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## e-Discovery in the Cloud: Talking With ZL Technologies



By [ebizQ](#) on March 3, 2010 9:01 AM [Vote 0 Votes](#)

Listen to my podcast with Stephen Chan, VP of Business Development and Co-Founder of [ZL Technologies](#). Stephen manages business development sales and marketing for ZL Technologies, and in this podcast we discuss e-discovery in the cloud: what companies should look for, why companies should consider it, what ZL Technologies offers in the space, and finally, the future of e-discovery in the cloud.

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---TRANSCRIPT---

### PS: What should a large organization look for in a cloud-based archiving and e-discovery solution?

SC: Well, our view is that any e-discovery solution and archiving solution whether it's cloud-based or on-premise should be viewed as sort of the same technology. There should be no compromise by the customer when looking at these solutions so they should continue to look for things that are sophisticated in terms of the tools and the analytics, the capabilities and performance around scalability and also being able to go through a large amount of data in addition to various types of data.

### Can you give me a quick overview of ZL Technologies has going on in this space?

So specific to e-discovery and archiving, what ZL has looked at it has found customers having issues with disparate dataset, disparate types of data and disparate types of tools to work that data. And so, what we have pushed forward is the idea of total information governance where you can capture and ingest any kind of data including e-mail, and files, and documents as well as SharePoint data, and loose NFS archives, a whole range of messaging and loose data, put it into a single repository, a unified and centralized repository. And against that perform any number of tasks such as a common search, setting a common policy for retention, setting things such as supervisor or legal holds and reviewing e-mails for legal purposes and e-discovery.

So all those things can be acted upon just that one archive. What we see when we look at the space, we feel that for customers that really concerned with their range of data, this type of solution, this idea of total information governance is very effective.

### Now why might a heavily regulated or litigated company choose to perform e-discovery in the cloud?

Well, there's a variety of reasons that a third party, I'm assuming that the two entities are not providing the cloud themselves but that the third party is used to storing and manage the data and the discovery tools. Often times, you have one or more participants in litigation or an ongoing discovery and one or the other specific groups would not be trusted to be holder of that data and so a third party might be brought in. That kind of abstraction and kind of assumed objectivity by a judge or regulatory body may help to, I guess, not guarantee but lend itself more to avoidance of tampering.

### Now at ebizQ, we're basically used to seeing cloud and BI as information as an advantage but in a lot of cases, information can work as a disadvantage, correct?

That's right. That's a really good point. I think that when you look at the traditional and history, sort of the historic view of archiving and how e-discovery has applied to ESI or electronically stored data, the concern has always been, well, what should I save with a default notion of, well, the more that I save,

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the more my liability is going to be. If I don't have it, then I can't be called upon it. And that has been true for a long time and I think that still that kind of idea of Business Intelligence or data as a disadvantage it's still around in the industry. But if you look at the new tools today and the new technologies, they have a very broad and sweeping ability, almost instantaneous ability to identify what your liabilities may be in your records, you corpus.

With that kind of tool, a company would be able to instead of hiding their head in the sand and just saying well, if it's not there or if I don't have it, it won't hurt. It really looks at the idea that, hey, say for example, e-mail is very commonly a business record. It's typically a transactional data type so you're not the only one that will have that copy. So just because you don't have it doesn't mean somebody doesn't. And so what happens is often times the regulators or even litigators will go and look at multiple sources and they will find, ultimately, a copy of that data that you have deleted yours but the other individual; the other participants may not have deleted theirs.

And so instead of you having knowledge of this potential smoking gun, you now only have the say your opponents that they have it and you have no idea what to do with that. And so that's kind of looking at if you have the right tool in place and you do save all your data, now you know your hand. Now you know should I fight or flee. Am I going to settle when I do my initial meet and confer? What's my position for negotiating? How strong is my position? And I think that that is becoming more and more prevalent.

And one sort of example of that is with the SEC, a lot of our customers are seeing where the SEC examiners or the regulators are going to two different banks for the same conversation and they will compare the results from either bank and look at who has less or who is missing certain data. So they're doing a strict diff or what we would call a compare between the datasets and if you are the bank with less data, they're going to start scratching their head and asking questions of you so it's certainly not something that's just a passive trend. It's certainly an active trend groups are looking at both sides of the table.

**Now in terms of trends, what do you see for the future of cloud archiving and e-discovery?**

Well, cloud is all going to continue to provide a lot of the benefits. I think that proponents have always spoken up which is a lower TCO, less resources and less management overhead for the companies that utilize the cloud. I think the challenge will always be to ensure that the solutions are of equal and similar capabilities as the on-premise solutions, which I don't, again, I don't feel that there's any reason for there to be any difference. The trend going forward will be this. I think that you see, especially, in this economic climate you have a lot of companies, which are really focusing on their costs.

And because of that, cloud computing makes a lot of sense for them. But once they make that decision, once that sort of let's say for example, its cost in this case that gives them that impetus to get over the edge and say, okay, we're going to go cloud. What we've seen is once they decide to cloud in any fashion, maybe initially it's just a storing a little data out there, the application's still internal but they're using cloud storage to store the data. It's actually a very small hump for them to go over and push everything out there.

Once you've made that trust switch and you're trusting the data outside, you're going to push all that. Why don't I get the full benefit of application services and why don't I get the full benefit of pushing all my resources out into the cloud and then minimizing the footprint down in my datacenter. And so I see that trend moving forward and obviously, it's going to take traditional scope where more conservative firms are going to take slower pass and the smaller firms are going to adopt more quickly which we're seeing today.

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