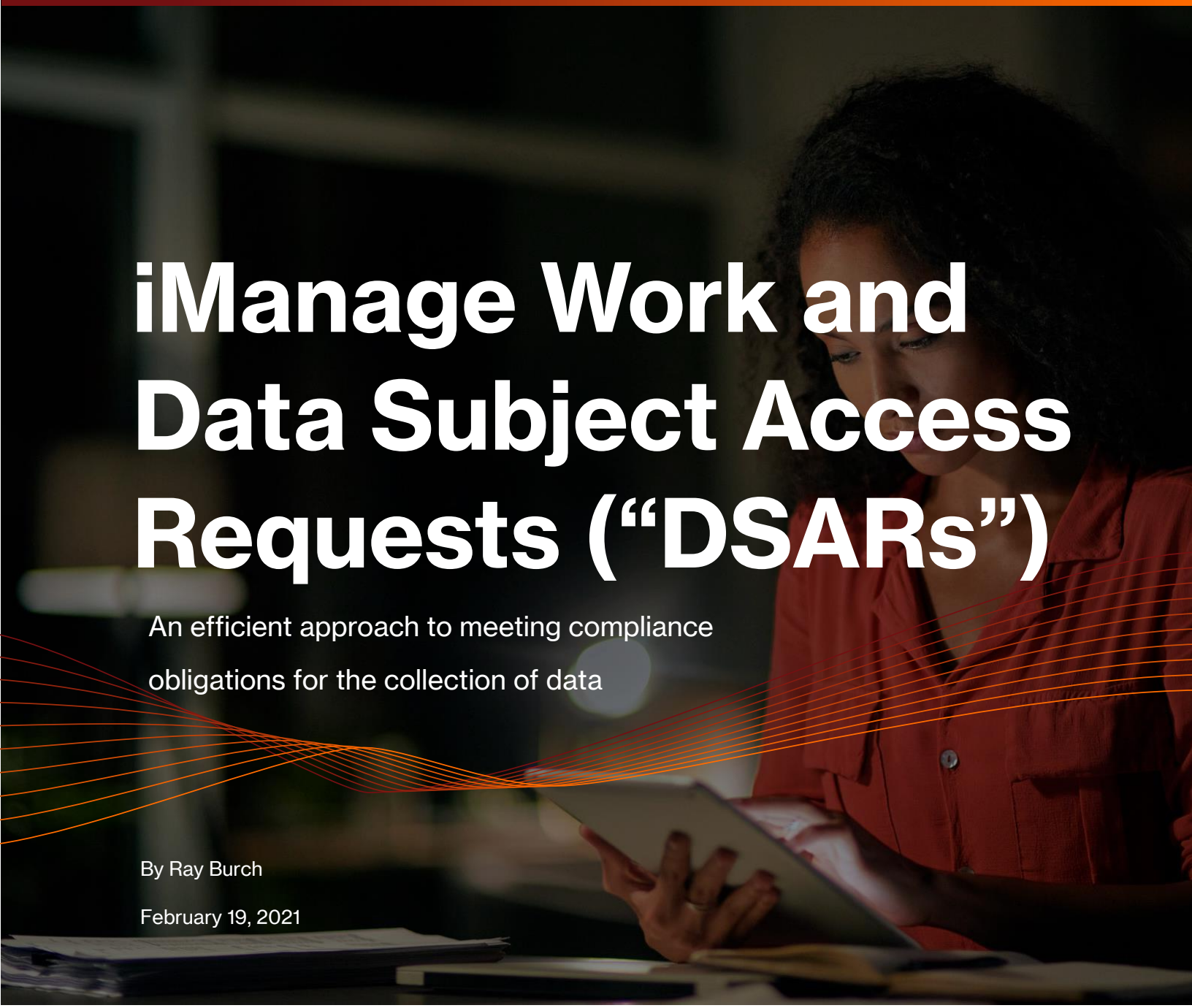


iManage Work and Data Subject Access Requests ("DSARs")

An efficient approach to meeting compliance obligations for the collection of data

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February 19, 2021

morae

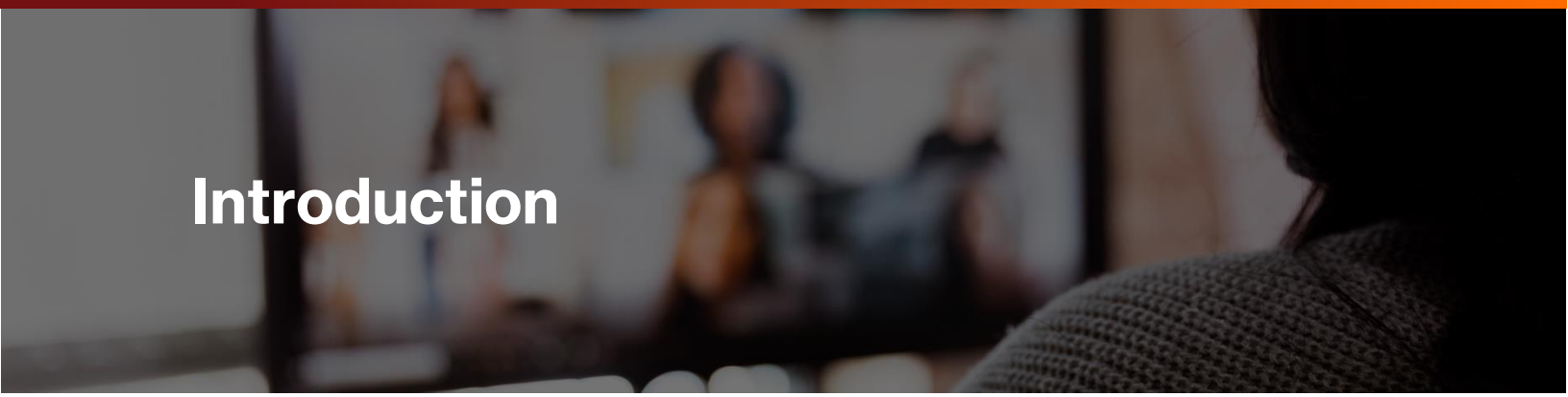
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Introduction

The General Data Protection Regulation (GDPR) came into effect on 25th May 2018. The UK Data Protection Act 2018 sits alongside GDPR and, following Brexit, tailors how the regulation applies in the United Kingdom. During the twelve months preceding the end of the Brexit transition period, on 31st December 2020, there was considerable trepidation about the number of Data Subject Access Requests ("DSAR") that firms and companies might suddenly need to respond to. Initially there was no wave of requests, but there has been a steady increase in the number of DSARs that firms are receiving, and this trend is expected to continue.

With furlough and wage subsidy schemes likely to conclude in the coming months, redundancies are anticipated. Unions across Europe are discussing steps with their members, one of which is the submission of DSARs as part of the negotiation phase. This could have a dramatic effect on the number of requests organisations will be obligated to address.

By submitting a DSAR, an individual can request access to any content that contains personally identifiable information, including their name, address, email, telephone number, etc. There is no charge for this process and the company or firm has 30 days to produce the information in a readable format.

Although responding to a request is mandatory, organisations can apply proportionality to them. If searches for data return hundreds of thousands of documents and emails, it is reasonable to reconsider the search terms or filters used in the search in order to reduce the volume to a reasonable and proportionate amount for review. In many cases, the data subject will be in discussions with the company or firm to help pinpoint the data being requested and to negotiate concessions.

The GDPR also contains guidance on how to review data that contains the personal data of both the requesting data subject and that of other individuals.

With the volume of content stored in iManage Work, finding, and extracting the content, especially if the data subject is a current or ex-employee, can be both complex and time consuming.

Preparatory Work

By now, most organisations would have had at least one DSAR. Depending on how prepared the firm is, this would either be delivered as a panicked process, potentially moving multiple individuals away from their day job to assist with collecting, reviewing, redacting, and delivering the content, or delivered based on an in-place, defined plan.

Key to any plan is performing a risk and readiness review, an information audit, creating a data map, and defining the process and stake holders.

How can Morae help?

Although this paper is primarily focused on managing DSARs and searching and exporting content from iManage Work, Morae can assist with the end-to-end DSAR process and across the full Electronic Discovery Reference Model (EDRM) spectrum, from initial request, through collection, review, and disclosure with dedicated DSAR project management leading the process.

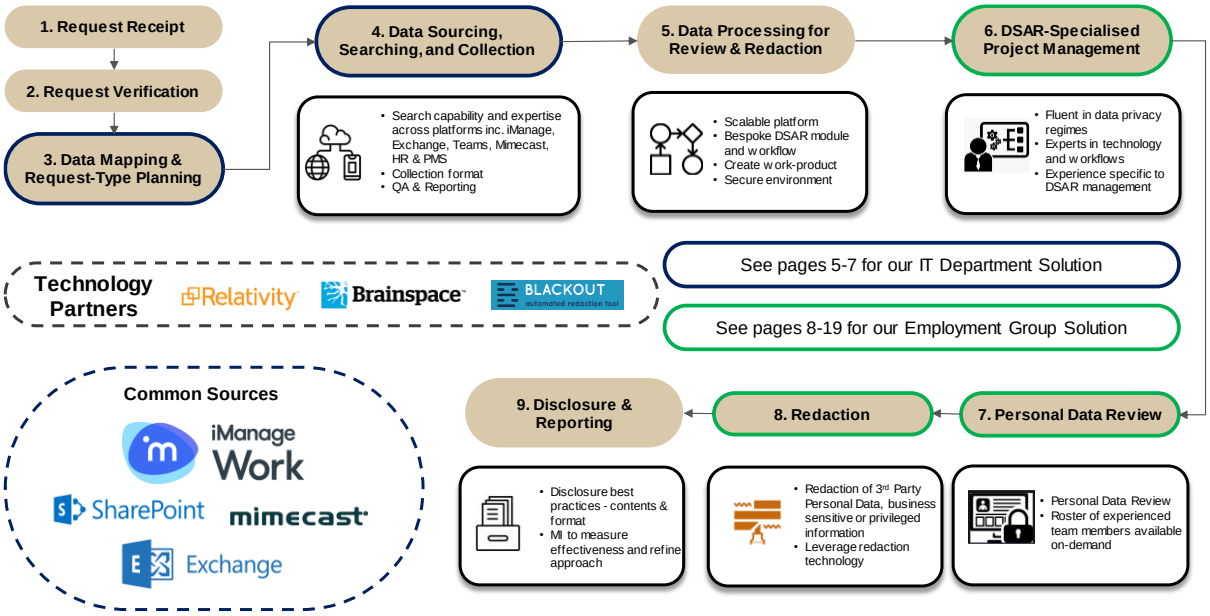
The Morae collection tool for iManage work can be used internally by the organisation or can be run as part of a service to collect data from iManage and, if required, additional sources.

The Morae Collection Team's credentials and experience are unparalleled. Indeed, as a testament to the team's capabilities, the Information Commissioners Office ("ICO") and UK national security entities regularly engage our advanced Collection Team. The team's applicable qualifications include:

- Regularly consult on Office 365 information management engagements, assessing our client's Office 365 data footprint and objectives, and advising as to best practices.
- Perform all Office 365 data collections for a FTSE 100 company as a managed service.
- Seconded a member of our Morae Collection Team to a London-headquartered, global investment bank's internal collection function.

Morae also has a dedicated review team delivering support to the largest law firms and enterprises in the world, from our on-premises or cloud data centres resident in London and Europe. We cover all the various review services, namely, processing, deduplication, training, review, redaction, external user access, and production for disclosure.

Below is a diagram showcasing a typical workflow offered by Morae. We can deliver some or all the elements below, depending on each organisation's requirements.



The challenges of collecting from iManage Work

All firms are at risk of receiving a DSAR, and of course the larger the firm, the higher the likelihood of receiving multiple or even simultaneous requests. As iManage Work is one of the principal data silos, it will likely be necessary to collect content from it.

Managing multiple DSAR requests can be complex and prone to disorganisation. How do you securely collate all the required search terms for each individual DSAR request, many of which could be running concurrently?

Content in iManage will be secure, meaning general users will not have access to all of it. Firms do not want to give IT, HR, or the Compliance / Risk teams full administration rights to searching in iManage, but secure content is as subject to disclosure as public content, and therefore needs to be included in any DSAR response.

iManage environments can also involve multiple databases, potentially spanning different jurisdictions and millions, if not tens of millions of documents and emails.

Logging the search terms and reporting the number of files associated with each is crucial for Quality Assurance ("QA") when exporting the content and providing it for review. If you cannot guarantee accuracy in the collection of content, then the review and disclosure will be inaccurate. If a search term returned 250,000 documents, for example, this could be a

disproportionally large volume of content and serve as grounds for further discussion to reduce the volume before subjecting it to review.

Some common filters available to all searches, for instance start date and end date, can be used to narrow searches to a particular relevant period. But leaving this to a manual process would increase the burden of QA.

Yet iManage Work has a limit of 9,999 items returned from a full text search which may not be enough for, let us say, an ex-employee in a senior position with an excess of ~70K emails. Finding a work around to this can be complex and time consuming without a tool designed to deliver this function.

Exporting the documents and metadata from each search is not possible from the iManage client.

Morae's Solution

We have created a collection tool specifically for iManage work that is designed to allow your team to manage DSAR requests, define and refine the search parameters, add a QA workflow, and collect the data, including a load file for your review tool.

The key features of the tool include:

- **Dashboard** - allowing the team to manage multiple, simultaneous DSARs and if required, to review previous requests. This becomes a centralised location for all DSAR activity for iManage Work.

- **QA workflow** - allowing for a review to take place before the collection is run. This will ensure accuracy of the search terms, filters and iManage databases.

- **Global Filters** - inclusion of filters that can be applied across all search terms for a given DSAR. This ensures consistency and reduces the burden of QA. The global filters include date range, the iManage databases that should be searched, whether only the latest or all versions of a document should be exported, and whether the search should include emails.

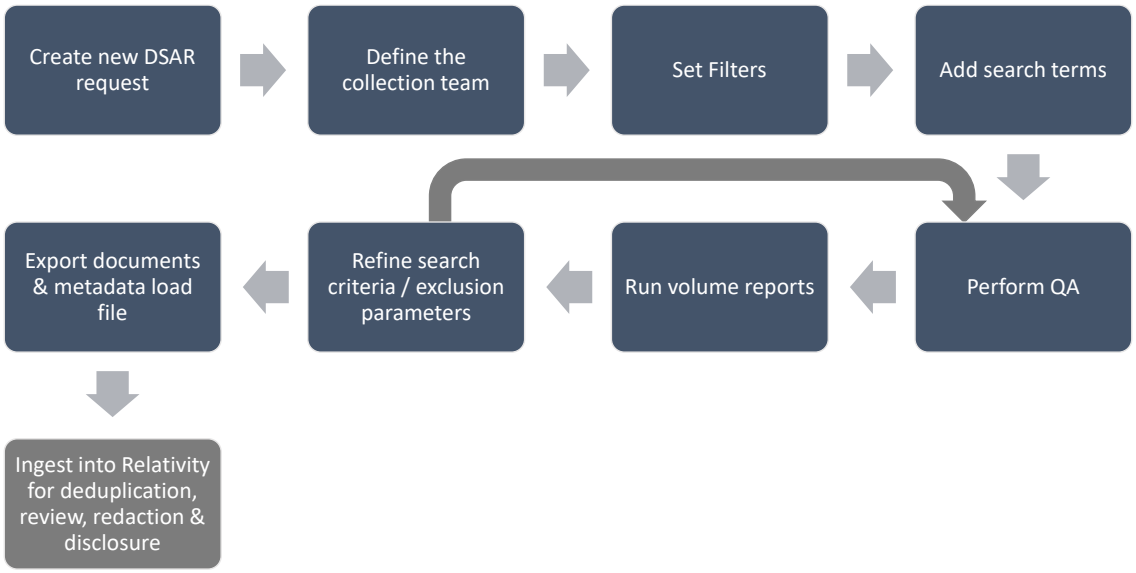
- **Elevated Rights** - enabling running the search and exporting the documents from iManage using elevated rights. No new rights need to be given to individual users to be able to create a DSAR job or to run it. The process is fully audited to ensure that the user who created and ran the DSAR is recorded. Additionally, the individual running the DSAR need never have access to the exported content. The documents and metadata can be exported to a secure area and picked up directly by the review team.

- **Unlimited Search Capability** - The iManage Work limit of 9,999 documents returned from a search could be significant depending on the size of the iManage database, or

how common the search terms are. We circumvent this restriction to ensure that all DSAR searches are complete and can be run against the global iManage estate.

- **Load File** - A document load file containing all iManage metadata for the documents is created as part of the export. This can be used by Relativity or other review tools.

Steps to Using the Morae DSAR Collection Tool for iManage Work



Further plans

The Morae Collection Tool for iManage Work delivers the workflow and process required to perform the search and export of content from iManage Work. Morae can host this tool and deliver DSAR collections on behalf of the firm, or the firm can run their own collections using the Morae Collection Tool.

Once the content has been exported, it needs to be reviewed. Morae utilise the document management platform, Relativity, to deliver this work, but the load file would be compatible with any review solution if the organisation has a different process. There are plans to allow the content to be taken from iManage Work and into Relativity in one movement, rather than an export and load. This will reduce the complexity of the process, reduce time required, and reduce risk by not duplicating any copies of the content.

An additional requirement under GDPR is the right to be forgotten. This is a complex process that requires content to be disposed of or redacted. We are actively investigating the process required to deliver this functionality.

Another feature that is in the development pipeline is coverage of additional, global data privacy regimes, and we will update the Morae Collection Tool as and when this becomes available.

Finally, we are looking at enhancements to the reporting and filtering delivered within the Morae Collection Tool. This would allow more open initial searches to be performed to understand the proportionality of the results and filters applied across that data set to understand what the content looks like.

Additional reading

Coronavirus May Cause A Spike In Data Subject Access Requests