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Salon des gouvernements innovateurs du Canada

The Cloud and Social Media: The Wild West of Discovery

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CTO Federal , Autonomy, an HP Company



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Agenda

- **New environments – Social Media, Cloud**
- **Challenges , benefits & risks**
- **eDiscovery on the cloud & social media**
- **Technology for Handling Social Media**
- **The Need for Advanced Technology**
- **Summary & Best Practices**



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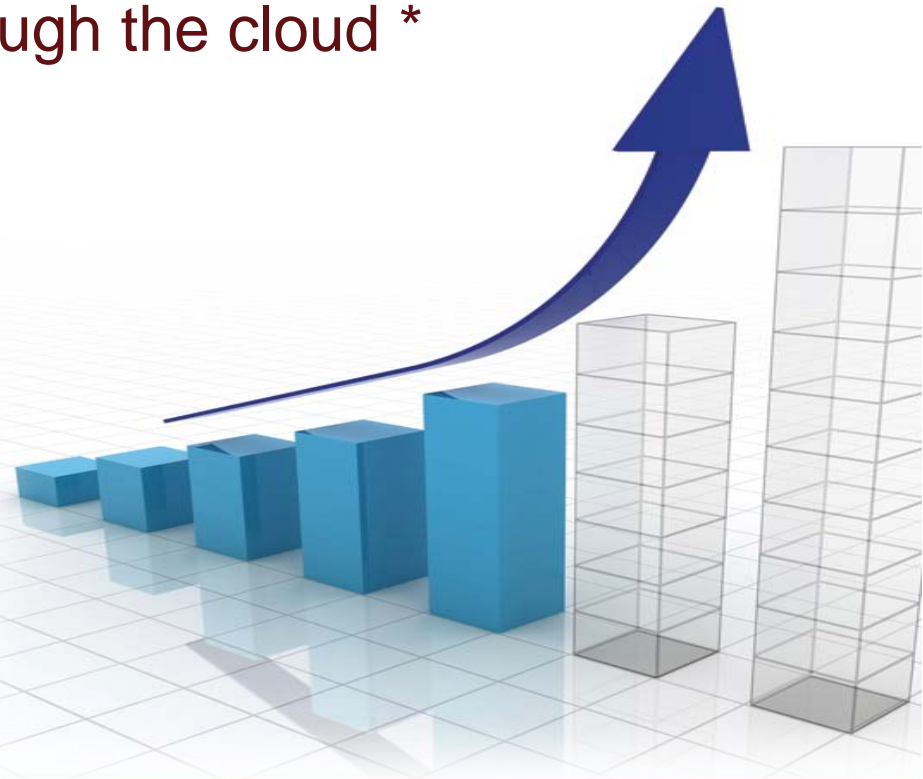
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Cloud Computing

By 2020 more than a third of the digital universe will either live in or pass through the cloud *

“Cloud computing is a model for enabling convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction.” (National Institute of Standards and Technology [NIST] definition)

*IDC May 2010





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What Is The Cloud?

Services

- Software as a Service (SaaS)
- Platform as a Service (PaaS)
- Infrastructure as a Service (IaaS)

Deployment

- Public Cloud
- Private Cloud
- Hybrid Cloud



Social Media Sites: More Data in the Cloud

- **Social Media Sites (SMS):** online services or platforms that focus on building and reflecting social networks or relations among people
- **Facebook:** More than 500 million users with 200 million active mobile users
- **Twitter:** More than 190 million visitors per month, 90+ million tweets per day and 20 billion total tweets
- **MySpace:** More than 122 million active users per month
- **LinkedIn:** More than 90 million members in over 200 countries with executives from all Fortune 500 companies
- **YouTube:** More than 2 billion videos viewed per day





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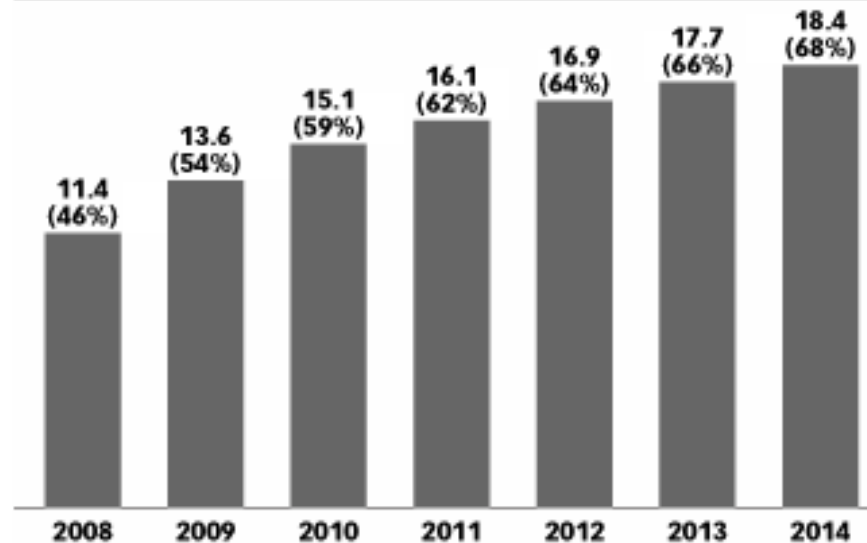
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Canadian Constituents Using Social Media

Social Network Users in Canada, 2008-2014

millions and % of internet users



Note: social network sites include sites where social networking is the primary activity (e.g., Facebook, MySpace, LinkedIn), social network sites linked to portals such as Google and niche social network sites devoted to a specific hobby or interest

Source: eMarketer, Oct 2010

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www.eMarketer.com

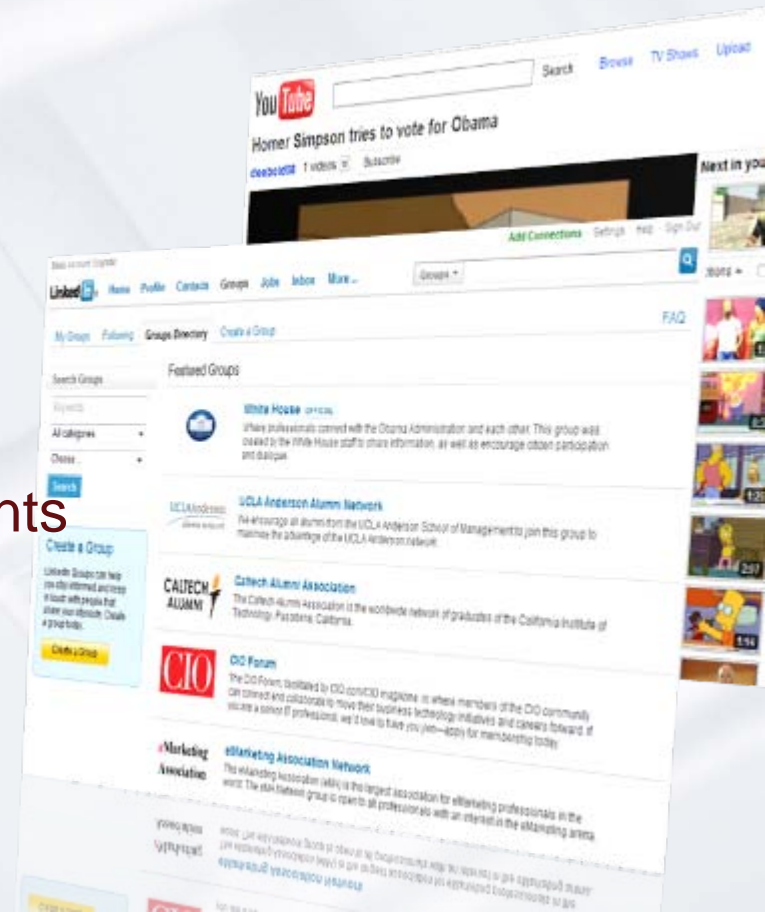
Benefits/Opportunities: The Cloud & Social Media

Cloud Opportunities:

- Rapid ability to scale up
- Reduced internal infrastructure needs
- Greater control and management

SMS Opportunities:

- Connect and collaborate with constituents
- Sentiment of government agency performance
- Public relations
- Enable access and education



Inherent Risks: The Cloud & Social Media

- Privacy
- Ownership
- Integrity
- Control
- Access
- Security
- Location
- Segregation
- Spoliation
- Authentication
- Vendor Continuity
- SMS volume and high usage
- SMS Informality
- Anonymity
- Slang, abbreviations and code
- Multiple languages
- Service (export, analytics, costs, backup and recovery)



RISK



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*The more critical the information
that goes into the cloud,
the more important due diligence
becomes*

Are Obligations Different In The Cloud?

Obligations remain the same:

- Storing data in the cloud does not relieve the organization of the responsibility for protection, management or retention of its data

Preservation And Spoliation - Possession

- **Possession**
 - Access rights
 - Ownership
- **Location**
 - Where is the data?
 - Does cloud provider subcontract?
 - Who responsible for liability for loss?



Preservation And Spoliation – Custody, and Control

- **Control: Segregation/Identification**
 - Ownership vs. Anonymity
 - Metadata
 - Commingling of data
- **Custody: Preservation**
 - Legal hold
 - Access to Information Act compliance
 - Recovery & collection of data



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Social Media in the Courts

- ***A.B. v. Bragg Communications Inc.***, 2010 NSSC 215 (CanLII) Date: 2010-06-04 Docket: Hfx. No. 329542. Arthur J. LeBlanc J.
- Decision deals with the disclosure by the Respondent of the identity and owner of an IP address
- Creation by an unidentified perpetrator of a fake Facebook profile, which included a photograph of the applicant and other particulars which identified her.
- The Facebook profile discussed the applicant's physical appearance, weight, and allegedly included scandalous sexual commentary of a private and intimate nature.
- The applicant's counsel had requested and received from Facebook the IP address used when the profile was created, and has learned from the Respondent that the address is allocated to it.
- The Court noted that "anonymity is not an automatic shield for defamatory words", there was a *prima facie* case of defamation, and that there was "no public interest beyond the general right of freedom of expression ... offered in support of maintaining the author's anonymity", and ordered the disclosure. (para 22)



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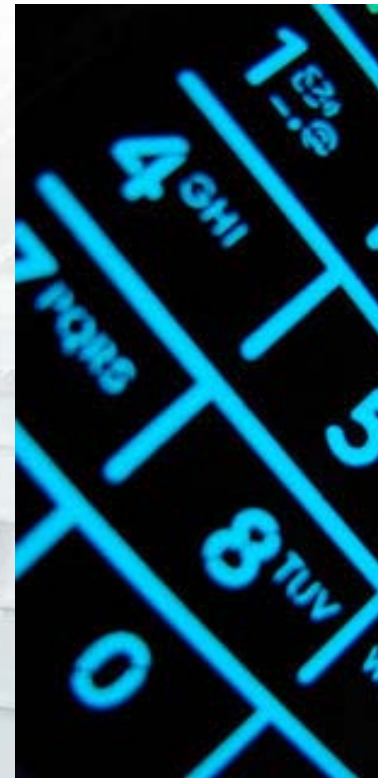
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How to Approach Social Media

Block, Punt or Tackle?

- **Block:** Prevent employee access
 - Employees will find work-arounds
 - Most organizations need SMS for business purposes
- **Punt:** Do nothing, no regulation or policy
 - Opens the organization to risk
 - Data is not controlled as part of policy
- **Tackle:** Add social media to information governance and litigation readiness plan
 - Social media is here to stay
 - Manage risk



Key considerations for technology:

- Limitations of keyword search
- Language independence
- Ability to dynamically understand slang and abbreviations
- Scalability and ability to manage large data volumes
- Automation and advanced search
- Ability to analyze rich media including audio and video
- Ability to understand sentiment





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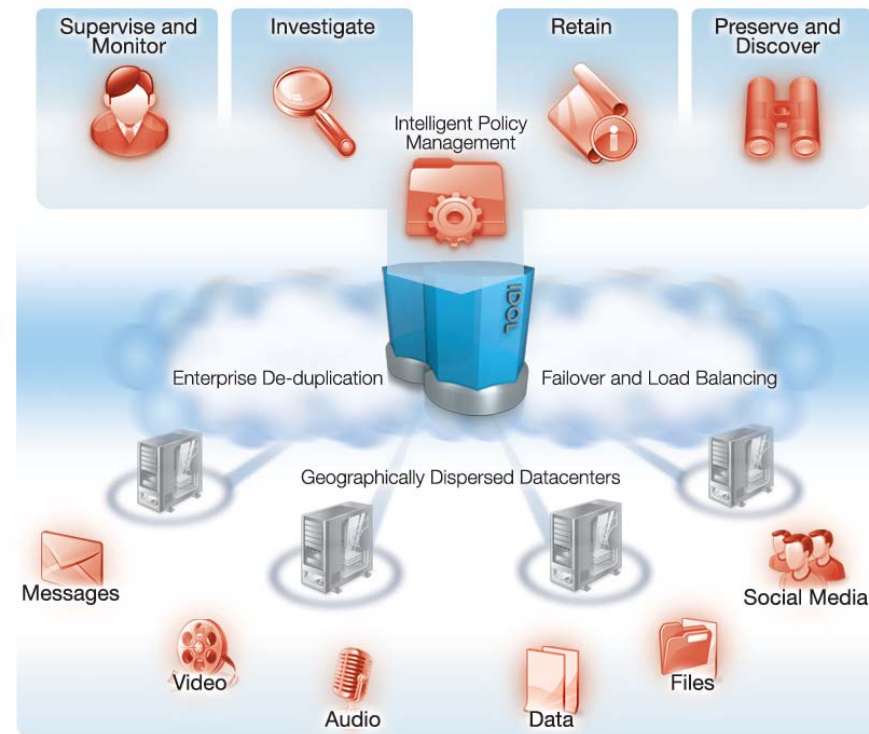
Governance In The Cloud

Considerations for the cloud to mitigate risk:

- Capture sufficient metadata and content when information created to govern effectively
- Handle information as part of a systemized, repeatable and defensible process with reasonable protocols
- Establish clear rules and privacy expectations for use, access and security of systems, including social networking sites
 - Not just perimeter security
- Work with the cloud provider to ensure information governance compliance
- Verify and limit data location



Need for Advanced Governance Technology



Autonomy Social Media Governance

- Extends Autonomy's market-leading email & IM compliance platform to social media
- Handles all facets of social governance needs
- Applies Autonomy IDOL's unique ability to understand complex patterns in social media
- Policy-driven prevention and monitoring
- Integrated tightly with supervision and archiving
- Proven scalability

Small, niche/single-point applications struggle to cover the breadth of interactions

Autonomy's approach is to govern all forms of use from a single platform, tightly integrated with existing process





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Guidelines

Office of the Privacy Commissioner of Canada

REPORT ON THE 2010 OFFICE OF THE PRIVACY COMMISSIONER OF CANADA'S

CONSULTATIONS ON ONLINE TRACKING, PROFILING AND TARGETING, AND CLOUD COMPUTING

Government of Nova Scotia | gov.ns.ca

NOVA SCOTIA CANADA

SEARCH

Communications Nova Scotia

Government Social Media Policy

I. Policy Statement

It is the policy of the Government of Nova Scotia to encourage clear and effective communication with all Nova Scotians using a variety of accepted tools, including social media. Government use of social media must, like all other forms of communication, meet tests of credibility, privacy, authority and accountability.

II. Definitions

- Social media means the online technologies and practices that are used to share information and opinions and build relationships. It can involve a variety of formats, including text, pictures, video, audio and real-time dialogues. It includes, but

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Department of Health Twitter Policy

Twitter is a 'microblogging' platform which allows users to post and exchange short messages (up to 140 characters in length) and converse publicly with other users via a mobile phone or web browser. Twitter allows users to share links to online information, publish photographs and share other media such as video.

With the exception of direct messages exchanged between users, all messages (or 'tweets') are public and visible to all for review, comment and sharing.



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Summary & Best Practices

- **SMS can be discoverable**
 - “Privacy” and “private profiles” can be discoverable
- **SMS should be covered as part of an Information Governance plan**
 - Be proactive and address issues before it becomes a problem
- **Technology can help if deployed properly**
 - Be proactive
 - Look for advanced search technology that can handle the conversational nature of such communications





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Thank You!

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