
**Information technology — Electronic
discovery —**

**Part 2:
Guidance for governance and
management of electronic discovery**

iTeh STANDARD PREVIEW
*Technologies de l'information — Découverte électronique —
Partie 2: Lignes directrices pour la gouvernance et le management de
l'investigation informatique*
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ISO copyright office
CP 401 • Ch. de Blandonnet 8
CH-1214 Vernier, Geneva
Phone: +41 22 749 01 11
Fax: +41 22 749 09 47
Email: copyright@iso.org
Website: www.iso.org

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Foreword

ISO (the International Organization for Standardization) and IEC (the International Electrotechnical Commission) form the specialized system for worldwide standardization. National bodies that are members of ISO or IEC participate in the development of International Standards through technical committees established by the respective organization to deal with particular fields of technical activity. ISO and IEC technical committees collaborate in fields of mutual interest. Other international organizations, governmental and non-governmental, in liaison with ISO and IEC, also take part in the work. In the field of information technology, ISO and IEC have established a joint technical committee, ISO/IEC JTC 1.

The procedures used to develop this document and those intended for its further maintenance are described in the ISO/IEC Directives, Part 1. In particular, the different approval criteria needed for the different types of document should be noted. This document was drafted in accordance with the editorial rules of the ISO/IEC Directives, Part 2 (see www.iso.org/directives).

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. ISO and IEC shall not be held responsible for identifying any or all such patent rights. Details of any patent rights identified during the development of the document will be in the Introduction and/or on the ISO list of patent declarations received (see www.iso.org/patents).

Any trade name used in this document is information given for the convenience of users and does not constitute an endorsement.

For an explanation of the voluntary nature of standards, the meaning of ISO specific terms and expressions related to conformity assessment, as well as information about ISO's adherence to the World Trade Organization (WTO) principles in the Technical Barriers to Trade (TBT) see www.iso.org/iso/foreword.html.

This document was prepared by Technical Committee ISO/IEC JTC 1, *Information technology*, Subcommittee SC 27, *IT Security techniques*.

A list of all parts in the ISO/IEC 27050 series can be found on the ISO website.

Any feedback or questions on this document should be directed to the user's national standards body. A complete listing of these bodies can be found at www.iso.org/members.html.

Introduction

Engagement in electronic discovery and processes can expose organizations and the stakeholders within and outside those organizations to collective and individual risks, including legal, financial and ethical. This document aims to provide guidance for decision makers and those holding responsible roles to ensure that causes of failure are properly managed and, where possible, minimized while still complying with policy and conformance requirements to enable effective and appropriate electronic discovery and processes.

This document is to be read in relation to ISO/IEC 27050-1 and ISO/IEC 27050-3. Common responsibilities of a governing body is to provide strategic direction in all matters of relevance to electronic discovery and to take ownership of the risks related to electronic discovery. The responsibility of management is to develop and implement the policies, plans and strategies for electronic discovery set by the governing body. The inherent causes of failure and environmental issues associated with electronic discovery governance and management impact the viability of a coherent system that delivers optimal business value. Consequently, the structures, processes and communication requirements of electronic discovery needs to be compliant and open to review.

The measure of success for the investment in the use of electronic discovery services is the benefit that it brings to the organization making the investment. Proper foresight, oversight and direction allow the full scope of the effort required to derive the expected benefits and an appropriate framework for governance, risk and value to be determined. This document addresses the concerns of electronic discovery governance by identifying the risk and the risk owners of potential points of failure in electronic discovery processes.

This document is to provide guidance for the governance and management of electronic discovery.

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Information technology — Electronic discovery —

Part 2:

Guidance for governance and management of electronic discovery

1 Scope

This document provides guidance for technical and non-technical personnel at senior management levels within an organization, including those with responsibility for compliance with statutory and regulatory requirements, and industry standards.

It describes how such personnel can identify and take ownership of risks related to electronic discovery, set policy and achieve compliance with corresponding external and internal requirements. It also suggests how to produce such policies in a form which can inform process control. Furthermore, it provides guidance on how to implement and control electronic discovery in accordance with the policies.

2 Normative references

The following documents are referred to in the text in such a way that some or all of their content constitutes requirements of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

ISO/IEC 27000, *Information technology — Security techniques — Information security management systems — Overview and vocabulary*

ISO/IEC 27050-1, *Information technology — Security techniques — Electronic discovery — Part 1: Overview and concepts*

ISO/IEC 38500, *Information technology — Governance of IT for the organization*

3 Terms and definitions

For the purposes of this document, the terms and definitions given in ISO/IEC 27000, ISO/IEC 27050-1, ISO/IEC 38500 apply.

ISO and IEC maintain terminological databases for use in standardization at the following addresses:

- ISO Online browsing platform: available at <https://www.iso.org/obp>
- IEC Electropedia: available at <http://www.electropedia.org/>

4 Symbols and abbreviated terms

ICT	Information and Communication Technology
OCR	Optical Character Recognition
ESI	Electronically Stored Information

5 Electronic discovery background

Electronic discovery is an element of traditional discovery and it is a process that typically involves identifying, preserving, collecting, processing, reviewing, analysing, producing, establishing provenience, and maintaining the chain of custody, of ESI that can be potentially relevant to a particular matter. The guidance provided in this document are in accordance with the electronic discovery concepts described in ISO/IEC 27050-1:2016 Clause 3, 6.4 and 6.5.

ISO/IEC 27050-1 differentiates between generic actions such as "identifying" from the specific electronic discovery process elements by preceding the names with "ESI" (e.g., ESI identification). Likewise, this document follows this approach. [Figure 1](#), repeated from ISO/IEC 27050-1, shows all of the electronic discovery process elements and the interrelationships between them (see ISO/IEC 27050-1:2016, 8.1 for a full description).

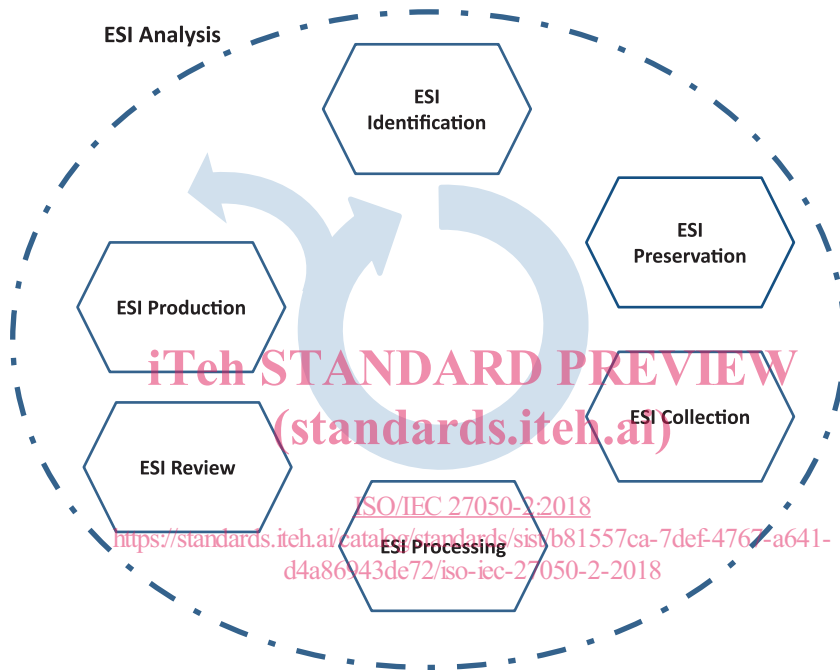


Figure 1 — Electronic discovery process elements

Risks associated with electronic discovery processes require attention from those responsible for governance and management to minimize systemic failures, unpredictable failures, and to maximize the process effects. The goal of electronic discovery is the same as with hardcopy document discovery that is to find and to produce information potentially relevant in a matter. The nature of electronic information adds differing layers of complexity and opportunity, since ESI carries with it such elements as metadata and requisite data processing and management functions that do not exist with paper. In addition, the collection and processing of ESI for discovery presents challenges that can have import either:

- to the viability or accuracy of the ESI produced to the opposing side (e.g., data corruption, password protection, encryption, indexing issues, inadequate keyword search, poor OCR); or
- to the ability to maintain chain of custody.

The escalating volumes of ESI typically created, maintained and collected present challenges for consistency and accuracy in review. The role of those responsible for governance and management is to assure electronic processes are controlled according to the risk criteria and conform to the distributed appetite for risk. [Figure 2](#) describes the responsibilities in relation to electronic discovery roles and the harmonisation of related risks for optimal benefit delivery.

This document addresses the challenges of control by:

- promoting common understanding of various concepts and terminology for governance and management;
- articulating objectives and structures for electronic discovery governance;
- encouraging practical and cost-effective establishment of electronic discovery processes;
- providing guidance and best practices to those responsible for governance and management of electronic discovery strategies and policy;
- identifying tasks and strategy contexts for those responsible for electronic discovery governance and management, that they may set policy and design controls;
- promoting the proactive use of metrics and risk evaluation practices for minimizing failure in electronic discovery processes;
- suggesting ways to avoid adverse effects on reputational factors, organizational activities and staff morale;
- providing guidance for compliance, conformance and effectiveness review.

The overriding goal is to help organizations establish good governance for their electronic discovery processes by setting targeted policies and measured controls that are responsive to scale and size of an electronic discovery project. While this document has been written with larger electronic discovery projects in mind, and therefore covers aspects encountered in the majority of matters, it is not necessarily the case that all steps will be required or proportionate to every matter. For example, in small matters, it can well be that a single person manages and completes every aspect of the project, whereas larger matters can warrant the use of separate individuals, third parties or even teams for each element of the electronic discovery project.

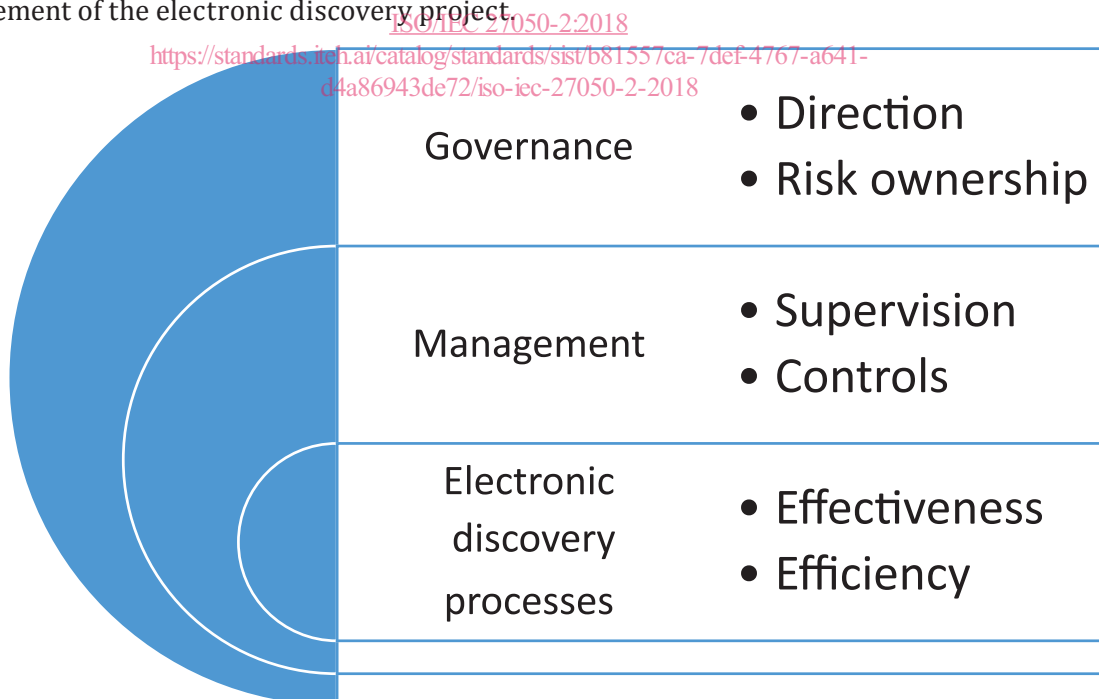


Figure 2 — Electronic discovery governance system harmonization