



A Websense® Research Brief

## E-Discovery Leaves No Stone Unturned

### E-Discovery is Unavoidable

Litigation keeps getting more expensive. Even the threat of a lawsuit can lead to high, unavoidable costs, requiring internal resource hours and possibly outside counsel. The discovery process alone is time consuming and painstaking, as all pertinent materials must be found and reviewed. The lengthy, manual discovery process is a bottleneck, which has led to recent amendments to the Federal Rules of Civil Procedure (FRCP) that make e-discovery capabilities mandatory. Most businesses perceive an increased cost burden, as they must pay to prepare for the possibility of litigation, even if they have not been sued yet. The bottom line: Litigation is costly even when it hasn't yet happened.

In the event of an actual lawsuit, the price grows rapidly. According to *Ask Potential eDiscovery Providers All the Right Questions*, a study by Forrester, discovery-related data processing costs \$1,800 per GB. Thus, evaluating a 100GB mail server, for example, would cost \$180,000—and this is only one aspect of discovery. A 1 TB collection of enterprise data would cost \$1.84 million to review. While much of this expense is attributable to legal fees for document review, accelerating document discovery can vastly reduced costs and deliver faster results.

E-discovery does not have to result in incremental IT or management costs. The use of rapid, accurate data review technology can make FRCP compliance easy and inexpensive to attain. With the right solution, an organization can comply with FRCP, reduce the cost of e-discovery and derive additional business value. Effective e-discovery can turn into a competitive advantage.

Information leak prevention (ILP) solutions offer an effective approach to e-discovery and FRCP compliance without additional technology costs. The value of ILP solutions for the protection of enterprise data alone provides the business case, delivering e-discovery capabilities in the process. ILP technology is designed to evaluate large volumes of data quickly in search of specific information. Thus, administrators scan for data leaks and conduct discovery activities with the same investment.

### ILP Discovers Specific Data

Data processing capabilities are central to ILP technology, offering functionality that can be applied to e-discovery and FRCP compliance. ILP solutions scan the enterprise for sensitive information that is either stored or in use to prevent it from slipping into the wrong hands.

The same technology that facilitates leak prevention can accelerate discovery and, subsequently, document review. Consequently, you can get more mileage from your ILP investment and substantially reduce the high costs associated with litigation.

In the traditional leak prevention role, ILP solutions discover data throughout the network, monitor its use across a broad array of internal and external communication protocols, and enforce use policies. Pre-defined logic identifies the inappropriate use or communication of sensitive information and alert business unit or IT leadership. The core principles align with those of e-discovery. Both require that large volumes of data be processed and only specific information returned. Leak prevention may have a different end objective from e-discovery, but the mechanism for accomplishing both is nearly identical.

For e-discovery—and ILP—data identification and classification is the fundamental backbone. From across the enterprise, e-discovery solutions have to find all the information relevant to a particular lawsuit, investigation or other inquiry, based not just on the file but the content within it. This is where a content-aware leak technology comes into play. Simple regular expression analysis lacks the accuracy that FRCP compliance requires. False positives (data flagged unnecessarily) and false negatives (data that should have been identified but was missed) are common. As a result, an e-discovery effort could reveal sensitive information not related to the inquiry, increase the document review workload (and cost), and overlook relevant information that could have ramifications throughout the legal process. The use of content and context-sensitive data analysis, however, yields accurate e-discovery results and supports FRCP compliance. Data itself offers only limited meaning. Considering data in relation to the users, use, and destination provides more complete and accurate detail.

### Deep Content Control Delivers Accurate E-discovery

The Websense® Content Protection Suite is the leading ILP solution on the market. Equipped with rich e-discovery capabilities, Content Protection Suite is accurate and reliable, and provides functionality that is extensible beyond e-discovery, to deliver a better return on investment than a point-based solution.

Discovery with Content Protection Suite is easy and efficient. Based in the network, the solution can scan for files shares and discover data at rest on servers and endpoints, without the need for an endpoint agent. It's fast, analyzing hundreds of megabytes a minute and providing detailed reporting. What's more, it can limit the authorized transmission of information tagged for legal review to specific users, ensuring security within the networks borders. Content Protection Suite is the only solution that can limit the transmission of sensitive data by its destination, enabling for the enforcement of workflows that map to business and legal policies.

“Deep Content Control” technology (DCC) is what differentiates Websense’s ILP and e-discovery capabilities from those that rely strictly on regular expression analysis or first generation content awareness. Instead of merely evaluating regular expressions, DCC takes a context-intensive approach that considers the data source, the content, the destination and the means of communications. With Deep Content Control technology, organizations can discover, monitor, and protect who and what goes where and how.

Websense Content Protection Suite makes e-discovery faster, easier, and more accurate. Sometimes litigation is unavoidable, and FRCP has determined that e-discovery is will govern part of the procedure. But compliance does not have to be a burden. Websense can make litigation less painful while delivering a broader array of leak prevention capabilities.