

Client eDiscovery Interview Outline

Document Retention Policy

What is the document retention policy? (obtain a copy)
Who is the person responsible for implementing the policy?
How is the policy implemented?
Is the policy followed?

E-Mail

Who is person responsible for administering the e-mail systems?
What types of e-mail systems are used?
What types of e-mail servers are used?
Are e-mail services centralized?
If not, where are mailboxes of relevant custodians stored?
Can users access their e-mail remotely?
How long does e-mail stay on the servers?
What are the individual mailbox size limits?
What is the approximate amount of data per custodian of interest?
How is email backed up?
Daily? Weekly? Monthly?
Where are the archives stored?
How long are the archives maintained?
On what media?
Is the backup data accessible?
Is the backup data text searchable?
Is the backup data separable by custodian?
Is there a disaster recovery plan in addition to the backup procedure?

PCs and Laptops

Who is the person responsible for operation, maintenance, and upkeep of workstations?
What operating system(s) do the workstations run on?
How many employees use PCs? Laptops?
If the organization does not support laptops, do custodians use personal laptops?
Do any custodians use home computers for business purposes?
Can custodians access the network remotely?
Is there a protocol for transferring files to and from laptops and home computers?
How is data stored? Locally? Shared drive? Database (*e.g.*, Desksite)?
-note: Sampling of custodians may be needed to determine the particular practice at the organization. The IT person should know about shared drives but likely will not know about the preferences of individual users.
How big are the hard drives on the machines of interest?
What is the estimated amount of data per custodian of interest?
How are user workstations backed up?
Daily? Weekly? Monthly?
Where are the archives stored?
How long are the archives maintained (*i.e.*, what is the rotation period)?

Is there some regulatory or other duty to maintain data?
On what media?
Is the backup data accessible?
Is the backup data text searchable?
Is the backup data separable by custodian?
Is there a disaster recovery plan in addition to the backup procedure?

Backup Tapes

What backup software packages and versions were used?
Was a rotation schedule followed?
What type of tape was used (*e.g.*, QIC, DAT, DLT)?
Do the tapes contain e-mail or file server data?
What are the data ranges for the tapes?
What are the custodians for the tapes?
Was an established tape-labelling protocol followed?

Other Media

Do custodians store data on other media (*e.g.*, USB drives, Zip drives, DVD, CD, Floppy, removable hard drive)?
-note: Sampling of custodians may be needed to determine the preferences of individual users.
How is this media stored, tracked, and labeled?
Do custodians backup their own data?

Databases

What types of database server systems and client programs currently in use?
What are the names of database software used?
Are there standard reports prepared from the databases?

Legacy Systems

Are there legacy e-mail, file handling, file storage, voicemail, or database systems?
How is this data stored?
Is the system active or archived?

Voice Data

What voicemail system is in use?
Where is the voicemail data stored?
Can users store messages locally? For how long?
Is voice data backed up? If so, how?

PDA's (*e.g.*, Blackberry, Palm, IPaq, Treo, iPod) and Cell Phones

Does the organization support any of these devices?
Are the devices supplied by the organization?
Is the same data stored on the device stored on shared drives at the organization?

Instant Messaging (IM)

Are instant messages/network traffic stored by the organization?

If so, why (*e.g.*, is there a regulatory reason)?

Where is this data stored?

Is it backed up?

Do users activate logging such that such traffic is stored locally?

-note: need to sample custodians as to preferences as individual users control whether these messages are stored. The default is that they are not stored.