

EXPERT ADVISORY
SERIES

Advanced Discovery Quick Guide
From Paper to Digital:
Clearing a “Dead Room”

2018



From Paper to Digital: Clearing a “Dead Room”

On a recent matter, I began the usual process of understanding the totality of the documentation that might be at issue. This is never straightforward! I started with a discussion of custodians and date ranges followed by the typical questions related to data sources, devices, cloud storage and archived information. All seemed to be going well until my very last query. “Are there any hard copy documents that we need to consider?” To which I received the following answer: “maybe the contents of the dead room.”

The “dead room,” I would soon discover, was not unlike the final scene in ‘Raiders of the Lost Arc’ - a giant storeroom with row upon row of boxes stacked to the ceiling. It was called the “dead room” because apparently, this is where documents came to die. Also, dead were the chances of putting together a complete, detailed, data map without a better understanding of what was contained in the many hundreds of boxes found therein.

When dealing with the broad requests for documentation in litigations and investigations, and with the impending General Data Protection Regulation on the horizon, knowing where your data is and what it contains is more important than ever. Take the above scenario but replace me with a Data Protection Authority (DPA) - the existence of a “dead room” quickly becomes no laughing matter. It will, in fact, be a clear indication that the organisation in question is not meeting its obligation to protect data subject rights, which requires it to only carry personal data that is essential to the operation of the business. In short, the days of answering “I don’t know what’s in there” are over.

The “dead room,” I would soon discover, was not unlike the final scene in ‘Raiders of the Lost Arc’ - a giant store room with row upon row of boxes stacked to the ceiling. It was called the “dead room” because apparently this is where documents came to die.

Daniel Rupprecht,
eDiscovery Consultant,
Advanced Discovery

STEPS ONE CAN TAKE TO CLEAR A “DEAD ROOM”



01 Identify & Destroy

Step One: Identify known documentation to destroy. Begin the process by categorising and labelling as much as possible. Historically it has been easier to just store documents rather than interrogate their organisational relevance. As such, most companies are carrying vast amounts of paper from one year to the next or even worse one decade to the next. Whether it be by year, corporate division, or individual, if you don’t need it, get rid of it. Having a document retention policy in place also puts a company in a better position if documentation legitimately no longer exists within the organisation.



02 Organise

Step Two: Organise the remaining boxes in some fashion. Hopefully there is an existing order year, division, or individual, understanding that you would like to carry forward which will provide an organisation the tools to evaluate how this should be maintained.



03 Digitize

Step Three: Convert all paper documents into an electronic format. The results may be somewhat uneven in terms of quality. For example, legacy invoices may be in such poor condition that they cannot be scanned. For the most part, however, the majority of documents can and should be converted. Work with a third-party provider to have these documents professionally scanned.



04 Assess Quality

Step Four: Assess the quality and completeness of the scanned documents. Determine what should be done with the digital representation. Optical Character Recognition (OCR) should be applied to all scanned documents to enable searching using typical eDiscovery tools. From a GDPR perspective, this provides another avenue to interrogate data that might contain personally identifiable information.

Document service providers can also manually fill empty metadata fields to enable even more functionality associated with advanced eDiscovery tools. With all fields accounted for and filled in, organisations will also be able to reintroduce these documents back into the destruction protocol chain as they will now mirror the digital data that currently flows through the network environment.



05 Repeat

Step Five: Ensure that all future paper production follows the same path. Having a formal system in place is not just good housekeeping, but also can be considered best practice when seen from a GDPR perspective. Should a DPA ask where particular data is located, it can now be easily reviewed. Should an accumulation of paper return, a policy is now in place to handle its eventual reintroduction into the digital food chain. Most importantly, if there is documentation stored on premises or a separate storage facility, when questioned by a DPA, the answer will no longer be “I don’t know.”

CONCLUSION

In the original scenario regarding the “dead room,” the client ultimately agreed to a settlement. Did they settle because everyone finally agreed to get along? Did they settle because everyone agreed that the best approach was to forget about half the data and only focus on what can easily be achieved? Did everyone agree that the data in the dead room was out of scope? Unfortunately, to all those questions, the answer was no.

The reality is, given the timeframes involved and the cost associated with clearing a “dead room,” what seemed like a vast chasm between two numbers resulted in a recalibration, taking into consideration moving forward to trial. Had the company already been in a position to know their data, as the GDPR is forcing all businesses to do after May 25th, 2018, perhaps the company would have been in more control of negotiations, or at least have had fewer factors impeding upon the original strategy or desired outcome.

ABOUT ADVANCED DISCOVERY

Advanced Discovery is an award-winning and leading global eDiscovery and risk management company, partnering with law firms and corporations since 2002. Advanced Discovery and its global family of companies, Altep, Millnet Document Services and Legal Placements Inc., offer a complete suite of solutions to clients around the globe, including eDiscovery, information governance, Riskcovery® and compliance risk assessment, cybersecurity, legal operations consulting, data forensics and investigations, paper discovery and digital printing, as well as legal recruiting and placement. The company employs leading professionals in the industry, applies defensible workflows and provides patented and industry-proven technology across all phases of the eDiscovery and risk management lifecycle. This devotion to excellence has earned Advanced Discovery inclusion in the Inc. 5000 Hall of Fame for being named to the fastest-growing companies list for six successive years and recognition as the highest-level Best in Service Relativity solutions partner for six consecutive years.

ABOUT THE AUTHOR

Daniel Rupprecht is an eDiscovery Consultant for Advanced Discovery; Dan relies upon his 10 years of experience to help guide clients on best practices for managing large volumes of data and advises on eDiscovery solutions that best fit the matter at hand. Dan is a qualified US attorney having practiced in both the United States and Europe. Dan has successfully advised and managed dozens of high profile projects through all phases of the EDRM process. More specifically, he has provided guidance on large-scale document reviews related to second requests, cartel investigations, litigation disclosures, and banking-related matters. Dan also specializes in “privilege” review and the maintenance of confidentiality on sensitive documentation.

CONNECT WITH ADVANCED DISCOVERY

US: +1 866 342 3282

UK: +44 (0) 20 7422 8850

IRELAND: +353 (01) 532 9114

[Website](#)

[Contact Us](#)

[Blog](#)

