WINTER 2022 E-NEWSLETTER

At Digital Mountain, we assist our clients with their electronic discovery, digital forensics, cybersecurity, and data analytics needs. For this E-Newsletter, we discuss the collaboration software market and various eDiscovery nuances such as file links within communications.

Built-In eDiscovery Features for Collaboration Software May Not Be Enough

Collaboration software suites are the current workflow favorites of organizations irrespective of whether they are facilitating distributed, local, or hybrid workforces. Slack, Zoom, Google Workspace (formerly known as G Suite), and Microsoft Teams are expanding features and attracting users rapidly, often at the price of leaving security and eDiscovery functions lagging in development. There's no mystery as to why features lead development priorities: most users, the ones driving the acquisition of collaboration apps, are concerned with productivity and access, not data preservation or security. Users want to do their jobs quickly and easily, which for most, does not include implementing litigation holds, responding to audit queries, or conducting internal investigations. Which raises the question, what about those who are responsible for litigation holds, audit queries, and internal investigations? Are the built-in eDiscovery features included in these suites sufficient?

The answer is a predictable "it depends." Built-in eDiscovery features within apps in the collaboration tools market segment vary widely in their scope and use. Investigators, IT management, and eDiscovery practitioners need to be well versed in the functionality of these built-in tools, ideally before implementation of the suite, to determine how best to protect their organizations from critical and potentially penalizing data loss while still balancing the needs of productive employees. Most built-in eDiscovery features will perform basic necessary collection and retrieval functions but may lack portability, comprehensiveness, or advanced options necessary to render the most useful production in response to a specific need.

Microsoft Core eDiscovery, formerly a set of features within the Security and Compliance Center, works across the Microsoft 365, Office 365, and Microsoft Frontline suites, but only at

or above product-specific subscription levels (https://docs.microsoft.com/en-us/microsoft-365/compliance/get-started-core-ediscovery?view=o365-worldwide). Organizations which do not purchase the specific subscription levels will not have access to Core eDiscovery, a choice that organizations may need to consider before deciding which product license to purchase. Knowing whether your organization has the necessary licenses to place a litigation hold on a mailbox or storage location is vital to confirm before a situation arises. Additionally, Core eDiscovery will not collect certain information, such as edits and revisions to certain data generated in Teams chats and/or channels, until after an eDiscovery Manager creates a Core eDiscovery Case and performs a litigation hold. Other data that Core eDiscovery will not collect are Unicode graphics (emojis, for example) and audio recordings (https://docs.microsoft.com/en-us/microsoftteams/ediscovery-investigation).

Slack offers three options for retrieval and export of data depending on which Slack plan is in place: Standard Export for public channels available for all plans; Corporate Export for public and private channels for Business+ and Enterprise Grid plans; and Discovery API for a more comprehensive investigation on Enterprise Grid plans only. The Discovery API acts as an interface between Slack and a third-party eDiscovery app to facilitate the export of discoverable data (https://slack.com/help/articles/360002079527-A-guide-to-Slacks-Discovery-APIs). Slack data is exported as JSON or .txt file format (plan dependent), so while it will have recognizable bits of data, the result will not look like Slack content without assistance from a company such as Digital Mountain, which has specialized tools to render formatted content. Because Slack can integrate over 2,400 apps (https://slack.com/integrations), the potential for complex eDiscovery is high and the assistance of a trusted partner is recommended by Slack (see Slack help article above).

Unlike Microsoft Teams and Slack, the bulk of what users are creating on Zoom is video and audio records, with some messaging and content sharing (https://www.zoom.us/). The bulk of eDiscovery production will be recordings of meetings available only with paid plans. A benefit to having a paid subscription plan that offers recording functions is that administrators can elect to produce an editable transcript of a recorded meeting, among other settings and functions to preserve data (https://support.zoom.us/hc/en-us/articles/115004794983). Zoom also allows for users to work with third-party apps to archive collected data, which is especially important for those organizations which must be mindful of regulations covering data retention (https://support.zoom.us/hc/en-us/articles/360050431572-Archiving-indicators).

While Microsoft Teams, Slack, and Zoom are three good examples of how built-in discovery features within collaboration software suites address some of the necessities of data preservation, collection, and export, it's clear that no particular app suite has created a comprehensive built-in eDiscovery solution. The key to successfully conducting the most cost-effective discovery of collaboration software solutions is to engage an experienced and trusted eDiscovery provider, like Digital Mountain, to leverage the best tools.

Please direct questions and inquiries about electronic discovery, digital forensics, cybersecurity, and data analytics to info@digitalmountain.com.

UPCOMING INDUSTRY EVENTS

THE SEDONA CONFERENCE WORKING GROUP 1 TOWN HALL ON SEARCH AND
RETRIEVAL METHODS 2022
Virtual, January 20, 2022

NETDILIGENCE CYBER RISK SUMMIT CONFERENCE 2022
Fort Lauderdale, FL: January 31, 2022 - February 1, 2022

ABA TECHSHOW 2022
Chicago, IL: March 2-5, 2022

11TH ANNUAL ASU-ARKFELD EDISCOVERY, LAW AND TECHNOLOGY
CONFERENCE
Phoenix, AZ: March 8-9, 2022

LEGALWEEK 2022
New York City, NY: March 8-11, 2022

Click here to see more upcoming events and links.

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

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