

Capturing the Value in Mobile Data

Insights for litigation and investigations reviews

With the majority of Australians (89%) owning a mobile phone¹ and many working from home, the use of mobile devices is part of everyday life.

For litigation and investigations, this valuable evidence is not collected as regularly as it could be. We explore some of the technical challenges, identify quick techniques and provide simple solutions to uncover the value of mobile data.

It is generally accepted that mobile devices contain valuable data. Yet, why is it that these devices are less frequently collected in litigation and investigations as compared with traditional data sources, like email servers and computers?

Considering how our smartphones have become an essential part of our lives and an intrinsic element in our working days, mobile data is still an after-thought when it comes to collecting potential sources of relevant information. More and more, parties are no longer able to turn a blind eye towards this valuable source of evidence.

The challenges with mobile devices are two-fold: the challenge of getting access to the mobile device and the technical challenge of the extraction and presentation of the data found on the device. There are many articles which address the initial hurdle of acquiring the mobile devices including the complexities associated with consent, the business use vs personal use of the device, the common practice of BYOD (bring your own device), and the balance between privacy concerns vs importance and value of the data. This article will instead focus on the second hurdle, the technical challenges.

THE TECHNICAL CHALLENGES

Often under time pressure, legal teams need to be able to review the data, but also need to understand what they are seeing. The fixed cost of a mobile device capture is easily understood, but the costs and estimates thereafter, can become more elastic and elusive. The output from

mobile device data capture tools is often voluminous and flat, or in a report format which does not permit a record by record legal analysis. One solution is to convert the raw data into a review platform load file format. However, a key problem which you encounter with this approach, is the multi-dimensional nature of mobile data.

Other complications which can impact the legal review experience include:

- File relationships, e.g., messages and associated pictures, links, and attachments, are complex and can be difficult and time consuming to visualise and understand
- Phone numbers can appear in multiple formats. As international formats, with spaces, without spaces, with or without punctuation. These are treated as separate entities by default
- Phone numbers can appear differently depending on if they are using WiFi and if it is being sent/received as an iMessage (on an iPhone) rather than a SMS. These are treated as separate entities
- Traditionally data is presented for review as individual documents rather than a single threaded view.
- Emojis and Emoticons are commonly used to convey meaning

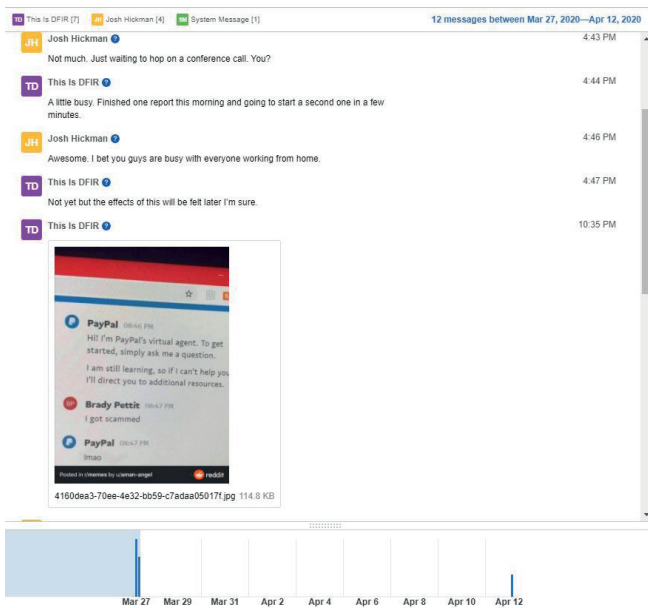
Reviewing the data capture in a holistic way and transforming the mobile data into digestible and understandable formats, inevitably saves time and costs.

¹ Source: 2019 Roy Morgan

STREAMLINING AND ENRICHING THE MOBILE DATA REVIEW EXPERIENCE

Relativity has created a Viewer experience to help lawyers review and produce short message data like a conventional document. Using the Relativity Short Message Format (RSMF) the Relativity Short Message Viewer displays conversations or individual messages sent using SMS, MMS, iMessage, instant messenger services and emails so they are easy to understand and review.

Chat Viewer



Source: FTI Consulting Illustrative example

QUICK TO IMPLEMENT, SIMPLE TO READ, EASY TO REVIEW

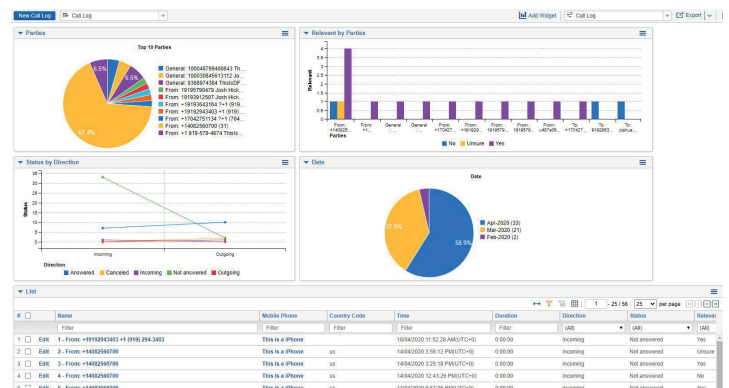
Using the Viewer’s built-in search capabilities, the Short Message Viewer allows you to find participant names, specific statements, or emojis in conversations. Additionally, you can easily find what was said during a time period by using the Timeline Navigator.

Using features such as Name Normalisation in Relativity to create unique entities from the multiple variations of contacts, mobile numbers and email addresses also streamlines search and review of mobile device data.

Aside from communications on a mobile device, there is a plethora of richness and knowledge in each capture, such as Contacts, Activities, Applications, Calendar, Call Logs, Images, Journeys, Locations, Passwords, Web History and Timelines.

Using the powerful extensibility of Relativity, objects can be created for mobile devices so you can easily search, report and review multiple types of information collected alongside the communications.

Being able to understand the specifics of a phone call, visualise the content (as in the Dashboard of Call Log) and review its relevance means that you can seamlessly include these seemingly trivial pieces in your discovery and productions.



Source: FTI Consulting Illustrative example

Moving beyond the traditional discovery processes to incorporate mobile device activities is now accessible with the right tools and experts.



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