Short Message Data and the EDRM

"Short message data" refers broadly to messaging platforms outside of email, like texts, Teams, Slack, and more. This data requires careful considerations during litigation and investigations. Here are some notes for each stage of the EDRM.

Information Governance

Update your retention policies to address text messages and collaboration, encrypted, and ephemeral messaging platforms.

Identification

Include short message data sources in custodian surveys and interviews. Provide common exemplars (i.e. Discord, WhatsApp, Signal) and ask generally about other platforms with similar features.

Preservation

Implement legal hold notices that specify potentially relevant short message data sources, and consider creating preservation copies even if you don't plan to immediately process and review the data.

Processing

Make the data searchable and reviewable by converting to a common format, extracting metadata, and removing duplicate data.

Production

The variety of short message formats means there is no ideal form of production. Production formats should be covered during the 26(f) meet and confer.

Collection

Understand what may be available to collect from a mobile device, what may be available in the cloud, and contingent plans for investigating gaps.

Review

Utilize RSMF (Relativity Short Message Format) to create a near-native review experience to increase the speed and accuracy of review.

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