



## **Deloitte Discovery Advisory**

Enabling an agile response to discovery,  
investigatory, and regulatory requests

2019

With data already being big and getting bigger, the demands for it—from regulators, investigators, and legal advisors—are increasingly formidable. For many organizations, accommodating those demands while coping with data volume is becoming an unsustainable burden.

The good news? With effective preparation, you can respond to documentation information requests in a decisive, streamlined fashion. An integrated approach to discovery—including data governance and eDiscovery—can bring business units, IT, and legal teams together to make information accessible while reducing disruption to the enterprise.

Gaining control over your data can help your organization do more than simply comply with discovery and legal obligations.

It can also help you:

- Store less data than you currently might
- Improve the completeness and accuracy of electronic evidence, as well as ease the burden of identifying the correct data
- Avoid unwanted surprises and costly penalties stemming from data management practices

Gaining these benefits means approaching the challenge from multiple angles. Deloitte can help.

### The Deloitte approach

Don't wait for litigation or an investigation to get your discovery house in order. In addition to transactional work on litigation and investigatory matters, we can help you evaluate your organization's discovery capabilities, including the related people, processes, technology, data, and governance. Understanding that certain industries face distinct discovery challenges, we are a leader in serving life sciences, health care, financial services, consumer and industrial products, and energy and resources businesses, as well as additional industries.

Our Discovery Advisory services include:



#### Assessment

An upfront assessment of people, process, and technology can uncover where your organization's current readiness and discovery capabilities stand, including what information exists, what is missing, and what is an appropriate basis for gauging improvement. It also clarifies the needs and objectives of those responding to information requests, along with the stumbling blocks they face.

An effective assessment involves knowledge about the technology, strategy, operations, and more, so improvement opportunities can be identified and prioritized. This includes ways to determine benchmarks, manage change, develop new models, and align strategic objectives and competencies. It also involves envisioning a desired future and potential paths to get there.



#### Playbook

An eDiscovery playbook is a set of procedures that are articulated and designed to be predictable and repeatable—in other words, defensible. A playbook can reduce ad-hoc decision-making and help employees understand their roles and responsibilities. Companies with a playbook should typically be capable of responding more effectively, efficiently, and rapidly than those who use a bespoke approach.

Playbooks can vary based on regulatory environment, company size, geographical distribution, litigation types, and the amount of eDiscovery work performed in-house. Given the difficulty of anticipating every situation, a practical approach is to develop a version for the first iteration of the playbook that covers the "99%" and add more situations to future editions.



### Cloud discovery

Cloud-based productivity and collaboration platforms create new data discovery challenges. For example, what country is the data physically stored and what jurisdictional issues may arise? These platforms are able to store different parts of a document—think email messages versus attachments—on different platforms, complicating efforts related to defensible document identification, preservation, and collection.

Cloud discovery depends on the ability to efficiently and defensibly process cloud-based data into standard industry formats required for traditional processing and review. This includes creating and adopting policies and procedures for cloud-specific features, controls over data retention and jurisdiction, and the defensible disposition of unnecessary data in an effort to reduce data breach exposure and data storage and management costs.



### Data remediation and classification

The identification and classification of data in a way designed to organize, migrate, separate, classify and/or archive data in a manner consistent with corporate policies, legal requirements and regulatory expectations.

Effective remediation considers how different constituencies—such as legal, compliance, and IT—can work together to address classification and disposition in a cohesive manner. It brings technology assessment, archive strategy, legal hold process, eDiscovery, and business process integration to bear in reducing the amount of unnecessarily stored data.



### Governance

Information governance is a program designed to help you understand at any given time what data you have, where it exists, and the value it represents. An effective governance program can also help you know when to retain and dispose of data in a compliant and defensible fashion.

A governance program includes policies and procedures for records management, legal holds, and data retention and disposition. It requires familiarity with different types of records management solutions, along with the ability to address electronic data storage systems, discovery management, and disaster recovery planning.

# Client stories



## Medical device maker adopts an eDiscovery playbook

As a tightly-regulated business, a medical device manufacturer was subject to numerous legal and regulatory requests, often accompanied by short and strict deadlines. Not relishing the thought of scrambling to comply each time they received an inquiry, the company engaged us to assist them in finding ways to improve their eDiscovery processes so they could get ahead of such events.

We began by documenting our client's existing standards and eDiscovery capabilities across the variety of software packages they used for identification, preservation, and collection. Next, we identified opportunities for improvement and worked with the company to prioritize them. Then we assisted the client in pulling all this information together into a playbook with step-by-step processes designed for defensible collection across the Electronic Discovery Reference Model (EDRM).

The new playbook gave a boost to the usability of our client's software applications. It also helped the client establish priorities for ongoing enhancements to its eDiscovery process. Finally, it provided the legal team with documentation of their company's defensible eDiscovery capabilities, along with a baseline for evaluating potential alterations to the process already in place.

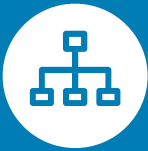


## Pharmaceutical giant gets control of unstructured content

A large maker of generic drugs was generating a significant amount of unstructured content. Not only was the content difficult to find and retrieve, none of it complied with record management controls or regulatory requirements. Worse, the volume was growing exponentially.

To assist the client in improving control over this data, we helped to define an information management strategy, along with prioritized initiatives to strengthen management of unstructured content. Next, we helped set up an ECM system to store the company's good practice quality guidelines and regulations (GxP) documents according to pharmaceutical industry standards. Along the way, we assisted our client's efforts to develop a records classification scheme and retention schedule to support the unstructured content.

Our client ended up with a records classification scheme and retention schedule that met both business and legal/regulatory requirements. The new document storage and retention system was built to be scaled for further content migration. It went live with real-time benefits and minimal impact to business users, thanks to a phased implementation plan that focused on early gains.



### **Oil company unites 30 ECM projects under a single governance process**

A large oil company had 30 separate enterprise content management (ECM) projects going on at the same time. With significant overlap and little coordination among them, the client was concerned about unnecessarily high costs—not to mention falling short of the benefits that an integrated solution could provide.

To help the client address this situation, we interviewed those involved with the various ECM efforts—some 70 people across the business—to understand what they were trying to do and where each project currently stood. With these insights, we worked with our client to develop a solution architecture, prioritize the in-flight projects, and build an integrated plan to carry them out. The plan considered the company's business strategy as well as practices that had been effective for other oil and gas companies.

For our client, the result was a simpler ECM environment, reduced ownership and management costs, and a governance structure to facilitate future ECM development initiatives. Perhaps most importantly, the company gained greater clarity around ECM and the ways it could, and should, deliver value to their organization.

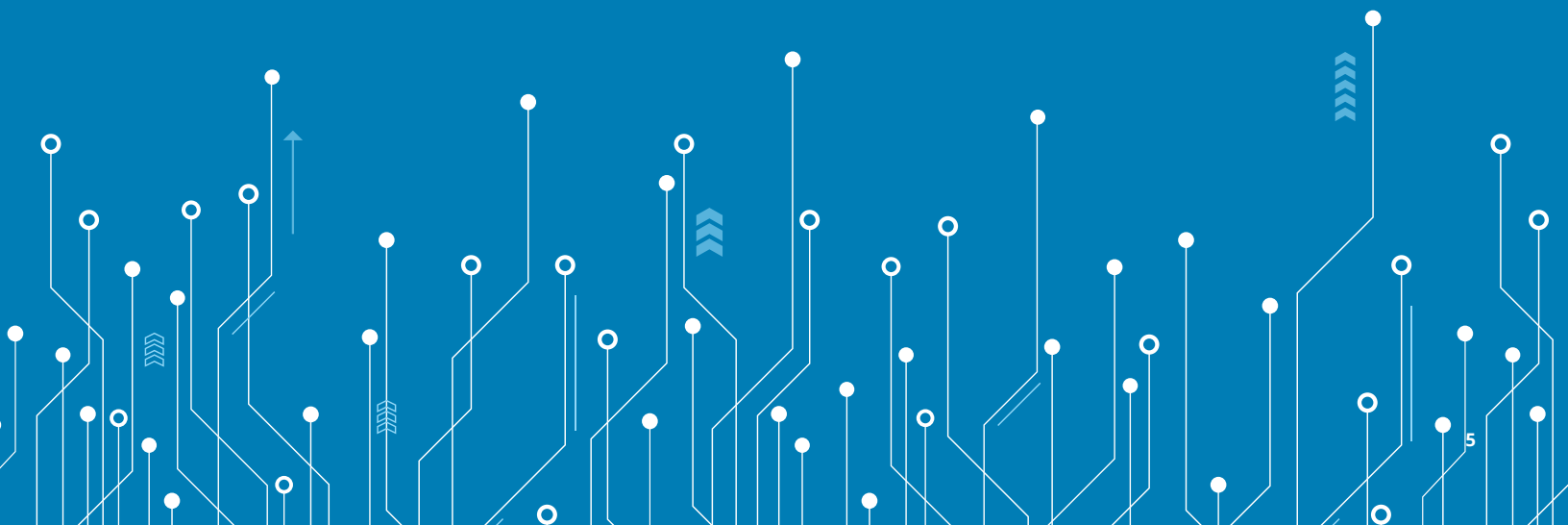


### **International bank prepares to slim down record keeping**

Concerned about the cost and risks of storing excessive documents, an international bank sought a sustainable, defensible way to dispose of its data.

We assisted the bank in laying the groundwork for this effort. First, we met with key individuals in the business and technology groups to understand the current retention and disposition landscape for high-impact systems, such as systems managing backups, email, archives, and records. After that, we worked with management to outline a process designed for defensible disposition of records and data, along with recommendations for infrastructure and applications. We followed up with a potential roadmap to carry out the strategy in line with quantified benefits and outcomes.

The upshot? Our client acquired the strategy, roadmap, and business case to help them move forward with their efforts to remove the indefinite legal/regulatory hold on their structured, unstructured, and physical records.



# The Deloitte difference



## The Deloitte difference

- An in-depth and holistic understanding of the EDRM workflow
- Insight based on data discovery techniques that have been leveraged at other organizations, particularly within specific industries
- Insight into the tools and technologies to use to help address gaps in eDiscovery processes, policies, and procedures
- An enterprise-wide approach to getting your data managed properly, including people, processes, technology, and governance
- A deep bench of resources to help you get a handle on the data you have—in the cloud and on-premises around the world



## Additional Deloitte Discovery services

- **Mobile device discovery.** Extracting, preserving, and analyzing critical information from mobile devices, including smart-phones, tablets, and GPS devices while maintaining and preserving data authenticity.
- **Cloud discovery and consulting.** Supporting Microsoft® 365™ and Google Suite™ data collections, forensics, and analytics services with Deloitte's proprietary and scalable cloud collection infrastructure, which—along with our defensible processes—can help your organization efficiently and defensibly identify, collect and process data into standard industry formats required for processing and review. Our cloud consulting services help you in the adoption of your selected platform to prepare your organization for responding to legal requests and inquiries in the cloud world.
- **Artificial intelligence-enabled contract management and review.** Helping organizations identify critical contracts quickly to facilitate enforcement of rights, contract renegotiation, and identification of areas of lost revenues or stranded costs. We can also help build, review, and manage a contract lifecycle framework that helps sustain and secure your organization's business interests, while bringing efficiency and insights into the process through artificial intelligence.
- **Second request services.** In M&A transactions that are under US government antitrust scrutiny, providing end-to-end coverage of the Second Request (Request for Additional Information and Documentary Materials) process—preservation, collection, processing, review, and production—to help you keep the deal on track while tackling the complex, formidable challenges that can arise in second request compliance.
- **Computer forensics.** Helping your organization find the critical information needed by collecting, preserving, and harvesting data from computer systems, mobile devices, servers, cloud systems, networks, RAM storage, backup media, and video while maintaining and preserving data authenticity and chain of custody.

## Deloitte Discovery Team:

- A national practice of 600+ professionals
- 13 Field team offices
- 2 Technology solutions centers: government & commercial
- 1,000 Forensics professionals
- 1,000+ Discovery professionals globally
- 120+ -Certified Relativity administrators
- Clients on 6 continents



- **Information lifecycle and archive assessments.** Helping your organization address the aspects of information lifecycle solutions, including information lifecycle management, email archiving, defensible disposition, and systems involved in your eDiscovery workflow.
- **Discovery analytics.** Leveraging advanced analytics and statistical techniques to inform organizations and their attorneys about document populations that require review and to assess the use of cost-saving technology. The combination of statistical, text, and database analyses provides insights into relevant data, accurately and cost-efficiently.
- **Structured data support.** Providing clarity on complex, data-intensive cases by performing research and analysis on structured data and linking it to unstructured data in a way that is not possible with standardized search criteria on common eDiscovery platforms.
- **Cyber incident response.** Addressing core areas associated with cyber events, including compromise investigation, damage assessment, and remediation. As a data breach investigation unfolds, we focus on providing timely information to help your business and system-protection decisions and so you understand the adversaries' motives and the data they seek.
- **Data tracking.** Helping your organization to enforce a standardized discovery workflow and data tracking elements leveraging the Deloitte developed, Custodian Tracking System (CTS). This system aims to reduce the amount of siloed tracking repositories in order to facilitate real time reporting and insight into the data for litigation matters.

Let's talk

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# Deloitte.

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