

---

---

**Information technology — Electronic  
discovery —**

**Part 1:  
Overview and concepts**

*Technologies de l'information — Découverte électronique —  
Partie 1: Aperçu général et concepts*





**COPYRIGHT PROTECTED DOCUMENT**

© ISO/IEC 2019

All rights reserved. Unless otherwise specified, or required in the context of its implementation, no part of this publication may be reproduced or utilized otherwise in any form or by any means, electronic or mechanical, including photocopying, or posting on the internet or an intranet, without prior written permission. Permission can be requested from either ISO at the address below or ISO's member body in the country of the requester.

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](mailto:copyright@iso.org)  
Website: [www.iso.org](http://www.iso.org)

Published in Switzerland

# Contents

Page

<b>Foreword</b>	<b>v</b>
<b>Introduction</b>	<b>vi</b>
<b>1 Scope</b>	<b>1</b>
<b>2 Normative references</b>	<b>1</b>
<b>3 Terms and definitions</b>	<b>1</b>
<b>4 Symbols and abbreviated terms</b>	<b>4</b>
<b>5 Overall structure and overview of the ISO/IEC 27050 series</b>	<b>4</b>
<b>6 Overview of electronic discovery</b>	<b>5</b>
6.1 Background	5
6.2 Basic concepts	5
6.3 Objectives of electronic discovery	6
6.4 Electronic discovery foundation	7
6.4.1 General	7
6.4.2 Competency	7
6.4.3 Candour	7
6.4.4 Cooperation	7
6.4.5 Completeness	7
6.4.6 Proportionality	7
6.5 Governance and electronic discovery	8
6.5.1 General	8
6.5.2 Risk and environmental factors	8
6.5.3 Compliance and review	8
6.5.4 Privacy and data protection	8
6.6 ICT readiness for electronic discovery	9
6.6.1 General	9
6.6.2 Long-term retention of ESI	9
6.6.3 Maintaining ESI confidentiality	9
6.6.4 Destruction of ESI	9
6.7 Planning and budgeting an electronic discovery project	9
<b>7 Electronically Stored Information (ESI)</b>	<b>10</b>
7.1 Background	10
7.2 Common types of ESI	11
7.2.1 General	11
7.2.2 Active data	11
7.2.3 Inactive data	11
7.2.4 Residual data	11
7.2.5 Legacy data	12
7.3 Common sources of ESI	12
7.3.1 General	12
7.3.2 Custodian data sources	12
7.3.3 Non-custodian data sources	12
7.3.4 Potentially excluded sources of ESI	13
7.4 ESI representations	13
7.4.1 General	13
7.4.2 Native formats	13
7.4.3 Near-native formats	14
7.4.4 Image (near-paper) formats	14
7.4.5 Hardcopy	14
7.5 Non-ESI as part of discovery	14
<b>8 Electronic discovery process</b>	<b>15</b>
8.1 Overview	15

8.2	ESI identification .....	17
8.3	ESI preservation.....	17
8.4	ESI collection .....	17
8.5	ESI processing.....	18
8.6	ESI review.....	18
8.7	ESI analysis.....	18
8.8	ESI production.....	18
<b>9</b>	<b>Additional considerations .....</b>	<b>19</b>
9.1	Presentation of ESI .....	19
9.2	Chain of custody and provenance.....	19
	<b>Bibliography .....</b>	<b>20</b>

## 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](http://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](http://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](http://www.iso.org/iso/foreword.html).

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

This second edition cancels and replaces the first edition (ISO/IEC 27050-1:2016), which has been technically revised.

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

- the titles of different parts of the ISO/IEC series have been updated;
- [Clause 3](#) has been aligned to the Directives, Part 2.

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](http://www.iso.org/members.html).

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

## **Introduction**

This document provides an overview of electronic discovery and describes related terminology, concepts, and processes that are intended to be leveraged by other parts of the ISO/IEC 27050 series.

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).

# Information technology — Electronic discovery —

## Part 1: Overview and concepts

### 1 Scope

Electronic discovery is the process of discovering pertinent Electronically Stored Information (ESI) or data by one or more parties involved in an investigation or litigation, or similar proceeding. This document provides an overview of electronic discovery. In addition, it defines related terms and describes the concepts, including, but not limited to, identification, preservation, collection, processing, review, analysis, and production of ESI. This document also identifies other relevant standards (e.g. ISO/IEC 27037) and how they relate to, and interact with, electronic discovery activities.

This document is relevant to both non-technical and technical personnel involved in some or all of the electronic discovery activities.

### 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*