

Early Data Assessment Before Disclosure Costs Escalate

Early data assessment (EDA) is a crucial step for UK lawyers to understand the scope and nature of electronic data before committing to full disclosure. It helps estimate volumes, identify custodians, and predict potential costs, ensuring informed decisions and efficient management of e-discovery processes.

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EARLY DATA ASSESSMENT · A GUIDE FOR UK LAWYERS Early Data Assessment Before Disclosure Costs Escalate Estimate First, Commit Second COMPUTER FORENSICS LAB

§ ABOUT THE AUTHOR PREPARED BY COMPUTER FORENSICS LAB E-DISCOVERY TEAM RELATIVIT Y-READY HOSTED REVIEW FULL CHAIN-OF-CUSTODY DOCUMENTATION

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§ 04 · DEFINITIONS What early data assessment actually is LEVEL WHAT IS DONE WHAT IT YIELDS 1 · In-place reporting Tenancy and platform statistics without moving data: Volume and per-custodian scale in 2 · Metadata-only Collect targeted seed sources; index metadata (dates, File-type profiles, dedupe rates, 3 · Sampled content Extract text for samples and priority sets; test Term hit forecasts with relevance 4 · Assessment platform / Seed data in an early-case-assessment environment The full assessment report of

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Speak to a forensic examiner, not a salesperson. INSTRUCTTHELAB
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Questions and answers

Why does early data assessment matter?

Because the largest disclosure decisions are otherwise taken blind. Custodian lists, search scope, processing commitments, budgets and DRD positions are all fixed early; assessment measures the estate first (volumes, duplication, file types, communication patterns, privilege concentration and likely relevant core) so those decisions rest on numbers, at a cost that is a small fraction of what any one bad blind decision wastes.

What does it cost, and how long does it take?

Typically ten working days in the workflow this guide sets out, at a low single-digit percentage of the projected disclosure budget, scaling with seed size and levels used. In-place reporting alone (level 1) is near-free and takes hours; it is the minimum no matter how small the case.

Is assessment wasted work if we process everything anyway?

No, provided promotion is confirmed at instruction: the seed's forensic collection, index in g and analytics carry into full processing, the tested terms and settings apply directly, and the report remains the budget's and DRD's evidence base. What assessment prevents is paying to process what the numbers would have parked.

Can we assess before proceedings are issued?

Yes, and it is often the ideal time: pre-action assessment sizes the dispute for protocol correspondence, informs whether and how to plead, supports early settlement judgments, and starts the preservation and chain-of- custody record early. The same minimisation disciplines apply, and the work product protections should be set up deliberately.

Will the court or our opponent see the assessment?

The deployable tables, yes, by design: volumes, counts, overlap rates, hit reports and cost figures are exactly what the DRD and proportionality argument need. The strategic commentary and merits sampling remain privileged work product; the report should be structured from the outset so the two separate cleanly.

How accurate are the estimates?

Accurate enough for the decisions they serve, if tolerances are respected: volumes and duplication measure tightly; document-count conversions and exception loads carry stated ranges; richness and privilege rates depend on sample sizes the report discloses. The discipline is to present ranges with bases, decide on the ranges, and re-measure when the case moves. cflab. u k · e-disc ove r y. u k ©2026 Computer Forensics Lab Ltd ·cflab.uk ·e-discovery.uk ·info@cflab.uk ·+44 (0)20 7164 6915 Page 23 of 26

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