

Social Media, Instant Messaging, Webmail and E-Discovery: How the Internet Boosts the Power of ESI

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Internet Evidence is Increasingly Important to E-Discovery

Social networking and cloud storage sites are full of useable information. They can establish who knew what about an incident or issue in question, and when they knew about it. They can help attorneys determine links between people and information, and they can go beyond a company's data archives to provide more context to a case.

However, social networking sites also carry risks. It is easy for subjects under investigation to change or even remove their status updates, images and video, messages and other electronically stored information. The proliferation of cloud computing means that company data may have more custodians and be harder to preserve.

And, because many of these sites are designed to be accessed from a wide range of devices, it is harder for a litigant to claim inaccessibility to data. All of these factors have the potential to raise costs.

Ethical Information Gathering

E-discovery in and of itself requires compliance with the Federal Rules of Civil Procedure, 2006 amendments. However, even for forms of information-gathering (such as background investigation) which do not require compliance, the investigator's credibility is only as good as the documentation s/he supplies. Without appropriate documentation, the client cannot be sure that the investigation was completed ethically.

Online, this can be complicated due to vast numbers of friends, followers and other connections on social networking sites and personal web-based email accounts. What an investigator does to gather information, and how s/he goes about it, can have enormous bearing on the privacy of people who have nothing to do with a litigant's case. And when social media are used to pretext targets into giving up personally identifiable information (PII), those communications must be preserved.

Many Preservation Methodologies

Few tools have caught up to the demands of adequate preservation and collection, and investigators have had to design their own methodologies as a result. The problem is, not only must these be reproducible and repeatable; they are also not reliable. Because of the changes which web and email hosts and ISPs make to keep up with security and usability

needs, today's methodologies may not work the same way—or at all—tomorrow.

Training and research are necessary for investigators to keep up, but these are time-consuming and as a result, expensive. In addition, failure to preserve and collect online evidence can lead to charges of spoliation, which usually results in severe penalties for litigants.

Complex Cases Need Easy Reporting

Preparing investigation reports the old-fashioned way often requires a major time commitment. Attorneys need careful documentation of every step of the investigative process, including how information was retrieved, whether privacy of outside third parties is a concern and where investigators could and could not go. This kind of preparation can take hours, reducing time that could be spent on other cases.

Vere Software Has the Capabilities You Need

WebCase captures the information for them, and the "time and date stamp", as well as the "hashing" process are invaluable to the attorney, (and to his/her case, should the case ever reach a court of law). WebCase delivers the tools attorneys need to document Internet based information relevant to an investigation easily and effectively. It creates clear and comprehensive documentation of your online activity.

Once the documentation is complete, WebCase saves you time by automatically creating an easily viewed browser based report of the items documented from the Internet.

Preserve, Collect and Document Internet Evidence

Whether gathering information that needs to be FRCP compliant or not, use WebCase to prove your ethics and your credibility. The information you collect as part of undercover pretexting or simple observation is recorded, date/time stamped, and hashed, with a record of all websites and individual pages visited. Never again worry that a target's profiles or blogs will disappear before you can collect them. With WebCase, collection and preservation are rolled into one.

In addition, within each case record you can easily record new online exhibits and attach electronic files – including audio and video recordings, MS Word documents, spreadsheets, etc. WebCase automatically numbers each collected item within a case, even making it easy to store other digital evidence items by attaching them to the case.

One Tool, One Methodology

With WebCase, it doesn't matter whether the ISP or webhost makes system changes, and investigators don't have to design their own methodologies to keep up. WebCase is purpose-built with the FRCP and criminal evidence standards in mind, and will capture any web- or social media site or profile the investigator observes—regardless of the underlying infrastructure.

Generate Investigation Reports Automatically

With WebCase, investigators simply click a button to generate a browser based report that contains a comprehensive chronology of all events and activities, as well as the evidence that was gathered and any investigators' comments.

This way, attorneys can easily audit investigations, and you can rest assured that they have all they need to proceed with their cases—and to protect their clients against unfounded claims of privacy violations or failure to preserve evidence. With WebCase, you and your staff will be better equipped to document cases and maintain complete case histories with instant access to all related information.

Vere Software: The Internet Investigations Leader

Vere Software Solutions for Online Digital Investigations

Using Vere Software's solutions, you'll be able to extend your digital investigation through individualized case management and effect documentation tools. Automated report building will help you maintain compliance with reporting requirements and end user presentation of investigations. WebCase's capabilities will enable your staff to quickly accomplish their case documentation with less overall time and effort. Best of all, you'll free up valuable staff time to pursue other projects that benefit the organization.

Vere Software is a recognized leader in online investigation documentation, with years of experience in online investigations and reporting. With proven solutions, Vere Software can help reduce time spent on investigations, increase the legally defensible documentation of online evidence, and help you successfully manage your online investigations while reducing employee time and costs.

Vere Software helps you easily meet ever-increasing requirements to properly document online investigations. You'll be able to eliminate the distractions and complexity of documenting online evidence with many individual tools. When the courts review your process, don't be stressed. With Vere Software tools, online investigations and documentation are now under your control.

For More Information

To learn more, visit <http://www.veresoftware.com/>

About Vere Software

Now more than ever, organizations need to work smart and improve efficiency. Vere Software creates and supports online investigations—helping our customers solve every day Internet investigations challenges faster and easier. Visit www.veresoftware.com for more information.

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