

DEFENSIBLE DELETION CASE STUDY

Getting Your House In Order

Defensible deletion creates solid savings out of intangible data

Challenge: A \$5 billion dollar manufacturing company with ~5000 active mailbox accounts in offices across the country did not have enforced policies around information management, legal holds and data deletion. They realized they needed a process to delete data defensibly.

Solution: DSi mapped all their data, helped them set up and implement new systems, took over managing and deleting data and ensured security and defensibility.

The First Wake-Up Call

Our client had been in business for longer than eDiscovery had been a thing, handling occasional legal matters internally. With many offices nationwide, the company was keeping a considerable amount of records for legal hold purposes. After an impossibly tight deadline to collect, search and produce thousands of documents, our client knew it needed an eDiscovery makeover.

In 2008, a judge ordered the corporation to search ALL the company's computers, servers and other devices to find any and all documents that contained a certain keyword phrase that was, unfortunately, very common and broadly used among its thousands of employees in dozens of offices. The amount of time and money required to fulfill that judicial order was a wake-up call – over seven figures spent in a matter of weeks. It forced our client to take a look at its information management (IM) and data deletion policies and find a better way of doing things.

Making Changes

The first thing our client did was to change its collection methods. In the past, it had let outside counsel pick which vendors it used – meaning it faced big data discovery cost challenges with little control. So, to maintain control of its data, our client purchased software from a technology vendor that would allow it to collect its own data internally.

Over the next two years, the company built on the software purchase by outlining and layering processes to better streamline and manage its litigation hold system, preservation efforts and other eDiscovery needs.

These new methods and platforms meant devoting staff and resources to overseeing the lit holds, collecting data and deleting old files, at least on a part-time basis.

Things seemed to be going well until a regulatory matter required a hold on virtually all files within the company. The corporation's policies for litigation holds and eDiscovery were tested.

The Second Wake-Up Call

This new regulatory matter brought to light two issues in the company's processes:

1. The IT department had not been deleting data as instructed once a case closed. As a result, terabytes of data were piling up – data that the legal department was not aware of, but for which our client was still legally liable.
2. Data was not being collected from all employees who *left the company*. There were no legal issues related to this oversight, but recognizing it allowed our client to zero in on the problem before it became a much larger one.

So, though the corporation had some processes and technology in place and some employees dedicated to eDiscovery at least part-time, without expertise in data management, things were still slipping through the cracks. The challenge was this: The company lacked an up-to-date inventory of what data it had, where it was stored or who had access to it.

DSi Came Up With a Plan, and It Started With “Defensible Deletion”

A defensible deletion policy is a means to eradicate extraneous data from a company's servers, devices and archives. It prevents the collection of large stockpiles of data by setting time limits to how long non-essential files are kept.

When our client came to us, it needed us to do two things:

- 1) Inventory all its data, and
- 2) Delete data it didn't need.

Inventorying, or mapping, data takes time and money. It's not something you can rush because all subsequent analysis will be based on it. It involves locating each piece of data, determining where it lives, which are duplicates and who has access to it. For our client, our team categorized every computer image by custodian and by case so that the corporation knew what was under hold, what hold(s) had been lifted, what had been marked to be deleted but wasn't, and with what cases the data was associated. Our client was determined to get its house in order – and DSi was able to help it do just that.

The data mapping took place over 16 months, in part due to active court cases that were winding up. Once done, DSi suggested creating a defensible deletion policy, and helped the corporation outline it and implement it – which spurred a lot of changes at the company.

In addition to the data mapping, the policy outlines how to preserve the data the company needs – especially those items under a legal hold – and sets up defensible rules for what data to delete and when. Our client's new deletion policy stirred things up, requiring alterations and care to how each employee handled data, but ensured consistency within the company and credibility in court.

For example, the corporation is implementing a new email deletion policy whereby employees are to archive email messages within 90 days or they will be deleted. These emails won't be archived on individual computers – they will be kept on company servers where employees still have access, but the company has ultimate control. Sure, it will take some getting used to, and our client is working with its employees to get buy-in for the new processes, but the benefits to the company will be significant.

Key to the process is the custom legal hold database we created and are maintaining that houses the index of every custodian image taken. The scalable system allows us to easily create cases as they arise, add custodians, copy images, monitor progress and more. It's also easily searchable, so we can look up keywords or people and see if they are associated with any open matters. From a deletion standpoint, the system tells us what data is associated with closed matters – and then we can securely and defensibly delete it with the push of a button.

After the time invested in data mapping and analysis, **DSi identified and defensibly deleted 70 terabytes (TB) of extraneous and unnecessary data.**

To get an idea of how much data that is – and how it impacts a business – let's look at it in three ways:

STORAGE:

The company was spending approximately \$30,000 per month for high-speed storage to house their litigation data. Deleting 70 TB of data **saved our client about \$360,000** in storage costs.

If that data were properly backed up at a co-location for security, which would cost another \$350,000 per year, the savings would total **about \$700,000** during year one. And after three

years, with the backup cost savings accumulating over time, the savings would total **\$1.3 million** in storage costs.

EXPOSURE:

If our client had continued to maintain and delete all of its data internally, there would still be a high probability that a percentage of the data could be accidentally and incorrectly kept. That data could then be brought into a lawsuit. Even if just 1.5% of that data was kept and pulled into a legal matter, the processing, culling and review of 1.05 TB of data **would cost between \$250,000 and \$500,000**. Because DSi is overseeing and managing the process, the risk that comes with self-management is all but nullified.

SECURITY:

70 TB of data is equivalent to approximately **260 million documents (or 2.5 Library of Congresses)**. In a security breach, you don't want extraneous data sitting on your servers waiting to expose information about your company or inconvenience your customers.

With DSi's help, as an executive at the company put it, "We began to feel like we could put our hands on some solid savings."

The Next Step

Given the positive results, DSi was subsequently engaged to store and maintain all of the corporation's remaining legal hold data for them. Now, if a legal matter arises and the company needs to hold data – even based on a criterion as narrow as a single person – it can be done quickly and efficiently.

Our maintaining all of the corporation's legal hold data has also produced other benefits. For example, our team now handles the company's data management and deletion, ensuring that its information management policy is carried out – a service that expands our reach in the eDiscovery industry. We also now have the ability to quickly respond to discovery needs and reuse data as applicable. Additionally, we have put in place disaster recovery measures in case the data is lost somehow. Now, our client has a defensible, in-depth process for managing their data all the way from collection through review.

Conclusion

- ▶ Defensible deletion reduces costs, saves time and unnecessary collection/processing and minimizes risk.

- ▶ Keeping all your data is a drain on resources and opens up the company to liability.
- ▶ Establishing a deletion policy is a defensible way to delete data and reduce risk.
- ▶ Rollout and implementation of a defensible deletion policy must be announced company-wide and followed by everyone.
- ▶ Organization and management are keys to getting your house in order when it comes to the data your company generates.