

Frequently asked questions about Forensic Data Collection:

Is forensic preservation required in every case?

It is not always necessary to forensically preserve electronically stored information (ESI). However, if a given set of ESI has not been forensically preserved, key elements of the ESI may be irretrievable should they be required later in the litigation process. This may open up the risk of spoliation allegations. Therefore, it is always recommended to consult with an eDiscovery specialist before copying any potentially relevant ESI in a non-forensic manner.

Is it possible to do Targeted Collection forensically?

Recent developments in forensic tools and methodology mean that targeted ESI can be preserved in forensically sound "container files," which preserve the file contents and metadata without the need to preserve the entire contents of the storage media. These advancements have significantly reduced the amount of ESI that needs to be preserved, thereby reducing downstream costs of culling, reviewing and production.

I am considering an Anton Piller order to preserve data in the hands of my opponents. Should I contact a local IT expert for assistance?

No, you need a certified and experienced computer forensic expert who will ensure any data encountered is treated as evidence. This includes documenting the chain of custody of any exhibits seized. IT experts typically do not have experience seizing evidence, which could introduce allegations of spoliation and lead to sanctions.

Isn't forensic capture intrusive? Do we need to halt IT operations?

Not necessarily. Again, recent advances in computer forensic tools and methodology mean that it is possible to complete a targeted forensic collection with minimal disruption to business activities. Even when a Full-Disk Forensic Image is appropriate, this process can often be scheduled after regular business hours or can be conducted covertly if required.

Unparalleled expertise and experience.

More Forensic Capture Capabilities than ever before.

Commonwealth Legal announces a strategic partnership alliance with Forensic Data Recovery Inc. (FDR), *Canada's exclusive provider* of the EnCase® eDiscovery Suite. This innovative partnership enables Commonwealth Legal to enhance our eDiscovery service offering by expanding our team of experts and increasing our forensic collection capabilities for law firms and corporations involved in legal proceedings and investigations across Canada.

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Forensic Data
Collection Services



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FORENSIC DATA COLLECTION SERVICES

Forensic data collection? Computer forensics? Data recovery?

These are just some of the terms often used interchangeably to describe the process of collecting and analyzing digital evidence and data that has been stored electronically. There are several approaches to collecting data that can be confusing or risky if the wrong method is applied to your case. Without the guidance of a computer forensics professional, those who are unfamiliar with the procedures may make costly procedural mistakes. If the appropriate collection method is not selected and electronic evidence is not handled in the appropriate manner early in the case, the risk of evidence spoliation, higher costs or damage to the relationship with your client may become a reality.

At Commonwealth Legal, we begin by helping you to decide on the best collection strategy for your case. We combine proven, industry-leading technology, such as EnCase®, with our extensive legal expertise, ensuring a strategic approach where costs are controlled effectively, critical timelines are met, risks are minimized and the evidence is accessed and managed in the most meaningful way.

What sets us apart from other companies in the market place is the fact that we understand the litigation and

investigation environment as well as the legal process. We also know the importance of confidentiality and security. As an ISO 9001 quality-certified eDiscovery company, our processes are designed based on 100% quality control and our experienced team is highly trained to handle your evidence with care. Most of all, we recognize that the investigation and litigation processes demand a sense of urgency and we are there to help you meet your deadlines.

Your options.

Typical forms of electronically stored information (ESI) include the familiar office documents found on desktop and laptop computers, electronic mail and instant messages, financial databases, Internet sites, among others.

Previously, clients were faced with a choice between two options for collection of ESI. Those seeking a fully defensible solution turned to **Full-Disk Forensic Imaging**. With increasingly large local hard drives and active servers, individual Full-Disk Forensic Imaging is rarely cost-effective, nor is it always legally required.

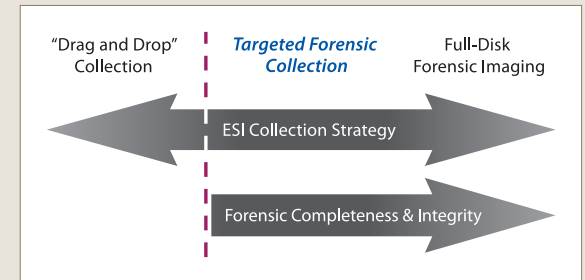
In the cases where Full-Disk Forensic Imaging was not necessary to preserve ESI, the **'Drag and Drop'** Collection method was applied to the evidence.

There are several potential risks to using this method:

- Deleted information is not captured
- Metadata is altered
- Data is not forensically sound

Often considered to be cost-effective, the 'Drag and Drop' method may even be more costly in the long run if spoliation arguments are raised or key evidence is lost.

There is another choice.



Targeted Forensic Collection offers more forensic completeness and integrity than 'Drag and Drop' collection, but is aimed at gathering only the most relevant information regarding the case, excluding deleted information.

Targeted Forensic Collection can:

- Target by custodian
- Target by date range
- Target by file type (e.g. office documents, mail)
- Limit by location
- Capture metadata
- Document the chain of custody
- Be forensically sound with the appropriate tools and expertise

*For more information on Targeted Forensic Collection and how we can help you find the best solution to meet your collection needs, contact **Commonwealth Legal** today.*

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