢	01/23/2020 07:10:25 AM
<input checked="" type="checkbox"/> Breach Response	AvePoint Internet Portal	<input type="checkbox"/> No Risk	0	antoine.snow@...		🔴	01/23/2020 06:36:06 AM

This is a close-up of the 'Assign' dialog box from the screenshot. It shows the title 'Assign', the instruction 'Assign to the following reviewer:', and the text input field containing 'rita.brewer@avepointats.com' with a red 'X' icon. A blue 'Assign' button is visible at the bottom right of the dialog.



# ERM

Determine in-scope data repositories



# Determine Exemptions

Tagging is key!

⚙️ Go to upper level   ⚙️ Go to lower level   ⚙️ Check Incidents



# Discovery+

To respond Freedom of Information Act Requests (FOIA) leveraging Search Indexes

Discovery+ > Create Discovery+ Plan

1 Search and Location

2 Content Analysis Rules

3 Configure Action Rule

4 General Settings

Search for content across different data sources throughout your organization. You can preview and take actions on the search results.

Keywords ⓘ

"correspondence" OR "privacy shield participants" OR "administration" OR "EU government correspondence"

Advanced Conditions ⓘ

File Type Equals Any of <Enter a value> +

\* The policy will apply to content that is stored in the locations you choose.

+ Add a Location			
Data Source	Selected Location	Object	
SharePoint Online	ATS - Office 365 Connection	All sites	
Exchange Online	ATS - Office 365 Connection	All mailboxes	
Microsoft Teams	ATS - Office 365 Connection	All mailboxes	
File System	File system	All locations	

## Discovery+ Supported Systems

- SharePoint Online
- Exchange Online
- SharePoint On-premise
- Exchange On-premise
- Microsoft Teams
- File Shares



# Filter out exemptions

Discovery+ > Create Discovery+ Plan

Do you want to perform deeper content analysis to find out what a document contains? This might include regulated data (test suites), sensitive data, keywords, phrases, or patterns.

No

Yes, I want to use test suites to examine the file contents as well as attributes.

+ Add a Test Suite

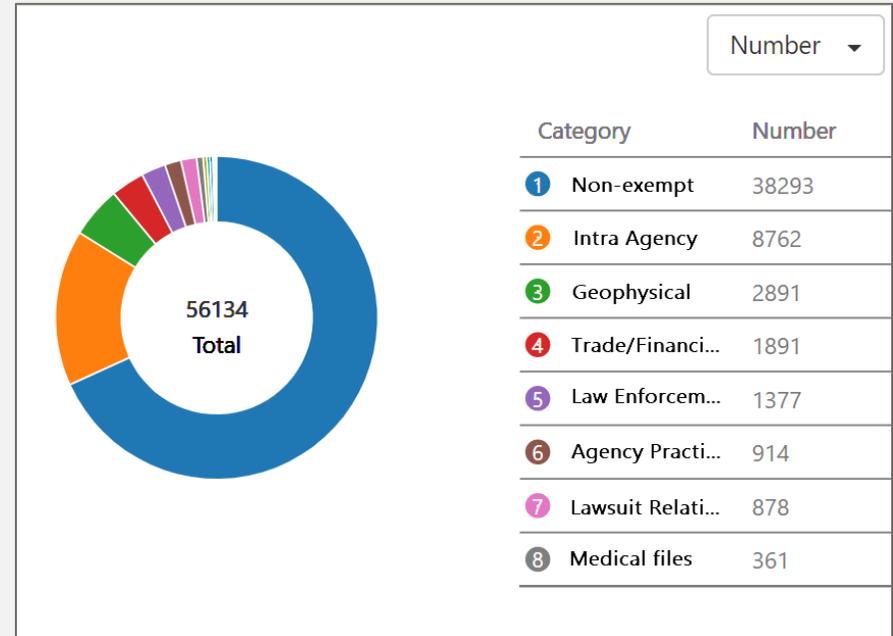
<input type="checkbox"/>	Test Suite Name	Description
<input type="checkbox"/>	(EU-GDPR) Switzerland Personal I...	This test suite includes checks
<input type="checkbox"/>	US Federal Government Cookie R...	Cookie Usage US Federal Guide
<input type="checkbox"/>	U.S. Government Classified Infor...	-This collection of rules protects
<input type="checkbox"/>	(EU-GDPR) Sweden Personal Info...	This test suite includes checks fo
<input type="checkbox"/>	(EU-GDPR) Greece Personal Infor...	This test suite includes checks

Use contextual parameters to filter out exemptions that are not in scope of the request



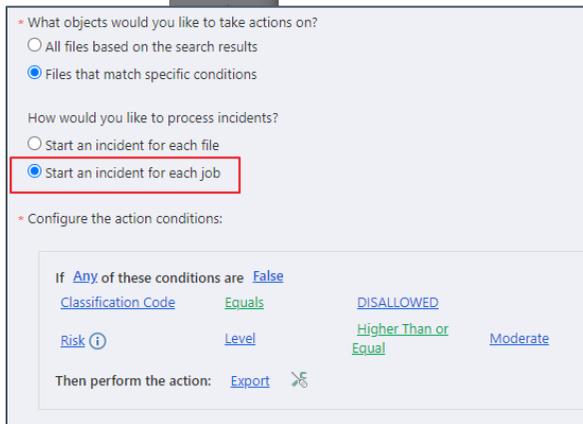
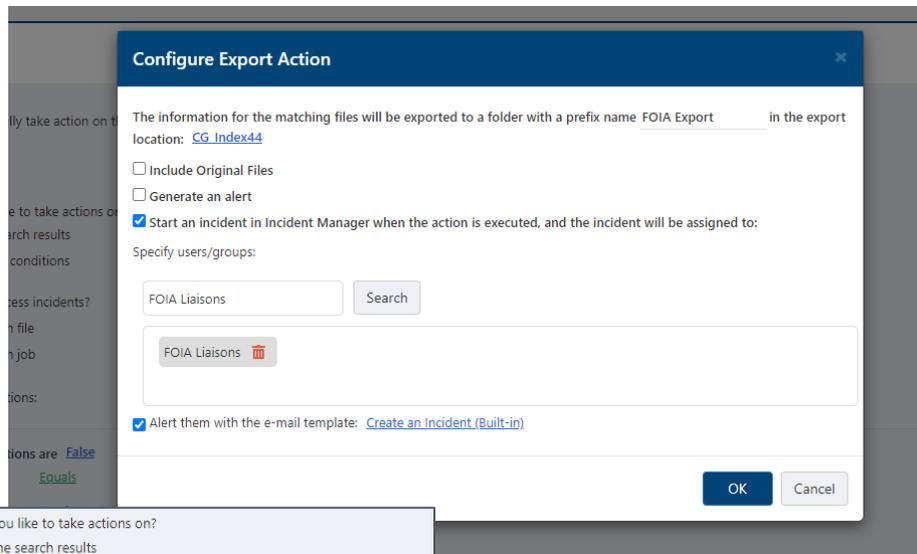
# FOIA Request Exemptions

1. Related solely to internal rules and practices of the agency
2. Trade secrets or financial information
3. Inter/intra-agency communications
4. Medical files
5. Records for law enforcement purposes
6. Interference with existing investigation/lawsuit
7. Related to informant records maintained by criminal law
8. Records maintained by FBI for foreign intelligence
9. Geological and geophysical data



# Review

Assign report of returned documents to ensure accuracy of search and that no exemptions were missed.



Results can be reviewed individually or all together as one job/file plan.

The FOIA Search is performed by Compliance Guardian and relevant data is captured and assigned for review via workflow



# Bulk Incidents

## My Tasks

43 incidents assigned to me

Show All ▾

✓ IMS-43 data subject access request (1/9/2019 4:06:01 am)

📎 IMS-42 application\_form\_deutschlandstipendium\_062015 (7).docx

My Tasks > Data Subject Access Request (1/9/2019 4:06:01 AM)

✓ Resolve ✗ Dismiss 🔍 Escalate 🔄 Reopen

Summary **File Details** Comments History

Data Source : All ▾ Owner : All ▾ Last Scan Time : Last 7 Days ▾ Classification Code : All ▾ Risk Level : All ▾ + More Filters

🔄 Mark as false positive ✍ Take Action 📄 Export to Datasheet

<input type="checkbox"/>	Name	Action Taken	Test Suite	Owner	Risk Level	Last Scan Time	Incident
<input type="checkbox"/>	📎 application_form_deutschlandstipendium_06 ...	Export	Department Context	sp admin	✓ 0	2019-01-09 04:36:05	IMS-43
<input type="checkbox"/>	📎 application_form_deutschlandstipendium_09 ...	Export	Department Context	sp admin	✓ 0	2019-01-09 04:36:01	IMS-43
<input type="checkbox"/>	📎 application_form_deutschlandstipendium_06 ...	Export		sp admin	✓ 0	2019-01-09 04:09:05	IMS-43
<input type="checkbox"/>	📎 ao4s loe.xls	Export		sp admin	✓ 0	2019-01-09 04:09:02	IMS-43



# Two-Step Action (Redaction)

Review before taking action (redaction)

Scan Records - Custom Filter Save

Data Source: All Owner: All Last Scan Time: Last 7 Days Classification Code: All Risk Level: All

Start Incident Investigation Mark as false positive Take Action Export to Datasheet

Name	Action Taken
water - copy.docx	Redact(Pending)
value_measuring_methodology_cost_to_value_matri	Redact(Pending)
value_measuring_methodology_cost_to_value_matri	Redact(Pending)
understanding policy enforcer slides - copy.pptx	Redact(Pending)
understanding policy enforcer slides.pptx	Redact(Pending)
prod128 file share navigator sp3 - copy.pptx	Redact(Pending)
prod105 understanding compliance and docave coi	Redact(Pending)
prod105 understanding compliance and docave coi	Redact(Pending)
password_assessor_jqr_answers - copy.doc	Redact(Pending)
password_assessor_jqr_answers.doc	Redact(Pending)

### Configure the Redact Action

When does this action take place?

- Redact the data automatically
- I would like to review it first before taking the Redact action

Please define the redaction conditions:

- Please define keywords. The content that Contains the following keywords will be redacted.
- Please define a regular expression. The content that matches the regular expressions will be redacted.

What would you like to deal with the matching content?

- Delete the failed content immediately.
- Replace the matching content

Do you want to redact all versions?

- No, only redact the current version
- Yes, all versions

Comment:

By default, CG will add comment 'the original version is from '%version%' to sharepoint items which are redacted.'

Redact with alert

Start an incident in Incident Manager when the action is executed, and the incident will be assigned to:

Scan Records - Custom Filter Save

Data Source: All Owner: All Last Scan Time: Last 7 Days Classification Code: All Risk Level: All

Start Incident Investigation Mark as false positive Take Action Export to Datasheet

Name	Action Taken
<input checked="" type="checkbox"/> water - copy.docx	Redact

Delete the object on data source



# Export

Results can be:

- Exported (FOIA)
- Redacted (exempt)
- Deleted

Discovery+ > Edit Discovery+ Plan

1 Search and Location

2 Content Analysis Rules

3 Configure Action Rule

4 General Settings

Do you want to automatically take action on

No

Yes

What objects would you like to take actions on?

All files based on the search results

Files that match specific conditions

Which way would you like to start incident?

Start an incident for each file.

Start an incident for each job.

The following actions will be taken on the s

1 Export

Configure Export Action

The information for the matching files will be exported to a folder with a prefix name Johan in the export location: [Export](#)

Include Original Files

Generate an alert

Start an incident in Incident Manager when the action is executed, and the incident will be assigned to:

Specify users/groups:

Search

admin

Alert them with the e-mail template: [Select One](#)

OK Cancel

Do you want to automatically take action on the content we find?

No

Yes

What objects would you like to take actions on?

All files based on the search results

Files that match specific conditions

Which way would you like to start incident?

Start an incident for each file.

Start an incident for each job.

The following actions will be taken on the search results:

1 Export

Results can be reviewed individually or all together as one job/file plan.



# FOIA Request Demo

# Top tips for avoiding mis-steps

Process and Procedures are key



- Ensure that you have detailed procedures that anyone can follow
- If possible, have procedures that are built into your workflow.

Difficult questions like search depth



Can only be answered if you have appropriate search tools to show you what is readily available and if you have identified appropriate risk factors.

If you want to use legal or litigation privilege, then this decision should be made at the outset



And you should all follow the correct process to ensure that privilege and confidentiality is maintained

Auto redaction tools



Can be helpful but at law, the default should not be simple redaction of all third party personal data. Some personal data should remain

Audit trail



All the work undertaken in doing DSARs and FOIRs should be subject to an audit trail. This information if fed back into a DSAR/FOIR dashboard can provide invaluable information to ensure that future requests can be performed more efficiently.

# Key Takeaway – What's Important



Technology can help create a data trail to service FOIA Requests



Qualify FOIA Requests to ensure you are putting in the right effort



Looking to improve your FOIA Request process?

Let us help you

FREE E-BOOK



## Mitigating Collaboration Risk Workbook

*Learn how to build actionable plans to mitigate risk in Office 365 or any other collaboration workspace your organization uses*

*Get the free eBook by the link or scan the QR code*

<https://www.avepoint.com/ebook/mitigating-risk-workbook>

SCAN ME



---

Join a 2 hour workshop  
with Dana Simberkoff!



**Dana Simberkoff**

CHIEF RISK, PRIVACY AND  
INFORMATION SECURITY  
OFFICER, AVEPOINT

Contact us:  
[marketing\\_uk@avepoint.com](mailto:marketing_uk@avepoint.com)

## Respond to FOIA Request with a great internal user experience and improved satisfaction

- Review current DSARS & FOIA process & identify challenge and/or blockers.
- Explore current process vs where automation can enhance your data trail to service & respond to FOIA Requests.
- Putting it all Together: A conclusive report providing practical next steps and guidance for how to implement effective management and response to FOIA Requests.



Q & A

# CONTACT US



+44 (0) 207 421 5199



[www.AvePoint.com](http://www.AvePoint.com)



[Nigel.Cottam@avepoint.com](mailto:Nigel.Cottam@avepoint.com)