Huron Consulting Group

Data Mapping Concepts

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Topics for discussion

- FRCP rule changes
- Types of data effected
- Benefits of data source mapping
  - Pre-litigation readiness
  - Matter specific
  - Beyond litigation
- Data maps and level of detail
- Challenges of data source mapping
- Pitfalls of data sourcing mapping
- Overcoming the challenges and pitfalls
- Approaches to creating a data map
- A framework for getting started
- Specific action items
- Example: data map information
- Example: data map request form

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FRCP rules changes

- First step in any litigation with e-discovery is to identify all relevant data sources
- Rule 26(a) states that initial disclosures during the meet and confer should include a “copy of, or description by category and location” of relevant Electronically Stored Information (ESI)
- Compliance requires the company be able to quickly identify all relevant data sources
- If additional sources of ESI are added after the fact, a judge can impose costly sanctions

Know where the relevant Electronically Stored Information (ESI) lives!

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FRCP rule changes (continued)

- Requirement: Inventory ESI, classify data, and communicate time and cost estimates for its discovery.
- Legal and IT departments will need to work together to understand what different forms of ESI exist, where it resides and how accessible it is.
- Make the e-discovery processes scalable and as cost efficient as possible, with appropriate resources and technology.
  - Efficiently access to corporate data sources where ESI is created, stored and archived.
  - Rapidly find, hold, analyze and produce only the relevant ESI for each case.
  - Lower the costs of e-discovery by centralizing ESI repositories over time.

Locate and send only the relevant ESI!

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Types of data affected

Bifurcation of sources of data

	Examples	Considerations
Reasonably Accessible	▪ Email ▪ Network storage ▪ Departmental databases ▪ Handheld devices ▪ Voice mail	▪ Must be reviewed for production
Not Reasonably Accessible	▪ Backup tapes intended for disaster recovery ▪ Disparate data from legacy systems ▪ Enterprise databases ▪ Deleted data or fragmented data recoverable only through forensic tools	▪ Any of these data sources may still need to be preserved ▪ Must identify not reasonably accessible material in written response ▪ Must give other side an opportunity to test contention ▪ Still subject to production for good cause

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Benefits of data mapping

- Pre-litigation preparation
- Matter specific benefits during litigation
- Wider benefits beyond litigation

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Benefits (pre-litigation readiness)

- Allow time for legal department and IT to synch on a playbook – standard responses backed by what's feasible from a process perspective
- Avoid inconsistent or inaccurate representations by legal teams
- Avoid obligating IT to processes which cannot be completed at all or within the timeframes committed to by legal
- Coordinate and educate in-house resources before any meet & confer

Plan ahead while not under discovery deadlines

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Benefits (matter specific)

- Enhances compliance with meet & confer
- Permits for timely interruption of document destruction schedules for preservation
- Enables quick identification of data sources and increases responsiveness to document requests
- Ensures defensibility of the process
- Leverages existing document and data sources
- Promotes a targeted approach to responding to discovery requests
- Mitigates risk of spoliation and/or sanctions for failure to produce

Increased defensibility and mitigated risk

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Benefits (beyond litigation)

- Identifies potential redundant data sources
- Identifies and addresses potential data anomalies and outliers
- Raises sensitivity to disclosure of personally identifiable information

→ Increased data integrity awareness

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Data maps and levels of detail

Difficulty in determining the right level of detail is rooted in the differences of perspective between Legal and IT.

IT Perspective

- Want to know everything about the data population: application version, OS, platform, data size, data migrations, application server
- Data sources viewed as multi-leveled (backend servers, feeder systems, backups
- Scorched earth - overbearing task "get everything"

Legal Perspective

- Quick and easy task, conceptually
- Focused on the "big bucket" data sources commonly encountered during litigation

- Want to know: who is the expert user? where is the data located?
- Data sources viewed as single purpose for litigation

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Data maps and levels of detail (continued)

- The ultimate decision on the level of detail is determined by each company.

- Each company must determine the “starting point”
  - Typically a high level topology company infrastructure, data and process flows and data sources

- Each matter must be evaluated individually taking into consideration:
  - Nature of the claim, type of dispute and degree of litigation
  - Time period in question and company actions affecting the data sources
  - Proficiency of opposing counsel in dealing with ESI
  - Integrity of the data in question

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Challenges of data mapping

- Sheer number of data sources and systems used by a company is overbearing and often in the hundreds to thousands
- Once data sources have been identified, investigation of where the data came from (source) and where it may be pushed (destination) must be determined
- Portability and transferability of data makes it difficult to assess where the “official system of record” resides
- Keeping track of active, decommissioned and legacy mushroom applications (black boxes)
- Frequency of server migrations
- Each business unit, department or geographic location may have different backup processes and procedures

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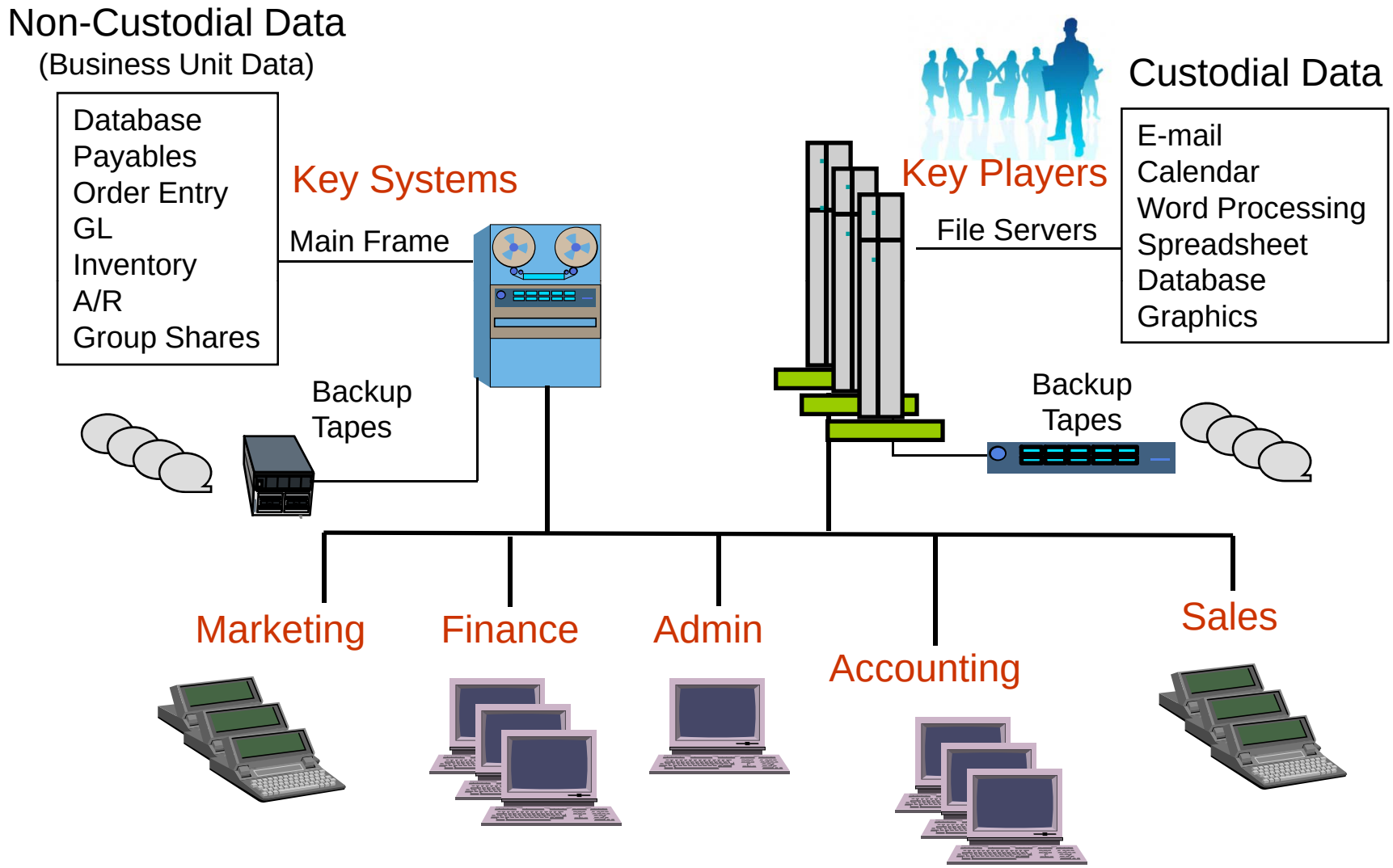
Electronically Stored Information (ESI)

Where can I find ESI?



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Pitfalls of data mapping

- Underestimating the initial and ongoing effort
  - Underestimating the scope of effort required to gather and create the initial data source map
  - Shortsightedness and ignoring the ongoing maintenance necessary to keep the data source map up-to-date
- Securing coordination and support of the multiple stakeholders
  - Legal, IT, Records, Compliance and Security
  - Secure availability and “buy-in” from resources
- Understanding and prioritizing requirements of stakeholders
  - Identifying overlapping v. exclusive requirements
  - Prioritizing incorporation of requirements into project scope
- Avoiding scope creep
  - Taking time up-front to clearly establish and agree to scope (short v. long term)
  - Starting prematurely and incorporating scope changes midstream has negative impacts on data gathering

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Overcoming the challenges and pitfalls

- Establish a clear framework defining what information per source will be gathered
  - Avoid having to go back retrospectively:
    - by application
    - by document type (contracts, financial records)
  - Identify relationships to “source” and “destination” systems
  - Identify responsible administrative and expert users

- Establish how information will be gathered
  - Surveys and questionnaires
  - Email v. web based tool
  - Standardization of gathered data
  - Migration to tool

- Determine how information will be organized and stored
  - Requirements/functionality – searching/reporting
  - Permissions/security
  - Search by application, infrastructure and information

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Overcoming the challenges and pitfalls (continued)

- Determine how information will be used
  - Data mapping and reporting
  - Privacy and compliance concerns
  - Identify, reduce and eliminate redundant data stores

- Determine how information will be monitored and updated
  - Rulebook – policies and governance
  - Gatekeeper function for updating and modifying the data map
  - Process to update
  - Establish "refresh" schedule with prompts to gatekeepers and/or employees to perform certification procedures specific to each group
  - Users v. gatekeepers to sanitize and control process
  - QC procedures

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Approaches to creating a data map

- "80/20 Rule" – Start with what we know. Identify and focus on the known high-value data caches typically involved in majority of litigation
- Drink from the Fire Hose Approach – "get everything" companywide
- "On-the-fly Method" - Build data map as data sources/applications are continually identified through the day-to-day discovery efforts

We typically see companies undertaking an initial effort using either of the first two bullets. From that they build upon it with the "On-the-fly Method"

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A framework for getting started

1. Establish a team with IT Legal and Records Mgmt representation
2. Determine strategy / approach for creating a data source map
3. Design templates and forms for data mapping, data requests and chain of custody
4. Develop SOPs for requesting data from data sources
5. Define clear roles and responsibilities (SPOC, SME, Discovery Team)
6. Prepare a rollout / training strategy

Repeat process and periodically refresh data

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Specific action items

1. Establish a Team
2. Develop a data source map or catalogue
3. Develop tools to manage the data
4. Develop standard operating procedures to facilitate the process
5. Appoint a Discovery Program Manager
6. Implement and provide for ongoing maintenance and training

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Example: data map information

Data Source Name	HRSYS
Business Unit	Accounts Payable
Point of Contact **Backup Point of Contact** **Business Contact** **IT Contact**	Carl Jones Pete Smith Terry White Phil Reynolds
Key System of Record	Walker General Ledger
Data Description	Enterprise-wide financial reporting system
Inputs	Invoices, drafts
Outputs	Open items, paid items
System Service Date	1999 – present
System Deploy Date	1999
System Predecessor	Lawson
Degree of Accessibility	☐ Easy ☐ Moderate ☐ Difficult ☐ Not Possible
Backup Schedule **Type of Backup** **Retention Period**	☐ Daily ☐ Weekly ☐ Monthly ☐ Yearly ☐ Other _____ ☐ Full ☐ Incremental ☐ ____ Months or ☐ _____ Years
Default Production Format	Comma separated value
Notes	System unavailable from 27th – EOM each month due to monthly processing.

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Example: data request form

Requester Name	Name of person making the request
Date Requested	Date the request was made
Matter Name	Name of the matter associated with the request
Due Date	Date the data request is due back to the requester
Data Source Name	Name of the data source as defined in the data source catalog
Brief Description	A brief description in layman's terms describing the nature of the request and desired data
Date Range	Date range or specified period for which data is sought
Selection Criteria	Criteria used to select and produce the desired data such as specific custodian name, brand names or product numbers, demographics such as specific states, zip codes, ages, values or dollar amounts Includes options to indicate whether or not attachments containing specific values or examples were provided and are included with the request
Output Format	The format in which the output will be produced
Media Type	The type of media on which the output will be produced
Delivery Method	Used to indicate how the output will be delivered to the requester

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