

Sample Preservation Letter - Organization

PLEASE NOTE: NO TWO MATTERS ARE THE SAME. THIS SAMPLE LETTER CONTAINS LANGUAGE THAT YOU MAY FREELY USE IN DRAFTING YOUR PRESERVATION LETTER. THIS SAMPLE LETTER MAY NOT CONSTITUTE THE ENTIRETY OF WHAT IS REQUIRED TO ENSURE PROPER ESI PRESERVATION. IT IS ALWAYS ADVISABLE TO CONSULT WITH AN ESI EXPERT PRIOR TO TRANSMITTING AN ESI PRESERVATION LETTER.

RE: [MATTER]

Dear _____

Please be advised that Electronically Stored Information (“ESI”) has been determined to be relevant in this matter and you are being given notice that you are hereby required to preserve such ESI as described herein. This preservation notice and the description of potentially relevant ESI shall in no way constitute the entirety of the ESI you are obligated to preserve, only a minimum requirement based on [CLIENT’S] current understanding of your computer systems as well as computer systems in general. These computer systems may be owned or maintained by you, your employees, third parties or contractors. Any ESI you deem potentially relevant in addition to any noted herein shall be preserved.

OBLIGATION TO PRESERVE

Electronic data has been deemed relevant or potentially relevant in this matter. As a result, you have a duty to take all reasonable steps to preserve any and all electronic information potentially relevant to this matter. Electronically stored data can easily be altered, deleted or otherwise changed. Your obligation to preserve relevant and potentially relevant ESI includes, but is not limited to:

- Halting any process that destroys data, including but not limited to data destruction procedures (manual or automatic) and backup cycling.
- Preservation of all relevant or potentially relevant hardware.
- Preserve any and all systems used to make data readable or usable including, but not limited to, passwords, encryption schemes, proprietary hardware or databases, or specialized software or hardware needed to render data readable.

DATA REQUESTED

Preservation of all ESI that is relevant or potentially relevant to this matter is required. This ESI includes, but is not limited to, documents, spreadsheets, user created files, email and other communications, schedules and calendars, internet usage data and system files and logs in your possession, the possession of your employees or third parties or contractors.

Electronically Stored Files – You are required to preserve:

- Active data (data readily available to a user) including, but not limited to:
 - Word processing and text documents
 - Spreadsheets
 - Calendar or scheduling entries
 - PDF documents
 - Forms
 - Notes and collections of text or other data created or assembled by a user
 - Presentations
 - Graphs and charts
 - Audio or video files
 - Collaborative documents stored locally or otherwise
- Archive data (backups, local or otherwise).
- Deleted data (data deleted by a user or a system process but still recoverable through forensic methods).
- Media used to house active data and media used to house backup data as well as any hardware specifically required to access the media (hard disk drives, tape drives, magneto-optical drives, etc.).
- Cloud/Internet data stored on remote servers, computers or other storage devices not in your immediate control that synchronize with, or are accessible from, one or more devices used by you or members of your organization including any recoverable deleted data available at the time of receipt of this notice.

Email - You are required to preserve all email data relevant to or potentially relevant to this matter in its original electronic format.

Devices and Hardware - You are required to preserve all electronic devices that contain data relevant or potentially relevant to this matter, whether currently in use or not including any and all portable devices that contain or may contain relevant or potentially relevant data. No hardware devices containing relevant or potentially relevant data shall be destroyed, disposed of, repurposed or altered in any way that could cause damage or alterations to the electronically stored data contained within them.

Internet Usage Data - You are required to preserve any and all internet usage data stored locally or otherwise including but not limited to browser logs, history data and internet 'cookies'.

System Files and Logs – You are required to preserve any and all system files and logs generated on or relating to individual computer systems and their usage.

[OTHER]

PRESERVATION REQUIREMENTS

You are required to preserve the above items as they include or pertain to:

- Specific, relevant persons or groups, including, but not limited to:

[Names, Groups, Parties]

- Specific, relevant topics or keywords, including, but not limited to:

[Topics, Keywords]

- Specific, relevant time frames or dates, including, but not limited to:

[Date Ranges]

COMPLIANCE

In order to demonstrate compliance with your duty to preserve ESI, you must maintain a log of all alterations or deletions of data made to any ESI location, device or file indicating when the change was made, specifics of the content of the change, the reason for the change and who made the change.

Any and all physical devices, hard drives, computer systems and other sources of ESI that contain relevant or potentially relevant data shall be listed on a chain of custody document indicating the location of the item, the custodian of the item and any unique identifying information for the item such as a model and serial number.

All electronic data and ESI created after receipt of this letter that qualifies per the content of this letter for preservation shall be preserved in accordance with the steps outlined herein to ensure proper preservation.

Compliance with this preservation request extends to all possible custodians, including employees, vendors, third parties, contractors and others who may be in possession of relevant or potentially relevant ESI, whether listed in this document or not. You shall forward a copy of this request to any such parties immediately.

Sincerely,
