

BACKUP TAPE OPTIONS IN DISCOVERY				
Notes: ESI=Electronically Stored Information BuA= [Server] Backup Application [e.g. NetBackup, ArcServe, Legato, Tivoli] NRA=Not Reasonably Accessible EDB = Exchange DataBase [Emails]				
An analysis of the options available regarding backup tapes and how they might apply in discovery.				
ACTION [in order of increasing cost or burden]	APPX.COST depends on qty, urgency, etc.	INFORMATION POTENTIALLY GAINED Varies between tape vendors and type of BuA used]	POTENTIAL USE[S] OF INFO	RISK[S], DEFENSIBILITY, COMMENTS
Interview Client IT Staff Server names/uses/custodians Type of tape/use/time periods	Minimal -no tech costs	ESI contents on specific servers. Types/sizes of tapes used for certain servers or time periods. Tape naming protocols.	Useful in combination with other info.	
Physical Inspection Labeling [server, date] Type/size of tape Storage Location	Minimal -no tech costs	Servers backed up and dates thereof.	In combination with client knowledge [above], can identify backup tape[s] for inclusion or exclusion in searches.	Since servers store a lot of unstructured data, unless it can be solidly established that only specific data resides on certain tapes, excluding tapes would be difficult to defend. [Exception: Exchange tapes with known users/servers.]
Header Scan Only first few feet of tape is read. "Header Report" is generated.	\$35/tape	Backup application [BuA] used, date of backup, sequence [e.g. tape x of y]	Could cull tapes based on date of backup if backup prior to period of interest. Could establish if complete backup exists [all tapes in sequence]	Little risk in date culling as described.
Server Scan Entire tape is read, but no data extracted. "Server Report" contains additional info.	\$50-65	All info from Header scan plus: Server name, total GB	Could cull by server if ESI contents well established. If a large number of similar tapes exist, using size data from sample will enable cost burden claim.	Comment above re: contents applies. Cost burden claim difficult to defend if tape[s] are only known source of certain ESI being sought [e.g. from former employees]
Forensic or File Listing Scan Except Exchange Tapes Each file header info is read, but no files are extracted. File Listing Report[s] are generated.	\$85-115	All info above, plus: total listing of all files, including name, path, size, date[s] created and modified, file extension. An Extension Report can be generated that lists file count and size by file type.	Enables identification of files for culling by type [extension], date, or location [e.g folder]. Enables identification of Exchange Tapes. Enables cost estimating for NRA burden claims.	The file listing will be very large and likely include files without extensions, with unknown extensions, or with container extensions [e.g. zip] that could contain relevant ESI. It is also known that users can change extensions, thereby prohibiting identification of file types.
Forensic or File Listing Scan Exchange Tapes Only	\$85-115	Listing of Exchange DataBases [EDB's] - there are typically a few for each Exchange server. May also include STM files for newer versions of Exchange.	If client has knowledge of which users' mailboxes are maintained in which EDB, the specific tapes for users of interest can be identified, which enables culling of other tapes.	EDB's are container files, so cannot learn anything about any specific users' mailboxes without actually extracting the mailboxes [pst files], which are container files themselves but can be analyzed with special technology.
EDB EXTRACTION EDB's are extracted from the tape and pst's are unpacked-Note: not to a native Exchange enviro.ESI is not indexed at this stage.	varies by vendor \$35-50/EDB, hourly chg, etc. \$250-400/tape	Can generate "Custodian Report[s]", listing file names, message counts and sizes	If the naming convention for the Exchange server is known, this should enable identification of individual mailboxes. Size and message count info enable calculation of cost estimates.	Cost estimates can vary widely depending on attachment "weight" of the pst files, which affects file counts and difficulty of legal review[s].
FILE EXTRACTION [OTHER THAN EXCHANGE] All files are extracted [but not indexed] to vendor's system [not native].	varies by vendor FLAT RATE/TAPE OR hourly chg, etc. \$250-400/tape	Can generate complete file report[s], listing file names, creation dates, author, path, size, file type, size, etc.	Can cull by file type, date, filename, author, etc. Can develop burden estimates on any such basis, including file location [path] -[e.g temp internet cache files]	Same problems as with file listing scans [see above].

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<b>FILE INDEXING</b> Load into vendor's database and fully index every file. Can be filtered at ingestion to the indexing engine for cost management.	Usually \$/GB basis, depends on vendor. Can range from \$250-3000/GB.	Full searching capability, as well as de-duplication, filtering by filetype, date, and most other Boolean criteria.	Test searches can be run on the entire database of a sample thereof to test the selectivity of search criteria. This can then be used to develop cost burden estimates for NRA claims and/or to negotiate discovery plans.	Selective loading and indexing at this point, based on the file information generated in previous steps, can be a major cost management tool. At this point the tapes are no longer further involved in the ESI processing unless additional data is subsequently introduced into discovery.
<b>ESI EXPORTING</b> to Hosting Platform, or to ESI Repository, or To Load File[s], natively or otherwise	Cost can vary widely depending on format and size of export	Exports can be filtered to minimize cost associated with further processing.	Hosting platform used for legal review. ESI Repository for subsequent additional searches. Load File for delivery to outside sources for further processing, review, etc.	Filtering and exporting must be carefully managed to assure defensibility of the process and integrity of ESI exported.