

OFFICE OF THE GENERAL COUNSEL

MEMORANDUM GC 11-12 Revised

April 29, 2011

TO: Division Heads and Branch Chiefs, Office of the General Counsel,
Regional Directors, Officers-in-Charge and Resident Officers

FROM: Lafe E. Solomon, Acting General Counsel

SUBJECT: Drafting and Redacting Agency Documents

A new feature will soon be added to the Agency's updated website on the internet. This new feature of the website will allow public access to all final dismissal letters issued by Regional Offices and letters from the Office of Appeals denying appeals in dismissal actions. Memoranda issued by the Division of Advice instructing Regions to dismiss the submitted allegations of the charge will also continue to be posted. On the other hand, letters deferring charges, conditionally dismissing charges, approving withdrawal requests and unilateral settlement agreements or setting forth compliance determinations will not be uploaded onto the website. Only letters issued on June 1, 2011 and thereafter that dismiss a case or deny an appeal will be uploaded. The public will be able to access and download the uploaded documents.

These documents when initially created include the names of individuals associated with the cases as well as other personal information that could be used to identify the individuals. Thus, while this website feature is consistent with the President's desire for greater transparency in government operations, there is the potential that making these documents available will also release individuals' personal information to the public. To protect the privacy interests of individuals associated with our cases, we have decided to create redacted copies of these documents which will be posted on the website for public view. When advising charging parties that their charges will be dismissed, absent withdrawal, they should be advised that dismissal letters are posted, in redacted form, on the Agency's website.

Upon issuance of the above described documents which dismiss a case or deny an appeal, or instruct a Region to dismiss submitted allegations of a charge, a second, redacted copy should be created by the initiating office that removes names, titles and addresses of all individuals (also telephone numbers and social security numbers if any), with the exception of Agency personnel, in the address, salutation and courtesy copy designation. In the body of the document the names and titles of employees, supervisors, agents and other individuals should be redacted. On the other hand, parties' names, if an employer, union, or other organization, may remain. For illustration purposes, a sample Regional Office dismissal letter, both redacted and unredacted, is attached. To the extent feasible, the redacted documents should be

created on the day that the unredacted document issues to the parties. A PDF version of the redacted document will then be placed in NxGen upon issuance of the unredacted document to the parties. Once the redacted document is placed in NxGen and the appropriate fields completed, the document will automatically be uploaded onto the website. Regional Offices should also continue to upload the unredacted version of the dismissal letter into the appropriate place in NxGen.

Personal review of the redacted document being entered into NxGen is necessary to ensure that the document is properly redacted. Each office should establish its own independent review procedures.

To further protect the privacy interests of individuals, documents should be initially drafted so as to reduce, if not eliminate, the number of redactions in the body of the document. For example, the term "alleged discriminatee" can be used rather than the individual's name.

Attached are instructions for redacting documents using Adobe Professional and uploading a document into NxGen and marking the document for public viewing. There will be follow-up training on using the Adobe Professional software. We suggest that you highlight the redaction requirements and process at your next staff meeting.

If you have any substantive redaction questions, please contact Assistant General Counsel Jackie Young, Research and Policy Planning Branch. If Regional Offices have any other questions, please contact your Assistant General Counsel or Deputy.

/s/
L. S.

Attachments

cc: NLRBU
NLRBPA