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Office 365™ cloud discovery services

Smart, defensible cloud discovery

A hot trend is on

Three-quarters of organizations today have adopted some degree of cloud computing technology.[1] Among these popular technologies are cloud-based productivity and collaboration suites, such as Microsoft Office 365™[2], which create new data discovery opportunities challenges.

Discovery Implications

Among other things, Office 365 is designed to enhance employee collaboration. For example, documents created in Office 365 may have multiple collaborators with different roles, instead of the single author typically associated with a document. Also to facilitate collaboration, Office 365 has chat functionality that can accompany a document. These chats may be directly related to specific documents.

One feature of the Office 365 platform is that, besides offering a suite of applications (Apps) such as, Exchange, Word, Excel and SharePoint, it also allows third party and custom developed Apps to be integrated into the Office 365 platform.

Another significant difference between Office 365 and traditional platforms is that storage is no longer based on "files" that are stored on a physical disk but rather on "objects" stored in the cloud. This affects every part of the platform, for example, attachments may be separate from the e-mails themselves, connected by a link to the email, rather than a physical part of the email containing one specific version.

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1 "Raising the game: The IBM Business Tech Trends Study," IBM Center for Applied Insights, August 2014, http://www.ibm.com/ibmcai/biztechtrends

2 Office 365 is a Microsoft Inc. product. Please see microsoft.com for additional information.

These, and other, capabilities can lead to new, more complex issues associated with defensible identification, preservation, and collection, including:

- **Identification.** When multiple individuals collaborate on a document that resides in the cloud, who is "custodian"? Even determining which applications collaborators use within the Office 365 suite may be challenging.

- **Preservation.** When an investigation or legal matter arises and data sources and custodians have been identified, current data preservation practice often entails collecting physical devices or drives, extracting enterprise data to an offline location, or collecting backup media from the enterprise and data custodians. These approaches are not possible in a cloud environment where a third-party service provider is hosting the application and data on their infrastructure. Therefore, new preservation approaches that address the third-party hosted data will need to be developed.

- **Collection.** Cloud applications often limit the amount of data that can be transferred to the end client as well as the number of operations it will allow during a specified time period. This pattern of "throttling' puts inherent limitations on large-volume downloads and expansive searches to identify data to collect. These constraints are designed into the platform in order to maintain its stability in a multi-tenant environment so understanding their impact on discovery project timelines and cost is important for the discovery team to understand.

- **Embedded discovery tools.** Office 365 incorporates discovery tools for certain Apps; however, the effectiveness of those tools may depend on many factors, including the specific case parameters, the volume, and complexity of the data. Moreover, the Office 365 discovery tools and processes continue to evolve as does the level of industry experience with these tools. Many organizations simply don't have discovery and IT professionals with Office 365 capabilities at this point to manage discovery tasks

- **Changes.** Office 365 is a dynamic platform. Existing functionality may change and new and improved features are being added continuously. Staying on top of these developments and understanding the impact of each change on discovery is critical.

In spite of these challenges, there are opportunities to develop efficient discovery processes. For example, an organization that is moving to a cloud-based application can analyze and assess the opportunity to defensibly dispose of archived "legacy" data and adopt a new data management methodology with the potential for considerable cost savings and to reinforce data management practices going forward.

If your organization has moved, or is moving, to Office 365 in a cloud environment or another cloud-based collaboration platform, are you prepared to meet potential discovery challenges?

Deloitte can help.

Our solution

Deloitte can assist your organization with e-discovery matters involving Office 365. We have proprietary and scalable cloud collection infrastructure, which support our collections, forensics and analytics services and where data may never have to leave the cloud. Use of our infrastructure, along with our defensible processes, can help you efficiently and defensibly process collected data into standard industry formats required for traditional processing and review. Our approach includes the following phases:

Cloud discovery and forensics

Deloitte evaluates what data exists in your Office 365 instance and works with you to determine what data needs to be held, analyzed and collected, and what the cost and time considerations are for each step in the process. We help you define and scope a proportional discovery approach focused on reasonableness and add specificity in responding and objecting to document requests. Our tools can provide a more sophisticated and tailored approach to discovery. These tools focus on maintaining legacy legal holds, managing future holds, data collection, data processing, and production of Office 365 source data and have been used successfully to help many companies.

3 Concordance® e-discovery management software is a LexisNexis product.
Please see http://www.lexisnexis.com/en-us/litigation/products/concordance.page for additional information

4 Relativity® by kCura is an e-discovery platform. Please see http://kcura.com/relativity for additional information.

In our cloud discovery lab, we use our extensive forensic capabilities to identify, collect, and analyze data using Microsoft's own interfaces, thereby supporting sensitive investigations in a forensically sound manner. These capabilities include:

- Use of Office 365 Compliance Center tools and training of IT, legal and compliance staff on the use of these tools
- Collection of email (Exchange), documents (Office, One Drive, SharePoint), media, and structured data (SQL Server), compute and storage (Azure)
- Forensic preservation of Web sites, user interfaces, and data obtained through application programming interfaces (API) such as Microsoft Graph for Office 365
- Analysis of cloud artifacts, metadata, and network data for investigative purposes
- Linkage of cloud-based data with locally collected data from laptops, servers, and mobile devices
- Social media data mapping and advanced data analytics

Office 365 data processing

Collected data often ends up in a review platform to support discovery requests or investigations. Deloitte has the experience and tools to convert Office 365 data to most industry standard formats, including standard Concordance[3] and Relativity[4] load files. The load files contain all collected metadata, and they maintain linkage between structured and unstructured data.

Defensible disposition

A key part of information lifecycle management is the disposition of data that no longer needs to be retained. Deployment of a cloud platform like Office 365 may be an opportunity for your organization to revisit and refine its data management policies, including disposition. We can also help with this:

- Forensically collect data and associated metadata
- Plan for the preservation and defensible disposition of Office 365 data
- Archive data on standard evidence drives in a format that can be processed by Office 365 discovery tools or other leading discovery platforms

Our experience

We helped a large multinational client with thousands of users preserve and collect data from Office 365 Exchange, SharePoint, OneDrive and Yammer Apps. Using Deloitte's Office 365 data identification tools, we were able to focus the collection on potentially relevant data and provide counsel with rapid responses to their most critical requests. This data was directly collected into our processing environment and made available for review without ever leaving the cloud. The Yammer collection and pressing was preformed using proprietary tools, which maintained links, chats and other collaborative data. Using a calculated collection strategy we were able to optimize searches and exports carefully managing bandwidth limitations and request throttling.

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