

PRIVACY IMPACT ASSESSMENT

E-Discovery E-Mail (EDEM)

December 2011

FDIC Internal System

Table of Contents

[System Overview](#)

[Personally Identifiable Information \(PII\) in EDEM](#)

[Purpose & Use of Information in EDEM](#)

[Sources of Information in EDEM](#)

[Notice & Consent](#)

[Access to Data in EDEM](#)

[Data Sharing](#)

[Data Accuracy in EDEM](#)

[Data Security for EDEM](#)

[System of Records Notice \(SORN\)](#)

[Contact Us](#)

System Overview

The Federal Deposit Insurance Corporation (FDIC) Legal Division is responsible for the collection, review, redaction, and production of agency records, in support of processing and resolving FDIC legal matters/requests pursuant to litigation discovery, subpoenas, and/or applicable laws, as well as, to respond to Freedom of Information Act (FOIA)/Privacy Act (PA) requests.

The E-Discovery E-Mail (EDEM) solution supports the immediate need of the Legal Division to improve the discovery process by reducing time and costs associated with the processing and review of large volumes of electronically stored information (ESI). ESI can include tens of thousands of e-mails, word processing documents, PDF files, spreadsheets, presentations, database entries, and other documents in a variety of electronic file formats, as well as, scanned paper records. Specifically, EDEM supports the Legal Division's E-Discovery initiative and attorneys by:

- Reducing manual processing by automating a substantial part of the review of ESI for litigation relevancy. This effort includes the development of policies and procedures for retention, archive, and disposal of email.
- Reducing manual review time by automating the identification of duplicate and near-duplicate items. Additionally, EDEM logically groups related emails for easier review (i.e. email threading).
- Significantly reducing costs associated with the manual review of ESI for relevancy and privacy/privilege concerns, and the production of the selected information in the appropriate formats.

EDEM is comprised of two commercial-off-the-shelf (COTS) products: Clearwell v6.1 and IPRO eScan-IT. The EDEM system makes use of two existing tools: FDIC Enterprise Vault and Discovery Accelerator. The Enterprise Vault is an FDIC-wide email repository and archiving solution used to support the litigation discovery process.

Clearwell improves the ESI discovery process by enabling the automatic import, extraction, and search of large volumes of Enterprise Vault data. IPRO eScan-IT provides the ability to upload other ESI and process all the ESI in a more efficient manner.

EDEM then imports the results, minimizes data set into the Legal Division's Electronic Litigation System¹ (ELS). EDEM does not alter the content of any email. Additionally, EDEM users (Case Managers and Case Reviewers) use a secure web browser to access information in EDEM.

Personally Identifiable Information (PII) in EDEM

EDEM processes FDIC emails and attachments via Clearwell and other ESI via IPRO eScan-IT. The information in EDEM varies in nature and may relate to any type of Corporate and/or Receivership legal matter, legal privileges, litigation discovery, FOIA requests, subpoenas, etc.

¹ For further information about the Legal Division's ELS/Summation system, see the Privacy Impact Assessment on www.fdic.gov.

As a result, the emails, attachments and other sources of ESI maintained in EDEM may contain personally identifiable information (PII) and non-PII of bank officers, employees, and customers such as: name, date of birth, Social Security Number, driver's license/state identification number, employee identification number, home address, phone numbers, personal/corporate financial information (e.g., checking account#, PINs, access or security codes, passwords), banking records, contracts, legal documents, records or notes (e.g., divorce decree, criminal records, or other), e-mail address (non-work), employment status and/or records, and non-public financial institution data.

Purpose & Use of Information in EDEM

The data maintained in EDEM is both relevant and necessary for the purpose for which the system was designed, namely to search emails, scan, process and export data to ELS for support and resolution of legal matters.

Case Managers retrieve records in EDEM via routinely searched on characteristics such as loan number, loan name, borrower name, bank-affiliated party name, and domain name/email address as Clearwell/EDEM extracts and indexes every character and word of every document to become searchable. Additionally, the information maintained in EDEM assists litigation matters and produce reports by the FDIC Legal Division attorneys for FDIC legal cases.

Sources of Information in EDEM

EDEM utilizes two existing Legal Division tools: Enterprise Vault and Discovery Accelerator. The Enterprise Vault is an FDIC-wide email repository and archiving solution used to support the litigation process. Information is extracted by the Discovery Accelerator application and is passed on to the EDEM Clearwell application bundled as PST files or individual Outlook .msg files.

IPro eScan-IT extracts information from ESI and paper records collected from internal FDIC systems, including Enterprise Vault, and FDIC employees, pursuant to litigation discovery, Freedom of Information Act (FOIA) requests, subpoenas, and other legal matters.

Additionally, EDEM, via the IPro eScan-IT tool, may contain information imported or scanned received from: the Department of Justice, the Office of Comptroller of the Currency, the Federal Bureau of Investigations, the Office of Thrift Supervision, or any other law enforcement agencies or bank regulatory agencies.

Although EDEM does not interact directly with the IMAC-Encase E-discovery (Chain of Custody) Module² (EnCase), case file data may be manually exported by FDIC Legal Division staff from the EnCase platform to EDEM for review and analysis. EnCase provides the FDIC Legal Division with an automated platform for identifying, collecting, and preserving ESI. Once the data is exported to EDEM, Legal Division attorneys and paralegals have the ability to review and analyze the collected data for further litigation support.

² For further information about EnCase, see the EnCase Privacy Impact Assessments at www.fdic.gov.

Notice & Consent

Individuals do not have the opportunity to “opt out” of providing their information for inclusion in EDEM. Data is collected from various internal FDIC sources and FDIC insured banks and not directly from individuals. The information is necessary for processing and resolving FDIC legal matters/requests pursuant to litigation discovery, subpoenas, and/or applicable laws.

Access to Data in EDEM

Authorized FDIC users have limited access to the EDEM tools and include:

- **Legal Division Attorney-Reviewers:** Using Clearwell, only authorized members of the FDIC Legal Division approved to handle FDIC legal case materials as Case Managers and Case Reviewers have access to EDEM. This includes Legal Division users in FDIC Regional Offices that support the legal cases as Case Reviewers. Additionally, using the IPRO eScan-IT tool, four system administrators in FDIC’s Legal Division, Legal Information Technology Unit (LITU) staff, and attorneys in the Litigation Support Group have access to the EDEM system and data for purposes of processing and exporting the data to the Legal Division’s ELS/Summation applications.
- **FDIC Regional and Area Office staff:** authorized staff from the FDIC Legal Division, Division of Resolutions and Receiverships (DRR), and Division of Risk Management Supervision (RMS) serving as Case Reviewers have access to EDEM via Clearwell. Additionally, a limited number of licenses for the IPRO eScan-IT application are utilized by authorized FDIC employees and contractors for the purpose of scanning pertinent paper documents into the EDEM system, as requested by FDIC’s Legal Division.
- **FDIC Division of Information Technology (DIT) staff:** a limited number of authorized users in DIT have access to EDEM for system administration purposes.

Data Sharing

Other Systems that Share or Have Access to Data in the System:

System Name	System Description	Type of Information Processed
FDIC Enterprise Vault (EV)	Enterprise Vault is an FDIC-wide email archiving solution integrated with Microsoft Outlook. EDEM imports data from the Enterprise Vault via the Clearwell tool.	Full name, maiden name, mother’s maiden name, alias, employment records, banking records, contracts, etc. that may contain Social Security Numbers (SSNs)

System Name	System Description	Type of Information Processed
Electronic Litigation Support System (ELS)	ELS is a review platform used by the FDIC Legal Division to process FDIC emails and attachments with other PII. Electronically stored information (ELS) is automatically and securely pulled from EDEM via the IPRO e-SCAN IT tool.	Full name, maiden name, mother's maiden name, alias, employment records, banking records, contracts, etc. that may contain Social Security Numbers (SSNs)

Data Accuracy in EDEM

EDEM only contains FDIC ESI imported from other FDIC systems or scanned or imported into the EDEM system by authorized system administrators in the Legal Division. EDEM via the Clearwell tool accepts data as-is from the Enterprise Vault email repository and other internal data sources for review by the Legal Division. The IPRO eScan-IT tool utilizes a built-in quality control (QC) module to ensure all data has been correctly processed.

Data Security for EDEM

FDIC has controls in place, such as virus scanning software, to ensure any non-FDIC data is free from viruses and malicious code that could introduce harm in the FDIC environment.

The EDEM Program Manager/Data Owner has overall responsibility for protecting the privacy rights of individuals. In the course of litigation, if the FDIC is subpoenaed, the data may be produced and shared with other agencies. FDIC executes the non-disclosure agreement with the sharing agency before any data is produced and shared. Legal Division attorneys and paralegals sort and search data to review records for relevance to legal matters, legal privileges, and for the potential need to redact sensitive PII and/or confidential information.

All authorized FDIC users and contractors must take the mandatory annual FDIC Information Security and Privacy Awareness Training, which includes specific policies and procedures for responsibility and accountability of information regarding compromise and the prevention of misuse of data. All users are responsible for protecting personal information covered by the Privacy Act and must certify that they agree to abide by the system's Rules of Behavior to retain access to the system. Contractors must sign an annual Contractor Confidentiality Agreement to be granted access for the purpose of scanning pertinent paper documents into the EDEM system, as requested by FDIC's Legal Division.

System of Records Notice (SORN)

The EDEM system does not operate as a Privacy Act system of records, nor does it require an alteration to an existing system of records. The EDEM system processes

information imported from other FDIC record systems that is collected and maintained for purposes related to other business processes for which there are currently Privacy Act systems of records in existence. Such record systems include:

- FDIC 30-64-0002, *Financial Institution Investigative and Enforcement Records*
- FDIC 30-64-0005, *Consumer Complaint and Inquiry Records*
- FDIC 30-64-0013, *Insured Financial Institution Liquidation Records*
- FDIC 30-64-0022, *Freedom of Information Act and Privacy Act Request Records*
- FDIC 30-64-0023, *Affordable Housing Program Records*
- FDIC 30-64-0024, *Unclaimed Deposit Account Records*

Contact Us

To learn more about the FDIC's Privacy Program, please visit:

<http://www.fdic.gov/about/privacy/>.

If you have a privacy-related question or request, email Privacy@fdic.gov or one of the [FDIC Privacy Program Contacts](#). You may also mail your privacy question or request to the FDIC Privacy Program at the following address: 3501 Fairfax Drive, Arlington, VA 22226.

