



Policy Type: Administrative

Category: Information Technology

Sub-Category: Information Management

Policy Name: Email eDiscovery Policy

Policy Owner: Technology Services and Solutions

Policy Purpose

This policy identifies who is responsible for each phase of the eDiscovery process and explains how to accomplish the first four phases of the process.

Policy Summary

Background

The eDiscovery process involves the identification, preservation, collection, processing, review and production of Electronically-Stored Information (ESI) to comply with legal requirements arising out of anticipated and/or actual claims and litigation.

Scope

This policy is limited to the identification, preservation, collection and processing phases of eDiscovery involving mailbox-related information in response to a request from an attorney in the Office of the County Counsel (CCO). The policy does not address in detail the review and production phases, which are handled solely by the CCO.



The first four phases of eDiscovery of mailbox-related information.

Identification

The eDiscovery process begins when CCO submits to the County Cyber Security team a request form seeking eDiscovery of mailbox-related information. The Email eDiscovery Request Form should include as many details as possible to narrow the search for responsive information. The minimum search parameters include:

- 1) Search Start Date: The first date to include in data searches.
- 2) Search End Date: The last date to include in data searches.
- 3) Limit Search: The specific search criteria provided by the requester are critical to locating the requested information. By default, all mailbox functions including email folders, calendar, tasks, notes, journal, contacts and Skype conversations will be searched. The requester may limit the mailbox functions to be searched.
- 4) Other Criteria: Other search criteria may be utilized as appropriate. This should include the email accounts to be searched and any keywords.

Preservation

The ISD administrators are responsible for preserving all mailbox-related ESI identified during the identification phase. The length of the preservation will be set according to the preservation and review period indicated on the request form.

ISD administrators will execute a hold on all information identified in the request form within 24 hours of receiving the request. The hold will remain in place for the specified preservation and review period. However, ISD will review all existing holds on an annual basis with requesters to determine if those holds should remain in place.



Note: A hold will be applied from the original search start date, and will be applied to any new information that is collected when an ongoing search end date is specified. If a fixed search end date is specified, no information will be collected past that date.

Collection

ISD will perform searches and locate all mailbox-related information (including, but not limited to, emails and attachments) that falls within the criteria that CCO specified in the identification phase.

The time required to complete the search will depend on the criteria and the amount of data collected. If the search criteria are broad, it will take longer to complete the search.

Processing

All data found as part of the collection process will be copied to a read only PST results file (.pst). Both the reviewer and the requester will be sent copies of that results file. Initial searches will normally be completed within 48 hours of a search request being received.

Procedures

See the Requesting Email eDiscovery document. The Requesting Email eDiscovery document can be found online at [\[url\]/sites/policies/FormsrelatedtoPolicies/Email-eDiscovery-Request-Form.pdf](#).

Definitions

For the purposes of this policy, the following definitions apply:



- 1) **“ESI”** is an acronym for Electronically-Stored Information, which is any form of data that can be stored electronically. For a fuller definition, see [Board Policy 3.56](#).
- 2) The **“Cyber Security team”** is the team that is concerned with security of all ESI. The email address for the team is: o365-iso-cco_request@sccconnect.onmicrosoft.com.
- 3) The term **“ISD administrators”** refers to the team within the Information Services Department (ISD) that manages Office 365 and other core applications. The email address for the team is: sccadministrators@isd.sccgov.org.
- 4) **Participants:** The following people will participate in the email eDiscovery process as it relates to mailbox-related information:
 - 4a) **Requester:** The requester is responsible for the identification phase. Only attorneys from the CCO can submit requests for mailbox-related eDiscovery.
 - 4b) **Reviewer:** The reviewer is a person approved by the requester to examine the data supplied by ISD in response to the request for mailbox-related eDiscovery. The reviewer is responsible for the review and production phases. The reviewer can be the same person as the requester.
 - 4c) **Cyber Security team:** This team will confirm that CCO is the source of the request before passing the request on to ISD administrators.
 - 4d) **ISD administrators:** The ISD administrators are responsible for the preservation, collection and processing phases.



Related Policies

- E-Mail Policy - Board Policy 3.36 - <https://saecommon.sccgov.org/countypolicy/Board-Policy-3.36-E-Mail-Policy.pdf>
- Litigation Hold Policy - Board Policy 3.56 - <https://saecommon.sccgov.org/countypolicy/Board-Policy-3.56-Litigation-Hold-Policy.pdf>

Related Forms and Information

- Email eDiscovery Request Form - [\[url\]/sites/policies/FormsrelatedtoPolicies/Email-eDiscovery-Request-Form.pdf](#)
- Email eDiscovery Process Flowchart (Image) - [\[url\]/sites/policies/FormsrelatedtoPolicies/Email-eDiscovery-Process.PNG](#)
- Email eDiscovery Process Flowchart (Visio) - [\[url\]/sites/policies/FormsrelatedtoPolicies/Email-eDiscovery-Process.vsd](#)

History

Date	Changes Made
6/13/2017	Form and Policy Updated. (Kyle Larson)
1/12/2017	Updated Form and Email for Cyber Security Team. (Kyle Larson)
12/12/2016	Policy Uploaded. (Kyle Larson)
12/12/2016	Policy Adopted.