FALL 2014 E-NEWSLETTER

At Digital Mountain we assist our clients with their computer forensics, e-discovery and cybersecurity needs. One of our primary areas of growth is social media preservation and monitoring. With the increasing popularity of social media usage and its content as admissible evidence in court, we chose to theme our Fall 2014 E-Newsletter on the topic.

WHY SOCIAL MEDIA WILL ROCK YOUR E-DISCOVERY WORLD

You may have just wrapped your hands around electronic discovery and all the nuances that exist with email and documents. Then along came social media, which is fast and furiously expanding from personal communications into business communications, and becoming part of the fabric of almost every organization. In our industry, we rake dead leaves. In other words, we don't create the trees or develop revolutionary technologies. Rather, we figure out the most optimal way to innovatively deal with emerging technologies and communications in the business realm for supporting our cases and mine for facts.

According to Gartner, by 2016, 50 percent of large organizations will have internal Facebook-like social networks, and 30 percent of these will be considered as essential as email and telephones are today. The fastest growing segment of the Internet is social media and it's critical to keep up with this exploding means of communications for litigation, investigations or compliance.

At Digital Mountain, about 40 percent of our electronic discovery or computer forensics cases have a component where social networking or communications from smart devices (e.g. iPhone, Samsung Galaxy, Google Nexus, etc.) are processed as part of a case. Some of the key differences of social media communications versus standard business email are as follows:

1) One has to make a decision as to how many degrees of friends to process. (The further you collect in connections, the volume can explode with many irrelevant communications the broader the net is cast.)
2) It's hard to determine the data size of what is being collected upfront. For those of us doing the preservations or monitoring, we prefer to err on the side of having a very large destination drive. Can you imagine running out of hard drive

capacity after a week of preserving data?

3) Many of the tools are emerging and do not deal with complex searches well, therefore manual data massaging may be necessary depending on the discovery criteria. (This will become a moot point as the tools reach further maturity.)

4) Metadata can be drastically different than corporate email and contain detailed personal information. The following is the enormous amount of categories potentially tracked by Facebook: About Me, Account Status History, Active Sessions, Ads Clicked, Address, Ad Topics, Alternative Name, Apps, Birthday Visibility, Chat, Check-ins, Connections, Credit Cards, Currency, Current City, Date of Birth, Deleted Friends, Education, Emails, Events, Facial Recognition Data, Family, Favorite Quotes, Followers, Following, Friend Requests, Friends, Gender, Groups, Hidden from News Feed, Hometown, IP Addresses, Last Location, Likes on Others' Posts, Likes on Your Posts from others, Likes on Other Sites, Linked Accounts, Locale, Logins, Logouts, Messages, Name, Name Changes, Networks, Notes, Notification Settings, Pages for Admin, Pending Friend Requests, Phone Numbers, Photos, Photos Metadata, Physical Tokens, Pokes, Political Views, Posts by You, Posts by Others, Posts to Others, Privacy Settings, Recent Activities, Registration Date, Religious Views, Removed Friends, Screen Names, Searches, Shares, Spoken Languages, Status Updates, Work, Vanity URL and Videos.

5) In social networking, there are private and public communications. Private communications on the civil side require the user's authorization or a court order. For corporations, access to private communications of a corporate-used account may depend on each corporation's Internet, Email and Computer Use Policy.

6) Unless the social networking provider (e.g. Facebook, Twitter, etc.) has an API (Application Programming Interface) it may be harder to preserve and review the communications.

7) The content is much more dynamic in nature. For example, the content changes frequently and can include more animations, video or audio than is typically found in corporate email.

8) Collective wisdom is gained by a stronger community interaction to optimize business.

9) There may be limitations in how many communications can be preserved. For example, Twitter only allows 3,200 historical Tweets to be preserved on an initial preservation for communications by the account user. This limitation does not apply to communications by other users or for follow-on preservations if monitoring occurs continuously.

As the tools become more mature for social media processing, and attorneys and investigators are further educated that they may be missing critical digital evidence in their cases by not exploring other communications outside of traditional email systems, social media preservations will become mainstream to almost every case and may be the difference between winning or losing a case. Why not rock your case?

UPCOMING INDUSTRY EVENTS

October 2014
Association of Corporate Counsel Annual Meeting: October 28-31
November 2014
The Sedona Conference All Voices Meeting 2014: November 4-7
LawTech Miami: November 5
Georgetown Law's The Advanced EDiscovery Institute: November 20-21
Click here to see more upcoming events and links

Digital Mountain, Inc. Founder and CEO, Julie Lewis,
will be presenting at some upcoming industry events.
Please send requests for speaker or panel participation
for her to marketing@digitalmountain.com.

Please update your records with our corporate headquarter's new address below as of November 1, 2014!

DIGITAL MOUNTAIN, INC.

4633 Old Ironsides Drive, Suite 401
Santa Clara, CA 95054
866.DIG.DOCS

www.digitalmountain.com

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