MAYER·BROWN

December 22, 2010

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BY EMAIL AND OVERNIGHT MAIL

Christopher Connolly
Assistant United States Attorney
Southern District of New York
86 Chambers Street, 3rd Floor
New York, New York 10007

Re: *NDLON et al. v. ICE et al.*, No. 10 CV 3488 (SAS)
       (KNF)

Dear Chris:

        As discussed at the meet and confer between the parties yesterday, enclosed please find the proposed Protocol Governing the Production of Records (Appendix A, "Production Protocol").[1] The Production Protocol is modeled, in large part, on the standard production protocols required by the Division of Enforcement of the United States Securities and Exchange Commission and the Criminal Division of the United States Department of Justice, when these government agencies request documents (Appendix B, "SEC Data Delivery Standards," and Appendix C, "Criminal Division, United States Department of Justice, Data Delivery Standards").

        Plaintiffs invited Defendants to engage in a dialogue regarding the format of production as early as July 2010, before any records were produced. Instead, disregarding Plaintiffs' communications, Defendants have simply made their limited productions of records in PDF format, with hundreds of records indiscriminately dumped into individual PDFs. As we explained yesterday, this PDF format of production is unacceptable and in violation of Defendants' legal obligations pursuant to the Freedom of Information Act ("FOIA").

        First, the PDF format does not give Plaintiffs even the most basic information needed to access, use and understand the produced records (*e.g.*, the standard metadata regularly produced in any large document production), such as custodian, file path, creation data, parent folders, parent-child relationship, and other metadata that is helpful in identifying the source of the record and in explaining the records' creation and use.[2] The failure to produce such metadata is

_____

[1]   The format requested in the Production Protocol is required by standard review platforms that would facilitate Plaintiffs' ability to access, use and understand the potentially thousands of records in the two-week period Plaintiffs have to respond to Defendants' summary judgment motion per the briefing schedule contained in the Court's December 17, 2010 Order.

[2]   Metadata is also necessary for Plaintiffs to test the adequacy of search and to brief the opposition to Defendants' motion for summary judgment.

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itself a failure to properly produce records subject to the public records request. *See, e.g., O'Neill v. City of Shoreline*, No. 823979-9, 2010 WL 3911347 (Wash. Oct. 7, 2010) (Supreme Court of the State of Washington held that the metadata embedded in a document maintained by a public office is, itself, a public record required to be disclosed under the Washington State Public Records Act). Production in PDF format is particularly egregious for certain file types, such Excel spreadsheets, which may contain many hidden (yet responsive) fields that do not appear when reproduced in PDF format.

Second, arbitrarily producing all records in PDF format, despite specific requests as to a different format of production, is contrary to Defendants' legal obligations. FOIA, 5 U.S.C. § 552(a)(3)(B), requires the government to:

> [P]rovide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format. Each agency shall make reasonable efforts to maintain its records in forms or formats that are reproducible for purposes of this section.
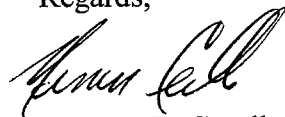
There has been no indication that the requested records are not "readily reproducible by the agency in [the] form or format" requested by Plaintiffs in the Production Protocol. Indeed, the agency declarations submitted in support of Defendants' opposition to Plaintiffs' motion for a preliminary injunction compelling the production of the opt-out records, either provide no basis for the conclusion that the requested format is not readily reproducible, or affirmatively indicate that the records are indeed readily reproducible in the requested format. "Under any reading of the statute, [] 'readily reproducible' simply refers to an agency's technical capability to create the records in a particular format." *Sample v. Bureau of Prisons*, 466 F.3d 1086, 1088 (D.C. Cir. 2006); *cf.* Electronic Freedom of Information Act Amendments of 1996, Pub. L. No. 104-231, at *2 ("Government agencies should use new technology to enhance public access to agency records and information."). It strains credulity that Defendants—each agencies of the federal government—lack the technical capability to reproduce the records in the format requested; a standard format used by litigants throughout the country in virtually every kind of civil litigation in which electronically stored information is implicated.

In the interest of compromise, Plaintiffs, as an alternative to the Production Protocol, would accept the whole production in native format, which would include all the metadata associated with each record, and allow for the use of a review platform that could effectively facilitate Plaintiffs' access, use and understanding of the records.

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Please let us know by Thursday, December 30, 2010, what the intended format of production will be for Defendants' upcoming productions pursuant to the Court's December 17, 2010 Order.

Regards,

Norman R. Cerullo

Encls.

cc: Joseph N. Cordaro, Assistant United States Attorney, Southern District of New York (*by e-mail*)

Paula A. Tuffin, Anthony J. Diana, Jeremy D. Schildcrout, Mayer Brown LLP (*by e-mail*)

Peter L. Markowitz, Bridget P. Kessler, Immigration Justice Clinic Benjamin N. Cardozo School of Law (*by e-mail*)

Sunita Patel, Center for Constitutional Rights (*by e-mail*)

Appendix A

NDLON et al. v. ICE et al., 1:10-cv-3488 (SAS) (KNF)

PROTOCOL GOVERNING THE PRODUCTION OF RECORDS

I.   Production Formats of Electronic Records

Defendants agree that all responsive electronically stored information ("ESI") shall be produced in the following formats:

A. **TIFFs.** All images shall be delivered as single page Group IV TIFF image files. Image file names should not contain spaces.

B. **Unique IDs.** Each image should have a unique file name and should be named with the Bates number assigned to it.

C. **Text Files.** Extracted full text in the format of multipage .txt files shall be provided. The total number of text files delivered should match the total number of TIFF files delivered. Each text file should match the respective TIFF filename. Text from redacted pages will be produced in OCR format rather than extracted text.

D. **Parent-Child Relationships.** Parent-child relationships (the association between an attachment and its parent record) should be preserved.

E. **Database Load Files/Cross-Reference Files.** Records should be provided in a format compatible with Concordance 8x and Opticon 3x in the following format:

Example Concordance Delimited File

þBegDocþ_þEndDoc þ_ þBegAttach þ _ þ EndAttach þ _ þ DocPages þ _ þ RecordType þ _ þ MasterDate þ _ þ SentOn_Date þ _ þ SentOne_Time þ _ þ Recvd_Time þ

þ ABC001 þ _ þ ABC002 þ _ þ ABC001 þ _ þ ABC005 þ _ þ 2 þ _ þ Email þ _ þ þ _ þ 01/01/2008 þ _ þ 13 05 GMT þ _ þ 13:08 GMT þ

þ ABC003 þ _ þ ABC005 þ _ þ ABC001 þ _ þ ABC005 þ _ þ 3 þ _ þ Attachment þ _ þ þ _ þ þ _ þ þ _ þ

Example Opticon Delimited File

There should be one row in each load file per TIFF image. Files that are the first page of a record should contain a "Y" in the file where appropriate.

Format: ProductionNumber,VolumeLabel,ImagePath,DocBreak, FolderBreak,BoxBreak,PageCount

Example: Record MS000001 – MS000003 and MS000004 – MS000005 on DVD volume MS001 would be:

```
MS000001,MS001,D:\IMAGES\001\MS000001.TIF,Y,,,3
MS000002,MS001,D:\IMAGES\001\MS000002.TIF,,,,
MS000003,MS001,D:\IMAGES\001\MS000003.TIF,,,,
MS000004,MS001,D:\IMAGES\001\MS000004.TIF,Y,,,2
MS000005,MS001,D:\IMAGES\001\MS000005.TIF,,,,
```

F. **Metadata**. For records that were originally created using common, off-the-shelf software (*e.g.*, Microsoft Word, Microsoft PowerPoint, Adobe PDF), Defendants will provide all metadata fields set forth in the below metadata fields. Defendants must produce all files attached to each email they produce, but only if such files are actually attached to that email in the ordinary course of business. To the extent a Defendant produces email attachments that were originally created using common, off-the-shelf software, a Defendant will produce the metadata for those attached electronic records in accordance with this section.

Metadata Fields

- Custodian
- Beginning Bates Number
- Ending Bates Number
- Beginning Attachment Number
- Ending Attachment Number
- Record Type
- Master_Date
- SentOn_Date and Time
- Received_Date and Time
- Create_Date and Time
- Last_Modified Date and Time
- Parent Folder
- Author
- To
- From
- CC
- BCC
- Subject/Title
- OriginalSource
- Native Path
- File Extension
- File Name
- File Size
- Full Text

G. **Spreadsheets.** For spreadsheets that were originally created using common, off-the-shelf software (*e.g.*, Microsoft Excel), Defendants will produce the spreadsheets in native format and, in addition, in TIFF format.

Appendix B

SEC Data Delivery Standards

The following document describes the technical requirements for electronic productions produced to the Securities and Exchange Commission.   Any proposed formats other than what is listed below (including databases) should not be produced without discussions and approval from the legal and technical staff of the Division of Enforcement. The SEC uses Concordance 9.58 and Concordance Image 4.5 to review their electronic document collections.

General Instructions

1. Provide a cover letter with each production which includes the Bates range and a general description of the documents and/or the custodian(s). The cover letter should also summarize the number of records, images, emails and attachments in the production. ***The cover letter MUST be imaged and provided as the first record in the delimited text file for all preferred formats discussed below.***
2. Produce documents in the same form that it was created or maintained. Documents created or stored electronically should not be produced in hard copy.
3. Deliver data on CD, DVD, or hard drive. The smallest number of media is required. If the collection is large enough to fit onto a hard drive, the SEC can provide one, if needed.
4. Label all media submitted. Include on the label at least the following information: case number, production date, Bates range and disk number, if applicable.
5. Organize all productions by custodian unless otherwise instructed.
6. Provide all productions free of computer viruses.
7. Provide all passwords for documents, files, or compressed archives provided in the production under a separate cover.
8. Overview of preferred formats for production
    a. Paper Documents - Scanned paper converted/processed to TIFF files, Bates numbered, and includes OCR text
    b. Email Collections – Electronic mail converted/processed to TIFF files for the email and attachment(s), Bates numbered, includes a link to the email or native file, and includes full text.
    c. Native Files – Electronic documents converted/processed to TIFF files, Bates numbered, includes a link to the native file, and includes full text.

Paper Documents

1) **Image files.** Images must be Group IV TIFF files (single or multi-page files). All images should be Bates numbered. The number of files per folder should be limited to 1,000 files.

2) **Delimited Text file.** At a minimum, this file must contain an IMAGEID field (image key used to reference images in Concordance Image). The image key must be unique, **fixed length**, and CANNOT be the Bates number of the document. If you change the length of the image key in a subsequent production, the production will be rejected. Bates numbers (endorsed on the documents and included in the delimited text file) MUST be delivered in a consistent manner for sorting purposes. For example, if the first production delivered is Bates stamped ABC-0000001-ABC-0005267, subsequent productions with the same prefix must have the same format (spaces, dashes, etc.) and the same number of digits. For example ABC 0005268, ABC0005268 or ABC-00005268 is not acceptable. The delimited text file must also include a header record. The delimiters for the file must be as follows:

Comma – ASCII character   20
Quote -   "   "   254
Newline -   "   "   174

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SEC Data Delivery Standards

3) **OCR Text.** The OCR text provided to the SEC can be delivered two ways. (1) The OCR text can be delivered as multi-page ASCII files. The name of the file must match the IMAGEID field. (2) The OCR text can be included in the Delimited Text file (OCRTEXT field).

If possible (regardless of delivery method), please place page markers at the beginning or end of each OCR text page as shown:

*** LA000001 ***

The data surrounded by *** is the Concordance Image ImageID (see example below).

4) **Concordance Image Cross-Reference file.** The Concordance Image cross-reference file is a comma delimited file consisting of six fields per line. There must be a line in the cross-reference file for every image in the database. The format for the file is as follows:

```
ImageID,VolumeLabel,ImageFilePath,DocumentBreak,FolderBreak,BoxBrea
k,PageCount
```

ImageID: The unique designation that Concordance and Concordance Image use to identify an image.

VolumeLabel: Optional.

ImageFilePath: The full path to the image file.

DocumentBreak: If this field contains the letter "Y," then this is the first page of a document. If this field is blank, then this page is not the first page of a document.

FolderBreak: Leave empty.

BoxBreak: Leave empty.

PageCount: Optional.

SEC Data Delivery Standards

Sample Data

Delimited Text file:

þFIRSTBATESþ□þLASTBATESþ□þIMAGEIDþ
þMT00000001þ□þMT00000002þ□þIMG0000001þ
þMT00000003þ□þMT00000004þ□þIMG0000003þ
þMT00000005þ□þMT00000006þ□þIMG0000005þ

Concordance Image Cross-reference File:

IMG0000001,,E:\001\00010001.TIF,Y,,,
IMG0000002,,E:\001\00010002.TIF,,,,
IMG0000003,,E:\001\00010003.TIF,Y,,,
IMG0000004,,E:\001\00010004.TIF,,,,
IMG0000005,,E:\001\00010005.TIF,Y,,,
IMG0000006,,E:\001\00010006.TIF,,,,

SEC Data Delivery Standards

Multi-page OCR Text File (IMG0000001.txt):

*** IMG0000001 ***

Protocol Reparding Data and Document Migration

This Protocol Regarding Data and Document Migration ("Protocol"), effective as of February 1, 2002,applies to all Enron employees in North America who are transferring from Enron Corp. or itsaffiliates (collectively, "Enron") to UBS AG or its affiliates (collectively, "UBS"). All data must bemigrated by Friday, Februaty 8,2002.
In General
Enron has agreed to provide IJBS with the information and data that is necessary to operate thegas and power business in North America, subject to the limitations in Section II below. ThisProtocol will address how employees transferring to UBS should migrate the data ordocuments that they are entitled to have and that will be necessary for them to do their job atUBS. Employees should migrate only the data that is absolutely necessary for them toperform their job at UBS. if there is a doubt as to whether the information is necessary, thedata should not be migrated at this time. H' it is deemed necessary in the future, it can beobtained from Enron at that time, using the instructions contained in Exhibit 5.
This Protocol applies to data and information stored in all locations, including files, officecomputers, home computers, portable devices (such as laptop computers, Blackberry or otherhandhelds), or other such devices. Laptops should contain only information that is approvedfor migration.
All employees transferring to UBS must comply with the record preservation order ofthe U.S. Bankruptcy Court, as described below. All information that is migrated is subjectto review by government investigators. To ensure compliance with this Protocol, Enron willconduct random audits of information selected for migration.
II. Limitations on Information to Be Migrated
* Employees should migrate only information that is absolutely necessary to performtheirjobs atUBS.
* No iiiformation 01) Enroii transactions or busitiess deals that occurred prior toFebruary 8,2002 may be migrated to UBS without prior approval of the EnronLegal Department.
* No information about an Enron customer, other than contact and addressinformation, should be migrated to UBS without prior approval of the EnronLegal Department.* Information protected by confidentiality restrictions shall not be migrated to UBS
without prior approval by the Enron Legal Department.
III. Migration of Electronic Data
Electronic data may be migrated to UBS, subject to the limitations described in Section IIabove. All migration of electronic data must be complete by midnight on Thursday,February 7,2002.

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SEC Data Delivery Standards

*** IMG0000002 ***

A. Electronic Mail

1. E-Mail Address. Employees transferring to UBS will be provided a new emailaddress (in most cases, the new address will be:firsiname.lastname@ubswenergy.com). iT will set the system to send anautomatic response to any external c-mails sent to an Enron email address withthe details of the individual's new UBS address.

2. Cooies of Migrated E-Mail. Employees transferring to IJBS will not haveaccess to their Enron electronic mailbox after the transaction closes.Employees transferring to UB S must copy all electronic mail items they wishto retain, subject to the restrictions described in Section II above, inaccordance with instructions attached as Exhibit I to this Protocol.

B. Contact List, Calendar, and Tasks

The contact list, calendar, tasks, and notes contained in Microsoft Outlook or otheroffice management software programs will be transferred by IT to employees' UBSworkstation on February 8, 2002.

If, however, those applications contain confidential data or other inappropriate orunnecessary information as described in Section II above, then each employee shouldprint such information and then delete it from the system before February 8, 2002.Printouts should be provided to Richard Sanders (EB3827) or Harlan Murphy(EB381 1) in the Enron Legal Department.

Portable email devices should be cleared of all information that is not migratedpursuant to this Protocol.

C. Common Drives (0 and M)

Employees who wish to transfer permissible data from common drives to UBS shouldcopy that data to the following drive: UBSWE 0:. Each employee will be responsiblefor this task, and each employee will be responsible for compliance with therestrictions set forth in this Protocol. (Lists of documents, directories, or folders to betransferred that were previously provided to iT will not be taken into consideration.)Written instructions on performing these tasks are attached as Exhibit 2.

D. HDrive

All compliant information stored in the H drive should be copied to a new UBS Hdrive in accordance with the instructions attached as Exhibit 3. Any information nottransferred to the new UBS H drive should be left in the former Enron H drive.

E. C Drive

Because the C Drive may physically be moved to UBS, the procedure for C Drivemigration differs slightly from that of the other drives. This procedure will requireextra care on the part of the user.

If an employee has information that should not be migrated to UBS, please call theResolution Center at x3-141 I for assistance. If an employee's C-Drive does notC:\ThMP\TRNEDO..ckc 2

ECd-000006470
CONFIDENTIAL

SEC Data Delivery Standards

Data File with OCR text (first record):

þFIRSTBATESþ☐þLASTBATESþ☐þIMAGEIDþ☐þOCRTEXTþ
þMT00000001þ☐þMT00000002þ☐þIMG0000001þ☐þ þ*** IMG0000001 ***®®Protocol Reparding Data and Document Migration®®This Protocol Regarding Data and Document Migration ("Protocol"), effective as of February 1, 2002,applies to all Enron employees in North America who are transferring from Enron Corp. or itsaffiliates (collectively, "Enron") to UBS AG or its affiliates (collectively, "UBS"). All data must bemigrated by Friday, Februaty 8,2002.®In General®Enron has agreed to provide IJBS with the information and data that is necessary to operate thegas and power business in North America, subject to the limitations in Section II below. ThisProtocol will address how employees transferring to UBS should migrate the data ordocuments that they are entitled to have and that will be necessary for them to do their job atUBS. Employees should migrate only the data that is absolutely necessary for them toperform their job at UBS. if there is a doubt as to whether the information is necessary, thedata should not be migrated at this time. H' it is deemed necessary in the future, it can beobtained from Enron at that time, using the instructions contained in Exhibit 5.®This Protocol applies to data and information stored in all locations, including files, officecomputers, home computers, portable devices (such as laptop computers, Blackberry or otherhandhelds), or other such devices. Laptops should contain only information that is approvedfor migration.®All employees transferring to UBS must comply with the record preservation order ofthe U.S. Bankruptcy Court, as described below. All information that is migrated is subjectto review by government investigators. To ensure compliance with this Protocol, Enron willconduct random audits of information selected for migration.®II. Limitations on Information to Be Migrated®* Employees should migrate only information that is absolutely necessary to performtheirjobs atUBS.®* No iiiformation 01) Enroii transactions or busitiess deals that occurred prior toFebruary 8,2002 may be migrated to UBS without prior approval of the EnronLegal Department.®* No information about an Enron customer, other than contact and addressinformation, should be migrated to UBS without prior approval of the EnronLegal Department.* Information protected by confidentiality restrictions shall not be migrated to UBS®without prior approval by the Enron Legal Department.®III. Migration of Electronic Data®Electronic data may be migrated to UBS, subject to the limitations described in Section IIabove. All migration of electronic data must be complete by midnight on Thursday,February 7,2002.®®®ECd-000006469®CONFIDENTIAL®®®®*** IMG0000002 ***2/5,!)2®®A. Electronic Mail®1. E-Mail Address. Employees transferring to UBS will be provided a new emailaddress (in most cases, the new address will be:firsiname.lastname@ubswenergy.com). iT will set the system to send anautomatic response to any external c-mails sent to an Enron email address withthe details of the individual's new UBS address.®2. Cooies of Migrated E-Mail. Employees transferring to IJBS will not haveaccess to their Enron electronic mailbox after the transaction closes.Employees transferring to UB S must copy all electronic mail items they wishto retain, subject to the restrictions described in Section II above, inaccordance with instructions attached as Exhibit I to this Protocol.®B. Contact List, Calendar, and Tasks®The contact list, calendar, tasks, and notes contained in Microsoft Outlook or otheroffice management software programs will be transferred by IT to employees' UBSworkstation on February 8, 2002.®If, however, those applications contain confidential data or other inappropriate orunnecessary information as described in Section II above, then each employee shouldprint such information and then delete it from the system before February 8, 2002.Printouts should be provided to Richard Sanders (EB3827) or Harlan Murphy(EB381 1) in the Enron Legal Department.®Portable email devices should be cleared of all information that is not migratedpursuant to this Protocol.®C. Common Drives (0 and M)®Employees who wish to transfer permissible data from common drives to UBS shouldcopy that data to the following drive: UBSWE 0:. Each employee will be responsiblefor this task, and each employee will be responsible for compliance with therestrictions set forth in this Protocol. (Lists of documents, directories, or folders to betransferred that were previously provided to iT will not be taken into consideration.)Written instructions on performing these tasks are attached as Exhibit 2.®D. HDrive®All compliant information stored in the H drive should be copied to a new UBS Hdrive in accordance with the instructions attached as Exhibit 3. Any information nottransferred to the new UBS H drive should be left in the former Enron H drive.®E. C Drive®Because the C Drive may physically be moved to UBS, the procedure for C Drivemigration differs slightly from that of the other drives. This procedure will requireextra care on the part of the user.®If an employee has information that should not be migrated to UBS, please call theResolution Center at x3-141 I for assistance. If an employee's C-Drive does notC:\ThMP\TRNEDO..ckc 2®®ECd-000006470®CONFIDENTIALþ

SEC Data Delivery Standards

Email Collections

Preferred Format: Delimited Text with Images and Native Attachments

1) **Image files.** The producing party will provide a TIFF image for each page of the email and attachment(s). Images must be Group IV TIFF files (single or multi-page files). All images should be Bates numbered. The number of TIFF files per folder should be limited to 1,000 files. Refer to the Paper Documents section for Bates and image key numbering rules.

2) **Native files.** The producing party will provide a copy of the email and native attachment files. The number of native files per folder should be limited to 1,000 files.

3) **Delimited Text file.** The text and metadata of the email and the attachment(s) is extracted and entered in the appropriate fields and provided as an ASCII delimited text file. The email will be the *"parent"* and the attachment(s) will be the *"child."* An email may have more than one *child*. The *child* attachment's Bates number will be listed in the *parent* email's coded fields under *CHILD_BATES*. If there is more than one attachment, list the first Bates number of each attachment and separate them by semi-colons (;). The *parent* email's Bates number will be listed in the *child(s)* attachment(s) under *PARENT_BATES*. The *child/children* will immediately follow the parent record. The following is a field definition table of the data requested, including sample data for an email and an attachment.

Sample Data – Email

Field	Sample Data	Comment
FIRSTBATES	BT 000001	First Bates number of email
LASTBATES	BT 000008	Last Bates number of email
BEGATTACH	BT 000001	First Bates number of attachment range
ENDATTACH	BT 000015	Last Bates number of attachment range
PARENT_BATES	BT 000001	First Bates number of parent email
CHILD_BATES	BT 000009; BT 000012	First Bates number of "child" attachment(s); can be more than one Bates number listed; depends on number of attachments
CUSTODIAN	John Smith	Mailbox where the email resided
FROM	John Smith	Sender
TO	Janice Coffman	Recipient(s)
CC	Frank Thompson	Carbon copy recipient(s)
BCC	John Cain	Blind carbon copy recipient(s)
SUBJECT	Board Meeting Minutes for 7/1/03	Subject of the email
DATE_SENT	10/10/2005	Date the email was sent
TIME_SENT	07:05 PM	Time the email was sent; must be a separate field and

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		cannot be combined with the DATE_SENT field
LINK	D:\SEC Production\BT 000001.msg	Hyperlink to the email; should be named per the FIRSTBATES number
FILE_EXTEN	MSG	The file extension of the email; will vary depending on the email format
AUTHOR		Empty for email
DATE_CREATED		Empty for email
TIME_CREATED		Empty for email
DATE_MOD		Empty for email
TIME_MOD		Empty for email
DATE_ACCESSD		Empty for email
TIME_ACCESSD		Empty for email
PRINTED_DATE		Empty for email
FILE_SIZE	5,952	Size of email in KB
INTFILEPATH	Personal Folders\Deleted Items\Board Meeting Minutes for 7/1/03.msg	Location of email
TEXT	From: Smith, John [XYZ Corp] Sent: Friday, July 11, 2003 4:42 PM To: Coffman, Janice [CDT Corp] Subject: Board Meeting Minutes for 7/1/03 Janice; Attached is a copy of the July Board Meeting Minutes for your review. Please let me know if you have any questions. John Smith Assistant Director Information Technology Phone: (202) 555-1111 Fax: (202) 555-1112 Email: jsmith@xyz.com	Text of the email

Sample Data - Attachment

Field	Sample Data	Comment
FIRSTBATES	BT 000009	First Bates number of attachment
LASTBATES	BT 000011	Last Bates number of attachment
BEGATTACH	BT 000001	First Bates number of the attachment range
ENDATTACH	BT 000015	Last Bates number of the attachment range
PARENT_BATES	BT 000001	First Bates number of parent

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		email
CHILD_BATES		
CUSTODIAN	John Smith	Mailbox where the email resided
FROM		Empty for attachment
TO		Empty for attachment
CC		Empty for attachment
BCC		Empty for attachment
SUBJECT		Empty for attachment
DATE_SENT		Empty for attachment
TIME_SENT		Empty for attachment
LINK	D:\SEC Production\BT 000009.doc	Hyperlink to the native attachment named per the FIRSTBATES number
FILE_EXTEN	DOC (attachment – ex. Word document)	The file extension will vary depending on the document type
AUTHOR	John Smith	Attachment/native file metadata
DATE_CREATED	10/08/2005	Attachment metadata
TIME_CREATED	07:05 PM	Time the attachment was created; must be a separate field and cannot be combined with the DATE_CREATED field.
DATE_MOD	10/19/2005	Attachment metadata
TIME_MOD	07:05 PM	Time the attachment was modified; must be a separate field and cannot be combined with the DATE_MOD field.
DATE_ACCESSD	10/10/2005	Attachment metadata
TIME_ACCESSD	07:05 PM	Time the attachment was accessed; must be a separate field and cannot be combined with the DATE_ACCESSD field.
PRINTED_DATE	10/19/2005	Attachment metadata
FILE_SIZE	765,952	Size of file in KB
INTFILEPATH	Personal Folders\Deleted Items\Board Meeting Minutes for 7/1/03.msg\Meeting Minutes.doc	Path where attachment file was stored
TEXT	Meeting Minutes for Teleconference 10/1/03 Discussion over employee stock options transpired. Decision was made to offer the options as part of the employee's Christmas bonus. Announcement was made regarding Roland Moore	Text of the attachment

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	being promoted to Assistant Director	

The delimited text file must include a header record. The delimiters for the file must be as follows:

Comma – ASCII character 20
Quote -   "   "   254
Newline -   "   "   174

4) **Full Text.** When the full text is not provided in the ASCII delimited text file or if text exceeds 12MB in the TEXT field, the full text provided to the SEC can be delivered as multi-page ASCII files. The name of the file must match the image key field. Any document in which text cannot be extracted should be OCR'd, particularly in the case of PDFs without embedded text.

5) **Concordance Image Cross-Reference file.** The Concordance Image cross-reference file is a comma delimited file consisting of six fields per line. There must be a line in the cross-reference file for every image in the database.

We will also accept the following formats:

PST – a personal storage file native to Microsoft Outlook. You must provide any necessary passwords or decryption.

NSF – a personal storage file native to Lotus Notes. You must provide any necessary passwords or decryption.

Native Files

Preferred Format: Delimited Text with Images and Links to Native Files:

1. **Image files.** The producing party will provide a TIFF image of the native files. Images must be Group IV TIFF files (single or multi-page files). All images should be Bates numbered. The number of TIFF files per folder should be limited to 1,000 files. Refer to the Paper Documents section for Bates and image key numbering rules.

2. **Native files.**   The producing party will provide a copy of the native files. The number of native files per folder should be limited to 1,000 files.

3. **Delimited Text file.** An ASCII delimited file containing the metadata associated with the file, text extracted from the native file, and a directory path to the native file. The fields to be included in the production are as follows:

FIELD	SAMPLE DATA	COMMENT
FIRSTBATES	GT000001	First Bates number of native file
LASTBATES	GT000001	Last Bates number of native file
CUSTODIAN	John Smith	Individual from whom the documents originated

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SEC Data Delivery Standards

LINK	D:\SEC Production\GT000001.doc	Hyperlink to native file named per the FIRSTBATES number
AUTHOR	John Smith	
DATE_CREATED	10/08/2005	
TIME_CREATED	07:05 PM	Time the document was created; must be a separate field and cannot be combined with the DATE_CREATED field.
DATE_MOD	10/09/2005	
TIME_MOD	07:05 PM	Time the document was modified; must be a separate field and cannot be combined with the DATE_MOD field.
DATE_ACCESSD	10/10/2005	
TIME_ACCESSD	07:05 PM	Time the attachment was accessed; must be a separate field and cannot be combined with the DATE_ACCESSD field.
PRINTED_DATE	10/10/2005	
FILE_SIZE	765,952	Size of file in KB
PATH	J:\SHARED\SMITHJ\Meeting Minutes.doc	Path where native file was stored
TEXT	Meeting Minutes for Teleconference 10/1/03 Discussion over employee stock options transpired. Decision was made to offer the options as part of the employee's Christmas bonus. Announcement was made regarding Roland Moore being promoted to Assistant Director	Text extracted from native file.

The delimited text file must include a header record. The delimiters for the file must be as follows:

Comma – ASCII character   20
Quote -   "   "   254
Newline -   "   "   174

4) **Full Text.** When the full text is not provided in the ASCII delimited text file or if text exceeds 12MB in the TEXT field, the full text provided to the SEC can be delivered as multi-page ASCII files. The name of the file must match the image key field. Any document in which text cannot be extracted should be OCR'd, particularly in the case of PDFs without embedded text.

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SEC Data Delivery Standards

5) **Concordance Image Cross-Reference file.** The Concordance Image cross-reference file is a comma delimited file consisting of six fields per line. There must be a line in the cross-reference file for every image in the database.

Optional Format:

Native files will be delivered in Custodian named folders.

If PDFs are delivered, all PDF files must meet the following requirements:
1. All PDFs must be unitized i.e. each PDF represents a discrete document; a single PDF cannot contain multiple documents
2. All PDFs must contain embedded text to include all discernable words within the document, not selected text.
3. If Bates endorsed, the PDF file will be named as the Bates range, with ALL document text contained within.

Appendix C

Data Delivery Standards

The following document describes the technical requirements for electronic productions produced to the Criminal Division, United States Department of Justice. Any proposed formats other than what is listed below (including databases) should not be produced without discussions and approval from the Criminal Division Litigation Support Staff.   Please provide a summary of the number of records, images, emails, and attachments in the production; so that we can confirm that everything was loaded into our system. The Criminal Division uses Concordance 8.2 and Opticon 3.2 to review their electronic document collections.

I.   Scanned Collections

1) **Image files.** Images must be Group IV TIFF files (single or multi-page files). File names cannot contain embedded spaces. The number of files per folder should be limited to 500 files.

2) **Delimited Text file.** At a minimum, this file must contain an IMAGEID field (image key used to reference images in Opticon). The image key must be unique, fixed length, and cannot be the Bates number of the document. The delimited text file must include a header record. The delimiters for the file must be as follows:

   Comma – ASCII character   20
   Quote -   "   "   254
   Newline -   "   "   174

3) **OCR Text.** The OCR text provided to the SEC can be delivered two ways. (1) The OCR text can be delivered as multi-page TXT files. The name of the file must match the IMAGEID field. (2) The OCR text can be included in the Delimited Text file (OCRTEXT field).

If possible (regardless of delivery method), please place page markers at the beginning or end of each OCR text page as shown:

*** LA000001 ***

The data surrounded by *** is the Opticon ImageID (see example below).

4) **Opticon Cross-Reference file.** The Opticon cross-reference file is a comma delimited file consisting of six fields per line. There must be a line in the cross-reference file for every image in the database. The format for the file is as follows:

ImageID,VolumeLabel,ImageFilePath,DocumentBreak,FolderBreak,BoxBreak,PageCount

ImageID: The unique designation that Concordance and Opticon use to identify an image.

VolumeLabel: Leave this field empty.

ImageFilePath: The full path to the image file.

DocumentBreak: If this field contains the letter "Y," then this is the first page of a document. If this field is blank, then this page is not the first page of a document.

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FolderBreak: Leave empty.

BoxBreak: Leave empty.

PageCount: Leave empty.

Sample Data

Delimited Text file:

```
þFIRSTBATESþ  þLASTBATESþ  þIMAGEIDþ
þMT00000001þ  þMT00000002þ  þIMG0000001þ
þMT00000003þ  þMT00000004þ  þIMG0000003þ
þMT00000005þ  þMT00000006þ  þIMG0000005þ
```

Opticon Cross-reference File:

```
IMG0000001,,E:\001\00010001.TIF,Y,,,
IMG0000002,,E:\001\00010002.TIF,,,,
IMG0000003,,E:\001\00010003.TIF,Y,,,
IMG0000004,,E:\001\00010004.TIF,,,,
IMG0000005,,E:\001\00010005.TIF,Y,,,
IMG0000006,,E:\001\00010006.TIF,,,,
```

Multi-page OCR Text File (IMG0000001.txt):

```
*** IMG0000001 ***
```

The Securities and Exchange Commission
VISION
The Securities and Exchange Commission (SEC) aims to be the standard
against which federal agencies are measured. The SEC will strengthen
the integrity and soundness of U.S. securities markets, and will
conduct its work in a manner that is as sophisticated, flexible, and
dynamic as the securities markets it regulates.
MISSION
The mission of the Securities and Exchange Commission is to protect
investors; maintain fair, orderly, and efficient markets; and facilitate
capital formation.
VALUES
Managing the evolving needs of a complex marketplace and in pursing
its mission, the Securities and Exchange Commission embraces the
following values:
INTEGRITY
As the federal agency entrusted with enforcing and regulating the
U.S. securities markets, each member of the SEC staff has a personal
responsibility to demonstrate the highest ethical standards to
inspired confidence and trust in one another and in the public the

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agency serves.

FAIRNESS

As an agency with both regulatory and enforcement powers, the SEC must treat investors and market participants fairly in accordance with the law. As an employer, the SEC must seek to hire and retain a diverse staff, and ensure that all decisions affecting employees and applicants are fair and ethical. As professionals, the staff must treat all others with respect and dignity.

ACCOUNTABILITY

The SEC staff embraces the responsibility with which it is charged. In carrying out its mission, the staff readily holds itself accountable to the public it serves and takes personal responsibility for achieving SEC goals.

RESOURCEFULNESS

*** IMG0000002 ***

 The SEC staff strives to work creatively proactively, and effectively in assessing and addressing risk to the securities markets, the public, and other market participants. The staff is committed to finding flexible and innovative approaches to the Commission's work and using independent judgment in exploring new ways to fulfill the SEC's mission in the most efficient manner possible.

TEAMWORK

The SEC recognizes that its success requires a diverse, coordinated team committed to the highest standards of trust, hard work, cooperation, and communication. The staff is committed to these values and is striving to work more effectively as a team – rather than as separate divisions or offices – and to coordinate more effectively with business, governments, and organizations in the U.S. and abroad.

COMMITMENT TO EXCELLENCE

The SEC demands the highest standards of excellence, integrity, commitment, and dedication from its staff. The investing public and the U.S. securities markets deserve nothing less.

 Data File with OCR text (first two records):

þFIRSTBATESþ. þLASTBATESþ þIMAGEIDþ þOCRTEXTþ þMT00000001þ þMT00000002þ þIMG0000001þ þ þ*** IMG0000001 ***®The Securities and Exchange Commission®VISION®The Securities and Exchange Commission (SEC) aims to be the standard®against which federal agencies are measured. The SEC will strengthen®the integrity and soundness of U.S. securities markets, and will®conduct its work in a manner that is as sophisticated, flexible, and®dynamic as the securities markets it regulates.®MISSION®The mission of the Securities and Exchange Commission is to protect®investors; maintain fair, orderly, and efficient markets; and facilitate®capital formation.®VALUES®Managing the evolving needs of a complex marketplace and in pursing®its mission, the Securities and Exchange Commission embraces the®following values:®INTEGRITY®As the federal agency entrusted with enforcing and regulating the®U.S. securities markets, each member of the SEC staff has a personal®responsibility to demonstrate the highest ethical standards to®inspired confidence and trust in one another and in the public the®agency

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serves.®AIRNESS®As an agency with both regulatory ®and enforcement powers, the SEC®must treat investors and market participants fairly in accordance with®the law. As an employer, the SEC must seek to hire and retain a diverse®staff, and ensure that all decisions affecting employees and®applicants are fair and ethical. As professionals, the staff must treat®all others with respect and dignity.®ACCOUNTABILITY®The SEC staff embraces the responsibility with which it is charged. In®carrying out its mission, the staff readily holds itself accountable to®the public it serves and takes personal responsibility for achieving®SEC goals.®*** IMG0000002 ***®RESOURCEFULNESS®®The SEC staff strives to work creatively proactively, and effectively®in assessing and addressing risk to the securities markets, the public,®and other market participants. The staff is committed to finding®flexible and innovative approaches to the Commission's work and using®independent judgment in exploring new ways to fulfill the SEC's®mission in the most efficient manner possible.®TEAMWORK®The SEC recognizes that it ®success requires a diverse, coordinated®team committed to the highest standards of trust, hard work,®cooperation, and communication. The staff is committed to these®values and is striving to work more effectively as a team – rather than®as separate divisions or offices – and to coordinate more effectively®with business, governments, and organizations in the U.S. and abroad.®COMMITMENT TO EXCELLENCE®The SEC demands the highest standards of excellence, integrity,®commitment, and dedication from its staff. The investing public and the®U.S. securities markets deserve nothing less.®þ

II.   Email Collections

Preferred Format:

Delimited Text with Images and Native Attachments:

1) The producing party will provide a TIFF image of the email and the attachment(s), and a copy of the native attachment file(s). The text and metadata of the email and the attachment(s) is extracted and entered in the appropriate fields and provided as an ASCII delimited text file. All images are bates numbered. The email image will be the *"parent"* and the attachment(s) will be the *"child."* An email may have more than one *child.* The *child* attachment's bates number will be listed in the *parent* email's coded fields under *CHILD_BATES.* If there is more than one attachment, list the first bates number of each attachment and separate them by semi-colons (;). The *parent* email's bates number will be listed in the *child(s)* attachment(s) under *PARENT_BATES.* The *child/children* will immediately follow the parent record. The following is a field definition table of the data requested, including sample data.

Field	Sample Data	Comment
FIRSTBATES	BT 000001	First bates number of email
LASTBATES	BT 000008	Last bates number of email
BEGATTACH	BT 000009	First bates number of attachment(s)
ENDATTACH	BT 000015	Last bates number of attachments (s)
PARENT_BATES	BT 000001	First bates number of parent email
CHILD_BATES	BT 000009, BT 000012	First bates number of "child" attachment(s); can be more than one bates number listed; depends on number of attachments
CUSTODIAN	John Smith	Mailbox where the email resided
FROM	John Smith	For email
TO	Janice Coffman	For email
CC	Frank Thompson	For email
BCC	John Cain	For email
SUBJECT	Changes to Access Database	Subject of the email
DATE_SENT	10/10/2005	Date the email was sent
TIME_SENT	07:05 PM	Time the email was received
LINK	D:\SEC Production\7/1/03 Meeting Minutes.pdf	Hyperlink to native attachment (listed as file name)
FILE_EXTEN	PST (email) DOC (attachment – ex. Word document)	The file extension will vary depending on whether the document is a parent email or a child attachment
AUTHOR	John Smith	Attachment metadata
DATE_CREATED	10/08/2005	Attachment metadata

DATE_MOD	10/19/2005	Attachment metadata
DATE_ACCESSD	10/10/2005	Attachment metadata
PRINTED_DATE	10/19/2005	Attachment metadata
FILE_SIZE	765,952	Attachment metadata (in KB)
PATH	J:\SHARED\SMITHJ	Path where attachment file was stored
INTFILEPATH	Personal Folders/Deleted Items	Location of email
TEXT	From: Smith, John [XYZ Corp] Sent: Friday, July 11, 2003 4:42 PM To: Coffman, Janice [CDT Corp] Subject: Board Meeting Minutes for 7/1/03 Janice; Attached is a copy of the July Board Meeting Minutes for your review. Please let me know if you have any questions. John Smith Assistant Director Information Technology Phone: (202) 555-1111 Fax: (202) 555-1112 Email: jsmith@xyz.com	Text of the email or attachment

The delimited text file must include a header record. The delimiters for the file must be as follows:

Comma – ASCII character   20
Quote -   "   "   254
Newline –   "   "   174

We will also accept the following formats:

PST – a personal storage file native to Microsoft Outlook. You must provide any necessary passwords or decryption.

NSF – a personal storage file native to Lotus Notes. You must provide any necessary passwords or decryption.

III.   Native Files

Preferred Format:

Native files will be delivered with an ASCII delimited file containing the metadata associated with the files, text extracted from the native file, and a directory path to the native file. The fields to be included in the production are as follows:

FIELD	SAMPLE DATA	COMMENT
DOCID	GT000001	Unique sequential number
TEXT	Meeting Minutes for Teleconference 10/1/03 Discussion over employee stock options transpired. Decision was made to offer the options as part of the employee's Christmas bonus. Announcement was made regarding Roland Moore being promoted to Assistant Director	Text extracted from native file.
LINK	D:\SEC Production\10/1/02 Meeting Minutes.pdf	Hyperlink to native file (listed as file name)
AUTHOR	John Smith	
DATE_CREATED	10/08/2005	
DATE_MOD	10/09/2005	
DATE_ACCESSD	10/10/2005	
PRINTED_DATE	10/10/2005	
FILE_SIZE	765,952	
PATH	J:\SHARED\SMITHJ	Path where native file was stored

Optional Format:

Native files will be delivered in Custodian named folders.

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IV.   Media Form

The data can be delivered on CD, DVD, or portable USB hard drive. The smallest number of media is preferred.

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