

BUREAU OF COMPETITION PRODUCTION GUIDE

REVISION 1.6, 08/04/2015

AN eDISCOVERY RESOURCE

This guide explains what the Bureau of Competition generally requires when we send a formal request, such as a **Request for Additional Information** or a **Civil Investigative Demand**. The suggested formats are based on our experience with many different submissions. Please follow this guide to organize your submission and minimize the chance of incompatibility with our processes and systems.

This resource is intended to serve as guidance and does not supersede instructions in any request or subpoena issued by the Bureau. We continue to streamline the production process, so contact the FTC representative identified in the formal request to discuss any specific issues you may have with collecting, formatting, or submitting documents.

The Federal Trade Commission uses Concordance 10 and ZyLAB® eDiscovery Software version 3.6.

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1 IDENTIFICATION AND COLLECTION

Before you collect electronically stored information (ESI), the Bureau is interested in the following information:

- Name of person from whom the information was obtained;
- Originating file path/folder structure for the information; and
- To the extent possible, use a forensically sound collection method that preserves the information's metadata.

2 PROCESSING/REVIEW

2.1 Deduplication

Deduplication vertically within custodian does not require Bureau approval. Horizontal or global deduplication must be done in a way that preserves and produces the people from whom the information was obtained. Global deduplication requires Bureau approval in the form of a written modification to the FTC request. To obtain approval for global deduplication, please submit a written description of the deduplication method to the FTC representative identified in the document request.

Do NOT deduplicate email attachments against loose files or compound documents. Families must be produced intact, except as limited by a claim of privilege.

2.2 Preferred Formats

2.2.1 Email

Emails may be produced in TIFF image format with extracted text of email, attachments as separate documents and numbered consecutively to the parent email;

2.2.2 Instant Messages

Because instant messages can be stored in a variety of ways, if instant messages are responsive to an FTC request, please contact the FTC representative identified in the request to request a meeting with BC's Technology and Information Management group to determine the best approach for collecting and producing instant messages.

2.2.3 *Loose ESI*

Submit Microsoft Excel, PowerPoint, and Access files in their native formats, with the metadata and information described in the “Metadata and other Information Requirements” section below;

Submit other multimedia files in their native formats with the metadata and information described in the “Metadata and other Information Requirements” section below; or

Submit other files and attachments as Group IV single page tiffs accompanied by an image load file, extracted text and the metadata and information described in the “Metadata and other Information Requirements” section below.

2.2.4 *Hard Copy Documents*

Group IV single page tiffs accompanied by an image load file and the metadata and information provided in the “Metadata and other Information Requirements” section below.

2.2.5 *Databases or Data Compilations*

Production format will depend on the database platform, size and contents/function of the database. Access to cloud databases can also be arranged in lieu of production.

Please contact the FTC representative identified in your request to discuss databases and data productions.

2.2.6 *Executable Files*

Produce executable files separately from documents on separate media and clearly labeled “contains executable files” so that they can be isolated for further inspection.

2.3 Metadata and other Information Requirements

2.3.1 Emails

Field Names	Description
ALTERNATE CUSTODIAN	List of custodians where the document has been removed as a duplicate
BATES BEGIN	Beginning Bates number of the email
BATES END	Bates number of the last page of the email
CUSTODIAN	Name of the person from whom the email was obtained
EMAIL BCC	Names(s) of persons blind copied on the email
EMAIL CC	Names of persons copied on the email
EMAIL DATE RECEIVED	Date and Time email was received [format: MM/DD/YYYY]
EMAIL DATE SENT	Date and Time email was sent [format: MM/DD/YYYY]
EMAIL FROM	Names of the person sending the email
EMAIL MESSAGE ID	Microsoft Outlook Message ID or similar value in other message systems.
EMAIL SUBJECT	Subject line of the email
EMAIL TIME RECEIVED	Time email was received [format: HH:MM:SS AM/PM]
EMAIL TIME SENT	Time email was sent [format: HH:MM:SS AM/PM]
EMAIL TO	Name of the person receiving the email
FOLDER	File path/folder location of email
HASH	Identifying value used for deduplication – typically SHA1 or MD5
TEXT LINK	Relative path to submitted text file Example: TEXT\001\FTC0003090.txt

Field Names	Description
ALTERNATE CUSTODIAN	List of custodians where the document has been removed as a duplicate
BATES BEGIN	Beginning Bates number of the email
BATES END	Bates number of the last page of the email
CUSTODIAN	Name of the person from whom the file was obtained
DATE CREATED	Date the file was created [format: MM/DD/YYYY]
DATE MODIFIED	Date and Time the file was saved [format: MM/DD/YYYY HH:MM:SS AM/PM]
FILE NAME WITH EXTENSION	Name of the original native file
HASH	Identifying value used for deduplication – typically SHA1 or MD5
NATIVE LINK	Relative path to current location of native or near-native document Example: \NATIVES\001\FTC0003090.XLS
PARENT ID	DocID or beginning Bates number of the parent document
TEXT LINK	Relative path to submitted text file Example: \TEXT\001\FTC0003090.txt
TIME CREATED	Time file was created [format: HH:MM:SS AM/PM]
TIME MODIFIED	Time file was saved [format: HH:MM:SS AM/PM]

2.3.3 eDocs

Field Names	Description
ALTERNATE CUSTODIAN	List of custodians where the document has been removed as a duplicate
BATES BEGIN	Unique number assigned to each file or first page
CUSTODIAN	Name of the person from whom the file was obtained
DATE CREATED	Date the file was created [format: MM/DD/YYYY]
DATE MODIFIED	Date the file was saved [format: MM/DD/YYYY]
FILE NAME WITH EXTENSION	Name of the original native file with file extension
FILE PATH	File path/folder structure of original native file
HASH	Identifying value used for deduplication – typically SHA1 or MD5
NATIVE LINK	Relative path submitted native or near-native document Example: \NATIVES\001\FTC0003090.XLS
TEXT LINK	Relative path to submitted extracted text file Example: \TEXT\001\FTC0003090.txt
TIME CREATED	Time file was created [format: HH:MM:SS AM/PM]
TIME MODIFIED	Time file was saved [format: HH:MM:SS AM/PM]

2.3.4 Hard Copy Documents

Field Names	Description
BATES BEGIN	Beginning Bates number of the email
BATES END	Bates number of the last page of the document
CUSTODIAN	Name of person from whom the file was obtained

3 PRODUCING

3.1 Data

3.1.1 Load Files

- Each volume produced must be accompanied by corresponding DAT file (ANSI), containing the metadata and information specified in the Metadata and Information section. Please do not split document families across volumes.

Recommended delimiters for DAT files are:

Description	Symbol	ASCII Character
Field Separator	¶	020
Quote Character	␣	254
New Line	Ⓔ	174
Multiple Field Entries	;	059

- Image cross reference files can be either an .OPT file or .LOG file. OPT and LOG files should contain a reference for each image (jpeg, gif or tiff) provided.

Example of OPT image cross reference file:

Bates number, volume number, relative path to image, First Page?,,,page count

```
ABC-000000001,VOL-001,00001-01\01\ABC-000000001.tif,Y,,,4
ABC-000000002,VOL-001,00001-01\01\ABC-000000002.tif,,,,
ABC-000000003,VOL-001,00001-01\01\ABC-000000003.tif,,,,
ABC-000000004,VOL-001,00001-01\01\ABC-000000004.tif,,,,
ABC-000000005,VOL-001,00001-01\01\ABC-000000005.tif,Y,,,1
ABC-000000006,VOL-001,00001-01\01\ABC-000000006.tif,Y,,,1
ABC-000000007,VOL-001,00001-01\01\ABC-000000007.tif,Y,,,1
ABC-000000008,VOL-001,00001-01\01\ABC-000000008.tif,Y,,,1
ABC-000000009,VOL-001,00001-01\01\ABC-000000009.tif,Y,,,1
ABC-000000010,VOL-001,00001-01\01\ABC-000000010.tif,Y,,,2
ABC-000000011,VOL-001,00001-01\01\ABC-000000011.tif,,,,
```


3.1.2 Preferred Field Order in Load Files

Field Names	Field Description
BATES BEGIN	Beginning Bates number of the email
BATES END	Bates number of the last page of the document
CUSTODIAN	Name of person from whom the file was obtained
DATE CREATED	Date the file was created [format: MM/DD/YYYY]
DATE MODIFIED	Date the file was saved [format: MM/DD/YYYY]
EMAIL BCC	Names of persons blind copied on the email
EMAIL CC	Names of persons copied on the email
EMAIL DATE RECEIVED	Date email was received [format: MM/DD/YYYY]
EMAIL DATE SENT	Date and Time email was sent [format: MM/DD/YYYY]
EMAIL FROM	Names of person sending the email
EMAIL SUBJECT	Subject line of the email
EMAIL TIME RECEIVED	Time email was received [format: HH:MM:SS AM/PM]
EMAIL TIME SENT	Time email was sent [format: HH:MM:SS AM/PM]
EMAIL TO	Names of persons receiving the email
FILE NAME	Name of the original native file
FILE PATH	File path/folder structure of original native file
HASH	Identifying value used for deduplication – typically SHA1 or MD5
PARENT ID	Document ID or beginning Bates number of the parent document
NATIVE LINK	Relative path to current location of native or near-native document Example: \NATIVES\001\FTC003090.xls
TEXT LINK	Relative path to submitted text file Example: \TEXT\001\FTC0003090.txt
TIME CREATED	Time file was created [format: HH:MM:SS AM/PM]
TIME MODIFIED	Time file was saved [format: HH:MM:SS AM/PM]

3.2 Images

We accept images files that are:

- Black and White: 300 DPI, Group IV Tiff
- Color: Jpeg files; or
- PDF files: submitted as a linked native file

3.3 Native Files

Please review the Preferred Formats section for guidance on which documents should be produced and how. Native files may be renamed with a beginning bates number or document ID number.

3.4 Text Files

Each document should be accompanied by a text file containing either the extracted text from originally native files or OCR. Provide text files:

- As document-level text files,
- Named for the beginning Bates number, and
- Organized into a folder separate from images

3.5 Virus Scanning

All electronic documents and production media shall be scanned and free of viruses prior to shipping to the Bureau. The Bureau will request replacement for any infected media, which may affect the timing of your compliance with the Bureau's request. FTC uses Symantec EndPoint Protection.

3.6 Field Formats

3.6.1 Date and Time Field Format

Please use the following format for date and time fields:

DATE: MM/DD/YYYY

TIME: HH:MM:SS AM/PM

3.6.2 Parent/Child Relationships

There are three methods for establishing Parent/Child relationships within the DAT file:

1. Parent ID (preferred)
 - Include a Parent ID field in all attachment records
2. Attachment Bates Begin/Attachment Bates End fields
 - Include Attachment Bates Begin and Attachment Bates End fields in the parent record. Make sure the parent bates number is included in the range. Attachment begin will be the first bates number of the family, normally the parent. The attachment End will be the last bates number of all attachments of that family.
3. Attachment Range
 - Include Attachment Range field in the parent record. Make sure the Bates number of the parent document is included in the range!

3.6.3 File Name/File Path

Providing a composite field containing File name and File Path is acceptable, although we prefer receiving these separately.


3.7 Sample Productions

To minimize problems and issues with a full production, the Bureau strongly encourages submitting a sample production that includes a representative mix of documents to be produced in the full production, for testing.

3.8 Production Transmittal Letter

For each production, submit a letter that includes all of the following:

- volume name,
- bates ranges and custodians,
- total number of records,
- total number of images or files,
- list of fields in the order in which they are listed in the data files,
- encryption method/software

 Do not include password for encryption in the transmittal letter.

3.9 Encryption

The FTC can accept most encryption methods and strongly encourages you to encrypt productions before sending them to FTC.

Be sure to tell us the encryption method or software you used when producing documents to minimize issues with decryption.

For larger productions, we encourage the use of encrypted hardware instead of software modules.

3.10 Media/File Transfer

3.10.1 File Transfer

The FTC uses an on-premises installation of Accellion Secure File Transfer. FTC-Accellion can accept or send up to 100 GB of information.

- How it works:
 - With either transferring or accepting data, a respondent receives an invitation via email to upload or download files.
 - The respondent will use an embedded link found in the email to access FTC's Accellion appliance. You cannot use FTC's Accellion appliance without that email invitation.
 - Invitations are valid for five days.
 - Once the party accesses the link, they may download or upload the files.
 - The Accellion appliance notifies the respondent when the upload or download is complete.
- To request an invitation, email the FTC representative identified in the request you received to request an invitation to transfer files. Please provide the email address of the individual who will upload or download files, because you cannot forward the invitation.
- Use of other File Transfer methods is discouraged because of FTC's stringent internet and network security. We encourage you to discuss options with the FTC representative identified in the request to determine the viability.

3.10.2 Media

Under 10 GBs

- **Digital Optical Discs**, which include: CD-ROM(CD-R, CD-RW) and DVD-ROM(DVD+R, DVD+RW), must be formatted for the Microsoft Windows 7 operating system and meet ISSO 9660 specification standards.
- **Flash Drives (<10GBs)**, USB 2.0 or USB 3.0 are acceptable connector standards, and must possess a standard type A plug.

Over 10 GBs

- **External Hard Disc Drive (HDD)**, can be received in stand-alone portable or in hard drive enclosure, and must be formatted for the Microsoft Windows 7 operating system. For hard drive enclosures, they can use either IDE/EIDE or ATA/SATA computer bus interface. Please provide USB connector cables only, in USB 2.0 or USB 3.0.
- **External Solid State Drive (SSD)**, can be received in stand-alone portable or in hard drive enclosure, and must be formatted for the Microsoft Windows 7 operating system. Please provide USB connector cables only, in USB 2.0 or USB 3.0.
- **Flash Drives (10GBs - 512GBs)**, USB 2.0 or USB 3.0 are acceptable connector standards, and must possess a standard type A plug.

4 POST-PRODUCTION

4.1 Inadvertently Produced Documents

Please notify the FTC representative identified in the request that documents have been inadvertently produced, including the basis for any claim of privilege. With the notification, provide the Bates Begin number, and production volume (or date of production) of each document that was inadvertently produced. Once we have an official notification that inadvertently produced documents have been produced, the documents will be removed from the production and be returned, deleted, or sequestered as appropriate. See FTC Rules 2.11(d), 3.31(g).

4.2 Alternate Custodian Overlay load files

Alternate Custodian information may be produced after the original document was produced. Please provide a DAT file containing Bates Begin and Alternate Custodian field.