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Part 3: Code of practice for electronic discovery

Technologies de l'information — Découverte électronique —
Partie 3: Code de pratique pour la découverte électronique

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ISO copyright office
CP 401 • Ch. de Blandonnet 8
CH-1214 Vernier, Geneva
Phone: +41 22 749 01 11
Fax: +41 22 749 09 47
Email: copyright@iso.org
Website: www.iso.org

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Foreword

ISO (the International Organization for Standardization) and IEC (the International Electrotechnical Commission) form the specialized system for worldwide standardization. National bodies that are members of ISO or IEC participate in the development of International Standards through technical committees established by the respective organization to deal with particular fields of technical activity. ISO and IEC technical committees collaborate in fields of mutual interest. Other international organizations, governmental and non-governmental, in liaison with ISO and IEC, also take part in the work.

The procedures used to develop this document and those intended for its further maintenance are described in the ISO/IEC Directives, Part 1. In particular, the different approval criteria needed for the different types of document should be noted. This document was drafted in accordance with the editorial rules of the ISO/IEC Directives, Part 2 (see www.iso.org/directives).

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. ISO and IEC shall not be held responsible for identifying any or all such patent rights. Details of any patent rights identified during the development of the document will be in the Introduction and/or on the ISO list of patent declarations received (see www.iso.org/patents) or the IEC list of patent declarations received (see http://patents.iec.ch).

Any trade name used in this document is information given for the convenience of users and does not constitute an endorsement.

For an explanation of the voluntary nature of standards, the meaning of ISO specific terms and expressions related to conformity assessment, as well as information about ISO's adherence to the World Trade Organization (WTO) principles in the Technical Barriers to Trade (TBT) see www.iso.org/iso/foreword.html.

This document was prepared by Technical Committee ISO/IEC JTC 1, *Information technology*, Subcommittee SC 27, *Information security, cybersecurity and privacy protection*.

This second edition cancels and replaces the second edition (ISO/IEC 27050-3:2017), which has been technically revised.

The main changes compared to the previous edition are as follows:

— the title has been updated;

— the publication date of ISO/IEC 27050-1 has been updated.

A list of all parts in the ISO/IEC 27050 series can be found on the ISO website.

Any feedback or questions on this document should be directed to the user's national standards body. A complete listing of these bodies can be found at www.iso.org/members.html.

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Introduction

This document provides requirements and recommendations associated with the electronic discovery process elements described in ISO/IEC 27050-1. The requirements and recommendations are expected to be useful for both technical and non-technical personnel involved in some or all of the electronic discovery activities. Additional materials are provided to help organizations better understand the objectives associated with each electronic discovery process element and considerations to avoid failures, which can mitigate risk and expense if electronic discovery becomes an issue.

Electronic discovery often serves as a driver for investigations, as well as evidence acquisition and handling activities (covered in ISO/IEC 27037). In addition, the sensitivity and criticality of the data sometimes necessitate protections like storage security to guard against data breaches (covered in ISO/IEC 27040).

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Information technology — Electronic discovery —

Part 3:
Code of practice for electronic discovery

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1 Scope

This document provides requirements and recommendations on activities in electronic discovery, including, but not limited to, identification, preservation, collection, processing, review, analysis and production of electronically stored information (ESI). In addition, this document specifies relevant measures that span the lifecycle of the ESI from its initial creation through to final disposition.

This document is relevant to both non-technical and technical personnel involved in some or all of the electronic discovery activities. It is important to note that the user is expected to be aware of any applicable jurisdictional requirements.

2 Normative references

The following documents are referred to in the text in such a way that some or all of their content constitutes requirements of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

ISO/IEC 27000, *Information technology — Security techniques — Information security management systems — Overview and vocabulary*

ISO/IEC 27050-1:2019, *Information technology — Electronic discovery — Part 1: Overview and concepts*

3 Terms and definitions

For the purposes of this document, the terms and definitions given in ISO/IEC 27000 and ISO/IEC 27050-1 apply.

ISO and IEC maintain terminological databases for use in standardization at the following addresses:

— ISO Online browsing platform: available at https://www.iso.org/obp

— IEC Electropedia: available at http://www.electropedia.org/

4 Abbreviated terms

ESI Electronically stored information

ICT Information and communications technology

OCR Optical character recognition

5 Electronic discovery background

Electronic discovery is an element of traditional discovery and it is a process that typically involves identifying, preserving, collecting, processing, reviewing, analysing, and producing electronically stored information (ESI) that may be potentially relevant to a particular matter. The requirements and

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