

FEBRUARY 15, 2012

Enjoy the Cloud and Mitigate the Risks

On Thursday, February 9, Diana Fasching and Ken Prine of Redgrave LLP gave a presentation to the Minneapolis chapter of Women in eDiscovery on “The Cloud”—Enjoy the Cloud and Mitigate the Risks. Before the presentation, Diana and Ken were asked, “Are you pro-cloud or anti-cloud?” Their answer: “At this point, since the cloud is inevitable, pro and con no longer matter. What is important is for companies to understand and reduce their risks of putting data—theirs and their clients’—out in the cloud.”

The presentation highlighted benefits of using cloud computing, including:

- Wherever and whenever access to apps and data;
- Pay per use, rather than maintaining excess computing capacity;
- Reduced need of internal IT resources;
- Rapid implementations of new technology; and
- The ability to focus on a company’s core business.

Diana and Ken also highlighted a number of potential risks to mitigate, such as:

- Verifying security and encryption options;
- Understanding limitations of liability;
- Considering data privacy implications of putting certain data in the cloud;
- Understanding the data breach notification process; and
- Assuring that support and service level agreement terms are consistent with the needs of the business.

Finally, Diana and Ken discussed some discovery strategy considerations relating to cloud computing:

- Test and verify that the discovery promises made by the cloud provider actually work as advertised;
- Understand how metadata that may be important in discovery is maintained;
- Understand and test the discovery and search tools that are inherent in the cloud provider’s system;
- Understand how legal holds can and will be applied to data in the cloud; and
- Test and verify (again) discovery processes that the company will bring to bear against the cloud data.



Many of the audience questions were around which cloud providers are best to work with. The general response is that this relatively new type of computing is attracting a number of service providers for the cloud computing services, as well as discovery vendors who want to work in this space. Just because a vendor has a good track record in other aspects of eDiscovery, doesn't mean that they will necessarily be proficient with respect to cloud discovery. Knowing what you need a vendor to provide and testing and verifying that they can actually do what they are promising are a company's best protection.

Visit <http://www.slideshare.net/redgravellp/the-cloudenjoy-the-cloud-and-mitigate-the-risks> to access a copy of the PowerPoint presentation and/or <http://www.womeninediscovery.org/> for more information on Women in eDiscovery.

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