Remote Employee Collection

Remote employee collection is now the ordinary case for e-discovery. This guide details methods like supervised self-collection and shipped media, emphasizing defensibility through documentation, verification, and data minimisation. It addresses cooperation, control, data protection, and common pitfalls for UK litigators.

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REMOTECOLLECTION · A GUIDE FOR UK LAWYERS Remote Employee Collection Preserving and Collecting Evidence From Devices You Cannot Put Your Hands COMPUTER FORENSICS LAB

§ ABOUT THE AUTHOR PREPARED BY COMPUTER FORENSICS LAB E-DISCOVERY TEAM SUPERVISED SELF-COLLECTION CPR PART 35 EXPERT REPORT S FULL CHAIN-OF-CUSTODY DOCUMENTATION

§ CONTENTS In this guide

§ 01 · ORIENTATION Executive summary THE HEADLINE POINT: REMOTECOLLECTIONISTHEORDINARYCASENOW, ANDITIS DEFENSIBLEWHENTHEMETHODISMATCHEDTOTHECUSTODIAN ' SCOOPERATIONAND SHIPPEDMEDIA, EACHDOCUMENTED, VERIFIEDANDDATA - MINIMISED, WITHTHE DEVICEPRESERVEDTHEMOMENTTHEDUTYARISES

§ 02 · FIRST PRINCIPLES The problem in plain English: the evidence is on a device you cannot reach

§ 03 · THE METHOD S The methods: agents, cloud-side, supervised self-collection and shipped media

§ 04 · CHOOSINGTHEMETHOD Choosing the method: cooperation, completeness, control and risk

§ 05 · PRESERVINGADEVICEYOUCANNOTTOUCH Preserving a device you cannot touch

§ 06 · DEFENSIBILITY Defensibility: chain of custody, verification and the reluctant custodian

§ 07 · DATAPROTECTIONANDPRIVACY Data protection, privacy and personal devices

§ 08 · THEWIDERMAP Source architecture: where else the evidence lives QUESTION

REMOTE + CLOUD CLOUD MANAGEMENT COUNTERPARTIES LOCAL THE MAILBOX SA AS + DEVICE- DELETED / DEVICE DRIVES INFRA PLATFORM ONLY

§ 09 · IN THE WILD Worked examples EXAMPLE1 · THECOOPERATIVECUSTODIANANDTHESEQUENCEDCOLLECTION EXAMPLE2 · THEADVERSECUSTODIANWHOWASNEVERALLOWEDTOSELF - COLLECT EXAMPLE3 · THEPERSONALDEVICEANDTHEINDEPENDENTEXAMINER

§ 10 · WHEREITGOESWRONG Common mistakes and technical limitations Common mistakes Technical limitations

§ 11 · INTERROGATORIES & DRAFTING AIDS Questions to ask · Suggested wording Ask your client Ask your opponent (or a reluctant custodian) Ask your e Discovery / forensic provider SUGGESTED WORDING · INSTRUCTIONFORAREMOTECOLLECTION

§ 12 · QUICK CONTROL Checklist and red flags · When to involve a digital forensic expert The remote-collection checklist Red flags When to involve a digital forensic expert

§ 13 · COMMON QUESTIONS Frequently asked questions Can a device be collected forensic all y without anyone touching it? Can we just ask the employee to send us the relevant files? The custodian works from home abroad. Does that change things? How do we collect from a personal device without invading privacy? Is a remote collection as defensible as a bench image? What do we do the moment we know a remote custodian is relevant?

§ 14 · REFERENCE Glossary BYOD Sources and authoritative references DISCLAIMER

§ HOW A SPECIALIST LABORATORY CAN ASSIST Working with Computer Forensics Lab Speak to a forensic examiner, not a salesperson. INSTRUCTTHELAB NEWENQUIRIESEMAILE - DISCOVERY

Questions and answers

Can a device be collected forensic all y without anyone touching it?

Often, yes: a remote forensic agent images or targets it over the network under the examiner's control, hash- verified like a bench image (§3); and much of the evidence is collected cloud-side from the mailbox, drives and SaaS without the device at all (guides 111 to 114). Where only the device holds something, deleted or local-only data, an agent, shipped image or order reaches it. Distance no longer means the evidence is unreachable.

Can we just ask the employee to send us the relevant files?

Only if they are cooperative and the material is low-stakes, and even then under supervision (§3): an adverse custodian, or anyone whose conduct is in issue, must never self-collect, because it invites selective disclosure and destruction (§4, Example 2). For those, examiner-controlled or cloud-side collection that needs no cooperation is used, and the court compels access if it is withheld.

The custodian works from home abroad. Does that change things?

Substantially: a device or custodian in another jurisdiction engages cross-border collection, data-transfer and some time s blocking-statute questions before any technical step (guide 116). Cloud-side collection may still reach the estate through the UK-controlled provider account, but collecting from a device abroad is a legal exercise first: take the cross-border advice before acting.

How do we collect from a personal device without invading privacy?

Through the independent-examiner model (§7, Example 3): an agreed independent examiner images the device but applies agreed search terms and date ranges and discloses only the relevant material, holding the private remainder and never passing it to the other side. Combined with collection by consent or order and data minimisation, it reconciles the right to the evidence with the right to a private life.

Is a remote collection as defensible as a bench image?

When done properly, yes: the image or collection is hash-verified to prove it is complete and unaltered, the chain of custody is maintained though nobody was in the room, and the method and scope are logged and reproducible (§6). Examiner-operated remote methods carry the same weight as a bench image; supervised self- collection carries less, and its custodian-dependence is stated honestly.

What do we do the moment we know a remote custodian is relevant?

Preserve server-side immediately, before debating method: holds on the mailbox, drives and SaaS are instant, beyond the custodian's reach and independent of the device (§5); suspend automated deletion; and send the reaching hold notice instructing against use, wiping and reset. The method choice can follow; the preservation cannot wait, because the device you cannot see may be being used right now. 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