



Leveraging Data Analytics to Optimize Information Governance

or

how to use technology to put your
data house in order

Presented by

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Topics

- Data Security and Information Governance
- who judges Information Governance?
- keys to IG
- Technology Assisted Review
 - vocabulary
 - process
 - technology
- benefits
- conclusion
- case evaluation

What is Data Security?

protecting data from destructive forces and unwanted actions of unauthorized users

or consider Data Security “home” security



the lock on the front door



the hired help



even your best friend

The Unexpected Arrival

but what happens when your security measures don't help with or control certain situations?



What is Information Governance “IG”?

the specification of decision rights and an accountability framework to ensure appropriate behavior in the valuation, creation, storage, use, archiving and deletion of information (Gartner)



or policy and practice that ensure your protections apply

Who Judges Information Governance?



document retention policies are ok

Arthur Andersen, LLP v. U.S., 544 U.S. 696 (2005)



even *risky* policies can be ok

Broccoli v. EchoStar, 229 F.R.D. 506 (D. Md. 2005)



but risky policies carry their own challenges

Voom v. EchoStar, 93 A.D.3d 33 (N.Y. App. 1st Dep't 2012)



some courts segregate litigation and IG duties

BYU v. Pfizer, 282 F.R.D 566 (D. Utah 2012)



others focus more narrowly

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Porcal v. Ciuffo, 2009 U.S. Dist. LEXIS 109537 (D. Mass. Sept. 23, 2011)

Keys to Consider for IG



confirm security measures
and requirements for security measures



understand data within and without organization
do not ignore exceptions to policies (e.g., Legal Holds, Fraud and Investigation Departments)



understand the current practices and risks
what are people and processes actually doing?



(re)define a policy, schedule, and training
strategic decisions for retention periods



plan and implement your strategy
also determine what is “do-able”

Technology Assisted Review Vocabulary



“TAR” is comprised of tools to aid information governance – battle-tested in the eDiscovery world

these may incorporate

- keyword search
- Boolean search
- conceptual search
- clustering
- manual review
- latent semantic indexing
- machine learning
- natural language processing
- relevance ranking
- sampling

will assist in addressing the “knowns”

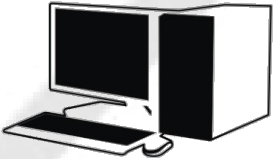
will assist in addressing the “known unknowns”

will help find the “unknown unknowns”



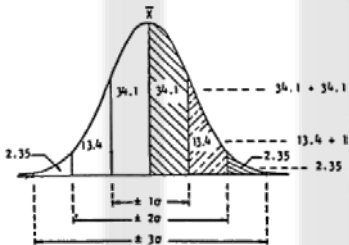
Technology Assisted Review in IG

“TAR” carries many names and concepts



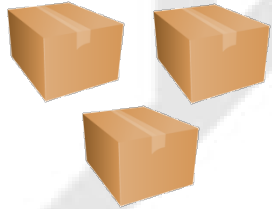
- predictive coding
- computer assisted review
- computer aided review
- content based advanced analytics

names differ; reasonability and consistency are key



- repeatability
- accurate relevance (precision & recall)
- careful consideration
- risk evaluation

How does the process work?



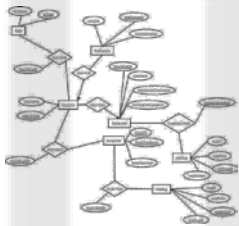
define the appropriate storage locations



compile the data



process and de-duplicate the data

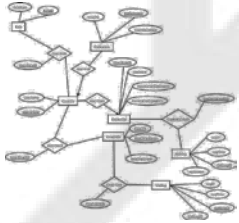


create the relational database (index and metadata)



apply TAR process across database (rinse, repeat)

How does the process work?



apply IG decisions against data represented in database



confirm exceptions for legal holds



tag and relocate related documents as appropriate



apply policy and schedule as appropriate



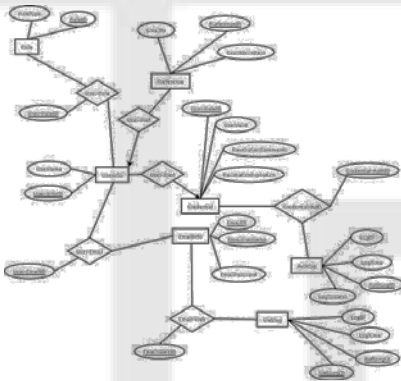
document efforts and define new universe

How does the technology work?

TAR portion of project:



- process and de-duplicate data
- create index
- determine the TAR method



- Algorithmic – incorporate *iterative* expert input to develop guidelines to govern coding decisions
- Systematic Rules – emulate expert decision-making process

- test results, including null sample
- document process, including assumptions



How is the process defended?



- iterative review incorporates human input and strategic direction
- underlay of consistent applied principles increases quality of output
- include attorney participation and direction whenever considering legal hold-related issues
 - all information governance, until proven otherwise, has a legal hold question
- documentation incorporates decisions and assumptions made at time
 - defends against attacks demanding “proof” of a negative
- policy and schedule are accurate representation of reality, creating one-stop-shop for answers

Benefits of TAR

- reduce risk by eliminating unknowns
- reduce risk by addressing data sources according to existing legal holds
- reduce risk by increasing accuracy in review project results
- reduce risk through pre-coding results for default “opt-in”
- increase compliance by automating certain steps
- save money for review processes
 - keywords v. human review v. TAR
- save money in storage costs
- save time in retrieval and search

Conclusion

- technology is *not* simple – but it is logical
- perfection is not required
 - appropriate effort is expected
 - legal holds or other regulatory concerns apply
- benefits save money, reduce risk, increase compliance, and improve performance
 - the benefits do not come free
 - process takes investment of time and capital
 - process success requires organizational authority
- there is never a better time to undertake this work
 - compound interest
- there are no dumb questions for TAR

Case Evaluation



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