



CASE STUDY

# Leading Financial Institution Engages FTI Consulting to Support Global Defensible Data Disposal Initiative

A large, multinational financial services institution kicked off a global effort to remediate its legacy data environments and enable defensible disposal, an effort driven in part to support compliance with the EU's General Data Protection Regulation (GDPR). The company's U.S.-based legal, compliance and e-discovery team engaged FTI Consulting's Technology segment, looking to the expertise of the segment's Information Governance, Privacy and Security practice to support the project. FTI was tasked with scoping nearly 800 legal matters for legal hold obligations, establishing new legal hold workflows and supporting review and remediation for the sunset of multiple systems and storage vendors.

## SITUATION

Since the 2008 recession, the financial services industry has been laden with fallout, with most large institutions involved in hundreds of legal matters and regulatory investigations. This client had an obligation to retain documents for nearly 800 existing and former legal matters across multiple repositories, many of which were highly complex. The client had an inconsistent process in place for tracking new legal hold obligations, managing the status of those for which holds were no longer needed, and tracking which data sources (including chat messages, video recordings, audio files, email, etc.) were impacted by the revolving door of matters.

While most internal stakeholders were supportive of the project—given their awareness around GDPR—the team encountered some difficulties with certain groups in understanding how to defensibly delete data. Similarly, a lack of awareness among groups in Europe about the nuances of e-discovery preservation requirements in the U.S. introduced additional change management challenges.

Beyond the legal hold scoping, the client also needed support in preparing for an efficient migration to Office 365 and terminating work with a third-party vendor that had been hosting one of the client's legacy messaging environments. The remediation and preservation work was under deadline for completion before the former systems were permanently shuttered.

## OUR ROLE

FTI's team interviewed dozens of in-house and outside counsel to identify all legal matters and the various data sources impacted, including two legal hold management systems, a matter management system and multiple spreadsheets. With that baseline, the information about the legal holds was aggregated into a master list containing each matter's name, jurisdictions, custodians, data sources in scope and date ranges in scope. This master source provides a way for the team to track preservation, release and dispose of expired legal holds and provide retention management around the entire process going forward.

After the scoping project was complete, the client re-engaged FTI to begin executing on the preservation and disposal work associated with the legal holds. In that portion of the project, FTI identified dozens of sources of discoverable information, including messaging data in numerous repositories (e.g. Lotus Notes and Exchange), email archives, voice recordings, structured data collections, loose files, backups on disks and tapes, all of which contained data that was relevant to thousands of custodians across hundreds of legal matters. FTI is also building a preservation engine for the client and helping the organization streamline the systems and procedures used for preserving voice communications, by breaking down siloes and removing error-prone aspects of existing processes.

In addition to leading the preservation management work, FTI is supporting the client with ongoing project management for the overall global defensible disposal effort and providing training and education across numerous stakeholder groups to help everyone adopt new processes and understand the importance of doing so. The e-discovery team is working with FTI to optimize overall e-discovery processes, including improving the way custodians and data sources are identified and introducing new e-discovery workflows.

## OUR IMPACT



FTI helped the client successfully move forward and make significant progress with its global defensible data disposal initiative, providing extensive defensibility preparation work and the foundation for a strong preservation program. Once ongoing remediation work is complete, FTI will help the client defensibly delete billions of legacy documents no longer needed for legal hold.



As part of its ongoing work, FTI is supporting the client in beginning the decommissioning of more than 1,000 legacy applications, messaging systems and archives across APAC, EMEA and the Americas.



Established trust with the client, to the extent that FTI has relieved the burden on internal teams by serving as a global project manager and liaison with third party vendors.

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