



E-DISCOVERY QUIZ

ANSWERS (See quiz on page 22)

1

False. While privacy protection legislation does contain exemptions for information that is produced pursuant to law, the exemption is limited to relevant information and all other private information must still be protected. However, some provincial legislation only permits the disclosure pursuant to that province's rules or court order. Counsel should always check the scope of privacy provisions before producing personal information.

2

False. An employee's right to privacy of information contained on an employer's computer will be dependent on the company's computer use policy, and the nature of the communications and information. An analysis of the facts circumstances is required in each case.

3

False. Even if a court orders the production of documents, there is still an obligation to protect private information that is not relevant to the proceedings. The private information can be redacted while still meeting the obligation to produce the materials. Who bears the cost for the redaction and production from the non-party should be addressed in the production order.

4

True. Proper keyword searching and filtering can help identify private information while also minimizing human review. Further, private information can be redacted from ESI with some electronic review tools.