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DIFFICULT DATA SOURCES: WHATSAPP

How do you access electronically stored information (ESI) from decades ago when a judge instructs you to review it?

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CASE STUDY | DIFFICULT DATA SOURCES: WHATSAPP

Background

WhatsApp is a China-based service that has found global success thanks to its ability to encrypt all communications within it. People trust it because of how private it is—even capturing text-based data from WhatsApp is difficult, and audio files are even more complicated. But when someone is subject to litigation in the United States, and there is relevant and responsive material for lawsuits, eDiscovery vendors must find a way to obtain that data.

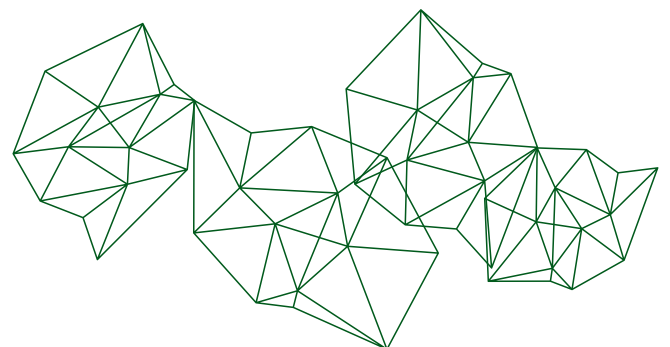
A national firm had an employment issue and needed data from audio messages within WhatsApp. They reached out to multiple eDiscovery vendors who had previously helped them extract voicemails and other data from phones, but none of their usual vendors knew how to obtain voice notes from WhatsApp. When they contacted First Legal for assistance, we were frank and explained the difficulty of the request, but thanks to the technical expertise of our team, we had some ideas to try.

Pain Points

WhatsApp is designed to keep its data as secret as possible, and they do that by using encryption and storing audio files in a proprietary format that is largely inaccessible. Most audio files come in a standard format like .WAV or .MP3, but WhatsApp file types are completely unique to them.

We had multiple obstacles in this situation. First, we had to get the device and then pull the data from it. Once we managed to overcome the software-specific protections on the device, we had the data in our control; we then had to find a suitable tool to convert the proprietary audio file format into something usable an attorney could review. It became a very technical function to convert the data into something our client could actually and defensibly use.

In addition to converting the audio files into a standard format, we had to make sure we were accurately retrieving the metadata. Even if a data source is challenging, it does not mean you can ignore the rules of defensibility and preservation.





CASE STUDY: DIFFICULT DATA SOURCES

Outcome

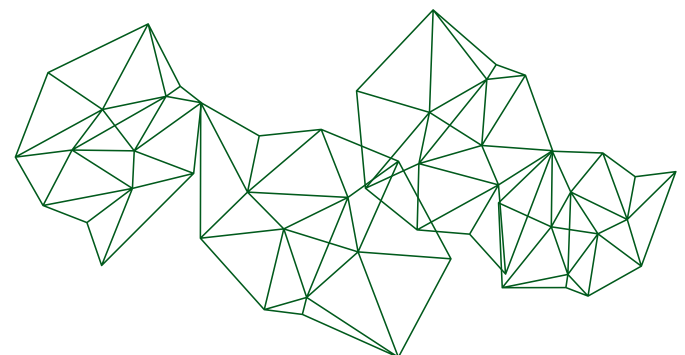
One day after receiving this request, we delivered a standard file format to the client that they were able to use as evidence. We also gathered the metadata and supplied our client with an accompanying report that associated the file's name with the other data that was extracted, such as the date and time, sender, and recipient. In the end, First Legal was able to convert the audio file successfully and defensibly.

This particular case required a very technical solution that still had to be applied in the most defensible manner. Fortunately, our proactive team quickly found a solution to our client's request where other vendors had fallen short.

About Us

When you work with us, you'll discover a network of eDiscovery experts who feel and act like a natural extension of your team.

Our eDiscovery experts and team members have over 25 years of hands-on experience with law firms and corporate clients, managing and advising on legal matters throughout the litigation lifecycle. Operating as an extension of our clients' case teams, we work together to anticipate needs, understand and support legal teams' workflows, and develop or streamline the process in a defensible and cost-effective manner.



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