



Office of Financial Management

eDiscovery

Hold Notice Response Plan

(Work in Progress)

March 2007

eDiscovery Data Source Inventory

For each data custodian collect the following information:

1. Data Custodian Name
 - a. Name and Job Title
 - b. Organization and Contact Information
 - c. Employment Status
2. Data Collection Approach (e. g. Interview or something else)
3. Data Custodian Network Configuration
 - a. Domain Account ID
 - b. Location of Personal Folder (Windows Assumed)
 - c. Location of all network shares or mapped drives
4. Data Custodian Data Sources with Case Records, Documents, or Data
 - a. List of all shared areas on the Agency network that contain case records, documents, or data
 - b. List of all removable media (CD, DVD, Pen Drive, etc.) in the control of the Data Custodian that have case records, documents, or data
 - i. Media Title or Name
 - ii. Media Location
 - iii. Media Type and/or Format
 - iv. Media Purpose
 - c. List of all case records, documents, or data that may be on other computers owned or controlled by the Data Custodian (e. g. home computer)
 - d. List of all Agency systems that have case records, documents, or data
5. Data Custodian Agency Assigned Computer(s)
 - a. Agency computer name
 - b. Type of computer (Laptop, Desktop, etc.)
 - c. Computer disk unit(s) size and type
 - d. List all case specific records, documents, or data that is stored on the local computer disk.
 - e. List all local .PST files found on the computer
6. Data Custodian Email
 - a. Agency email server and data store location
 - b. Email address(s)
 - c. Locations and use of .PST files
7. Data Custodian Mobile Device Use – List all mobile devices such as PDA, Blackberry, Agency Issued Cell Phone, MP3 Player, or any other device that could contain case related electronic information.
8. Data Custodian Voice Mail System – List all voice mail systems used
9. List all Backup and/or Archive Storage Systems and Methodologies used

eDiscovery General Hold Notice Response Process

Step	Responsible	Action	Task	Outcome
1	OFM and AGO Legal Team	Establish the preliminary scope and subject matter for hold notice.	1) Collect list of names involved in case (Data Custodians) 2) Establish preliminary subjects for data identification and instructions for named data custodians	Preliminary scope of the hold notice is established
2	OFM Legal Team and OFM ISD Assistant Director	Inform OFM ISD of the Hold Notice and data subjects	Meeting of OFM Legal Team and ISD management to: 1) Review/assign roles and responsibilities for implementing the IT Hold Notice Response Process 2) Review standard data preservation plan to see if any adjustments are necessary - including standard list of potential data sources and the questionnaire used to interview each named data custodian	Clear marching orders for OFM ISD management to implement the IT Hold Notice Response Procedures
3	OFM Legal Team	Issue formal Hold Notice to the Agency involved parties.	Send message to involved parties to refrain from adherence to destruction policies for broad definition of data to preserve.	Moment the process begins
4	OFM ISD Assistant Director	Assign OFM ISD management level person to be in the role of "Electronic Data Collection Coordinator" for the case.	Provide the assigned Electronic Data Collection Coordinator the details of the case and give them clear marching orders to implement the IT Hold Notice Response Procedures	Someone is responsible for the planning preservation and collection efforts and work begins.
5	OFM ISD Electronic Data Collection Coordinator	Ensure secure storage areas for applicable electronic data are established for the case	1) Plan and, if appropriate, build case folder structure following accepted general guidelines and Checklist Template for holding unstructured electronic documents 2) Establish a voice mail hold area 3) Establish a Email hold area 4) Develop instructions on how to use these areas for people involved in the case	1) Case electronic records storage areas are setup 2) Logging data collection efforts begins
6	OFM and AGO Legal Team	Strategically refine scope of records and means of preservation and production.	1) Revise subject areas and records to preserve based upon current knowledge and legal input. 2) Collaborate towards legal and practical decisions about measures for preservation and gathering of records given the needs of the case at hand.	Strategically refined search terms and measures for preservation and assembly of records.
7	OFM Legal Team	Follow up on initial hold notice to affected individuals, identifying specific steps to take for preservation.	Send message to involved parties. 1) Include instructions for using the electronic record storage areas 2) Message should include overview of key process steps 3) Message should identify who is in the role of Electronic Data Collection Coordinator	Begin collection of data with the benefit of strategic decisions to refine preliminary hold.
8	OFM Legal Team and Electronic Data Collection Coordinator	Review the instructions for use of the areas setup for collecting electronic data related to the case	1) Meeting to review and document decision to proceed with Data Collection Interview 2) Draft message to Agency involved parties	Consensus on structure of data hold areas and instructions to be given to the Agency involved parties
9	Electronic Data Collection Coordinator	Complete the Data Collection Interview with all named staff as soon as possible	For each person named in the scope of the case: 1) Schedule an interview to complete the checklist 2) Document the findings 3) Communicate exactly what we will be doing with this persons data and answer any questions they may have.	1) Completed interview notes 2) Data collection underway 3) Data collection log entries completed
10	Electronic Data Collection Coordinator	Develop preliminary data collection plan	Draft plan document and electronic review with OFM Legal Team and ISD Management	Preliminary data collection plan completed
11	Electronic Data Collection Coordinator & OFM Legal Team and AGO	Analyze results of the interviews	Meeting to adjust scope and/or data collection plan if necessary	Data collection plan completed and clear direction to the Electronic Data Collection Coordinator to proceed with data collection
12	Electronic Data Collection Coordinator and IT support staff	Collect electronic data sources following the data collection plan	1) Copy snap-shot of each persons personal Folder (I Drive, Local Drive) or pertinent portions of that drive, Inbox, and Shared Work Area TECHNOLOGY TO USE: Local Drive = Ghost Network Storage = RoBo Copy Inbox = ExMerge 2) Inform OFM Legal Team upon completion	1) Snap-shot data collection completed. 2) Disaster Recovery backup of the data collection has been made. 3) Data is on-line and on backup tape at this point. 4) Snap-shot process is complete
13	Electronic Data Collection Coordinator & OFM Legal Team	Develop on-going data collection plan	Draft plan document and electronic review with OFM Legal Team and ISD Management	Monitoring Plan completed
14	OFM Legal Team and Electronic Data Collection Coordinator	Monitor on-going data collection efforts performed by involved parties	Involved parties are using the copy areas identified in the hold notice.	Tracking as needed.

eDiscovery Data Custodian Interview Questionnaire

Name of Evidence Custodian		Name of the person being interviewed
Date of Interview		
Location of Interview		Interview must occur in the location where the persons workstation is located.
Item	Question	Answer
1	Personal Folder Location	This would typically be either an "I" drive or local drive location for the "My Documents" folder. Interviewer should look at the local drive to see if other user profiles exists and if non-standard folders exist.
2	Relevant records, documents, or data in any Shared Folder Areas?	This would typically be one or more mapped drives and/or "My Network" shares. Interviewer needs to list all of these - best to use a screen snap-shot to document this.
3	Relevant records, documents, or data on any removable media?	Note the answer to the question. If the answer is yes, then a list of these devices needs to be made that includes their current location and use.
4	Any OFM/GOV data on any non-OFM issued computer?	Note the answer to the question. If the answer is yes, then a list of these devices needs to be made that includes their current location and use.
5	Workstation Name	Document the OFM or GOV computer name
6	Type of Workstation	This should be laptop or desktop and model number - will cross-reference to the Track-IT asset inventory
7	Hard Disk Size	Use the "My Computer" screen to answer this questions. Note max size and used size of all hard drives in the workstation
8	Does the local Hard Disk(s) contain relevant records, documents, or data?	This is a "Yes / No" question.
9	Locations of .PST files	The interviewer should perform a search for all ".pst" files on all hard drives. Use a screen snap-shot to document results. If more then one .pst is located prepare a list and document the purpose of each .pst file that is found.
10	Do you use a Blackberry? If yes, is there any OFM/GOV data on it?	This is a "Yes / No" question.
11	Do you use a PDA? If yes, is there any OFM/GOV data on it?	This is a "Yes / No" question.
12	Do you use a cell phone (personal or OFM/GOV issued) for work? If yes, is there any OFM/GOV data (Voice mail, text messages, phone numbers) on it?	This is a "Yes / No" question.
13	Do you use a iPOD or other MP3 player? If yes, is there any OFM/GOV data on it?	This is a "Yes / No" question.
14	Do you have relevant records, documents, or data in any OFM managed application system?	Note the answer to the question. If the answer is yes, then a list of these systems should be made that includes a description of the types of records the system contains.
15	Do you have relevant records, documents, or data from the previous person who held your job?	Note the answer to the question. If the answer is yes, then identify the locations of this data
16	Is there anyone else who may have relevant records, documents, or data that reflect your role in this case?	Note the answer to the question. If the answer is yes, then identify these individuals and the nature of relevant records, documents, or data that may be in their possession.
Name of Interviewer		
Date Completed		
INSTRUCTIONS: This document to be completed at the time of the interview		