

## Archived Data Manager: Building a Foundation for eDiscovery

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The eDiscovery process is reeling under the weight of searching and reviewing huge volumes of corporate data. eDiscovery demands rarely cover new data stored on easily available production servers. Instead, much of the potentially relevant data exists on huge numbers of backup media, where it is notoriously difficult to recover and search. Together with shortened timeframes thanks to FRCP, attorneys either choose limited and inadequate searches on a small volume of ESI, or fail time constraints by taking more time to search more backed up data.

The technology to help is out there. But much of the problem is that Legal concentrates on its immediate concerns – search and the review process, and increasingly early analysis for early case assessment (ECA). These stages are crucial and we understand their focus. But the fact is that a successful eDiscovery process starts with the ability to quickly and efficiently search through vast amounts of enterprise archives. This action dramatically improves search time and results, which in turn improve the effectiveness of processing, analysis and review.

B&L Associates' Archived Data Manager (ADM) centralizes views, search and management of tape-based data from across the enterprise. This has significant implications for large-scale business processes like eDiscovery. This Product Profile will discuss the challenges of managing data for the eDiscovery process, and how ADM steps into the yawning gap.

### Managing Information for eDiscovery

Managing electronic information for eDiscovery can be a painful and costly process, and is fraught with risk. Let's take a look at the most critical pain points:

- **Not using eDiscovery software.** Too many companies lack the software tools to centrally manage information for business processes like eDiscovery and compliance. This problem is due to several factors including budget pressures, an emphasis on reactive rather than proactive purchases, and the

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unwillingness of Legal to involve IT in eDiscovery purchases.

- **Tighter requirements for civil litigation.** FRCP amendments have shortened the early case assessment cycle and demand that attorneys meet early on in the meet-and-confer. It also placed demands on ESI and eDiscovery that the attorneys had not previously had to follow. The Legal profession as a whole was not ready for the change, and in many cases still is not. Judges are increasingly frustrated with attorneys' slow rate of change around eDiscovery and are threatening more fees and sanctions than ever before.
- **Huge growth in ESI volumes.** The unending growth in electronically stored information (ESI) makes it extremely challenging to search data within acceptable time limits. The matter is worsened by the limitations of searching and restoring from tape media. Furthermore these huge volumes of data are archived by multiple backup applications – none of which speak to each other.

### How does this Affect eDiscovery?

There is no question that processing, analysis, review and production are crucial to eDiscovery. Legal needs the tools that help them accomplish these

stages well. But if the corporation has neglected the foundation of eDiscovery then it will cripple itself in the early search and collection stages. This is because eDiscovery does *not* start with processing or analytics. It does not even start with collection.

*It starts with effective data location and management.* So when a lawsuit rears its ugly head, Legal can move quickly to locate, collect and protect even vast amounts of ESI. By quickly accessing and searching centralized data catalogs, the search and collection process is both far more thorough and much, much faster. This benefits all of the eDiscovery stages that follow, from the ability to do good ECA to a highly relevant data set for review.

From the Legal side, it can seem like a simple matter to search archived data throughout the enterprise. It's not. There are not only many servers and storage devices to search, but also different backup applications and operating systems. And without the ability to effectively search through all potentially relevant ESI locations, Legal is at high risk of having to repeat additional eDiscovery at great cost to the organization.

It is vital that IT and Legal join forces early on in this process. In the past their idea of partnership generally consisted of Legal telling IT to search Exchange

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archives and to stop deleting thus-and-such. (Not that IT was usually deleting anything anyway.) In modern eDiscovery, this is woefully inadequate. For example, Rule 26(a)(1)(B) states that companies must be able to identify and access stored information in order to produce it at will for eDiscovery. Here's the kicker: this system should be in place *before* the discovery request is made.

There are external and internal consequences for ignoring this and other Rules. External consequences include levied fines, sanctions, costly settlements, and adverse judgments. Internal consequences include the soaring cost of reviewing vast amounts of ESI -- not because it is all relevant but because there was no good way to view and manage it ahead of time.

Corporations must begin to use proactive eDiscovery tools to manage ESI from the very beginning of the litigation process. The ability to immediately locate relevant information at the very start will reduce time, cost and effort going forward. Even better, corporations can easily leverage the product to also serve compliance, governance, and data retention management.

### **B&L Archived Data Manager**

One of the best ways we have seen to

centralize and manage archived data is B&L's Archived Data Manager (ADM). ADM provides central management for all historical backup catalogs, regardless of platform or source. The Web-based service centrally indexes and manages backup/archival for data management, eDiscovery and compliance. This enables corporations to quickly find the archived data that they need for eDiscovery and other crucial business processes.

ADM automatically consolidates catalogs from all leading backup vendors using B&L's unique data extraction technology. This centralized view and control enables ADM users to achieve an unprecedented level of control over archived data.

One of the business processes that most benefit from this control is eDiscovery. ADM enables users to quickly locate and control ESI from across the enterprise. Using ADM, Legal and other users can easily search for archived data using a variety of search parameters including storage device, directory or file name. This ends the nightmare of searching through thousands of tapes for relevant ESI.

This process meets eDiscovery requirements for fast and thorough discovery processes, and at the same time saves the corporation time and money. The fully reportable process also

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satisfies chain of custody requirements.

ADM works by extracting and consolidating all enterprise backup catalogs from separate servers into one central, Web-based database. Running a retrieval process on centralized data is very quick, smooth and much more cost-effective than searching across disparate storage. The process speeds up searches, making it far easier for attorneys to meet FRCP demands and to evolve sound case strategies.

And because ADM can carry out scheduled data retention operations, it also protects the organization against both inadvertent loss and the risk of keeping potentially damaging data.

### ADM Features

ADM grants a single view and point of control to all their backup catalog information. Users can use this consolidated catalog to search on many different parameters. These include by backup application; backup server or client; file name, date, time; or expiration date. Let's take a closer look at these and other features.

- **Manages data retention periods.** Corporations are notorious for keeping data far longer than they should. ("Forever" leaps to mind.) But this unfortunate propensity risks liability and raises the cost of storing

and managing that data. ADM tracks pre-set data retention periods and alerts IT to the files that are ready for retirement. IT can confidently delete these files because they are compliant with retention periods and policies.

- **Central Control.** ADM consolidates multi-vendor archived backup catalogs throughout the enterprise. This means that if different departments, locations or applications use different backup vendors, no problem – ADM will centralize them. This gives users single points of viewing and control for eDiscovery and for a variety of technology management and business processes that depend on easily discoverable data.
- **Web-based.** ADM uses a Web browser along with Java and Ajax to transport extracted data. This allows it to operate across a variety of operating systems to extract data. Users can securely access ADM using any computer with Internet access, meaning that IT only has to install a single instance of ADM for centralized control across the enterprise.
- **Agentless.** ADM's data collection techniques are agentless, which saves significant IT time and server resources. Agentless technology

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enables ADM to painlessly extract backup catalogs without IT having to install extra software on servers or clients.

- **Compatibility.** ADM is backup vendor-neutral. It can extract from many leading backup applications including Symantec Veritas NetBackup and Backup Exec, EMC Legato NetWorker, CA ARCserve, and HP Omniback II and Data Protector.
- **Rapid Data Extraction.** ADM works fast to load a server's backup catalog into its database. Loading speed prevents extended interruption to normal business and backup processes.

### Benefits of ADM

The benefits of ADM are significant for eDiscovery and other enterprise business processes. By centrally managing ESI, ADM reduces risk, cost, and data retrieval time.

#### Benefit #1: Save money and lower risk.

ADM helps organizations to satisfy FRCP requirements for thoroughness and speed. The organization also saves a good deal of time and money to carry out the process, and lowers risk by preserving chain of custody with fully

auditable tracking reports. These factors satisfy early eDiscovery requirements and streamline later eDiscovery stages like processing, review and production. ADM also benefits compliance, governance and IT – anyone who needs a single, comprehensive view of enterprise archives.

#### Benefit #2: Manage vast amounts of information for value.

Stored data is tremendously important in eDiscovery, but it is also tremendously hard to cost-effectively search and retrieve. ADM consolidates all archived backup catalogs to enable centralized search across enterprise archives. And in concert with B&L Vertices, ADM can even track tape-based data by individual tape and tape location. When even smaller eDiscovery actions may require initially reviewing upwards of a million documents – many of them backed up to tape – this system saves dramatic amounts of time and money.

#### Benefit #3: Manage data retention to lower risk.

“Keeping everything” demands large storage purchases, IT time to manage them, and greatly increases the time Legal needs to search through vast tracts of ESI. Uncontrolled data retention also risks the infamous smoking gun. In response, ADM can search from the

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machine level to the directory level; right down to the individual file level. This highly granular search enables IT and Legal to know what information is relevant and where to find it, and protects compliant deletion decisions. With ADM, IT can run central deletion policies across all catalogs to greatly improve data retention management.

**Taneja Group Opinion**

Legal and IT must begin working together effectively from the very start of

the eDiscovery process. That start comes in the information management and retention stage, much earlier in the process than many attorneys expect.

ADM represents a new generation of information management products that effectively provide enterprise data to business processes. This has serious implications for vastly improving eDiscovery and other vital business operations.

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