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OVERVIEW OF THE INTERGRATED APPROACH
TO DATA MANAGEMENT, SECURITY,
LITIGATION READINESS AND EDISCOVERY

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I. OVERVIEW OF INTERGRATED APPROACH TO DATA MANAGEMENT, SECURITY, LITIGATION READINESS AND EDISCOVERY

- A. Team of Lewis Brisbois Bisgaard & Smith LLP (“Lewis Brisbois”) and Data Management, Security and eDiscovery Consultant (“DMSeDC”)
- B. Data should be handled as a continuum moving from left to right rather than in silos
 - 1. Data retention/management/governance/compliance
 - a. Identify and protect vital records
 - b. Manage the data life cycle (active, inactive, regulatory retention and compliant destruction)
 - 2. Data security
 - a. Administrative
 - b. Physical
 - c. Technological
 - d. Incident Response Plan
 - 3. Litigation readiness
 - a. Litigation hold notifications and monitoring
 - b. Preservation
 - 4. eDiscovery
 - a. Collection
 - b. Cost effective processing
 - c. Cost effective review
- C. Cost effective solutions adopted on the left side of the continuum will produce additional savings as you move right along the continuum
 - 1. Shrinking the data footprint:
 - a. By narrowly defining business records not only means there is less to store for extended periods resulting in a measurable ROI almost instantly and continuing indefinitely
 - b. Reduces the data to be filtered when mining business records for answers to customer, compliance, personnel, etc. questions more quickly at less cost, although measuring the ROI is somewhat subjective

- c. Means there is less to backup for disaster recovery purposes allowing for less backup media and an instant, measurable ROI and continuing indefinitely
- d. Means there is less data to secure which will measurably reduce the cost of monitoring logs and other intrusion detection solutions immediately and continuing indefinitely
- e. Means there is less to preserve if litigation is anticipated, which means implementing legal holds is more expeditious and less costly, although measuring the ROI is somewhat subjective
- f. Means there is less to collect, process and review if eDiscovery occurs and the ROI on reduced gigabytes collected, processed and reviewed is immediately measurable

II. INFORMATION GATHERING

- A. General, including but not limited to: (Lewis Brisbois supported by DMSéDC)
 - 1. Number of employees
 - 2. Number of employees with email accounts
 - 3. Annual turnover
 - 4. Departing employee checklist (what is done with email account, mobile devices, computers)
 - 5. Number and location of offices/facilities
 - 6. List of outsourced IT services
- B. Interviews of Critical Custodians and Managers (Lewis Brisbois supported by DMSéDC)
- C. Document Gathering (Lewis Brisbois supported by DMSéDC)
 - 1. Records Management Policies/Schedules
 - 2. IT Policies and Procedures
 - 3. Data Security Policies
 - 4. Litigation Readiness and eDiscovery Policies
 - 5. Other policies and schedules relating to Records Management and IT
- D. Understanding Infrastructure (DMSéDC to lead this phase with IT)
 - 1. Number/location/purpose of physical servers
 - 2. Data center location(s) and provider(s)
 - 3. Tape/archival/backup schedule, rotation inventory

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4. Number of mobile devices in the field
 5. Number and location of desktop/laptop devices
 6. System/Data Map
 7. Operating systems
 8. Loose media (e.g., external and internal hard drives, CD, thumb drives, etc.) in storage and in use
 9. Connectivity to the network (e.g., VPN, Citrix, etc.)
 10. Security firewalls, passwords, encryption, data loss prevention, logs
- E. Understanding Core Applications (DMSeDC to lead this phase with IT)
1. Corporate email
 2. HRMS System(s)
 3. Lotus Notes database inventory
 4. Non-Lotus Notes structured database systems/application inventories
 5. Sales/CRM System(s)
 6. Finance/Accounting System(s)
 7. Logistics/Driver Management System(s)
- F. Given the importance of certain departments, a more comprehensive information gathering will be supported by more detailed policies and procedures
1. Understanding Claims and Legal (Lewis Brisbois supported by DMSeDC)
 - a. Annual Budget
 - b. Two year historical spend
 - c. Number of active matters/current litigation portfolio
 - d. eDiscovery response plan
 - e. eDiscovery case specific repositories
 - f. Security Incident Response Plan
 - g. Security Incident Response Team

2. Understanding Accounting, Finance and Payroll (Lewis Brisbois supported by DMSeDC)
 - a. Identify supporting software systems and/or vendors
 - b. Document high-level data flows throughout internal financial systems
3. Understanding Fuel and Maintenance (Lewis Brisbois supported by DMSeDC)
 - a. Identify high-level data flows through internal systems
4. Understanding Information Technology (Lewis Brisbois supported by DMSeDC)
 - a. System mapping
 - b. Data flow mapping
 - c. Document system interdependencies
 - d. Identify third party vendors and document their roles
5. Understanding Human Resources (Lewis Brisbois supported by DMSeDC)
 - a. Identify supporting software systems and/or vendors
 - b. Document high-level data flows throughout the systems

III. ASSIMILATE INFORMATION GATHERED (LEWIS BRISBOIS SUPPORTED BY DMSeDC)

- B. Apply Generally Accepted Records Keeping Principles ("GARP")
 1. Accountability
 2. Transparency
 3. Integrity
 4. Compliance
 5. Protection
 6. Availability
 7. Retention
 8. Disposition
- C. As a result, the team will identify:
 1. Mission critical business records

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2. Business records having a current business purpose
 3. Redundant, obsolete and trivial ("ROT") data and propose its disposition

IV. PREPARE A DISCUSSION DRAFT OF THE INFORMATION MANGEMENT POLICIES/PROCEDURES/ RECOMMENDATIONS (INFORMATION MANAGEMENT/DATA SECURITY/LITIGATION READINESS) (LEWIS BRISBOIS SUPPORTED BY DMSEDC)

- A. Key Departments
 1. Claims and Legal
 2. Accounting, Finance and Payroll
 3. Fuel and Maintenance
 4. Information Technology
 5. Human Resources
- B. Other Departments for which a more generic program should suffice
- C. Deliverables
 1. Document retention and destruction policies
 2. Legal/litigation hold policy
 3. Social media policy
 4. BYOD policy
 5. Security policy
 6. Privacy policy
 7. Incident Response Plan

V. ROUND TABLE DISCUSSION DRAFT MATERIALS WITH MANAGEMENT (LEWIS BRISBOIS SUPPORTED BY DMSEDC)

- A. Determine what proposed changes are supported by Management (Accountability, Transparency and Compliance)
- B. Confirm feasibility of proposed changes (Integrity, Protection, Availability, Retention and Disposition)

VI. ASSIMILATE INFORMATION AND PREPARE FINAL DRAFT FOR APPROVAL (LBBS SUPPORTED BY DMSEDC)

- A. Perform steps identified in III and IV above to finalize deliverables

VII. OBTAIN FINAL APPROVAL OF MATERIALS (LEWIS BRISBOIS)

- A. Perform steps identified in V above

VIII. ROLLOUT AND TRAINING (LEWIS BRISBOIS)

- A. Deliver final product
- B. Work with Information Technology and Human Resources to provide training and training materials

IX. ADDRESS FOLLOWUPS (LEWIS BRISBOIS)

- A. Evaluate roll out and training and identify areas for improvement (Gap Analysis)
- B. Periodic audits to test compliance with adopted procedures and protocols (Outside current scope)
- C. Updated training (Outside current scope)

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