

# Information Technology Policy

## *e-Discovery Technology Standards*

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| <b>ITP Number</b><br>ITP-INF009                                                | <b>Effective Date</b><br>August 26, 2008 |
| <b>Category Information</b>                                                    | <b>Supersedes</b><br>None                |
| <b>Contact</b><br><a href="mailto:RA-ITCentral@pa.gov">RA-ITCentral@pa.gov</a> | <b>Scheduled Review</b><br>November 2022 |

### 1. Purpose

This Information Technology Policy (ITP) establishes an enterprise-wide product standard for use by all agencies to identify, collect, search, and analyze [Electronically Stored Information \(ESI\)](#) for purposes of [Electronic Discovery \(e-Discovery\)](#) in litigation matters. E-Discovery refers to any process in which ESI is identified, collected, searched, and analyzed for the purpose of production in the discovery phase of litigation.

### 2. Scope

This ITP applies to all offices, departments, boards, commissions and councils under the Governor's jurisdiction (hereinafter referred to as "agencies"). Agencies not under the Governor's jurisdiction are strongly encouraged to follow this ITP.

Third-party vendors, licensors, contractors, or suppliers shall meet the policy requirements of this ITP that are applicable to the products and services provided to the Commonwealth.

### 3. Policy

When Commonwealth legal counsel determines that ESI shall be produced for opposing counsel as part of discovery, the Commonwealth's legal counsel shall direct IT support staff to assist in the initial search for ESI. ESI can be collected from a variety of sources. E-mail and e-documents are the most common forms of ESI and they are found on shared or network drives and archives (including backup tapes). Once the ESI sources are identified, legal counsel will use the product, identified in STD-INF009A, *e-Discovery Product Standards*, to collect, search, and analyze the ESI.

The solution provided by this ITP is a method to significantly reduce time and costs associated with the production of ESI in litigation.

All ESI produced by agencies for purposes of e-Discovery in litigation matters shall be identified, collected, searched, and analyzed utilizing the product named in STD-INF009A, *e-Discovery Product Standards*.

## 4. Responsibilities

- 4.1 **Agencies** shall comply with the requirements as outlined in this ITP.
- 4.2 **Office of Administration, Office of Information Technology** shall comply with the requirements as outlined in this ITP.
- 4.3 **Third-party vendors, licensors, contractors, or suppliers** shall comply with the requirements as outlined in this ITP.

## 5. Related ITPs/Other References

Definitions of associated terms of this policy are published on the Office of Administration's public portal: <http://www.oa.pa.gov/Policies/Pages/Glossary.aspx>

Commonwealth policies, including Executive Orders, Management Directives, and IT Policies are published on the Office of Administration's public portal:

<http://www.oa.pa.gov/Policies/Pages/default.aspx>

- [Management Directive 205.34](#) Amended *Commonwealth of Pennsylvania Information Technology Acceptable Use Policy*
- STD-INF009A *e-Discovery Product Standards*
- [ITP-ACC001](#) *Information Technology Digital Accessibility Policy*

## 6. Authority

[Executive Order 2016-06](#) *Enterprise Information Technology Governance*

## 7. Publication Version Control

It is the [Authorized User](#)'s responsibility to ensure they have the latest version of this publication, which appears on <https://itcentral.pa.gov> for Commonwealth personnel and on the Office of Administration public portal: <http://www.oa.pa.gov/Policies/Pages/default.aspx>. Questions regarding this publication are to be directed to [RA-ITCentral@pa.gov](mailto:RA-ITCentral@pa.gov).

## 8. Exemption from This Policy

In the event an agency chooses to seek an exemption from the guidance within this ITP, a request for a policy waiver is to be submitted via the enterprise IT policy waiver process. Refer to [ITP-BUS004 IT Policy Waiver Review Process](#) for guidance.

This chart contains a history of this publication's revisions. Redline documents detail the revisions and are available to CWOPA users only.

| Version  | Date       | Purpose of Revision                                                                                                                                                                                                                                                                                 | Redline Link                                                 |
|----------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| Original | 08/26/2008 | Base Document                                                                                                                                                                                                                                                                                       |                                                              |
| Revision | 11/18/2010 | ITP Refresh                                                                                                                                                                                                                                                                                         | N/A                                                          |
| Revision | 11/10/2021 | <ul style="list-style-type: none"><li>• ITP Refresh</li><li>• Added Thirdparty vendors to Scope and Responsibilities Section</li><li>• Updated Responsibilities Section</li><li>• Updated Related ITPs/Other References Section</li><li>• Updated Exemption Section</li><li>• Added links</li></ul> | <a href="#">Revised IT Policy Redline &lt;11/10/2021&gt;</a> |