



Forensic Tape Services

A Valuable Source of Evidence

Regulators are acting with renewed vigour following the financial crisis and there has been an increase in investigations into bribery and corrupt practices due to the UK Bribery Act, 2010. Now that most business is conducted digitally regulators have powerful tools to exploit this source of evidence. Companies are now taking a more pro-active approach and are reviewing their Electronically Stored Information (ESI) as part of their internal audit process to ensure they are compliant with regulations and to detect any wrong-doing such as corrupt practices and anti-competitive behaviour. Information contained on tapes can be easily examined with little or no impact on the smooth running of the business.

Kroll Ontrack's forensic tape services help our clients in their search for evidence they need to produce or analyse in a range of legal matters including:

- **Litigation** – to comply with disclosure duties parties are required to conduct a 'reasonable search' for evidence including information that may be available on tapes.
- **Regulatory Matters** – parties are often required to produce information stored on tapes in response to allegations of corrupt practice or anti- competitive behaviour.
- **Investigations** – tapes can contain critical evidence needed in a range of internal investigations including IP theft, fraud, harassment etc.

Reduce Costs

The rules of civil litigation in the UK require parties to search for and disclose electronic documents including documents and data stored on back-up systems where it is proportionate to do so. In regulatory investigations, relevant data is often found on tapes which date back over a considerable period of time.

Recovering data from tapes can be challenging and time consuming without the use of sophisticated technologies. In some cases, companies have tapes for outdated computer systems but may no longer have the hardware or software to retrieve data from these tapes. Not all organisations have the technology or resources on hand to access data on legacy tapes in the event of a legal demand to produce it. Tape handling technology is constantly evolving and the cost of maintaining the hardware, software and the necessary expertise may not be commercially viable.

In a corporate investigation relevant evidence can be recovered from tapes.

Tapes contain information which was present on a system at a point in time and cannot be accessed by the user. This is information which is possibly no longer available in 'active' storage, especially if – in the anticipation of an investigation – efforts have been made by a suspect to manipulate or remove potentially incriminating evidence such as e-mails.

Whilst efforts might be made to remove evidence from the live system, it could still be found via a forensic investigation of the tapes.

Partnering with a third party expert provides access not only to state-of-the-art equipment and fast tape processing times but also ensures that day-to-day business operations are not affected. Kroll Ontrack's computer forensic experts have developed tools and software exclusively for handling data on tapes and recovering legacy information. Using an independent expert to handle complex data extractions also helps build a defensible position with regulators or opposing parties in litigation.

Mitigate Risk

Ensure Accessibility

Organisations have a duty to preserve relevant data when litigation is reasonably anticipated, including data stored off-site. As information management technology grows more sophisticated and disclosure obligations more widely understood many courts are becoming increasingly intolerant of parties who claim that their legacy data or archived data is inaccessible or difficult to access. Managing data in a manner that makes it difficult, if not impossible, to recover the data does not absolve an organisation from its disclosure duty. The prevailing view is that advancements in archiving technology make accessible long-term storage more tenable. It is imperative to plan for legacy data accessibility as technology becomes obsolete and the operational cost to maintain legacy systems purely for restoration purposes is no longer practical.

Know What Is on Your Tapes

The prolonged retention of tapes beyond the required timeframes determined by regulation, business need or legal purposes may pose risks for your organisation. Many organisations hold onto tapes containing data that legally they are no longer required to keep and often this is because they are uncertain of what data is stored on the tapes. Once litigation is contemplated or reasonably anticipated or a regulatory investigation is launched, companies have a legal duty to preserve all forms of relevant information. Records previously destroyed in accordance with a valid company's records retention policy may still be discloseable if they are found to be stored on tape. This increases the volume of data to be processed and considered and the cost of identifying the relevant documents that need to be produced to the courts or regulators. Data mapping and tape cataloguing with the assistance of a computer forensic expert can help companies identify the data and storage media that needs to be retained and that which can be defensibly deleted.

Kroll Ontrack's Forensic Tape Services

Initial Tape Inspection

Quickly determines the date on which data was backed up and the server/ source details. This is useful to establish whether the data contained on the tape is relevant to your investigation or disclosure exercise and thus if you are legally required to store it, or whether you are able to securely destroy the data in the safe knowledge that you no longer need it, saving you money.

Tape Catalogue

Produces a file-level listing of the contents of a tape including the presence of any e-mail stores which makes it possible to determine whether or not the tape contains relevant information.

Tape Extraction

A forensically sound extraction of the relevant data from those tapes which contain data pertinent to your matter.

Why Kroll Ontrack?

Kroll Ontrack provide the technology, the expertise and the capacity to identify, extract and process target data from one tape to many thousands in an organisations' archive.

We have developed the proprietary software to read and extract data from all types of back-up software, and have access to one of the most extensive and comprehensive collection of tape drives in Europe, including many devices no longer available in the marketplace.

Our procedures eliminate the need to rebuild the original environment, reducing costs and increasing efficiency – whilst complying with the strictest rules of evidence handling.

At Kroll Ontrack we understand that the scope of a project can quickly change, that's why we offer a fully scalable service to accommodate your needs and to help you meet deadlines.

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