
**Information technology — Electronic
discovery —**

**Part 4:
Technical readiness**

*Technologies de l'information — Découverte électronique —
Partie 4: Préparation technique*



COPYRIGHT PROTECTED DOCUMENT

© ISO/IEC 2021

All rights reserved. Unless otherwise specified, or required in the context of its implementation, no part of this publication may be reproduced or utilized otherwise in any form or by any means, electronic or mechanical, including photocopying, or posting on the internet or an intranet, without prior written permission. Permission can be requested from either ISO at the address below or ISO's member body in the country of the requester.

ISO copyright office
CP 401 • Ch. de Blandonnet 8
CH-1214 Vernier; Geneva
Phone: +41 22 749 01 11
Email: copyright@iso.org
Website: www.iso.org

Published in Switzerland

Contents

Page

Foreword	v
Introduction	vi
1 Scope	1
2 Normative references	1
3 Terms and definitions	1
4 Symbols and abbreviated terms	2
5 Electronic discovery background	2
6 Technical readiness	4
7 Readiness for electronic discovery	4
7.1 ESI identification	4
7.1.1 General	4
7.1.2 ESI landscape	5
7.1.3 Data map	5
7.1.4 Data classification	5
7.1.5 Proactive ESI identification	6
7.2 ESI preservation	6
7.2.1 General	6
7.2.2 Assessing preservation needs	6
7.2.3 Preservation obligations	6
7.2.4 Hold/preservation notices	6
7.2.5 Proactive ESI preservation	7
7.3 ESI collection	7
7.3.1 General	7
7.3.2 Methods of ESI collection	7
7.3.3 Proactive ESI collection	7
7.4 ESI processing	8
7.4.1 General	8
7.4.2 Tools for ESI processing	8
7.4.3 Reduction of ESI	8
7.4.4 Proactive ESI processing	8
7.5 ESI review	9
7.5.1 General	9
7.5.2 Technology-assisted review	9
7.5.3 Proactive ESI review	9
7.6 ESI analysis	9
7.6.1 General	9
7.6.2 Tools and tasks for ESI analysis	9
7.6.3 Proactive ESI analysis	10
7.7 ESI production	10
7.7.1 General	10
7.7.2 Producing parties	10
7.7.3 Receiving parties	11
7.7.4 Proactive ESI production	11
8 Additional considerations	11
8.1 General	11
8.2 Privacy and data protection	11
8.3 Long-term retention of ESI	12
8.3.1 Retention and preservation	12
8.3.2 General data retention	12
8.3.3 Archive	13
8.4 Destruction of ESI	14

8.5	Business continuity management	15
9	Electronic discovery cross-cutting aspects	16
9.1	General	16
9.2	Planning	16
9.2.1	Configuration and preparation	16
9.2.2	Budgeting and cost control	16
9.2.3	Monitoring and reassessment	17
9.2.4	End of project considerations	17
9.3	Documentation	17
9.4	Expertise	17
9.4.1	Support and maintenance	17
9.4.2	Assembling the team	17
9.4.3	Competency and training	19
9.4.4	Stakeholder engagement	19
9.5	Use of technology	19
9.5.1	Platform selection/system architecture	19
9.5.2	Retiral or migration of systems	19
	Annex A (informative) ESI storage questionnaire	21
	Bibliography	29

Foreword

ISO (the International Organization for Standardization) and IEC (the International Electrotechnical Commission) form the specialized system for worldwide standardization. National bodies that are members of ISO or IEC participate in the development of International Standards through technical committees established by the respective organization to deal with particular fields of technical activity. ISO and IEC technical committees collaborate in fields of mutual interest. Other international organizations, governmental and non-governmental, in liaison with ISO and IEC, also take part in the work.

The procedures used to develop this document and those intended for its further maintenance are described in the ISO/IEC Directives, Part 1. In particular, the different approval criteria needed for the different types of document should be noted. This document was drafted in accordance with the editorial rules of the ISO/IEC Directives, Part 2 (see www.iso.org/directives).

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. ISO and IEC shall not be held responsible for identifying any or all such patent rights. Details of any patent rights identified during the development of the document will be in the Introduction and/or on the ISO list of patent declarations received (see www.iso.org/patents) or the IEC list of patent declarations received (see patents.iec.ch).

Any trade name used in this document is information given for the convenience of users and does not constitute an endorsement.

For an explanation of the voluntary nature of standards, the meaning of ISO specific terms and expressions related to conformity assessment, as well as information about ISO's adherence to the World Trade Organization (WTO) principles in the Technical Barriers to Trade (TBT), see www.iso.org/iso/foreword.html.

This document was prepared by Joint Technical Committee ISO/IEC JTC 1, *Information technology*, Subcommittee SC 27, *Information security, cybersecurity and privacy protection*.

A list of all parts in the ISO/IEC 27050 series can be found on the ISO website.

Any feedback or questions on this document should be directed to the user's national standards body. A complete listing of these bodies can be found at www.iso.org/members.html.

Introduction

Electronic discovery can expose organizations and their stakeholders within and outside those organizations to collective and individual risks, including legal, financial and ethical.

This document is to be read in relation to ISO/IEC 27050-1, ISO/IEC 27050-2, and ISO/IEC 27050-3.

Electronic discovery often serves as a driver for investigations as well as evidence acquisition and handling activities (covered in ISO/IEC 27037). In addition, the sensitivity and criticality of the electronically stored information (ESI) sometime necessitate protections like storage security to guard against data breaches (covered in ISO/IEC 27040).

Information technology — Electronic discovery —

Part 4: Technical readiness

1 Scope

This document provides guidance on the ways an organization can plan and prepare for, and implement, electronic discovery from the perspective of both technology and processes. This document provides guidance on proactive measures that can help enable effective and appropriate electronic discovery and processes.

This document is relevant to both non-technical and technical personnel involved in some or all of the electronic discovery activities.

2 Normative references

The following documents are referred to in the text in such a way that some or all of their content constitutes requirements of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

ISO/IEC 22123-1, *Information technology — Cloud computing — Vocabulary*

ISO/IEC 27000, *Information technology — Security techniques — Information security management systems — Overview and vocabulary*

ISO/IEC 27050-1:2019, *Information technology — Electronic discovery — Part 1: Overview and concepts*

3 Terms and definitions

For the purposes of this document, the terms and definitions given in ISO/IEC 27000, ISO/IEC 27050-1, and ISO/IEC 22123-1 and the following apply.

ISO and IEC maintain terminological databases for use in standardization at the following addresses:

- ISO Online browsing platform: available at <http://www.iso.org.obp>
- IEC Electropedia: available at <http://www.electropedia.org/>

3.1

compliance obligations

legal requirements and other requirements

legal requirements that an organization has to comply with and other requirements that an organization has to or chooses to comply with

Note 1 to entry: Compliance obligations can arise from mandatory requirements, such as applicable laws and regulations, or voluntary commitments, such as organizational and industry standards, contractual relationships, codes of practice and agreements with community groups or non-governmental organizations.

[SOURCE: ISO 14001:2015, 3.2.9, modified — Note 1 to entry has been removed and Note 2 to entry renumbered.]