

SharePoint and E-Discovery

Hand-in-Hand or Out-of-Hand?

By Ursula Talley, Vice President, Marketing and Satwik Hebbar, Manager, Product Marketing, StoredIQ

The growth of SharePoint within enterprises over the last few years has been remarkable. It is the fastest growing server in Microsoft history with more than a 100 million licenses sold, and thousands more being reportedly sold every week. And if the Association for Information and Image Management (AIIM) “State of the Market: Microsoft SharePoint” report is to be believed, any company with SharePoint installations should be concerned about litigation readiness and risk management.

Some notable findings revealed by this survey include:

- ◆ 67% of organizations were using SharePoint in a production capacity;
- ◆ 40% of respondents did not know how many documents were managed by SharePoint;
- ◆ 19% had no idea how many SharePoint sites had been deployed; and
- ◆ Only 5% of respondents had any significant processes in place for e-discovery with SharePoint.

Since this report was published, we have seen the launch of Microsoft Office SharePoint Server 2010. Significant usability improvements and social media investments into the architecture have unsurprisingly been received with great excitement by enterprise administrators, CIOs and users alike. As you watch the number of SharePoint sites in your enterprise move into the tens of thousands, and data under SharePoint management cross the terabyte threshold, you begin to realize how quickly this file sharing and collaboration system can get out of hand.

Potentially Risky Litigation Outcome

To begin limiting your organization’s legal exposure, you first need a complete understanding of your SharePoint deployment—how many farms have been installed, how many users are actively creating and accessing content, what type of content is being managed and what IT procedures and processes are already in place for SharePoint (if any)? This should help decide what risks you entail when implementing SharePoint, and how to apply any existing e-discovery processes in your organization to your SharePoint

environment. By this time, however, you might realize that your existing information management and e-discovery solutions aren’t sufficient when it comes to the veritable mosaic of content types that SharePoint creates and manages.

This is not surprising given most archiving and collection solutions cater to the file-sharing and document management space—the original inspiration for SharePoint. But SharePoint has since grown to become rich in terms of its many business and social applications and more often than not will be used as a portal for wikis, blogs and discussion boards. Excellent integration with other Microsoft products like MS Exchange and MS Project are bound to motivate some users to take advantage of other

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features like calendars, tasks and issue trackers. Right on cue, alongside the social media explosion, SharePoint 2010 brings advanced social interaction features into SharePoint, including “Facebook-like” user profiles associated with personal sites owned and managed by users themselves. Add another layer of complexity on top by noting that collaboration on shared content is often associated with version management, and each document could potentially have multiple managed versions.

E-Discovery Processes for SharePoint

SharePoint’s hybrid, dynamic and very complex environment carries the potential for flawed e-discovery practices that are

almost destined to result in undesirable litigation outcomes. With no end to SharePoint growth in sight and e-discovery sanctions on the rise, now is the time to consider a defensible e-discovery solution and some best practices to avoid an out-of-control SharePoint environment in your organization.

- ◆ Ensure support beyond document libraries to include all data types such as wikis, blogs, discussions, lists and user profiles.
- ◆ The ability for smart data modeling that captures relations between objects is a must—blog post *has* comments; user *owns* user profile; user *owns* personal site—in short, retain context to understand content.
- ◆ Facilitate e-discovery “in the wild” (in this case, the SharePoint jungle). The unique early case assessment capability allows you to review content like wikis, blogs, discussions, lists where the data resides—no need to move data prior to collection.
- ◆ Eliminate “staging” of reviewable subsets of data on a separate SharePoint site for the sole purpose of reviewing content alongside metadata.
- ◆ Ensure preservation for all object types without losing any associated metadata.
- ◆ Manage e-discovery matters and custodians using a powerful workflow that allows IT and legal to work in tandem—assess the merits of a dispute and formulate a legal strategy far earlier in the process.
- ◆ Create and publish reports to understand where all SharePoint data lives, who is creating them, how old the data is and what the business value is to your organization.
- ◆ Export relevant objects, including wikis and blogs, to facilitate downstream review without loss of user experience in terms of reviewing HTML alongside metadata. At that point downstream legal reviewers simply need a Web browser for review.
- ◆ Ensure the ability to export objects to carry all relevant associated data—pictures, attachments, comments to posts, etc.—in a single, self-navigable environment.

In short, by coupling best practices with a sound and defensible e-discovery solution, you will be able to quickly catch up with months or even years of lag in unaccounted risk from SharePoint data. ■

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