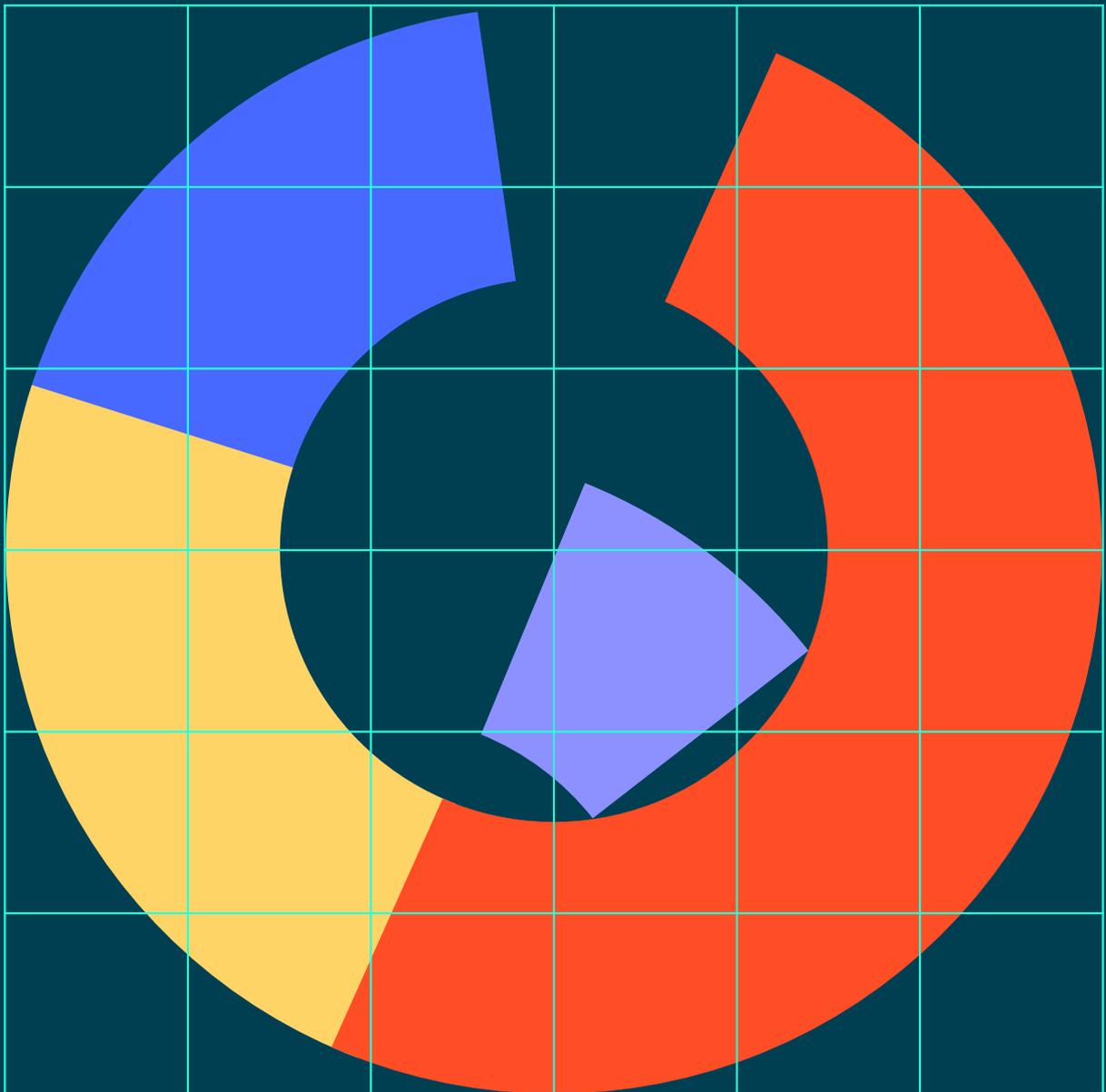


Preserving critical metadata in self-collection



In this guide we explore the potential issues and solutions for end-clients who are considering data self-collection.

Introduction	3
Common issues	4
Available tools	5
Helpful resources	9
How we help	11

Disclaimer

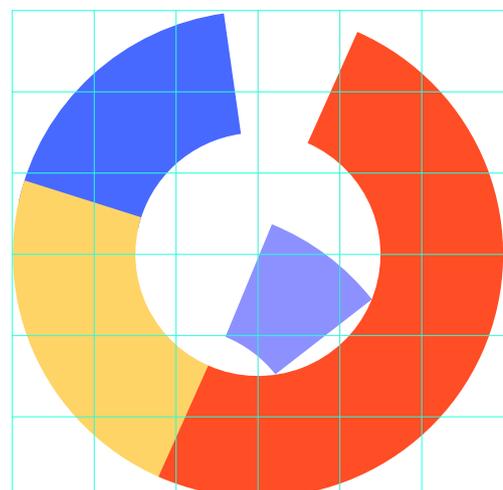
This document and its contents are intended to provide general information, and do not take into account any specific circumstances or factual scenarios. Neither this document nor its contents are intended to be comprehensive in nature or to constitute professional (or legal) advice, and you must not rely upon them as professional advice. You should seek specific legal or other professional advice based on your specific circumstances. None of Sky Discovery Pty Limited, the companies within the Sky Discovery group and their respective agents, employees and sub-contractors (Sky Discovery entities) make any warranties or representations about this document or its contents. While we update the contents of this document regularly to reflect current developments, we do not warrant or guarantee the currency or accuracy of those contents. No Sky Discovery entity is liable to you or any other party for any loss or damage of any kind and no matter how it arises in connection with the use of this document or its contents. We exclude, to the maximum extent permitted by law, any liability which may arise as a result of the use of this document or its contents or information made available through it (including liability for any indirect, incidental, special or consequential loss).

Reading time	6 minutes	Page count	12 pages	Word count	1,359 words
--------------	-----------	------------	----------	------------	-------------

Many end-clients or stakeholders will initially seek to collect data and documents using their own internal systems and resources.

At face value, there is generally no issue with clients doing this for simple collections. However, there are limitations on the technology and resources available to most end-clients that should be considered.

These limitations and other risk factors associated with collecting your own data should be managed to avoid significant time and cost implications or, worse yet, negative impacts on the outcome of your matter.



Common issues

When end-clients have the resources to undertake the collection, we always recommend engaging with an eDiscovery specialist beforehand. If another stakeholder is collecting data, several important factors must be considered in relation to maintaining critical metadata.

During a data collection exercise, for file formats Microsoft Word, Excel, and PDF, the following actions may cause individual document times and dates to be inadvertently changed to the time and date the file was copied.

- Copying files from one file system to another
- Dragging and dropping files from one system to another
- Sending documents via email
- Uploading files to a file share link.

Undertaking any of the actions above has potential downstream issues once the data has been processed and uploaded to a review platform. These issues can include:

- Displaying inaccurate creation or modified time and date
- Potential questions from the opposing side about how data was collected
- Inability to sort the documents chronologically
- Potential additional cost if manual coding of date is required
- Inaccurate search results.

When collecting data, it's important to preserve file times and dates. It also requires a clear chain of custody from the point of collection. A failure to preserve this may greatly impact your ability to rely on certain documents or effectively use eDiscovery workflows.

Collecting and preserving data integrity is a critical requirement of many legal environments to present a copy of a document as it exists within the end client's system.

Available Tools

While we suggest consulting eDiscovery experts for this task, some free tools can help maintain crucial metadata if engaging specialists is not possible.

Important: Please note that Sky Discovery licences none of these products. Sky Discovery takes no responsibility for any adverse effects these software programs may have on the client's systems.

FastCopy

FastCopy is software that copies files from one file system to another while maintaining the file system times and dates; among many other features, it also produces a log of the copy and displays any errors during the copy process. As the name suggests, the software also copies (copy and paste) files faster than the windows explorer network transfer.

FastCopy can be used to copy individual files or complete folders and subfolders. Fast copy has an easy-to-use interface where the user enters either the folder or file paths. A file path will copy multiple individual files from different folders that can be entered simultaneously. FastCopy does need to be installed on the user's machine, which may require the assistance of their IT departments.

Find more information and download options for FastCopy [here](#)

SafeCopy

SafeCopy is a free application that maintains the file times and dates during copying. This software can be run by clicking an executable file, so no installation is required however, users may not have permission to run executable files on the local computers.

Find more information and download options for SafeCopy [here](#)

ZIP Archive

You can create a ZIP archive of all the required files before moving them off the file system/drive. The times and dates will be retained if the files remain on their original file system to create the archive. Zipping the files will maintain the file's times/dates inside the zip file container, and they will not change during the zip file transfer from one system to another.

Find more information and download options for 7-ZIP [here](#)

RoboCopy

Robocopy (Robust File Copy) is a command-line directory and/or file replication command for Microsoft Windows. This option requires the use and knowledge of the command line application on Windows software. Robocopy uses several switches to copy and maintain file attributes while copying a folder or folder structure and the files contained within.

Unless the client has previous experience using the command line and Robocopy or is engaging their IT department to assist, we advise utilising different options.

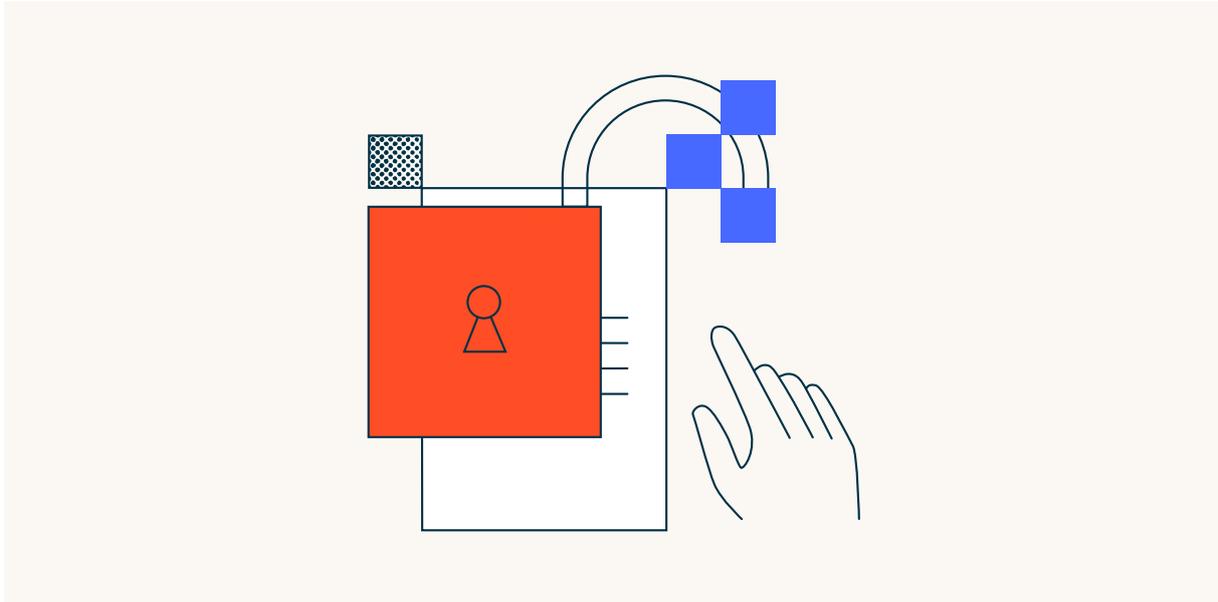
Find more information and download options for RoboCopy [here](#)

FTK Imager

Forensic Tool Kit (FTK) Imager is free software that enables the user to preview hard drives or servers and view the content; FTK Imager allows the user to create a forensic image of files/folders or entire hard disc drives. Users can create a custom content image and select individual files or entire folders to be captured; the folder path is maintained during the collection. Forensic image capture can only be viewed by specific software. Relativity can process this data.

FTK Imager is a comprehensive software requiring knowledge of the options selected to ensure that the collection is created as intended. We strongly recommend speaking to an eDiscovery collection expert to discuss this option if required.

Find more information and download options for FTK Imager [here](#)



Always consider the experience of those undertaking the collection. While collecting data is often given to the IT function, not everyone within this team can complete the work to the standard required for a legal or regulatory matter. This includes their experience executing the collection process and the speed with which they can complete it.

The limitations on standard software search functions. Many standard office tools that might be used to collect data have limited effective search functions and will not accurately keyword search data. A standard search will also miss documents without text, scanned, zipped, or password-protected files. Some eDiscovery providers have technology solutions that can overcome all these limitations.

Our experienced team can help you navigate the challenges data and documents will pose in your matters and ensure you are best positioned to overcome them.

Not all the solutions within this guide will apply to every situation. If you would like help with data identification, data collection, maintaining metadata, or the application of an eDiscovery workflow to your matter, please [contact us](#).

Helpful resources

As specialists we continually invest in R&D and best practice so we can advise our partners with confidence. These insights culminate in [helpful resources](#) and [references](#) for lawyers and decision-makers.

Data Identification Questionnaire

Our questionnaire aims to help you quickly and accurately identify data potentially relevant to your matter. The information captured from key stakeholders will facilitate the development of a collection plan and enable its swift and defensible execution.

[Learn what to consider](#)

Draft Exchange Protocol (Australia)

This reference is used by our teams on most disputes in most jurisdictions within Australia. The template provides a starting point for developing a protocol that governs the exchange of documents for Australian disputes.

[Learn what to consider](#)

Key timings for disputes

Collaborative partnership with your eDiscovery specialist can extend beyond a specific project and, if progressed towards a more integrated solution, can create significant benefits and a competitive advantage for legal teams.

[Learn what to consider](#)

Learn more

References for lawyers and their teams	↗
Key benefits of an eDiscovery workflow	↗
Overcoming misconceptions or objections to using eDiscovery	↗

Across hundreds of matter types in all sectors and jurisdictions, we focus on solutions and impact. Here is a selection of matters that may be relevant to you.

Mitigating collection risk

Dispute, Regulatory, Investigation, Locate, Collect

[Read](#)

Collecting critical data quickly

Dispute, Regulatory, Investigation, Locate, Collect

[Read](#)

Prioritising critical documents

Dispute, Regulatory, Investigation, Collect, Process, Analyse

[Read](#)

[View all solutions ↗](#)

You need a team with a balance of legal, eDiscovery and technology expertise, this is who we are.

Our expert team of lawyers and technologists are available to assist you with navigating all stages of your matter, from the first meeting, through scoping, to completion. We focus on technical solutions so you can focus on the law. Find out how we help.

