



Information Technology
Procedure
**E-Discovery – Digital Media
Retention**
Revised: 09/5/21

1.0 Purpose

CCSU Procedures, along with State Policy and Law and Federal Law require that any digital media that is the subject of an electronic discovery (eDiscovery) request or litigation hold order be preserved in a forensically sound manner that makes all relevant data that is on the device available for the purposes of the eDiscovery request or litigation hold order. The CCSU E-Discovery guidelines:

<https://www.ccsu.edu/universitycounsel/files/E-DiscoveryGuide.pdf>,

specifically Phase 1 (Identification and Preservation of ESI), Task 6 (Implement other preservation steps if appropriate) has been used as a guide. Note that this task specifically states “collecting to preserve is not required and is not a standard best practice”.

2.0 Scope

This procedure covers all types of digital media. Digital media refers to a variety of devices including, but not limited to, hard drives, optical media, tablets, smart phones, and removable storage. Note that this procedure is not intended to address requirements for cloud-based services, such as Office 365. Cloud-based file/data retention should be addressed in a separate, to be created, procedure. This policy is intended to work in conjunction with, and does not supersede, State of Connecticut Librarian’s records policy, State of Connecticut Department of Information Technology policies, or Connecticut State University and Colleges Board of Regents policies. This procedure does not address individuals who are under litigation hold and are subject to the litigation hold criteria outlined in their specific hold category.

3.0 Procedure

- 1) For devices of staff/faculty that are just receiving an upgrade/replacement, they will be held for a minimum of 14 days before either being repurposed or destroyed/deleted. All University procedures and system policies covering the redeployment or destruction of media must be followed. There will be no special retention/storage of devices for individuals under litigation hold, since retention of files is the responsibility of those individuals, and all files are copied to the new device.
- 2) For devices of staff/faculty that have left CCSU:
 - a. Follow retention policy defined by the Connecticut State Librarians. Details on these times can be found here: <http://ctstatelibrary.org/publicrecords/general-schedules-state>.

- b. In the event that this individual is a member of a special category of employee, the following retention durations will be used. In each case the devices will be stored in a secured location with limited access by I.T. staff.

| Scope | Description | Duration |
|-----------------------------|--|--|
| Litigation Hold Individuals | Individuals placed on the Litigation Hold list maintained by the University Counsel's Office | Until the litigation is closed out and IT is notified by the University Counsel's Office to dispose of device. |

For all devices for those individuals identified above, IT will do the following:

- I. Label the devices with the following information:
 - a. the user that the device belonged to
 - b. the department the user worked for
 - c. Date of data collection
 - d. Heat Ticket Number
 - e. For hard drives, model of computer the drive was used in
 - f. Technician performing the data collection process
 - g. Asset Tag number
- II. Maintain a secure spreadsheet reflecting the inventory of all devices being securely stored:
 - a. the user that the device belonged to
 - b. the department the user worked for
 - c. Date of data collection
 - d. Heat Ticket number
 - e. Device and/or Media Type
 - f. Serial Number (if applicable)
 - g. For hard drives, model of computer the drive was used in
 - h. Technician performing the data collection process
 - i. Asset Tag number (if applicable)
 - j. Method of data collection (original device or forensic copy to storage)
 - k. Disposition of device or media after data is collected (disposed or reused)
- III. If possible, create a forensic copy of the hard drive to a data storage appliance that is not accessible on the network. The Digital Device Data Acquisition Procedure should be used for all applicable devices.
 - a. Once the forensic copy has been created and verified as complete, the device will be reused or destroyed following University procedures and system policies.

IT will review the spreadsheet for accuracy and device disposition with University Counsel's Office on a semi-annual basis.

4.0 Exceptions and Guidance

To request an exception to this procedure, contact the Interim Deputy Chief Information and Security Officer.

To request guidance on a legal question related to this policy, contact Office of University Counsel.

To request guidance on a technical question related to this policy, contact the Director of Technical Services or the Director of Client Support Services.

5.0 Related Publications

- CSCU IT-001 Acceptable Use Policy - <https://www.ct.edu/files/policies/5.3.a%20Acceptable%20Use%20IT-001.pdf>
- CSCU IT-002 Electronic Communication Policy - <https://www.ct.edu/files/policies/5.3.b%20Electronic%20Communication%20IT-002.pdf>
- CSCU IT-004 Information Security Policy
- CSCU eDiscovery Guide - <https://www.ccsu.edu/universitycounsel/files/E-DiscoveryGuide.pdf>
- CCSU Digital Device Data Acquisition Procedure – contact Director of Technical Services for information on this procedure
- CT State Library - Records Retention Schedules for State Agencies - <http://ctstatelibrary.org/publicrecords/general-schedules-state>
- OPM Disposal of Digital Media Policy - http://www.ct.gov/opm/lib/opm/secretary/disposal_of_digital_media_policy.pdf
- Office of State Comptroller Property Control Manual - <https://www.osc.ct.gov/manuals/PropertyCntl/index.html>
- State of Connecticut Judicial Practice Book (2020) - <https://www.jud.ct.gov/Publications/PracticeBook/PB.pdf>

9.5.21 Revised to include litigation hold provision in section 2 (Scope)