CUNY E-Discovery Litigation Hold – IT Designee’s Advance Preparation

This document lists the steps to be performed by an institution’s Electronic Discovery IT Designee to prepare the institution to perform the technical components of the litigation hold process.

1. Consult with your institution’s representative on the IT Steering Committee regarding the assignment of individuals in your IT department to the roles of Primary E-Discovery IT Designee and Alternate E-Discovery IT Designee. Both IT Designees collect and preserve electronically stored information (ESI). Only the Primary IT Designee receives communications from OGC Case Attorneys. The Alternate IT Designee performs ESI collection and preservation when the Primary IT Designee is unavailable to do so. (Note that, for both IT Designees, the litigation hold process allows for the delegation of tasks, if necessary, to other members of the IT department.) Whenever an IT Designee is assigned or unassigned, email the name of the person to Abby Jennis at Abby.jennis@mail.cuny.edu.

2. Determine the members of your IT department to whom litigation hold tasks may need to be delegated. Such delegates typically include email system administrators, network server/storage administrators, and members of your IT staff located at or responsible for remote sites.

3. Confirm access to the https://Legalaffairs.cuny.edu/eDiscovery SharePoint site by both IT Designees. If a new SharePoint account is needed, send an email to Abby Jennis at Abby.jennis@mail.cuny.edu.

4. Identify a physically secure location for hardcopy instances of the Custodian ESI Checklist, Custodian Interview Form, and ESI Chain of Custody Form.

5. Identify a network file server that:
   a. Has (and will have) sufficient storage space to preserve your institution’s collected ESI (the Central Office dedicated 1 TB to store ESI)
   b. Is network-accessible by your backup system
   c. Is secure (authenticated access)

   This file server is called the “Lit Hold Server” in the litigation hold process documentation.

6. On the Lit Hold Server:
   a. Create the “Lit” folder
   b. Set up “Lit” folder’s access rights (only the Primary and Alternate IT Designees have access; they both have full access)
   c. Include the “Lit” folder in the list of folders that are backed up regularly by your backup system. (Preferably, the “Lit” folder should be backed up nightly and its backups should be retained for at least three weeks.)

7. Designate your institution’s “standard storage locations”. Standard storage locations are those storage locations that are easily and rapidly accessible to IT Designees and delegates (such that a person’s files and email mailboxes in these locations can be, via your institution’s network, directly and remotely copied to the Lit Hold Server). Such storage
locations typically include personal network drives or shares, email mailboxes, and file/email archive servers.

8. Determine a means of encrypting preserved files on the Lit Hold Server. Encryption can be provided by an encryption server or an encryption program (Consider the Central Office’s PGP Universal Server; it is accessible via the CUNY WAN).

9. Send an email message to your institution’s Legal Affairs Designee stating the following:
   a. The name of your Lit Hold Server
   b. The storage locations that you designated as standard storage locations