

Emerging Communications Platforms

Collections of messages from many new communications platforms are increasingly more available to eDiscovery. These include iChat, Bloomberg Chat, Discord, Google Chat, Hangouts, iChat, iMessage, Microsoft Teams, Slack, Zoom, WhatsApp, and Wickr.

Many of the platforms have stepped up robust support for preservation. Companies that have approved use of these, particularly in regulated industries, need that support. The tech industry has largely accommodated with various controls and many corporations have gotten better at using them. As we see from recent [sanctions](#) and [case law](#), many have not.

Tools used to address these messages come from the source platforms themselves, from IG and eDiscovery tools using APIs to preserve and collect them, and from forensics tools like Cellebrite.

Ask what tools might be used for preservation, collection, or processing. The choice of tools may affect choices you have on production. Here are a few:

- [17a-4 Slack DataParser](#)
- [Cellebrite & Cellebrite UFED](#)
- [Everlaw Connector to Slack Enterprise Grid](#)
- [Everlaw for Bloomberg Chat, Slack Enterprise Grid, Google Chat, iMessage, Slack, Teams, WhatsApp](#)
- [Exterro](#)
- [Hanzo Hold for Slack](#)
- [Relativity Collect](#)
- [Slack Create and Manage Legal Holds.](#)
- [Slack is FINRA Configurable](#)
- [Smarsh](#)

Make clear early on what is important for production of communications other than email. Choices may be limited later by choices of tools, platforms, and processes. Besides metadata, these are issues to discuss:

- Native v images v PDFs.
- Links alone versus links that pull the content of the links during collection. Some call these “modern attachments”. Technically, the objects may not actually be attached. The ability to “pull” them at the time of collection may be limited by technology, administrative rights, or the choice of tools that are used.
- Scope; context areas; unitization.
- Text, emoji, and emoji translation or searchability

What metadata fields can I request?



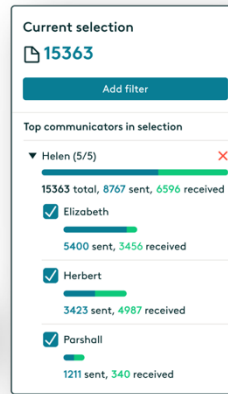
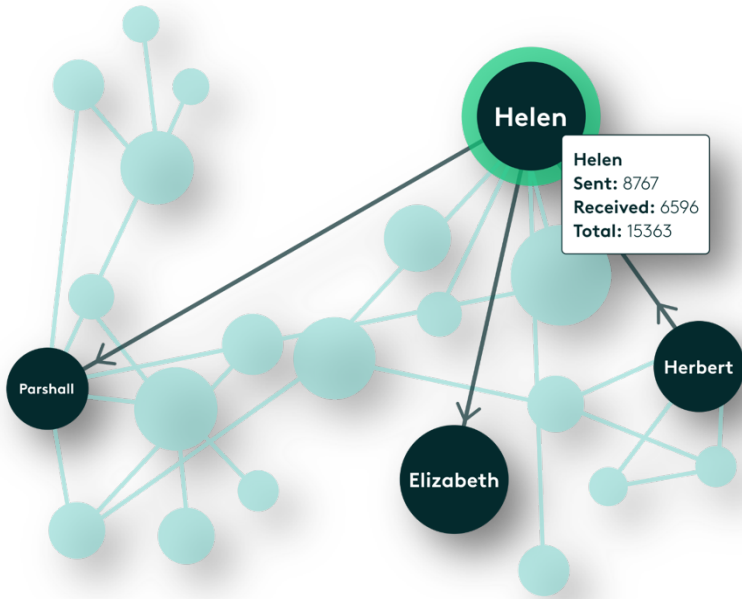
Slack messaging may include these metadata fields. Some platforms may allow for various groupings and search of Chat Participants.

Attachment ID	Message ID
Channel	Timestamp(s)
Deleted (w timestamp)	Type of message (text, file, snippet)
Edited (w timestamp)	User ID
Mentioned channels	User Name
Mentioned Users	



WhatsApp users exceed about 2bn globally and 100m in the US.

Contact Info (if shared)	Media URL
Group ID (of group chat)	Message Content
Location (if shared)	Message ID
Media Size	Message Status (S, D, R)
Media Type	Message Type (C, GC, B, Ca)
Timestamp(s)	Sender / Recipient Phone #s



File Path Explorer

Directory: slack.zip

Container File

- slack.zip #1493959.1 (22)
- baseball (1)
- channelwithpdfs (1)
- general (3)
- random (3)
- slacktest (1)
- workthings (1)
- baseball-2017-11-02.json #1493970.1
- channelwithpdfs-2017-11... .json #1493961.1

Everlaw

Find a term

Logical

- And
- Or
- Not

Document

And

- Contents trash talk
- Family Date from 2017/01/01 to 2018/01/01 (UTC)
- Chat Contributors Adam

Show all Search settings

#1494991.1 (4 of 4)
Contents «trash talk»; Family ... Page 1 of 1

PDF Text Native Exit Full Screen

Metadata Language

All Custodians	Everlaw; baseball
All Custodians	Everlaw; baseball
Chat Contributors	Adam Young, Al...
Application	Slack

Click to search for documents with Chat Contributors «Adam Young, Alex Hafez, Byron Liu, Chirag Zaveri, clay miller, claymiller11» (NATIVE EXTRACTED) Chat Contributors: Adam Young, Alex Hafez, Byron Liu, Chirag Zaveri, clay miller, claymiller11

Analyzing Messages

Clockwise, 1. Communications Analyzer integrated with search, review, clustering, and predictive coding. 2. File Path Explorer, which aided in finding “Really smart people picked off Mado, not you” 3. Instant Visual Search helps to find and group Chat Contributors 4. Metadata view of Chat Participants during native file review.

Microsoft Teams metadata fields may vary as to whether you're dealing with Teams Messaging or Teams Meeting.



Zoom meetings will contain [components of audio, video, and chat, and profile documents](#).

Discovery platforms may have the capability to play, redact, machine transcribe, and produce whole or redacted Zoom audio and video, with or without machine transcription.

The owner or admin on a Zoom account may be able to capture and upload user profile documents that contain name, email, and a list of meetings hosted or attended.

A Zoom chat log typically contains various metadata, including: Timestamps; Usernames; User IDs; Message IDs (unique identifiers for each message in the chat); Message type (whether the message is a chat message, a file transfer, or emoji); Message content: (actual text, including any links or attachments); Message status (whether the message was sent successfully or failed to send; and Channel ID: (if the chat is taking place in a Zoom channel, the ID of the channel may also be included.)

Depending on the Zoom account settings and the features used during the chat, additional metadata may also be included, such as the location of the user or the IP address of the device they used to access the chat.

Whether Zoom Chat is synched to the video will depend on the review application. You should expect, though, that Zoom Chats are timestamped by message, which can then be correlated to the timestamp or timing in the Zoom audio or video.

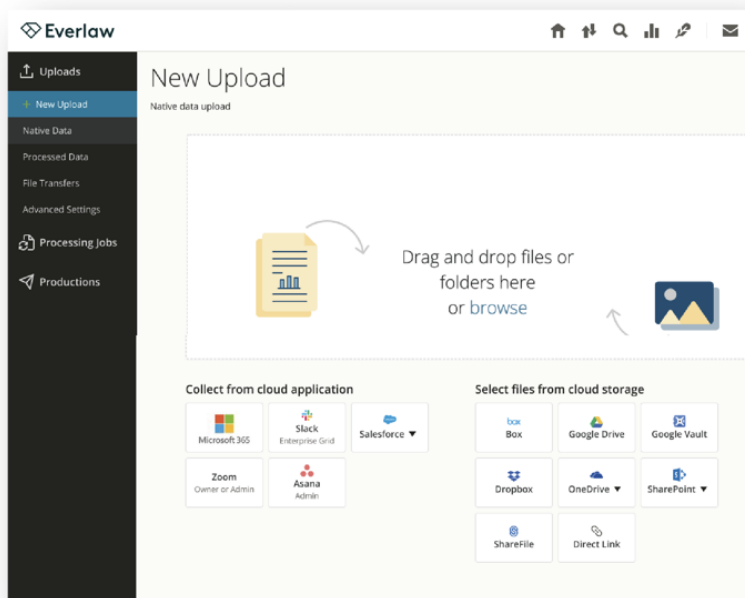
There are multiple administrative settings for paid Zoom accounts that may affect the defaults of what is stored and for how long. It may vary depending on the minimum settings for each participant in a Zoom or on a Zoom channel. For example, [private messages may not always be saved](#). Finally, file storage may be set to, e.g., SharePoint or Box or other locations.

Teams are one of the emerging document types that challenge our current definition of "document".

Attachments	Files or attachments that were included in the message
Channel	Name of the channel or direct message where the message was sent
Deleted	flag indicating if the message has been deleted.
Edited	flag indicating if the message has been edited
Mentioned Users	user IDs of any users who were mentioned in the message
Mentions	Mentions of any users, channels, or entities included in the message
Message ID	Unique identifier of the message
Parent ID	ID of the parent message in a thread
Reactions	Reactions added by users
Thread ID	Unique identifier of the thread
Timestamp(s)	Date and time sent or received
Type	Message type, e.g., text, file, snippet
User ID	Unique identifier of sending user
User Name	Display name of sending user
If Microsoft Teams was used for a Teams Meeting, metadata may further include:	
Meeting ID	Unique identifier of the Teams meeting.
Meeting Subject	Subject of the Teams meeting
Meeting Participants	Names or email addresses of the participants in the Teams meeting

Discovery Issues Associated with U.S. Privacy Laws

[As of March 10, 2023, five states have officially implemented privacy regimes: California, Colorado, Connecticut, Virginia, and Utah. Twenty other bills are pending.](#) (source: [IAPP.org state privacy legislation tracker](#).) There is a growing understanding among producing parties that privacy demands overlay eDiscovery requirements, and that a producing party [may have liability for mishandling privacy concerns](#). Some large corporations, mostly multinationals, have intense IG programs to isolate and tokenize PII in their computing environments. Many are concerned about [overlapping or conflicting state rules](#). Judges and legal scholars are looking at the impending overlaps in discovery practice. See, e.g., [The Right to Privacy in Modern Discovery](#), et seq. Some judges recognize that [privacy issues may affect proportionality claims](#).



Upload Connectors include Microsoft 365 email, calendar, OneDrive and Teams; Slack Enterprise; Zoom; Asana; Salesforce; Box; Google Drive; Google Vault; Dropbox, OneDrive, SharePoint; ShareFile, and Cellebrite, Encase and FTK images.

Concept Clustering up to 25 million documents is integrated with search, review, and data visualization can show overlays and contrasts of hot documents, ranked documents, search hits, review status, and more.



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