

## Sample Interrogatories

The following questions are designed to gain an overall picture of the opposition's computer systems. The interrogatory process relies upon precision of terms and some familiarity with computer technology. Most attorneys are not familiar with many of the concepts or terms addressed in these interrogatories and are quick to object to them, generally citing broad categories of objections. One way to circumvent these objections is to incorporate these questions in interviews or depositions of technically informed custodians of electronically stored records, persons who should have little difficulty understanding what is asked. [The goals and observations are noted in italics.]

1. Describe in detail the location(s) and layout of the computer system, including, but not limited to, the number and types of computers and the type(s) of operating system(s), and application software packages used.

*We are particularly interested in connectivity issues, and in learning the names of software programs used for electronic mail, calendars, project management files, word processing, and database management.*

2. For each of the following individuals [list key witnesses/parties] provide a detailed description of their computer system(s), including desktop computers, personal digital assistants (PDAs), portable laptop and notebook computers. If individuals use home computers for business purposes, please include information concerning these systems.

- a) Computer type and brand.
- b) Names and version numbers for all software, including operating system, private and custom developed applications, commercial applications, and shareware.
- c) Communications capability, including, but not limited to, terminal to mainframe emulation, data download and/or upload capability to mainframe, and computer to computer connections via network, modem and/or direct connection. *PDA (personal data assistants, such as a Palm), laptop, and notebook computers can be excellent sources of candid memos and correspondence, as users rarely purge data.*

3. Provide the following information for each computer network in operation in the organization:

- a) Brand and version number of the network operating system in use;
- b) Quantity and configuration of all network servers and workstations;
- c) Identity of the person(s) responsible for the ongoing operation, maintenance, expansion, and upkeep of the network;
- d) Identify brand name and version number of all application and other software residing on the network, including, but not limited to electronic mail and Internet applications.

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4. Provide the following information for each mini- and mainframe computer system used in the organization:
  - a) Brand and version number of the operating system in use;
  - b) Identity of the person(s) responsible for the ongoing operation, maintenance, expansion, and upkeep of the mini- and/or mainframe system;
  - c) Name and description of function of all application and other software residing on the network, including, but not limited to electronic mail and Internet applications.
  
5. Describe in detail all inter-connectivity between [DEFENDANT A's] computer system and [DEFENDANT B's] computer system *[and further defendants as necessary]*. This description should include all possible ways in which electronic data are shared between organizations, the method of transmission, type(s) of data transferred, and the names of all individuals possessing the capability for such transfer, including lists and names of authorized outside users of the *[producing party's]* electronic mail system. *Making separate requests for each party is useful in cases where collusion, conspiracy, or other theory of joint liability is an issue.*
  
6. Please provide the following information concerning data backups performed on all computer systems used in the organization:
  - a) Descriptions of any and all procedures and/or devices used to backup the software and/or data, including, but not limited to, name(s) of backup software used, tape rotation schedule, and type of tape backup drives, including name and version number;
  - b) Are multiple generations of backups maintained? If so, please describe how many and whether the backups are full or incremental;
  - c) Is backup storage media kept off site? If so, where is such media kept? Describe the process for archiving and retrieving off-site media;
  - d) Is backup storage media kept on site? If so, where is such media kept? Describe the process for archiving and retrieving onsite media;
  - e) Identify who conducts the backup;
  - f) Identify what information is backed up; and,
  - g) Please provide a detailed list of all backup sets, regardless of the magnetic media on which they reside, showing current location, custodian, date of backup, and a description of backup content.
  
7. May users store voice mail messages? If so, please provide the following information:
  - a) Do users have the option of storing voice mail messages?
  - b) If users can store messages, how long do they remain on the system? How many messages may be stored by the user?
  - c) Are voice mail messages automatically purged? If so, describe the destruction schedule.

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8. Provide the names, addresses, telephone numbers, and job descriptions of each person who contributed information for the answers to these interrogatories, and specifically to which ones (including subsection).