

I operate on what I call a need-to-know basis. If I don't need it, I don't know it. As a lawyer, that's how I felt about metadata - until I found out I needed to know it.

Too esoteric, you say? Read what happened to [Tony Blair](#), and you'll change your mind.

Metadata is invisible data embedded in the content of any word document containing information about the information in the document. The information metadata contains could be confidential.

Now, we all love one of the great conveniences of computing called redlining. We create a template of a specific document that can be used multiple times for different clients by changing the key elements that differ from client to client and case to case. But the basic format is there.

Typically, when the changes are made by emailing the document back and forth between you and your client(s), we use the redlining function, that indispensable "track changes" feature that enables us to see what changes were made and who made them in the drafting process. Once everyone agrees to the contents of the document, it is finalized by accepting all changes to produce a clean copy. It's emailed and/or efiled, and we're all good. Maybe.

Remember those little red or blue or green lines showing the changes and identifying the person who made them? That's metadata. And guess what - it NEVER goes away by itself. This allows anyone with very rudimentary forensics skills to "mine" the document for confidential information. And not just between you and the existing client, but also any other client who had previously commented on the contents of the template in another case.

Legal opinions vary from state to state regarding the nature of a lawyer's duty to ensure their e-documents are clean. And certainly the lawyer who willfully mines the document for information would be facing a much fiercer state bar panel than the one who inadvertently left metadata in the document. But who wants to get that far?

Fortunately, there is lots of help out there. Microsoft worked with the legal community to create [Microsoft Word Legal User's Guide](#), covering many topics including confidentiality and metadata. You can download the entire guide for free. You can also directly access [Confidentiality and MetaData in Word Documents](#), which includes many links to more information on how to protect your documents from confidentiality risks. Last, there is metadata cleanup software you can use to scrub those documents clean of confidential information. Although I cannot recommend one over the other, just search "metadata cleanup", and go shopping.

This one's right up there with "oops, I hit the [reply all](#) button." In an e-document world, our ethical responsibilities evolve and expand. LET'S HELP KEEP EACH OTHER INFORMED - if you find important information in reviewing the links I have provided, please add it to the comments section below, and I will be sure to spread the word.

