

## How InfiniVault™ Addresses FRCP

The InfiniVault Archive Appliance from ProStor Systems provides significant economic advantage in archiving of information and meets multiple regulatory compliance requirements. The Federal Rules of Civil Procedure (FRCP) is one of the compliance regulations that InfiniVault can automate for customers.

The FRCP places a requirement on companies to disclose evidence in an electronic form (now commonly called e-discovery) and also requires that the company must preserve that evidence during anticipated or actual litigation. The newest version of FRCP went into effect on December 1, 2006. Adherence to the rules has recently achieved an added significance due to some court penalties for companies that have not complied. The award amounts have been large enough to gain the attention of executives and legal staffs in companies regardless of the size or whether they are public or private firms.

The growth in the amount of electronic data being stored greatly increases the problems in e-discovery and also increases the stakes in non-conforming to the rules. Statistics about the growth include 80 to 100% stored capacity demand increases per year, in excess of 50 billion emails per day, and 99% of all documents are in electronic form. The fact that all the data is stored somewhere is the critical point: it is all eligible for e-discovery, regardless of where it is stored.

InfiniVault meets the new FRCP requirements in the primary areas of disclosing information and preserving evidence.

### Disclosing of Evidence

Action	InfiniVault Solution
Pre-Trial conference	InfiniVault provides a single source for all the archived evidence. The file information reports of what is included in each independent archive become the starting point for discussion regarding information.
Scope of Discovery	InfiniVault has an interface to look at individual archives and directories of files in each archive to help determine information relevant to the case. The archives for data such as email, business records, etc. are candidates to be discovered and the number of files and amount of data can be obtained through InfiniVault.
Allocation of Cost	Identifying and obtaining the information from InfiniVault can be done expeditiously without using additional staffing or hiring outside experts. "Reasonableness" is made to be an easier decision based on the simplicity of usage of InfiniVault in conjunction with archiving applications.
Form of Production	Archived documents can be produced electronically in an e-discovery operation using InfiniVault. Selected documents can be exported to an RDX® cartridge in an interchange format (readable by RDX drives in servers or attached to PC's or laptops) or to another computer directory for subsequent usage.

## Preservation of Evidence

A legal hold can be placed on files in InfiniVault through the administration interface. Multiple, overlapping legal holds may be placed on files in the case of more than one legal action being in progress. InfiniVault will manage the legal holds by holding in abeyance any retention expiration on a file until all legal holds are released. A report will detail the files under legal hold.

## Summary

Non-compliance to the Federal Rules of Civil Procedure can be an extremely expensive proposition. The fines that have been levied recently have been severe and the cloud of suspicion that failure to meet the rules infers that something is being hidden or the release of information is being delayed may also factor into final judgements.

InfiniVault automates much of the adherence to regulations and enables a rapid and simple means of meeting e-discovery requests. If the retention of information for a specific period of time is required and InfiniVault is the archiving system, that data will be preserved for the specific time required only. Avoiding searching through data that is no longer relevant is part of the value of using InfiniVault to meet retention needs.

With InfiniVault, e-discovery becomes simplified and no longer an ominous, expensive liability.



*InfiniVault™ Product Family*