

Can We Collect Only Relevant Data Instead Of Imaging Everything

This guide for UK lawyers examines targeted collection, contrasting it with full-image collection. It details the proportionality case for collecting less data, outlines associated risks, and provides guidance on designing selection criteria. The guide also covers essential forensic disciplines, preservation strategies, and common mistakes in targeted data collection.

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TARGETEDCOLLECTION · A GUIDE FOR UK LAWYERS Can We Collect Only Relevant Data Instead of Imaging Everything? Targeted Collection: Its Proportionality Advantages and Its Honest Risks COMPUTER FORENSICS LAB

§ ABOUT THE AUTHOR PREPARED BY COMPUTER FORENSICS LAB E-DISCOVERY TEAM
ACPO / NPCC DIGITAL EVIDENCE PRINCIPLES TARGETED & FULL-IMAGE
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Questions and answers

Will a court criticise us for not imaging everything?

Not for narrowing; for narrowing badly. The disclosure regime expects proportionate scope, and a targeted collection with recorded criteria, forensic method, manifests and a preservation backstop is the compliant posture, not a concession. Criticism attaches to the other version: undocumented selection, degraded method, contested sources gone: which is a records failure wearing proportionality's clothes.

Is it safer to image everything if the client will pay?

Safer against the missed-source risk, yes; but it buys new exposure: cost that may be disallowed as disproportionate, months of delay, a data-protection posture that is hard to defend, and a review mountain that degrades accuracy. The optimum for most matters is the §8 pattern: broad preservation, narrow collection: which delivers full-image safety on the sources that need it at targeted-collection cost overall.

Can we use keyword filters to reduce what we collect?

Sparingly and late: prefer container-and-date scope at collection, and apply terms at processing where they can be tested, iterated and reported. Where collection-time filter in g is genuinely required (a third party will only export matches; a court order specifies terms), treat the term set as a negotiated instrument, test it on a sample first, and record that families and near-misses outside the filter were never collected, so nobody later mistakes the boundary for the universe.

What if we discover mid-case that our criteria missed something?

Amend and collect: scope revision on new information is the system working, and the amendment trail is evidence of good faith rather than an admission. The cost turns on two earlier decisions: whether the source was preserved (backstop or organisational resilience), and whether the original criteria were recorded, so the miss reads as a reasoned boundary honestly revised rather than a hole in an undocumented net. Example 2 is the case study, costs consequence included.

How do we challenge an opponent whose "targeted collection" looks like cherry-picking?

Ask for the records this guide would have produced: criteria and rationale, protocol section, interview basis, exclusions, manifests, sampling, preservation position. Cherry-picking and principled targeting are indistinguishable from outside and completely distinguishable on paper; a party that cannot produce the paper has answered the question. Frame relief accordingly: specific disclosure of the excluded categories, or collection from the preserved layer their answers reveal (or reveal to be missing).

Does targeted collection satisfy our preservation duty by itself?

No: preservation and collection are different duties on different timetables. The hold and its suspension of deletion mechanisms cover the estate; collection then takes what the criteria select. Targeting the collection while the hold quietly lapses else where is how the §5 blind spots become permanent; the protocol should state both layers, and the DRD's preservation section should describe the hold, not the collection, as the answer to "what has been preserved?".

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