

Understanding metadata

KNOW THE LEGAL IMPLICATIONS OF THE
INFORMATION HIDDEN WITHIN YOUR
ELECTRONIC DOCUMENTS.



Mariann E. Butch

In today's electronic age, virtually all written business is done over the Internet. The instantaneous transactions of documents, as well as the ease of collaboration, have changed the way we communicate.

But with technology comes hidden dangers. You're providing more information than you might think when transmitting documents via the Internet. Hidden information — known as metadata — rides along with electronic documents, revealing anything from the author, when it was created, to what changes were made and by whom.

Essentially, metadata operates much like a diary, tracking the development of your electronic documents.

electronically stored that doesn't appear when you print it out. One of the things we try to assist our clients with is their data and how they store it, but also with metadata and the information they may be giving away."

But even a less-than-savvy computer user can access that hidden data easily and the repercussions can be detrimental. For example, in a Microsoft Word document, some metadata can be viewed using the Properties Menu selection. Even disabling the document's track changes feature will not erase its metadata.

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"If clients are negotiating a contract and negotiating a price and internally go back and forth to decide on a price, and then e-mail the document, anyone can ferret out from

the metadata that the number changed and that's bad for their business," says Butch.

While there are ways of getting rid of the metadata — known as scrubbing — Butch warns that there may be implications of doing so in a legal setting since the metadata often needs to be intact. For example, if you get a request to provide all documents related to a case you're involved in and you've scrubbed the metadata, that's the equivalent of throwing away a paper document. "Metadata is part of that document," she says.

What's more, metadata associated with a particular document can exist in multiple computers. "From a practical standpoint you can never scrub your entire system of metadata because it's stored in different places," Butch says. "There will probably always be an unscrubbed version out there."

Despite the potential pitfalls with metadata, it can be useful in collaborative projects and file sharing. But Butch advises her clients to be aware of what their documents contain before sending them to different parties to ensure they don't inadvertently reveal information within the metadata that is either confidential or privileged.

And when in doubt, seek the advice of an attorney. "We try to help people understand that some things they think are not important are important. It's not that complicated when you get down to it," Butch says. ◀



"Now, instead of letters, people use e-mail," says Mariann E. Butch, partner with Benesch, Friedlander, Coplan & Aronoff LLP's Trial Practice Group in Cleveland. "But metadata has an interesting twist. It's data that's