



WHY YOUR CMS BACKUPS DON'T MEET OPEN RECORD REQUIREMENTS

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WEBSITE & SOCIAL MEDIA CONTENT ARE OFFICIAL RECORDS

With more and more content existing online, governments have jumped on the opportunity to use their websites and social media pages as a tool for communicating with the public.

While websites and social media offer the benefits of extended reach, flexibility, and freedom as a means of communication, governments can find themselves at serious risk if they fail to treat this content like other official communications, equally subject to regulatory laws.

Archiving Is The Law: A Regulatory Recap

.....
"The Government cannot be open and accountable if it does not preserve — and cannot find — its records." –
David S. Ferriero, Archivist of the United States
.....

As government websites and social media are heavily relied on by citizens and businesses for a wealth of information, these communications are considered official government publications to which the Freedom of Information Act (FOIA) and Open Records Laws apply. These laws ensure government transparency and fair public access to records of interest. Compliance can cost governments thousands a year, at an average of \$678 per information request. A recent report from Washington State's Auditors Office also revealed that state and local governments spent \$60 million to fill more than 285,000 public-records requests during a recent 12-month period!

1) FEDERAL GOVERNMENT AGENCIES

Federal agencies must comply with the [Freedom of Information Act \(FOIA\)](#), giving citizens the right to access certain government information spanning from written documents to photographs and more.

In addition, [The Federal Records Act](#) determines the expectations for management of federal records. The Federal Records Act has changed over time to keep up with innovations in communications. It has expanded the definition of "federal records" to include electronic documents. For the latest, see the [Presidential and Federal Records Act Amendments of 2014](#).

The act requires federal agencies to work with the National Archives and Records Administration (NARA). NARA works as the nation's record keeper to ensure federal agencies preserve their records for increased public access. It sets [rules and regulations](#) on how (and in what formats) agencies must collect, store and archive files, for example under the [U.S Code Chapter 31 - Records Management by Federal Agencies](#). The chapter sets expectations of record management in federal agencies from general duties, to transfer of materials, to determining what is considered an illegal destruction of materials.

2) STATE & LOCAL GOVERNMENT AGENCIES

State and local government agencies must also comply with FOIA as well as Open Records Laws or Sunshine Laws. These laws determine the kinds of government information subject to disclosure and outline the required disclosure procedures and formats for electronic methods.

For a list of all current Open Records laws per state, [click here](#).

In summary, the key archiving requirements for government agencies (dependent on state) are:

- ✓ Collect both web pages and metadata

- ✓ Retain websites in their original file format (HTML or WARC, not screenshots or PDFs)
- ✓ Retain website records for seven years

3) EDISCOVERY LAWS

Governments are also subject to the Federal Rules of Civil Procedure - FRCP Rule 34(b) (1)(c), and Federal Rules of Evidence - FRE Rule 901(a) - which indicate that parties must provide proof of data integrity and data authenticity for evidence.

The FRE states that to satisfy the requirement of authenticating or identifying an item of evidence in a case, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is, bringing light to data authenticity and data integrity for acceptance by the courts.

For digital evidence like web pages, this can be achieved by using SHA-256 bit digital signatures and timestamps on all archived web pages as outlined in the eSign Act.

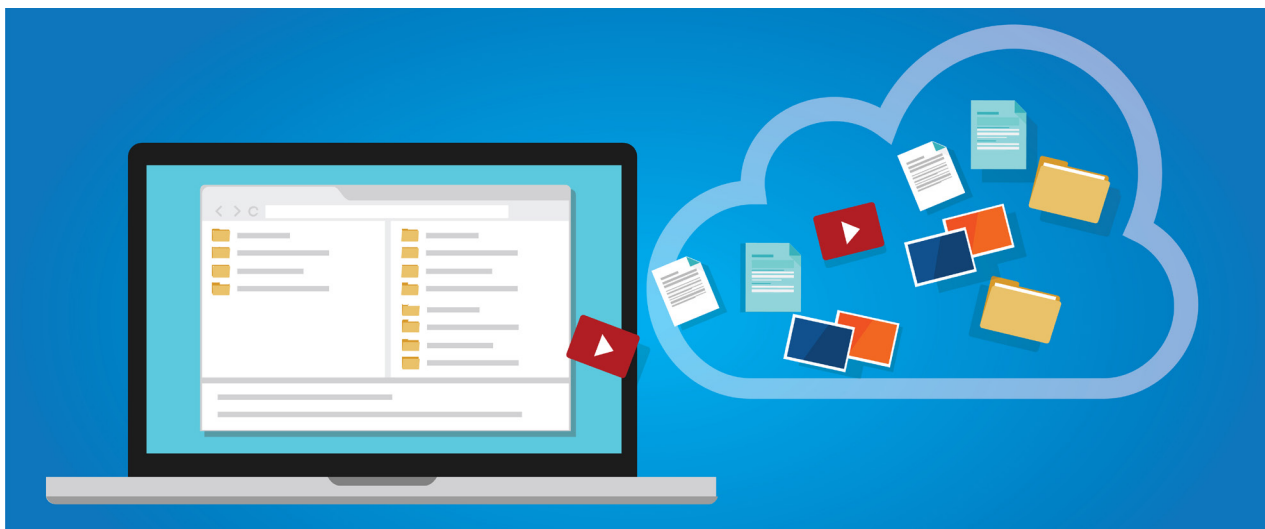
In the case of a lawsuit, several courts have not accepted simple screenshots of web pages, or website or social media digital data as legal evidence if parties were not able to prove data integrity and data authenticity of these digital files.

To satisfy these laws and meet eDiscovery laws as admissible evidence, the following advice should be followed:

- ✓ Obtain a screenshot of the web page as a visual reference
- ✓ Obtain the source code of the web page in HTML or WARC format for digital forensics analysis

- ✓ Gather the web server metadata (HTTP headers) for digital forensics analysis. This provides details on the web server collection date, time, IP address, web browser used, etc.
- ✓ Place a SHA-256 bit digital signature & timestamp using an official digital certificate on all collected files to authenticate the collected evidence ✓✓
Prepare all metadata in EDRM-XML for import in eDiscovery workflow tools

BACKUPS ≠ ARCHIVES



There are a few ways to collect and preserve your online records. Often, organizations rely on information stored in their Content Management System (CMS) (i.e - Wordpress) which runs the back-end of their websites. Platforms like Facebook and Twitter also automatically collect historical information of all accounts, making this information readily accessible (or requestable) when needed. While you might plan on using these methods to cover your bases, there are a number of shortcomings with the quality of these backups.

The invention of CMS simplified the process of creating, maintaining and updating websites, and has been the technology behind millions of modern websites for quite some time now. But, a CMS was never designed to be an archive system. Many come with version control, and some with plugins that allow you to backup your files and data; But it's key to understand that this is NOT the same as a proper archive.

The difference between backups and archives is that a backup takes periodic snapshots of data to help you recover records that get lost. Most backups are saved for a few days or weeks until they make way for new backup data to overwrite it. This works well in the short-term in the case of an emergency recovery of

data. On the other hand, **AN ARCHIVE IS A RECORD, A VERIFIABLE AUTHENTICATABLE ACCOUNT OF A PARTICULAR TIME.**

It is different to a backup in that it can give you ongoing access to business information as it once existed, for long periods of time.

An issue with regular backups is the very fact that you could look at your revision history in a CMS, find the version that was online at that time, and republish it somewhere. It's all too easy just to take a screenshot, import it into Photoshop, and make the change you want. It's for that reason that the legal system does not accept these backup versions as evidence.

With the wealth of information existing online, what's published on a website or social media account now has the same legal status as a paper record. Therefore, it needs to be protected the same way; in a manner that is unalterable, and trustable. In regulatory terms, that means adhering to the FRE (Federal Rule of Evidence) and the FRCP (Federal Rules of Civil Procedure).

WHY CAPTURING METADATA IS A MUST

"Metadata equals surveillance; it's that simple."

- Bruce Schneier

Not only is it the form of the website or social media page that must be saved to meet these laws, but all the associated data has to be saved and matched as well. In simple terms, metadata is "a set of data that describes and gives information about other data"; and in the world of digital evidence, there are four primary types:

1. Client Metadata (who collected it)

i.e Browser, operating system, IP address, user

2. Web Server/API Endpoint Metadata (where and when it was collected)

i.e URL, HTTP headers, type, date & time of request and response

3. Account Metadata (who is the owner)

i.e Account owner, bio, description, location

4. Message Metadata (what was said when)

i.e Author, message type, post date & time, versions, links (un-shortened), location, privacy settings, likes, comments, friends

Metadata can give tremendous insight into who you are, where you live, and where else you spend your time online; and it can have numerous applications, from allowing marketers to retarget you with specific tailored content, to aiding in cases from insurance fraud to IP infringement, and divorce & family matters. Metadata can help to provide extremely essential and contextual information about the when's and where's of actions related to a legal case and is key to proving data authenticity and integrity in court.

For instance, a web page reproduced through CMS revision history will not be admissible unless the

reproduced page bears a digital timestamp and signature to prove its metadata. Needless to say, lacking metadata, CMS backups and social media backups are not a viable option for companies interested in a strong records retention policy.

```
54 "created_at": "Wed Sep 28 22:38:50 +0000 2016",
55 "id": 781261916362661900,
56 "id_str": "781261916362661888",
57 "text": "We're so pleased to celebrate our 1250th customer, Lee County (FL) joining us for #!
Cheers! https://t.co/p08shgscLu",
58 "truncated": false,
59 "entities": {
60   "hashtags": [
61     {
62       "text": "SocialMedia",
63       "indices": [
64         82,
65         94
66       ]
67     }
68   ],
69   "symbols": [],
70   "user_mentions": [],
71   "urls": [],
72   "media": [
73     {
74       "id": 781261915276410900,
75       "id_str": "781261915276410880",
76       "indices": [
77         114,
78         137
79       ],
80       "media_url": "http://pbs.twimg.com/media/CteZkpiXgAAGUUV.jpg",
81       "media_url_https": "https://pbs.twimg.com/media/CteZkpiXgAAGUUV.jpg",
82       "url": "https://t.co/p08shgscLu",
83       "display_url": "pic.twitter.com/p08shgscLu",
84       "expanded_url": "https://twitter.com/PageFreezer/status/781261916362661888/photo/1",
85       "type": "photo",
86       "sizes": {
87         "medium": {
88           "w": 700,
89           "h": 463,
```

Archiving is the solution to the problem of maintaining perfect historical web records. An enduring web archive is created by capturing a digital snapshot of the content, independent of specific databases or technologies. That means the website can always be viewed in its original form and deliver the same user experience, meeting regulation requirements for authentic copies.

PAGEFREEZER ARCHIVE VS. REGULAR BACKUPS

| | PageFreezer | Regular Back-up |
|--|-------------------|-----------------|
| Full-text search | ✓ | ✗ |
| Digital signatures | ✓ | ✗ |
| Easy access to archives | ✓ | ✗ |
| Live replay | ✓ | ✗ |
| Metadata | ✓ | ✗ |
| SSAE-16 Type II complaint data storage | ✓ | ✗ |
| Accessible | Instant, 24x7 | Takes hours |
| Solution for | Compliance, Legal | IT |

Don't let an audit, lawsuit or information request damage your organization. Start protecting your website and social media properties immediately. Contact PageFreezer today and ensure you know who said what, when.

WEBSITE & SOCIAL MEDIA ARCHIVING WITH PAGEFREEZER

PAGEFREEZER PROVIDES AN AUTOMATED, COST EFFECTIVE WAY FOR GOVERNMENT AGENCIES TO MEET OPEN RECORDS COMPLIANCE REQUIREMENTS. WE MAKE IT POSSIBLE TO COLLECT, RETAIN AND REPLAY BOTH YOUR WEBSITE & SOCIAL MEDIA CONTENT IN ONE DASHBOARD, WITHOUT INVOLVEMENT FROM YOUR IT DEPARTMENT.

Working with governments since our very beginnings, we've done all the research to provide you with a solution that effectively preserves your social media and websites in a way that complies with your state's Open Records laws. PageFreezer is built to give you maximum functionality with how you archive, manage and share your digital records. Learn about some of our features:

AUTOMATIC ARCHIVING

Archive websites, social media, and enterprise social media networks automatically and in real-time so no content is missed. PageFreezer quickly makes your archives accessible in the dashboard for browsing.

NO SOFTWARE INSTALLATION

PageFreezer is an online service. No software needed to install or configure. Set up your account and begin archiving your website within an hour.

The screenshot shows the PageFreezer dashboard. At the top, there are links for 'Help', 'Settings', and 'Sign Out'. Below this is a 'Create Archive' dropdown menu with options for Website, Facebook, Workplace, Twitter, Flickr, GooglePlus, Instagram, LinkedIn, Pinterest, Tumblr, Vimeo, Youtube, Yammer, Chatter, NextDoor, and Jabber. The main area features a search bar with a 'Search' button and an 'advanced search' link. Below the search bar is a table with columns: Type, Total, New, Last Crawl, Next Crawl, and Auth. The table contains several rows of data, including 'User' entries with various counts and timestamps.

CENTRALIZED DASHBOARD

Perform all your PageFreezer functions through a web-based dashboard purposefully designed to be user-friendly. The dashboard is home to all your web,

blog and social media archives, and is the home base for performing a number of simple functions.

ADVANCED SEARCH

The screenshot shows the advanced search interface. It includes a search bar with a dropdown menu set to 'All' and a 'search' button. Below the search bar is a 'Date Range' section with two date pickers: '01/09/2017' and '15/09/2017'. There are checkboxes for 'Changed', 'Deleted', and 'Flagged'. A calendar for September 2017 is displayed, with the 15th selected. Below the calendar is a table with columns 'Type' and 'Total', showing 'Page' with a total of 359. To the right of the table, there are links for 'Crawl' and 'Auth'.

Locate your archives easily when you need them.

Either conduct a simple search using one keyword or conduct an advanced search using multiple keywords and filters.

LIVE REPLAY/BROWSING OF ARCHIVES

Easily browse your archives in the dashboard by date, type, and network. Sift through results displayed in the same look and feel as the original network, as existed on specific dates.

TRACK CHANGES & DELETIONS

The screenshot shows a social media post from John Doe, dated 08 February 2017, 11:23AM. The post text reads: 'Claim your copy of "The Rise of Enterprise #SocialMedia Networks", our new report featuring @gartner research here http://bit.ly/2k5t1pt - featuring a comprehensive research note from Gartner "The Future of Social Software in the Workplace"'. Below the text is a thumbnail image of a person standing in front of a large screen displaying the title 'The Rise of Enterprise Social Media Networks'.

Pinpoint exact changes and deleted messages in your archives. PageFreezer indicates all changes in the user interface even if they occurred immediately

after posting. Text changes are highlighted in red (removed) and green (added).

SOCIAL MEDIA KEYWORD MONITORING & ALERTS

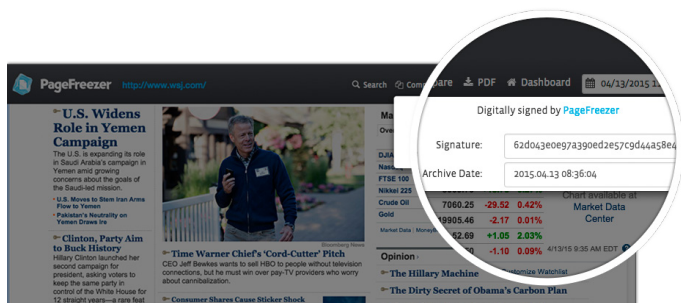
Monitor your social media channels and sign up for alerts. Customize a list of relevant keywords, text patterns, number patterns and regular expressions, and get notified by email when they are used on one or all of your social media accounts.

DATA EXPORTS

Share your archives with others by exporting custom reports of your archives in PDF, Excel, CSV or CSV straight from the PageFreezer dashboard. PageFreezer also offers WARC and JSON formats by request.

DIGITAL SIGNATURES

Prove data integrity and authenticity of your data with PageFreezer's SHA-256 bit strong digital signatures on each archived page or post. This technology adheres to the guidelines described in the FRCP and the FRE.



TIMESTAMPS

Prove your data was collected at a specific time. PageFreezer stamps each archived page with an RFC 3136 compliant Time Stamp Authority securely synchronized with the certified atomic clocks of a Stratum-1 Time Server. This timestamp cannot be altered without detection, providing true evidence of the time of capture.

ANALYTICS REPORTING

View detailed metrics for the accounts you archive and gather better insight into your online activity. Generate custom visual reports using keywords, date ranges, and filters that can be exported in PDF or spreadsheet format for sharing with others.

USER, GROUP AND ROLE MANAGEMENT

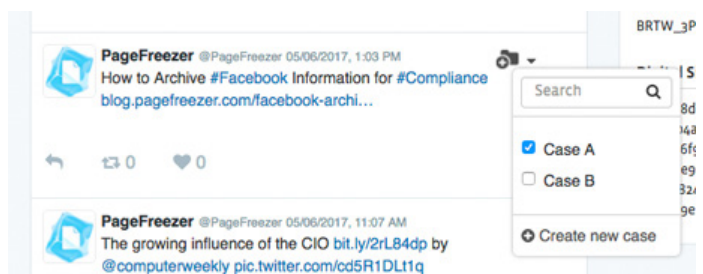
| General | Advanced | Access |
|------------------|-----------------|--------|
| Group | | |
| Dev | | |
| Intern | | |
| - Select Group - | | |
| Dev | | |
| Hr | | |
| Designer | | |
| Intern | | |
| Access | | |
| | admin | |
| | public | Remove |
| | - Select Role - | Remove |
| | Super User | |
| | Admin | |
| | Public | |
| | Legal Case | |

Use group, user, and role management features to set permissions, assign tasks, limit access, or flag and remove posts and comments as a team.

LONG-TERM STORAGE ON WORLD CLASS DATA CENTRES

Store and protect your data long-term with PageFreezer's world-class SSAE16 SOC1 & SOC2 and ISO 27001 certified data centers.

LEGAL HOLDS & CASE MANAGEMENT

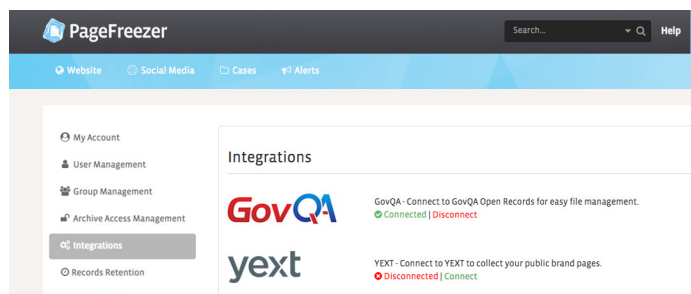


RETENTION SCHEDULES

Clean up your data easily by setting up your retention schedule in the PageFreezer dashboard and purging your data after that period of time.

OPEN RECORDS MANAGEMENT

Streamlines the management of open records requests. With the option of organizing archives into cases, you can collect, export and share cases with third parties or other government integrations like GovQA.



PUBLIC PORTAL

Make your website and social media archives searchable by external government communities through PageFreezer's customizable public portals.

WHAT OUR CUSTOMERS HAVE TO SAY

"We wanted a solution that was both easy to use and was extensible, and while there are other social media archiving solutions out there, we didn't come across another other than PageFreezer that did both social and web archiving, and did them both well. We have a peace of mind knowing that if/when we receive an Open Records request, we have PageFreezer to nip that problem in the bud and quickly pull up the request."

Jamie Klenetsky, Digital Media Manager
County of Morris NJ

"The City of Sacramento had discussed web archiving for some time and realized that the tools we were relying on were not sufficient to meet the requirements. When social media became a mainstay of the City's business communication model, we developed a social media policy which required appropriate archiving of "official city accounts". The best thing about the PageFreezer solution is that we know that we are as compliant with the law as possible. We are able to meet the expectations of our City policy without requiring our staff to do any extra work in capturing and managing the archived data. The ease of use is also a plus for our Transparency initiative where we continue our commitment to 24/7 access to as much data as practicable."

Dawn Bullwinkel, Assistant City Clerk/Special Projects
The City of Sacramento

"In reality websites have so much more than a document or photo on them, even though you like to think website and social media content is duplicated elsewhere, a lot of the time it's not. It's good to know you are able to track everything that can be requested at any time for any reason. As we start to roll out Twitter, Facebook and a blog next, we are glad we discovered PageFreezer."

Christine Calton, Records Manager
Central Utah Water Conservancy District

ABOUT PAGEFREEZER

PageFreezer is a leading provider of website and social media archiving solutions to a wide range of industries including finance, legal, telecom, retail, utilities, government and post-secondary education. PageFreezer is a SaaS (Software-as-a-Service) application that enables organizations and corporations of all sizes to permanently preserve their website and social media content in evidentiary quality and then access those archives and replay them as if they were still live. Uses for the archived data range from compliance with regulators such as the SEC, FINRA and the FDA to litigation preparedness, evidence capture, call center support and competitive intelligence.

Based in Vancouver, British Columbia, PageFreezer Technologies is a privately held firm that is owned and managed by a successful team of software veterans. The company was founded in 2006 and has been operating in Europe and North America since 2010. With a rapidly expanding customer base and the most comprehensive website and social media archiving solutions available, PageFreezer is the premier provider of archiving services for online content to companies throughout the world.

Start Archiving Your Website & Social Media Content
for Seamless Compliance

[Contact PageFreezer and Schedule a Free Demo](#)

Disclaimer

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