A partner for the bigger picture.
The GDPR represents a monumental change in not only EU data privacy law but, given its extraterritorial reach, the global data privacy landscape. The risks of being unprepared and of providing inaccurate or incomplete information are significant. The NightOwl Discovery GDPR team provides compliance guidance for your organization so that you can prepare and respond in a manner that is proportionate to the nature of your business.

**GDPR Support**

NightOwl provides seamless solutions and strong program management to implement legally-driven policies, processes, and practices.

Our team can help provide on-going GDPR support in the following areas:

- Legal hold (process improvements, remediation, preservation, automation).
- Technology assessments and implementation for remediation projects and governance.

**GDPR Support**

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- Discovery services (end-to-end support).
- Subject access requests (operating model development and support).
- Data protection reviews for routine processing and/or transfer of personal data.
- Documentation and tracking.
- Audits/controls.
- Global programs and technology solutions to support data needs for litigation and investigation matters.
NightOwl’s GDPR advisory services are centered on three areas of particular interest to legal and compliance departments:
- Strategic GDPR technology planning.
- Data remediation and audit.
- On-going GDPR technology support.

GDPR Planning
NightOwl understands the needs of legal and compliance departments for data in connection with litigation and investigation matters, and has serviced those needs since its inception.

Our team can help in-house legal, compliance, and IT departments prepare for the GDPR in the following areas:
- GDPR assessments for planning, remediation and on-going support.
- Operating model development and improvements to account for GDPR requirements.
- Policy and procedure development (end-to-end workflows).
- Subject matter expertise for the processing and transfer of personal data to meet legal and compliance requirements.
- Intra-data transfer mechanisms, third-party data transfer agreements.
- Technology implementation.
- Training.

GDPR Remediation
Legacy data remediation is not just an IT problem, but one that presents significant legal, regulatory and privacy risk.

Our team can help legal, compliance and IT departments mitigate information risk and improve GDPR compliance in the following areas:
- Legacy data assessments.
- Data mapping.
- Data classification.
- Data disposal.
- Data migration (including Office 365).
The EU General Data Protection Regulation (GDPR) constitutes the most comprehensive and expansive data privacy legislation to have been enacted in more than 20 years. The risks of non-compliance have never been greater.

Organizations must be 100% compliant from day one. There will be significant fines for GDPR non-compliance: up to 2–4% of global revenue. A single violation could potentially put an organization out of business. Depending on infringement, the reputational damage may be long lasting.

While the GDPR regulation is clear on what needs to be done, many organizations are struggling with how to do it.

NightOwl Discovery helps organizations plan for the GDPR to ensure personal data is protected in a manner that is efficient, legally compliant, and in the organization’s interests.

Why NightOwl

NightOwl is uniquely positioned to help with GDPR compliance because:

- NightOwl supports in-house litigation and investigation teams and can leverage that information to advise on improvements to current operating models.
- NightOwl focuses on data protection and privacy well before GDPR. With offices in Germany and Dublin, we take a global approach that accounts for a wide variety of in-house needs and requirements.
- Certain aspects of GDPR compliance fall squarely within our wheelhouse, including areas like the tracking and management of data for legal and compliance matters, subject access requests, and legacy data remediation.
- We take our own GDPR compliance seriously. We are certified members of the Privacy Shield framework, which allows for lawful data transfers between our EU and US locations, and we only accept EU data through appropriate third-party transfer agreements.

Managing Personal Data
Whether it’s a traditional litigation, a regulatory review, or an internal investigation, the complexity and cost of managing documents through these processes can quickly become unmanageable to most organizations. It’s frequently the case however that these documents can prove vital to resolving a matter.

With small teams, large caseloads and limited budgets, most legal teams are greatly challenged to implement the very technology tools that can help them the most. The three obstacles that most often hinder this process include:

- **Infrastructure**
  Legal and IT teams may not possess the secure data centers, network and storage systems, and security infrastructure required to support an enterprise-class discovery deployment.

- **Headcount**
  In-house discovery requires a commitment of full-time employees that have a proven blend of skills in both the technical IT and security arena, as well as the field of law. Specialized employees hired to support peak litigation volume must often be retained even when litigation volume subsides.

- **Operational Risk**
  In handling discovery in-house, law firms and corporations take on the inherent risks associated with collecting, processing, and reviewing data.

**NightOwl’s Discovery Management Programs**

As a leader in corporate discovery for over 26 years, NightOwl Discovery knows this complex high-stakes arena better than anyone. Our end-to-end discovery services combine the most advanced technology and proven processes with 24/7 support from our lawyers and certified discovery specialists. Our Dublin operations center provides secure, high performance data processing, hosted review, and production capabilities. In addition, we offer data preservation and collection services across the EU. Work with us on a project-by-project basis or maximize the value of our services with an discovery management program built around your needs, processes, and long-term goals.
Data, particularly unstructured data, such as email, can be the source of or contain evidence of business risk. This can include evidence of:

- Inappropriate use of IT systems, including bullying and harassment.
- Breaches of IT security, including transmission of malicious code, phishing and spear-phishing attacks, and inadequate use of encryption policies.
- Deliberate theft or accidental transmission (without encryption) of sensitive data or intellectual property.
- Duplication of data sets throughout multiple storage locations.
- Bribery and corruption.
- Breaches of competition law.
- Identification of legal documents, such as contracts.

Organizations can help to significantly mitigate the risks of such issues becoming major incidents through the use of pro-active data-driven compliance assessments of their unstructured and structured data.

NightOwl Discovery has extensive experience in performing pro-active data-driven compliance assessments, and uncovering the risk and value from large volumes of business data.

A typical project includes the following:

- Identification of business risks which may be stored within an organization's data.
- Mapping those risks to the data sets available.
- Developing tests to identify evidence of risks in the data set (e.g., searching all email attachments for social security number patterns).
- Acquiring a copy of the data sets for processing, or processing the data sets in place.
- Once processed into a searchable format, detailed statistics are gathered regarding the data.
- Applying the tests and quality checking the results.
- Reporting on our findings, including recommendations for improvement.

Let us help you identify the risks in your data before they become a major incident for your business.
Taking Control

Our discovery management programs are designed to deliver world-class technology tools together with dedicated and experienced discovery professionals. Our flexible and cost-effective solutions allow clients to choose from either fully-managed, turnkey programs in which technology and staff are provided by NightOwl Discovery (nVision®); or a hybrid approach in which clients purchase technologies that are deployed, managed and hosted by NightOwl Discovery (nTerprise®). Alternatively, clients may work with us on a project-by-project basis. No matter which program you choose, the one constant with all NightOwl Discovery management programs is our commitment to outstanding service and operational excellence.

NightOwl discovery management is a private cloud program that includes data collection, data processing, and data hosting. NightOwl Discovery combines the best products in the industry including the Relativity® hosted review platform with NightOwl’s renowned legal project team to deliver a seamless discovery experience.

NightOwl Discovery is turning the traditional industry pricing model upside down. Discovery management promotes price predictability and utilized economies of scale to provide maximum value. NightOwl is simply applying the principles of economy of scale to the discovery industry – a long overdue improvement to the business as usual approach of charging per GB or per document.

With NightOwl’s discovery management, you keep complete control of your matters. NightOwl offers customers complete administrative access to all of their cases. Create user permissions, add fields and coding layouts, batch documents. It’s all available to you. And with the support of NightOwl’s team of legal project managers you will be able to concentrate on assisting your legal teams and not wrestling with software.

Managing Complex Discovery
NightOwl Discovery Management vs. Project-Based Discovery

Project-based discovery, the typical method of engagement for many years, is fast becoming an obsolete model. High project costs and lack of consistency across matters makes this approach inefficient at best and indefensible at worst. Discovery management solutions, on the other hand, provide a consistent approach to process and technology combined with the expertise necessary to manage either component parts or all of the discovery cycle. Imagine solutions that are repeatable, defensible, collaborative, and cost predictable. All delivered by a specific, expert team who are intimately familiar with your data and your needs.

Effective discovery management programs are where we excel. We have built our foundation on a growing portfolio of direct corporate and law firm discovery management solutions for mid-size to Fortune 500 companies and AMLAW 200 law firms, working seamlessly with our client’s legal teams. We have spent the past 26 plus years gaining knowledge and expertise in the areas of forensics, legal hold, collections, processing, hosting, review, and production.

NightOwl has made and continues to make the critical investments in education, research, and technology to ensure corporate legal departments and law firms have the best tools, resources and staff available.

Each client relationship is built to last, through multiple matters large and small. We can customize our solutions to each client’s specific needs, from legal hold to early case assessment (or ‘ECA’), predictive coding, review, and productions. NightOwl works to create the right program for your organization and supports it with a team that understands your unique needs.

Organizing your data archives and engaging in comprehensive data reduction reduces risk, time, and expense. It also lets you take control of and secure valuable intellectual property. More importantly, as discovery evolves into a business process, the art of migrating data is transforming the entire enterprise, streamlining operations and reducing operating costs.

To accelerate that transformation, the NightOwl Discovery data migration and disposition team will help your organization identify where improvements are necessary, how to make them, implement a defensible data reduction plan, and provide you with metrics needed to gauge the success of the initiative.

• Identify and migrate specific sensitive data types in support of legal and regulatory processes.

  A simple example would be to identify all of the PII in your unstructured data sets and migrate them to a secure location where they can be retained or destroyed.

• Identify legacy data (i.e., stored data with no business value).

• If required, migrate legacy data to NightOwl’s secure private cloud storage.

• Deduplicate, index, and categorize unstructured data.

• Provide secure access to the legacy data for search and analysis.

• Identify documents with business, compliance or discovery value.

• Dispose of documents with no continuing business value or legal obligation to preserve.

Strategic Consulting
Hosted Discovery & Review
Processing, Predictive Coding & Analytics
Information Governance
Legal Hold, ECA & Collections
Trial Presentation
Paper Discovery
Once you know, at a high-level, where your different information assets reside, and how you want to manage it going forward, the next step can often be to take a deeper look at what you really have.

Organizations have been stockpiling unstructured data for decades. Massive user shared storage servers, archive drives, and legacy backup tapes all contain many copies of files and aged data that no longer has any business value.

With an increasing emphasis on data management as a business process, companies are consolidating their information into central repositories for ease of reference, search, and retrieval. In addition, organizations are recognizing the need to treat data for discovery as an enterprise-wide information management issue. A centralized interface across enterprise information is critical to taking control of your data.

NightOwl Discovery’s intelligent data migration and disposition service helps you manage the long term liability of this content and facilitate corporate awareness of legacy data for archiving or deletion according to policy. Our proactive approach systematically disposes of what has no business value before it can be exposed, misinterpreted, or breached. At the same time, sensitive documents that have business value are secured according to compliance requirements.

NightOwl Discovery can assist you by:
• Creating a defensible data migration and disposition plan.
• Catalogue and identify archived electronic and hard copy documents from disparate sources, and assist with the subsequent preservation or disposal (“defensible destruction”) of archived information in accordance with retention policies and practices.
• Use technology to assess large volumes of information (such as data types, age, and Personally Identifiable Information or ‘PII’) and then take actions based on business requirements (such as archive all data more than two years old or defensible deletion).

Advantages to NightOwl’s Discovery Management
• No Additional Capital Outlay
  Eliminates the need to build-out costly network and security infrastructure.
• Flexible Technology
  NightOwl is always vetting the newest and best applications for your discovery needs. No need to be over committed to a long term solution in a market that is rapidly evolving. Gain access to multiple platforms and the flexibility to use the ones right for your matters.
• Zero Headcount Overhead
  Removes the need to hire full-time professionals to manage discovery which are often under-utilized.
• Ongoing Cost Savings
  Realized by leveraging volume pricing and/or enterprise software models.
• Cost Predictability
  NightOwl discovery management programs leverage economies of scale by spreading out costs consistently over the term of an engagement.
• Leverage Best Practices
  NightOwl provides discovery best practices consulting to help minimize risk and streamline cost savings.
• Scalable
  NightOwl can meet the demands of any deadline.
• Avoiding Technology Obsolescence
  NightOwl is constantly investing in the newest, most effective technologies so that you don’t get stuck with an outdated system.
An essential first step in discovery is the identification of potential sources of relevant data required for disclosure and the strategic development of a discovery plan. Understanding where your key information assets reside and how they are protected is also a vital first step in defending against and responding to Cyber-attacks.

A data topology map identifies all electronically stored information (ESI) in a legally defensible manner and identifies policies and practices associated with ESI. Having this information readily available provides you with a defensible strategic advantage when faced with litigation.

NightOwl Discovery consultants will develop an action report on your organization’s physical IT systems, operational protocols, policies, and practices that govern the creation, storage, archiving, and destruction of ESI.

The data map begins by gathering information on business practices and systems. Through interviews with relevant personnel, review of system architecture, and document retention policies and protocols; an overall view of the enterprise policies and practices is established.

Outputs can include:
- Graphical depiction of the enterprise.
- Descriptions of primary applications.
- Descriptions of operational protocols for backup, record retention, and document management.
- Description of ESI storage locations.
- Strategic recommendations for improvement.

Organizations who know where their data resides and how to access it have a significant advantage when responding to a document request or a Cyber-attack. It allows preservation to be completed quickly, and provides the legal team with information required to negotiate the scope of any disclosure. This can significantly reduce the risk of losing pertinent data, in addition to understanding at any early stage what formats of data are available for the eventual production.
Manager to serve as a single point of contact for all assignments. NightOwl operates an ISO/IEC 27002 compliant secure data center environment, following strict security and evidence handling protocols.

Maintain Control

With nVision® you keep complete control of your matters. NightOwl offers nVision® customers complete administrative access to all of their cases. Create user permissions, add fields and coding layouts, batch documents. It's all available to you. And with the support of NightOwl's team of project managers you will be able to concentrate on assisting your legal teams and not wresting with software.

The nVision® Difference

NightOwl nVision® is turning the traditional industry pricing model upside down. nVision® promotes price predictability and maximizes value by simply applying the principles of economy of scale to the discovery process – a long overdue improvement to the business as usual approach of charging per GB or per document. This model provides NightOwl’s clients with a key competitive advantage in sourcing discovery services.

Information Governance

We bring our experience and learnings from managing large data sets through complex discovery and incident management projects to bear when developing strategic information management programs for our clients. Whether it is a pro-active email review, or managing large volumes of unstructured data through a migration in support of a merger or acquisition, we bring the latest technology coupled with our expertise and experience, to assist our clients with actively managing their data.

Policy and Procedure Development

Often the first question asked by our clients is how we recommend they identify and manage the vast volumes of historical data which they have accumulated. In our experience, this should be really phase two of any information governance project. Given that, in the next two years, your organization is likely to create over twice the amount of historical information you currently hold, the real question to ask is what you are going to do from now on.

Our approach to information governance starts with dealing with the here and now, and the future. Once that is in order, we find that it is much easier to deal with the past. Organizations who establish processes and procedures for dealing with current and future data can, often easily, fit their historical data into the same processes and procedures, whilst not building up more current data at the same time as struggling to manage historical data.

NightOwl Discovery can start with a detailed analysis of an organization’s current state of records and information management, establish a desired future state, identify gaps, and work with you to establish a phased approach to implement enhancements and improvements in order to reach that desired future state.

As part of this we can:
- Establish your strategy.
- Develop a roadmap.
- Develop information classification policies and procedures.
- Develop information management policies and procedures.
- Provide strategies for the management of unstructured content, including information stored in enterprise content management systems, SharePoint, email systems, and shared drives.
- Provide strategies for the management of unstructured content, including information stored in enterprise content management systems, SharePoint, email systems, and shared drives.

NightOwl nVision® is a private cloud turnkey discovery program that includes legal hold, data processing, and data hosting, NightOwl combines the best technology in the industry, with the full support of NightOwl’s renowned legal project team to deliver a seamless discovery experience.

Billing Flexibility

NightOwl understands the challenges faced by companies and law firms in allocating legal expenses across matters, departments, and divisions. Therefore, NightOwl has pioneered the nVision® Flex Billing approach. With nVision® Flex Billing, our customers have the option to split monthly billing to match program utilization by specific business units and/or matters. NightOwl also reconciles usage on a quarterly basis to give you the maximum value in your program.

Technology, Service, and Security

NightOwl employs leading industry tools for legal hold, collection, processing, and review. These tools have been field tested in thousands of litigation matters over the past 10 years. Similarly, NightOwl’s team of legal project managers are all lawyers and certified discovery specialists (CEDS). Each nVision® client is assigned a primary project manager to serve as a single point of contact for all assignments. NightOwl operates an ISO/IEC 27002 compliant secure data center environment, following strict security and evidence handling protocols.

The nVision® Difference

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For most organizations, large and small, the challenge of effectively managing information can be daunting. This is largely due to the exponential growth in both the complexity and volume of information which modern organizations create. Challenges include:

- Multiple content storage systems.
- Multiple metadata formats.
- Unmanaged unstructured data.
- Extensive duplication of data.
- Storage capacity reaching its limits.
- Too much legacy data.
- Ineffective enterprise search.
- Inability to identify data for litigation holds.
- Compliance with data privacy and protection laws and regulations.
- Protecting sensitive data against loss or theft.

In addition to the practical challenges in managing information, it can often be the source of or contain evidence of business risk, such as breaches of IT security, computer misuse, data theft or loss, and contract and competition law issues.

Organizations with a good information governance strategy will derive more value from their information assets. Those lacking effective governance may experience higher costs, increased risks, and declining customer satisfaction.

An effective information governance program focuses on creating and maintaining sound business processes behind the data.

Taking Control

NightOwl Discovery can help you get the most from your data and significantly reduce the risks associated with it.

Our Information Governance consulting group will assess your information governance approach, identify gaps, leverage technology to map your data, provide early case assessment capabilities, defensibly delete legacy data, and strengthen your record management program. This may start with the development of policies and procedures for data classification and retention, followed by an assessment and clean-up (defensible deletion) of your existing data universe. Business risks can often be identified through a pro-active data-driven compliance assessment. Such early detection can prevent potential issues becoming a full-blown incident.
Key Benefits of the nTerprise® Solution

• Financial Savings
Companies that are involved in frequent and long-term matters will benefit over time by purchasing their own discovery technology to be managed by NightOwl.

• Zero Headcount Overhead
Eliminates the need to hire full-time professionals to manage the discovery process.

• Cost Predictability
Through our program service agreements there are no surprises; monthly costs are generally fixed.

• Leverage Best Practices
NightOwl provides best practices across the EDRM.

• Expert Team
NightOwl has over twenty-six years of experience in the industry with one of the most tenured teams available. All of our client services team members are CEDS certified.

nTerprise® customers invest in discovery technologies and NightOwl implements and maintains the systems in our state-of-the-art data center. NightOwl helps clients maximize the capabilities of their technology investment while managing the discovery process.

Our nTerprise® solution can either be applied to existing corporate discovery technology investments or applied to new technology deployments created in collaboration with NightOwl’s discovery management team.

NightOwl is an authorized managed service partner for Clearwell®, Relativity®, Guidance EnCase®, Nuix® and Exterro®. No matter which platform is right for you, NightOwl nTerprise® provides a seamless end-to-end discovery management solution designed to maximize your investment.
Focus
Relevance scoring allows legal teams review the most important documents in the case first. This enables rapid, informed early data assessment.

True Analysis
Statistical tools are used which overcome the problems of over-inclusion (precision) and under-inclusion (recall) that affect keyword searching.

Key Benefits to Utilizing Technology Assisted Review

- **Transparency**
  Graphical reports provide complete visibility throughout the life of your project. It’s easy to understand why the system made a decision.

- **Flexibility**
  TAR can be run in preparation for first pass reviews or during more sophisticated issue coding.

- **Time and Cost Savings**
  A faster review process for low priority, likely non-relevant documents, equates to substantially lower cost.

- **Validation**
  Validation is built on statistical analysis, so you can be confident in your results.

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Once the TAR process is complete, you can move to the next phase of your project and rapidly review documents with the assistance of intelligent batching of documents based on content and relevance score.

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Equivio Zoom® and Relativity® Assisted Review (RAR) are integrated, flexible, and transparent, platforms for TAR. Both are fully integrated within our Relativity® review platforms, making it a seamless transition from linear review in Relativity® to a full-blown TAR platform.

TAR requires three main components; domain expertise provided by subject matter experts, an analytics engine (latent semantic indexing for Relativity® and vector machine algorithms for Equivio Zoom®), and a method for validation. Key to the success of any TAR project is a team with the experience to use the system successfully.

**Iterative Process**

Review teams begin by subjectively coding a sample set of documents. Based on those expert decisions, the system determines how the rest of the documents in a case should be marked. Teams then validate the system’s decisions by manually reviewing statistically relevant subsets of documents to ensure coding accuracy. This process is repeated until the system reaches a stable state. Because batches of documents categorized by the system are validated using statistics, you can be confident in your results.

Document review can represent the greatest commitment of time and money in disputes, investigations, and regulatory reviews. This is largely due to the overwhelming volume of electronic data included in disclosure today.

The use of lawyers specifically trained and deployed for document review can significantly reduce document review costs. Add the use of advanced analytics and technology assisted review, and the process of document review can be made extremely cost effective and streamlined, and also present the gold standard of defensibility. The marriage of innovative technologies and professional review staff requires a solution provider with the skill and experience of NightOwl Discovery.

**NightOwl Discovery**

NightOwl Discovery has years of experience developing proven workflows, quality control systems, metrics, efficiency standard and reporting capabilities; factors that are critical when selecting a review management partner. NightOwl Discovery is proud to be a leader in the industry and has many happy clients to prove it.

**Services**

- Analytics and Technology Assisted Review initiation, assessment, and managed deployment.
- Trained teams of legal reviewers.
- Next generation review tools, including translation and audio capability.
- Fully equipped, professional review facility.
- Expert legal project managers.
- Scientific partnerships with experts in linguistics, statistics, and legal strategy.
There are many ways in which technology can be used to significantly increase the accuracy and speed of a review. These can be split into two broad categories; technologies which support the decision-making process, such as TAR, and technologies which arrange documents for review in a manner which facilitates the process. The latter are referred to as analytics.

### Analytics Technologies

- **Clustering**
  Documents which are identified as near duplicates may be grouped together in clusters, allowing for example, multiple drafts of the same document to be reviewed together.

- **Categorization**
  Documents which share common technical traits may be segregated in order allow them to be addressed in a specific way. This allows, for example, all large spreadsheets to be reviewed together and a redaction strategy consistently applied.

- **Themes**
  Documents which share the same or similar subject or topic may be grouped together for consideration. Theme-based analytics takes a heterogeneous view of a document, recognizing that a document can address multiple themes, and unlike clustering or categorization, themes can occur across multiple document types and formats. For example, one theme may be present across an email, a scanned attachment, and some loose spreadsheets on a server.

- **Threading**
  In many cases, reviewers will have to review the same portions of an email as the thread progresses from the first email to the last, and any branches which divert along the way. Email thread deduplication identifies the inclusive emails from a thread and suppresses the duplicative portions.

For example, typically the first email containing the attachment and the last email containing the full thread will be included, while the ten emails in-between may be suppressed as they will be duplicated in the last email. This can significantly reduce the review burden without missing a single portion of the actual conversation.

### Key Benefits to Utilizing Analytics

- Similar documents can be clustered, categorized and/or grouped by theme to greatly increase review accuracy and speed.

- Faster review process for low priority, likely non-relevant, documents equates to substantially lower cost.

- Facilitates proportionality considerations in determining the size of the review set.

- Allows teams to focus on most relevant documents to make informed decisions on case strategy at a very early stage. Enables prioritized review strategies, where high-potential documents are assigned for review by in-house lawyers and low-potential documents are assigned for low-cost contract review.
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NightOwl Discovery has spent the past several years gaining deep experience with TAR and generating best-practices that combine TAR analytics, and well-trained legal review teams to help clients maximize cost-savings while achieving highly accurate and defensible results.

NightOwl Discovery offers comprehensive legal document review services in support of FCPA investigations, privacy, litigation, audits, and compliance matters. At the heart of our service are trained teams of legal reviewers that use the latest analytic technologies and our streamlined review process to perform document reviews. Typically, we are reviewing for relevance, privilege, and key documents, as well as coding each relevant document for central case issues developed by the legal team during project initiation. Our clients and their legal teams remain in complete control of the direction of the review efforts while we handle all of the details of the review process. The result is an efficient and economical solution for handling the review of large volumes of information.

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  TAR can be run in preparation for first pass reviews or during more sophisticated issue coding.

• Time and Cost Savings
  A faster review process for low priority, likely non-relevant documents, equates to substantially lower cost.

• Validation
  Validation is built on statistical analysis, so you can be confident in your results.

• Focus
  Relevance scoring allows legal teams review the most important documents in the case first. This enables rapid, informed early data assessment.

• True Analysis
  Statistical tools are used which overcome the problems of over-inclusion (precision) and under-inclusion (recall) that affect keyword searching.
Key Benefits of the nTerprise® Solution

• **Financial Savings**
  Companies that are involved in frequent and long-term matters will benefit over time by purchasing their own discovery technology to be managed by NightOwl.

• **Zero Headcount Overhead**
  Eliminates the need to hire full-time professionals to manage the discovery process.

• **Cost Predictability**
  Through our program service agreements there are no surprises; monthly costs are generally fixed.

• **Leverage Best Practices**
  NightOwl provides best practices across the EDRM.

• **Expert Team**
  NightOwl has over twenty-six years of experience in the industry with one of the most tenured teams available. All of our client services team members are CEDS certified.
For most organizations, large and small, the challenge of effectively managing information can be daunting. This is largely due to the exponential growth in both the complexity and volume of information which modern organizations create.

Challenges include:
- Multiple content storage systems.
- Multiple metadata formats.
- Unmanaged unstructured data.
- Extensive duplication of data.
- Storage capacity reaching its limits.
- Too much legacy data.
- Ineffective enterprise search.
- Inability to identify data for litigation holds.
- Compliance with data privacy and protection laws and regulations.
- Protecting sensitive data against loss or theft.

In addition to the practical challenges in managing information, it can often be the source of or contain evidence of business risk, such as breaches of IT security, computer misuse, data theft or loss, and contract and competition law issues.

Organizations with a good information governance strategy will derive more value from their information assets. Those lacking effective governance may experience higher costs, increased risks, and declining customer satisfaction.

An effective information governance program focuses on creating and maintaining sound business processes behind the data.

Taking Control

NightOwl Discovery can help you get the most from your data and significantly reduce the risks associated with it.

Our Information Governance consulting group will assess your information governance approach, identify gaps, leverage technology to map your data, provide early case assessment capabilities, defensibly delete legacy data, and strengthen your record management program. This may start with the development of policies and procedures for data classification and retention, followed by an assessment and clean-up (defensible deletion) of your existing data universe. Business risks can often be identified through a pro-active data-driven compliance assessment. Such early detection can prevent potential issues becoming a full-blown incident.
We bring our experience and learnings from managing large data sets through complex discovery and incident management projects to bear when developing strategic information management programs for our clients. Whether it is a pro-active email review, or managing large volumes of unstructured data through a migration in support of a merger or acquisition, we bring the latest technology coupled with our expertise and experience, to assist our clients with actively managing their data.

Policy and Procedure Development

Often the first question asked by our clients is how we recommend they identify and manage the vast volumes of historical data which they have accumulated. In our experience, this should be really phase two of any information governance project. Given that, in the next two years, your organization is likely to create over twice the amount of historical information you currently hold, the real question to ask is what you are going to do from now on.

Our approach to information governance starts with dealing with the here and now, and the future. Once that is in order, we find that it is much easier to deal with the past. Organizations who establish processes and procedures for dealing with current and future data can, often easily, fit their historical data into the same processes and procedures, whilst not building up more current data at the same time as struggling to manage historical data.

NightOwl Discovery can start with a detailed analysis of an organization’s current state of records and information management, establish a desired future state, identify gaps, and work with you to establish a phased approach to implement enhancements and improvements in order to reach that desired future state.

As part of this we can:
- Establish your strategy.
- Develop a roadmap.
- Develop information classification policies and procedures.
- Develop information management policies and procedures.
- Provide strategies for the management of unstructured content, including information stored in enterprise content management systems, SharePoint, email systems, and shared drives.

NightOwl nVision® is a private cloud turnkey discovery program that includes legal hold, data processing, and data hosting. NightOwl combines the best technology in the industry, with the full support of NightOwl’s renowned legal project team to deliver a seamless discovery experience.

Billing Flexibility

NightOwl understands the challenges faced by companies and law firms in allocating legal expenses across matters, departments, and divisions. Therefore, NightOwl has pioneered the nVision® Flex Billing approach. With nVision® Flex Billing, our customers have the option to split monthly billing to match program utilization by specific business units and/or matters. NightOwl also reconciles usage on a quarterly basis to give you the maximum value in your program.

Technology, Service, and Security

NightOwl employs leading industry tools for legal hold, collection, processing, and review. These tools have been field tested in thousands of litigation matters over the past 10 years. Similarly, NightOwl’s team of legal project managers are all lawyers and certified discovery specialists (CEDS). Each nVision® client is assigned a primary project manager to serve as a single point of contact for all assignments. NightOwl operates an ISO/IEC 27002 compliant secure data center environment, following strict security and evidence handling protocols.

Maintain Control

With nVision® you keep complete control of your matters. NightOwl offers nVision® customers complete administrative access to all of their cases. Create user permissions, add fields and coding layouts, batch documents. It’s all available to you. And with the support of NightOwl’s team of project managers you will be able to concentrate on assisting your legal teams and not wrestling with software.

The nVision® Difference

NightOwl nVision® is turning the traditional industry pricing model upside down. nVision® promotes price predictability and maximizes value by simply applying the principles of economy of scale to the discovery process – a long overdue improvement to the business as usual approach of charging per GB or per document. This model provides NightOwl’s clients with a key competitive advantage in sourcing discovery services.
An essential first step in discovery is the identification of potential sources of relevant data required for disclosure and the strategic development of an discovery plan. Understanding where your key information assets reside and how they are protected is also a vital first step in defending against and responding to Cyber-attacks.

A data topology map identifies all electronically stored information (ESI) in a legally defensible manner and identifies policies and practices associated with ESI. Having this information readily available provides you with a defensible strategic advantage when faced with litigation.

NightOwl Discovery consultants will develop an action report on your organization’s physical IT systems, operational protocols, policies, and practices that govern the creation, storage, archiving, and destruction of ESI.

The data map begins by gathering information on business practices and systems. Through interviews with relevant personnel, review of system architecture, and document retention policies and protocols, an overall view of the enterprise policies and practices is established.

Outputs can include:
- Graphical depiction of the enterprise.
- Descriptions of primary applications.
- Descriptions of operational protocols for backup, record retention, and document management.
- Description of ESI storage locations.
- Strategic recommendations for improvement.

Organizations who know where their data resides and how to access it have a significant advantage when responding to a document request or a Cyber-attack. It allows preservation to be completed quickly, and provides the legal team with information required to negotiate the scope of any disclosure. This can significantly reduce the risk of losing pertinent data, in addition to understanding at any early stage what formats of data are available for the eventual production.
Once you know, at a high-level, where your different information assets reside, and how you want to manage it going forward, the next step can often be to take a deeper look at what you really have.

Organizations have been stockpiling unstructured data for decades. Massive user shared storage servers, archive drives, and legacy backup tapes all contain many copies of files and aged data that no longer has any business value.

With an increasing emphasis on data management as a business process, companies are consolidating their information into central repositories for ease of reference, search, and retrieval. In addition, organizations are recognizing the need to treat data for discovery as an enterprise-wide information management issue. A centralized interface across enterprise information is critical to taking control of your data.

NightOwl Discovery’s intelligent data migration and disposition service helps you manage the long term liability of this content and facilitate corporate awareness of legacy data for archiving or deletion according to policy. Our proactive approach systematically disposes of what has no business value before it can be exposed, misinterpreted, or breached. At the same time, sensitive documents that have business value are secured according to compliance requirements.

NightOwl Discovery can assist you by:
- Creating a defensible data migration and disposition plan.
- Catalogue and identify archived electronic and hard copy documents from disparate sources, and assist with the subsequent preservation or disposal (“defensible destruction”) of archived information in accordance with retention policies and practices.
- Use technology to assess large volumes of information (such as data types, age, and Personally Identifiable Information or “PII”) and then take actions based on business requirements (such as archive all data more than two years old or defensible deletion).

Advantages to NightOwl’s Discovery Management

- **No Additional Capital Outlay**
  Eliminates the need to build-out costly network and security infrastructure.

- **Flexible Technology**
  NightOwl is always vetting the newest and best applications for your discovery needs. No need to be over committed to a long term solution in a market that is rapidly evolving. Gain access to multiple platforms and the flexibility to use the ones right for your matters.

- **Zero Headcount Overhead**
  Removes the need to hire full-time professionals to manage discovery which are often under-utilized.

- **Ongoing Cost Savings**
  Realized by leveraging volume pricing and/or enterprise software models.

- **Cost Predictability**
  NightOwl discovery management programs leverage economies of scale by spreading out costs consistently over the term of an engagement.

- **Leverage Best Practices**
  NightOwl provides discovery best practices consulting to help minimize risk and streamline cost savings.

- **Scalable**
  NightOwl can meet the demands of any deadline.

- **Avoiding Technology Obsolescence**
  NightOwl is constantly investing in the newest, most effective technologies so that you don’t get stuck with an outdated system.
Project-based discovery, the typical method of engagement for many years, is fast becoming an obsolete model. High project costs and lack of consistency across matters makes this approach inefficient at best and indefensible at worst. Discovery management solutions, on the other hand, provide a consistent approach to process and technology combined with the expertise necessary to manage either component parts or all of the discovery cycle. Imagine solutions that are repeatable, defensible, collaborative, and cost predictable. All delivered by a specific, expert team who are intimately familiar with your data and your needs.

Effective discovery management programs are where we excel. We have built our foundation on a growing portfolio of direct corporate and law firm discovery management solutions for mid-size to Fortune 500 companies and AMLAW 200 law firms, working seamlessly with our client’s legal teams. We have spent the past 26 plus years gaining knowledge and expertise in the areas of forensics, legal hold, collections, processing, hosting, review, and production.

NightOwl has made and continues to make the critical investments in education, research, and technology to ensure corporate legal departments and law firms have the best tools, resources and staff available.

Each client relationship is built to last, through multiple matters large and small. We can customize our solutions to each client’s specific needs, from legal holds to early case assessment (or ‘ECA’), predictive coding, review, and productions. NightOwl works to create the right program for your organization and supports it with a team that understands your unique needs.

Organizing your data archives and engaging in comprehensive data reduction reduces risk, time, and expense. It also lets you take control of and secure valuable intellectual property. More importantly, as discovery evolves into a business process, the art of migrating data is transforming the entire enterprise, streamlining operations and reducing operating costs.

To accelerate that transformation, the NightOwl Discovery data migration and disposition team will help your organization identify where improvements are necessary, how to make them, implement a defensible data reduction plan, and provide you with metrics needed to gauge the success of the initiative.

NightOwl Discovery Management vs. Project-Based Discovery

- Identify and migrate specific sensitive data types in support of legal and regulatory processes.
- A simple example would be to identify all of the PII in your unstructured data sets and migrate them to a secure location where they can be retained or destroyed.
- Identify legacy data (i.e., stored data with no business value).
- If required, migrate legacy data to NightOwl’s secure private cloud storage.
- Deduplicate, index, and categorize unstructured data.
- Provide secure access to the legacy data for search and analysis.
- Identify documents with business, compliance or discovery value.
- Dispose of documents with no continuing business value or legal obligation to preserve.
Taking Control

Our discovery management programs are designed to deliver world-class technology tools together with dedicated and experienced discovery professionals. Our flexible and cost effective solutions allow clients to choose from either fully-managed, turnkey programs in which technology and staff are provided by NightOwl Discovery (nVision®); or a hybrid approach in which clients purchase technologies that are deployed, managed and hosted by NightOwl Discovery (nTerprise®). Alternatively, clients may work with us on a project-by-project basis. No matter which program you choose, the one constant with all NightOwl Discovery management programs is our commitment to outstanding service and operational excellence.

NightOwl discovery management is a private cloud program that includes data collection, data processing, and data hosting. NightOwl Discovery combines the best products in the industry including the Relativity® hosted review platform with NightOwl’s renowned legal project team to deliver a seamless discovery experience.

NightOwl Discovery is turning the traditional industry pricing model upside down. Discovery management promotes price predictability and utilizes economies of scale to provide maximum value. NightOwl is simply applying the principles of economy of scale to the discovery industry – a long overdue improvement to the business as usual approach of charging per GB or per document.

With NightOwl’s discovery management, you keep complete control of your matters. NightOwl offers customers complete administrative access to all of their cases. Create user permissions, add fields and coding layouts, batch documents. It’s all available to you. And with the support of NightOwl’s team of legal project managers you will be able to concentrate on assisting your legal teams and not wrestling with software.
Data, particularly unstructured data, such as email, can be the source of or contain evidence of business risk. This can include evidence of:
- Inappropriate use of IT systems, including bullying and harassment.
- Breaches of IT security, including transmission of malicious code, phishing and spear-phishing attacks, and inadequate use of encryption policies.
- Deliberate theft or accidental transmission (without encryption) of sensitive data or intellectual property.
- Duplication of data sets throughout multiple storage locations.
- Bribery and corruption.
- Breaches of competition law.
- Identification of legal documents, such as contracts.

Organizations can help to significantly mitigate the risks of such issues becoming major incidents through the use of pro-active data-driven compliance assessments of their unstructured and structured data.

NightOwl Discovery has extensive experience in performing pro-active data-driven compliance assessments, and uncovering the risk and value from large volumes of business data. A typical project includes the following:
- Identification of business risks which may be stored within an organization’s data.
- Mapping those risks to the data sets available.
- Developing tests to identify evidence of risks in the data set (e.g., searching all email attachments for social security number patterns).
- Acquiring a copy of the data sets for processing, or processing the data sets in place.
- Once processed into a searchable format, detailed statistics are gathered regarding the data.
- Applying the tests and quality checking the results.
- Reporting on our findings, including recommendations for improvement.

Let us help you identify the risks in your data before they become a major incident for your business.
Whether it’s a traditional litigation, a regulatory review, or an internal investigation, the complexity and cost of managing documents through these processes can quickly become unmanageable to most organizations. It’s frequently the case however that these documents can prove vital to resolving a matter.

With small teams, large caseloads and limited budgets, most legal teams are greatly challenged to implement the very technology tools that can help them the most. The three obstacles that most often hinder this process include:

- **Infrastructure**
  Legal and IT teams may not possess the secure data centers, network and storage systems, and security infrastructure required to support an enterprise-class discovery deployment.

- **Headcount**
  In-house discovery requires a commitment of full-time employees that have a proven blend of skills in both the technical IT and security arena, as well as the field of law. Specialized employees hired to support peak litigation volume must often be retained even when litigation volume subsides.

- **Operational Risk**
  In handling discovery in-house, law firms and corporations take on the inherent risks associated with collecting, processing, and reviewing data.

**NightOwl’s Discovery Management Programs**

As a leader in corporate discovery for over 26 years, NightOwl Discovery knows this complex high-stakes arena better than anyone. Our end-to-end discovery services combine the most advanced technology and proven processes with 24/7 support from our lawyers and certified discovery specialists. Our Dublin operations center provides secure, high performance data processing, hosted review, and production capabilities. In addition, we offer data preservation and collection services across the EU. Work with us on a project-by-project basis or maximize the value of our services with an discovery management program built around your needs, processes, and long-term goals.
The EU General Data Protection Regulation (GDPR) constitutes the most comprehensive and expansive data privacy legislation to have been enacted in more than 20 years. The risks of non-compliance have never been greater.

Organizations must be 100% compliant from day one. There will be significant fines for GDPR non-compliance: up to 2–4% of global revenue. A single violation could potentially put an organization out of business. Depending on infringement, the reputational damage may be long lasting.

While the GDPR regulation is clear on what needs to be done, many organizations are struggling with how to do it.

NightOwl Discovery helps organizations plan for the GDPR to ensure personal data is protected in a manner that is efficient, legally compliant, and in the organization’s interests.

Why NightOwl

NightOwl is uniquely positioned to help with GDPR compliance because:

- NightOwl supports in-house litigation and investigation teams and can leverage that information to advise on improvements to current operating models.
- NightOwl focuses on data protection and privacy well before GDPR. With offices in Germany and Dublin, we take a global approach that accounts for a wide variety of in-house needs and requirements.
- Certain aspects of GDPR compliance fall squarely within our wheelhouse, including areas like the tracking and management of data for legal and compliance matters, subject access requests, and legacy data remediation.
- We take our own GDPR compliance seriously. We are certified members of the Privacy Shield framework, which allows for lawful data transfers between our EU and US locations, and we only accept EU data through appropriate third-party transfer agreements.
GDPR Advisory Services

NightOwl’s GDPR advisory services are centered on three areas of particular interest to legal and compliance departments:

- Strategic GDPR technology planning.
- Data remediation and audit.
- On-going GDPR technology support.

GDPR Planning

NightOwl understands the needs of legal and compliance departments for data in connection with litigation and investigation matters, and has serviced those needs since its inception.

Our team can help in-house legal, compliance, and IT departments prepare for the GDPR in the following areas:

- GDPR assessments for planning, remediation and on-going support.
- Operating model development and improvements to account for GDPR requirements.
- Policy and procedure development (end-to-end workflows).
- Subject matter expertise for the processing and transfer of personal data to meet legal and compliance requirements.
- Intra-data transfer mechanisms, third-party data transfer agreements.
- Technology implementation.
- Training.

GDPR Remediation

Legacy data remediation is not just an IT problem, but one that presents significant legal, regulatory and privacy risk.

Our team can help legal, compliance and IT departments mitigate information risk and improve GDPR compliance in the following areas:

- Legacy data assessments.
- Data mapping.
- Data classification.
- Data disposal.
- Data migration (including Office 365).
The GDPR represents a monumental change in not only EU data privacy law but, given its extraterritorial reach, the global data privacy landscape. The risks of being unprepared and of providing inaccurate or incomplete information are significant. The NightOwl Discovery GDPR team provides compliance guidance for your organization so that you can prepare and respond in a manner that is proportionate to the nature of your business.

**GDPR Support**

NightOwl provides seamless solutions and strong program management to implement legally-driven policies, processes, and practices.

Our team can help provide on-going GDPR support in the following areas:

- Legal hold (process improvements, remediation, preservation, automation).
- Technology assessments and implementation for remediation projects and governance.

The GDPR Support offers:

- Discovery services (end-to-end support).
- Subject access requests (operating model development and support).
- Data protection reviews for routine processing and/or transfer of personal data.
- Documentation and tracking.
- Audits/controls.
- Global programs and technology solutions to support data needs for litigation and investigation matters.
A leader in Corporate Discovery Management, NightOwl Discovery helps companies in the most demanding industries reach their discovery, compliance, investigations and data analytics objectives. NightOwl helps enterprise customers maximize investments in people, process and technology. NightOwl provides a comprehensive and global discovery offering that spans the entire EDRM for customers in the US, EU and APAC. Now you’re ready. 

A partner for the bigger picture.