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October 11-14, 2010
The Gaylord Texan
Dallas, Texas

Tackling the Challenge of Data Management and Migration to Meet Legal and Regulatory Obligations

Jeff Kubacki
Chief Information Officer

Kroll, an Altegrity Company
jkubacki@kroll.com

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Company Overview & Technology Environment



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Altegrity At A Glance

Globally based with more than 11,000 employees—in 30 countries—

We take information and create value for our clients by providing insightful solutions.

We discover, review, and analyze information so we can provide information-based solutions for our Commercial and Government clients to help them Make Decisions SmarterSM

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Altegrity Family



USIS.

USIS | LABAT

- » #1 investigations to federal government
- » Potential #1 in Gov Lit. Support
- » Expanding security solutions

HireRight.

KROLL

Background
Screening



- » #1 Provider employment screening solutions
- » Expanded international capability

Explore.

KROLL

Factual Data

- » Driver violation monitoring services
- » Data analytics
- » Mortgage screening

KROLL

Altegrity

Risk International™

- » Consulting
- » Legal Technologies
- » Data Recovery & Archiving
- » Due Diligence
- » Fraud Solutions

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Kroll at a Glance

- **Kroll plays a vital role in protecting the reputation and assets of clients, by providing information and insight through our combination of investigative technologies and expertise.**

- **Kroll's unique combination of capabilities allow us to assist clients in a wide range of circumstances, these capabilities include:**
 - Technology (IP) for mining, aggregating, managing and presenting vast amounts of information in a meaningful context
 - Seasoned investigative professionals with backgrounds in criminal prosecution, intelligence and investigative journalism
 - A cadre of technical experts including computer forensic specialists, computer scientists and information security practitioners

- **Kroll is called upon most frequently to provide insights in the following situations:**
 - Disputes (investigation, litigation, arbitration, etc.)
 - People (management teams, vendors, partners, employees)
 - Enterprise data
 - Lending

Kroll's Principal Services

KROLL

Investigations, Financial Advisory & Security

- Business Intelligence
- Due Diligence and Transaction Advisory
- Forensic Accounting
- Fraud Prevention and Detection
- Investigations
- Litigation Support and Dispute Advisory
- Security

Background Screening

- Employee Screening
- Right-to-Work Verification
- Identity Fraud Solutions
- Employment Physicals
- Substance Abuse Testing
- Vendor Screening

Legal Technologies & Data Recovery

- Data Recovery
- Paper and Electronic Discovery
- Computer Forensics
- Electronically Stored Information Consulting
- Jury Consulting and Trial Presentation Services

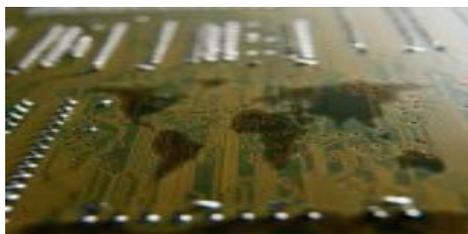
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Kroll's Technology Environment



- Data Centers
 - US - Twin Cities (3), Nashville
 - UK - Brighton & Bedford
- Over 13 petabytes of storage (EMC & HDS)
- 15,000 Microsoft SQL databases
- 2,200 physical Cisco, HP & Dell servers and 800 virtual servers using VMware
- 2,000 HP CCI Blades to support compute clusters
- AD, Exchange 2007, SharePoint 2007, Office 2007 & OCS
- Cisco IP Telephony, routers, switches, global MPLS network using Verizon
- 19 Data Recovery labs around the globe
- 400 IT colleagues globally

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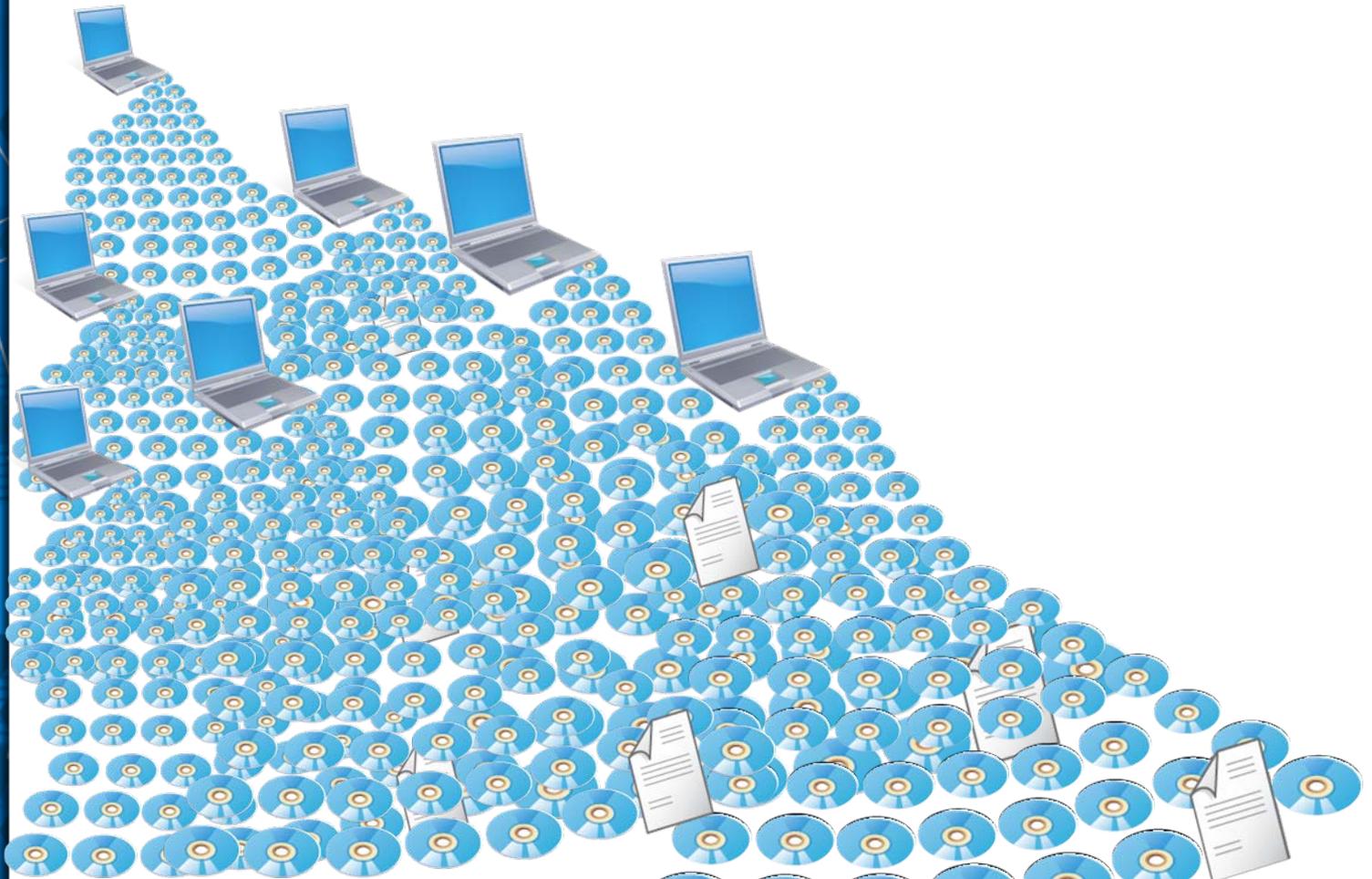


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Tackling the Challenge of Data Management and Migration to Meet Legal and Regulatory Obligations



Learning Objectives

1. Work with business stakeholders and customers to understand the source(s) of business-critical data and business rules prior to conversion
2. Consider the pros and cons of available extraction tools and archiving systems
3. Learn best practice tips for implementing an updated data management protocol



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**Why does the strength of
your data management
process matter?**

Business Environment Evaluation

- Corporations must balance the need to comply with legal and regulatory requirements with the business efficiency and storage capacity concerns of IT
- Must find a way to retain records as required while appropriately disposing of non-essential, non-record data to free storage space and prevent risks and inefficiencies caused by over-preservation

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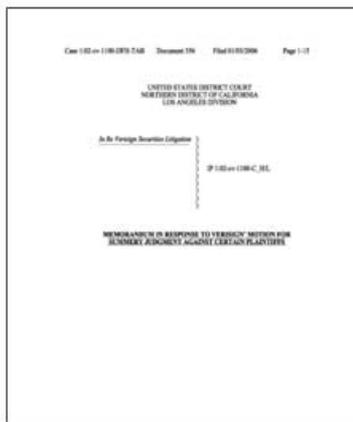
Case Law & Monetary Sanctions

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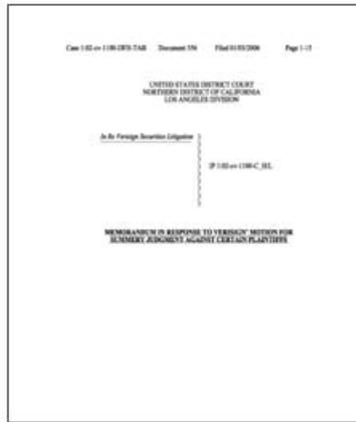
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- Plaintiff produced over 9,500 e-mails stored in company's archive system only after forensic searches
- Plaintiffs' counsel "did not understand the technical depths to which electronic discovery can sometimes go"
 - Counsel has obligation to search for sources of information to understand where data is stored
- Court issued monetary sanctions for forensic searches and subsequent motions
In re A & M Florida Proprs. II, 2010 WL 1418861 (Bkrtcy.S.D.N.Y. Apr. 7, 2010).

Case Law & Legal Hold Failure



- Defendant failed to place a litigation hold in effect when it learned the plaintiff filed charges
 - Instead, directed three employees – whose conduct was in question in the lawsuit – to search through their e-mail and cull out relevant documents without supervision of outside counsel
 - Defendant “clearly breached its duty to preserve relevant documents”
 - Court found defendant’s behavior grossly negligent and allowed for additional depositions at cost to the defendant
- Jones v. Bremen High Sch. Dist.* 228, 2010 WL 2106640 (N.D.Ill. May 25, 2010)

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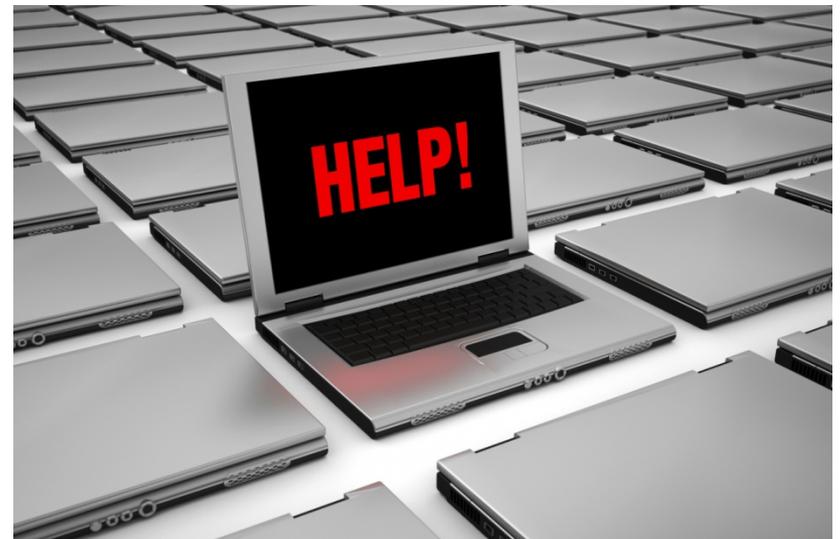
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Keeping Too Much Data Poses Significant Risks

- Ability to produce **relevant** information in the event of litigation or an investigation is a major concern
- Over preservation can lead to increased IT staffing and storage needs
- Can also lead to greatly increased discovery costs by creating larger data volumes, which significantly increases document review time



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Proactive Data Management: First Steps

Identify & Leverage Resources

Create an Application Inventory & Data Map

Classify Records & Determine Retention Periods

Determine Retention Procedures

Create a Discovery Task Force

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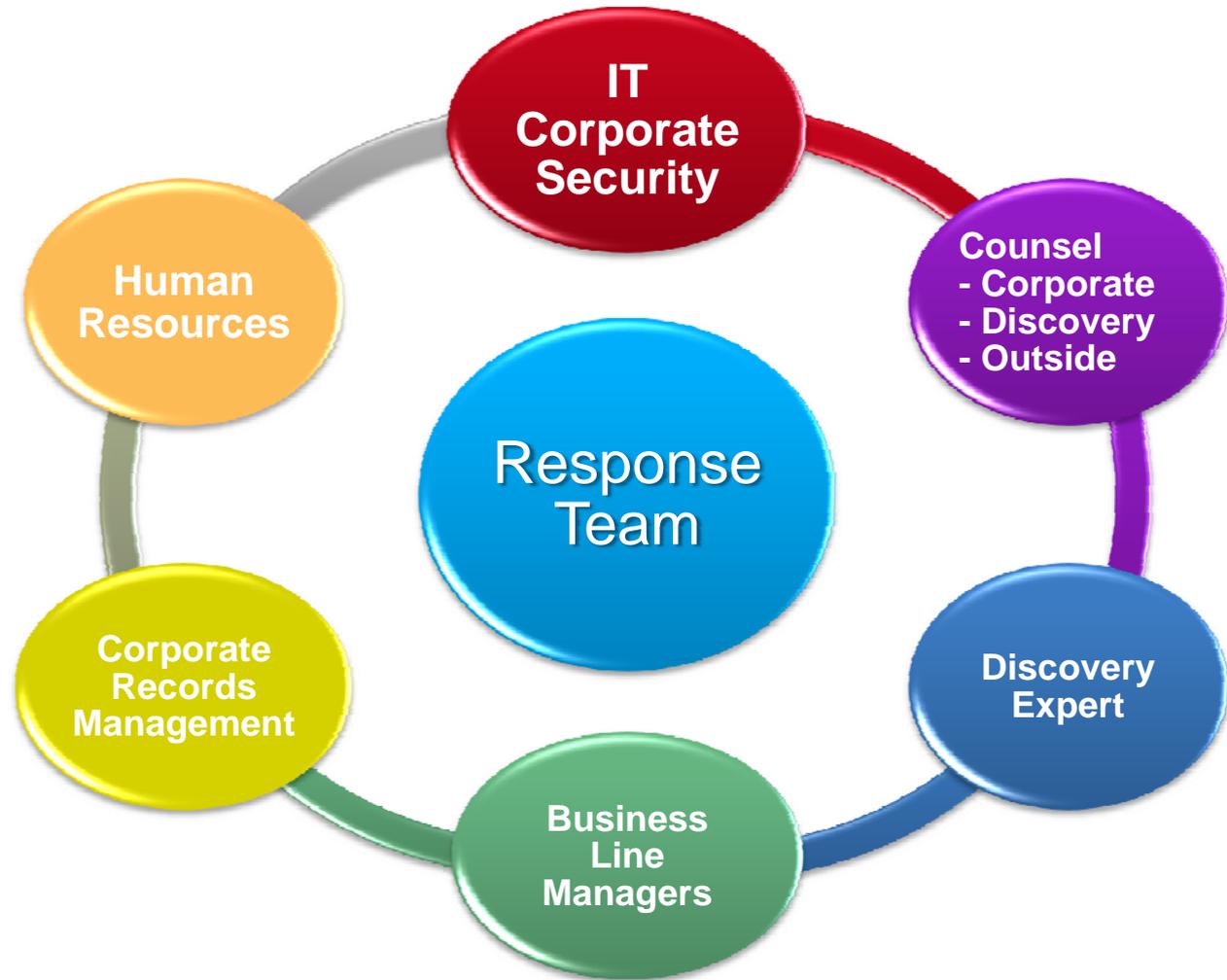


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E-Discovery Task Force: Functional Areas



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Litigation Response Team

- The response team should maintain knowledge of information regarding:
 - Where company data resides
 - How it is maintained
 - How it can be accessed and who should access it
 - When it is destroyed
- The response team should have oversight and / or ownership of the **Data Map**
 - Identify and involve Subject Matter Experts (SMEs)
 - Ensure its proper use
 - Ensure it is properly maintained
 - Ensure maintenance stays current

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Subject Matter Experts to Involve

■ IT Expertise

- Systems administrators
- E-mail administrators
- Application managers
- Backup operators
- Third party vendors
- External data stewards

■ Legal & Compliance Expertise

- Internal counsel and outside counsel
- Records management



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Stay on Top of Maintenance

- Build it, but then maintain it and keep it up to date
- Intertwine with asset management, storage planning, information security assessments, vendor management, M&A&D, and other peripheral processes
- Integrate with processes that deal with naturally occurring hardware and software lifecycles
- Consolidate maintenance “pain points”
- Leverage third parties to perform updates
- Ensure support for efforts is “top-down”



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Think Retrieval and Discovery...

Help your organization understand the difference between:

- “Backup”: restore → business continuity (disaster recovery)
- “Archive”: retrieval → discovery

Restore	Retrieval
"Give me /home/barb/thing.doc from myserver on 7/30/2010"	"Give me all files of any kind, that were created between 7/1/2007 and 7/1/2010, on any server, with the words 'project widget' in them"
"Give me a single email from Barb with a subject line of Widget from 7/25/2010"	"Give me all emails from Barb to anyone outside the company written from 7/1/2003 and 7/1/2010 that contain the words 'promise,' or 'guarantee'"

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Standard Data Backup Software

- Restore a known file or email from a known directory/application from a known server from one point in time; not searchable
- Collections of backup snapshots may contain the same data over and over, while increasing the risk of omitting crucial content
- Provides more non-relevant data that must be reviewed, driving up discovery costs



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Enterprise Challenges

Why Enterprise Information Archiving?

Operational Efficiency

- Create effective retention policy – ***stop keeping everything***
- Improve mail server performance
- Reduce data volume through single instance storage
- Conserve IT resources consumed finding data to support litigation
- Eliminate offline data stores (.pst or .nsf)

Compliance, Audits, Investigations, & Discovery

- Meet regulatory requirements for record retention
- Meet short timelines to preserve, collect, process, review and produce
- Deliver electronic information in a form conducive to cost-effective document review
- Prevent spoliation of records - avoid fines, even jail
- Control discovery costs – largest unbudgeted expense

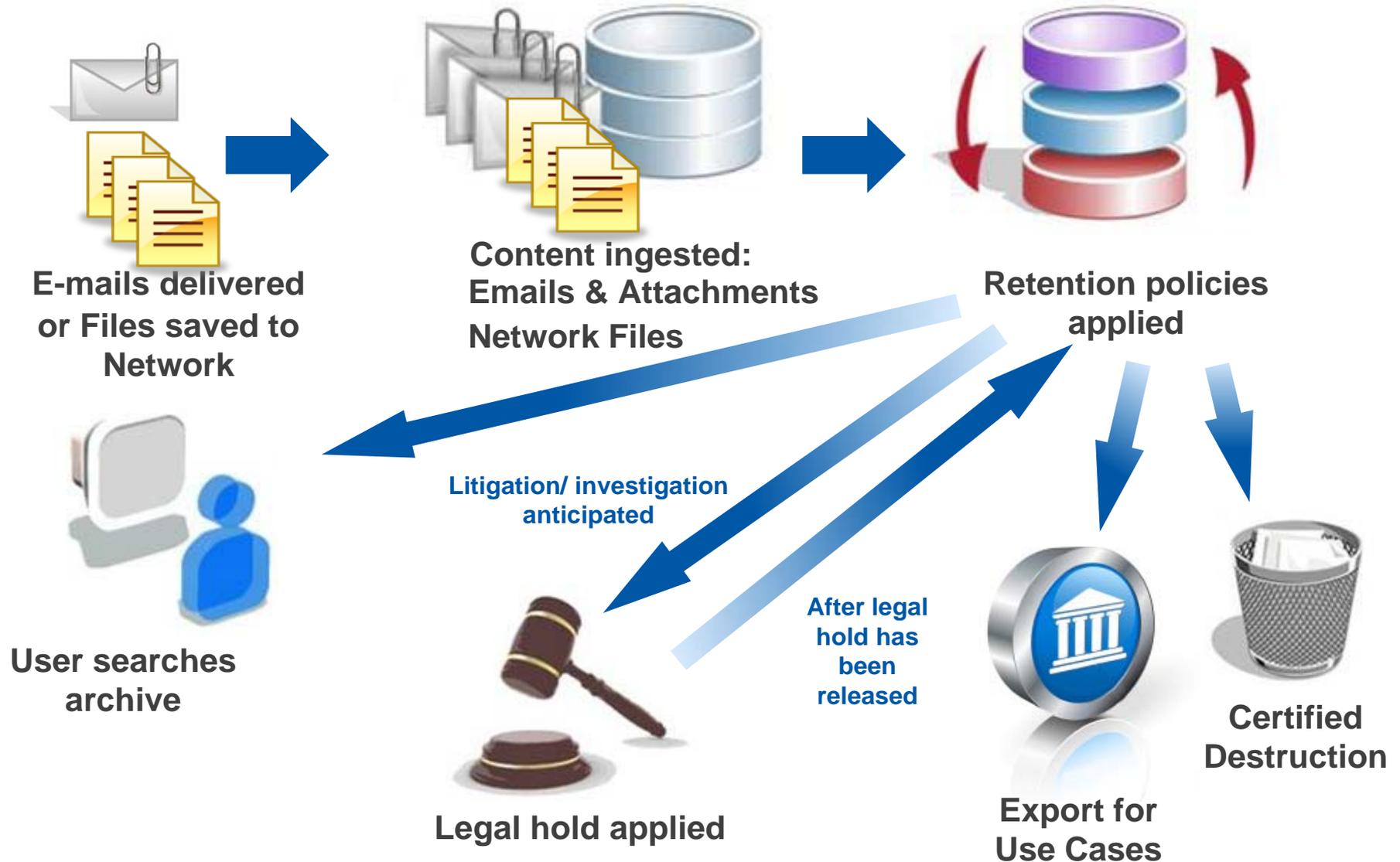
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E-Mail or Loose File Archiving Business Process Flow



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Identify The Process That Is Definable, Repeatable, Defensible For Your Organization

- Follow Information Management Best Practices
 - Comprehensive retention policy
 - Implement it **before** litigation arises
 - Monitor adherence to policy
 - Create a detailed preservation plan/process – Legal Hold
 - Keeping all data "just in case" bloats IT budgets unnecessarily and increases e-discovery risks and costs when an investigation, litigation, or merger and acquisition occurs.

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Thank You!

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