The parameters of a Rule 30(b)(6) deposition may vary greatly from case to case, but the following categories of deposition questions and topics will serve as a good outline when preparing questions for deposition or when preparing a corporate witness for questions by opposing counsel.

### Qualifications and Organizational Structure

- **Describe your educational background and work experience.**
  - What is your educational background, including all diplomas, degrees or certificates received?
  - What formal technical training have you had?
  - List your work experiences (including all companies and positions held) for the past 15 years.
  - How long have you been employed with your current company? List all positions held.
  - Describe your current position and all duties associated with it.
  - What steps did you take to prepare for deposition?

- **Describe the company's organizational structure.**
  - To whom do you report? Who reports to you?
  - Describe IT department structure (including other physical locations).
  - What role have you had or will you have in responding to electronic discovery requests?

### Systems Profile

- **Describe the types of data processing and data storage devices used by the company in the course of business.**
  - What backroom hardware is in your organization? (Mainframes, mini computers, electronic mail servers, file servers, fax servers, voicemail servers, etc.)?
  - What workstation hardware? What brand (Dell, Gateway, generic IBM clone, etc.); what operating system (Win 95/98/ME/XP, other); and what is the average size of desktop hard drives?
  - Are notebooks used? What brand (Dell, Gateway, generic IBM clone, etc.); what operating system (Win 95/98/ME/XP, other); and what is the average size of notebook hard drives?
  - Are personal digital assistants (PDAs) used? If so, what brand(s) (Palm, Pocket PC devices, etc.)?
  - What backup systems are in use? Specifically, provide the hardware, tape formats (DAT, DLT, QIC), tape capacities, and backup software (brand, version, configuration) used.
  - What optical storage devices are used? What type (CD-R, CD-RW, DVD-RAM), and recording software (brand, version, configuration)?
  - What electronic storage devices are used (non-volatile RAM, smart cards, etc.)?
  - What office machines are used? What copiers, fax machines, voicemail systems (brands, models, serial numbers)? (NOTE: Most of these devices contain hard drives.)

### Network Infrastructure and Network Services

- **Describe the company's network architecture and usage policies.**
  - How is the company's network configured (router, hubs, firewalls, etc.)? Who manages the network devices?
• Do desktop/laptop/handheld systems have network cards and/or modems installed? If so, identify make, model, speed settings, and usage policy.
• Does the company’s network use any non-Ethernet connectivity? If so, describe.
• How many users are on the network at this location and at other locations?
• How is user data segmented and protected on the network?
• How do users work on the network (e.g., file sharing, file storage, centralized applications, and other applications)?
• Describe/identify the types of network services and software programs used on the company’s computer system(s):
  > Industry-specific applications (e.g., distribution control, reservation system, manufacturing inventory control, etc.).
  > Proprietary systems.
  > Office automation software. Word processing, spreadsheet, presentation programs, etc.
  > Internet browsers.
  > Database servers and database management programs (statistical, risk analysis, etc.).
  > Electronic mail systems and client programs.
  > Calendar/scheduling servers and client programs.
  > Document management systems.
  > Finance or accounting systems.
  > Remote connection applications (e.g., FTP server/client, web-based (GotoMyPC.com), PCAnywhere, LapLink).
  > Chat programs (e.g., ICQ, IRC, etc.).
  > Other applications

### User Workstations

- **Describe all type(s) of user workstation systems and client programs currently in use.**
  - What operating systems are used? (Windows NT/2000/XP, Linux) If Microsoft-based, what service packs are installed? If Linux, what is the distribution (Red Hat, Debian, Mandrake, etc.); what version of the Kernel is running; and what windowing system is in use (Gnome, KDE)?
  - Provide a list of the software packages installed.
  - List installation date(s).
  - Provide the number of users who have access to each workstation.
  - Identify location of users’ electronic mail files. For example, are electronic mail messages stored in My Documents?
  - Do users select the location for their electronic mail messages, or does the system administrator make that decision?

- **Identify the person(s) responsible for the ongoing operation, maintenance, expansion, backup, and upkeep of the user workstations.**
  - How frequently do these activities occur (according to policy and actual practice)?
  - Are outsourced facilities/contractors used? List names and services provided, if applicable.

- **Do any employees use home computers for business purposes? If yes:**
  - Identify relevant employees.
  - How are files transferred to and from home computer (remote access, types of removable media, if used), electronic mail, LapLink, mapped drive to server, etc.)?

- **Are user workstations backed up? Obtain information for each system.**
  - Describe the backup software program(s) used (e.g., ARCserve, Backup Exec, etc.).
  - What content do backups contain?
  - How frequently are backups performed (daily, weekly, monthly)?
  - Is the backup process automated?
  - Describe the type of backup media used (tapes, discs, drives, and/or cartridges).
  - Describe the tape rotation cycle.
  - Have any tapes been pulled from rotation?
  - What is the location of the backup media (off-site storage, out-of-state storage, etc.)? How does the media get to the storage location?
• Have you restored data from a workstation backup tape within the past [XX] months? If yes:
  o Are files "archived" off the system?

• Are passwords or encrypted files used on any of the user workstations? If yes:
  o Are files ever deleted from the computer system(s)? If yes:
    o Does the company have a file purge schedule?
    o Are files routinely deleted from workstations when employees leave or are reassigned?
    o Describe the method(s) used to delete files.
  o Identify personnel responsible for administering the electronic mail system(s).
    o Include information about multiple offices or locations, if relevant.
  o Describe all type(s) of electronic mail server systems and client programs currently in use.
    o What operating systems are used (Windows NT/2000/XP, Linux, Novell, Unix, proprietary)? If Microsoft-based, what service packs are installed? If Linux, what is the distribution (Red Hat, Debian, Mandrake, etc.); what version of the Kernel is running; and what windowing system is in use (Gnome, KDE)?
    o Provide server name(s) and version number(s).
    o List installation date(s).
    o Provide the number of users on each system.
    o Identify location of users' electronic mail files. For example, are electronic mail messages stored in a central location—a server—or locally on users' desktops, or both?
    o Do users select the location for their electronic mail messages, or does the system administrator make that decision?
    o Is there more than one post office on the system? If yes, identify post office locations.
    o Are post offices located on more than one server or drive?
- Is electronic mail transferred via POP, IMAP, SMTP?
- Is there more than one post office on the system? If yes, identify post office locations.
- Are post offices located on more than one server or drive?
- Is electronic mail transferred via POP, IMAP, SMTP?

- Can users access their electronic mail remotely (i.e., from outside the office)?
  - If yes, what programs or applications are used?
  - Does a transaction record exist to document access?

- Are electronic mail passwords routinely changed?
  - Describe protocols.
  - Who manages this process?

- Are "janitorial" programs run to purge electronic mail? (Janitorial programs can be set by system administrators to empty wastebaskets on a set schedule.)
  - Describe protocols.
  - Who manages this process?

- Were other electronic mail systems used in the past? If so, provide answers to questions in electronic mail section above.

- Are special electronic mail retention settings active (e.g., the Deleted Items Retention setting in Microsoft Exchange)?

- List all electronic mail systems in the company that are backed up. Obtain information for each system.
  - Describe the electronic mail backup software program(s) used (e.g., ARCserve, Backup Exec, etc.).
  - Is the backup a full backup or a brick level backup?
  - How frequently are electronic mail backups performed (daily, weekly, monthly)?
  - Is the electronic mail backup process automated?
  - Describe the type of electronic mail backup media used (tapes, discs, drives, and/or cartridges).
  - Describe the tape rotation cycle.
  - Have any tapes been pulled from rotation?
  - What is the location of the electronic mail backup media (off-site storage, out-of-state storage, etc.)? How does the media get to the storage location?
  - How are electronic mail backup tapes stored (e.g., racks, cabinets, etc.)?
  - What is your tape destruction method (e.g., degauss, shred, etc.)?
  - Are electronic mail backup tapes labeled? If so, describe labeling protocol.
  - Are electronic mail backup tapes indexed by the backup software and/or logged?
  - Do you keep or discard outdated electronic mail backup drives or software?
  - Who has access to electronic mail backups?
  - Who actually performs electronic mail backups?
  - Are electronic mail backups password-protected? Who has the passwords?

- Have you modified your electronic mail backup procedures to comply with recent discovery requests?
  - Describe any modifications.
  - Describe the steps taken to notify employees involved in performing backups.

- Are files ever deleted from the electronic mail system(s)? If yes:
  - Does the company have a file purge schedule?
  - Are files routinely deleted from servers when employees leave or are reassigned?
  - Describe the method(s) used to delete files.
  - Are electronic mail accounts closed/purged when an employee leaves?

- Are files "archived" off the system?
  - What files have been archived?
  - Where are the archival backups maintained?
• Have you restored data from an electronic mail backup tape within the past [XX] months? If yes:
  o What data was restored?
  o Was the restoration operation successful?
  o Describe the resources required to perform the restoration (labor hours, equipment, drive space, etc.).
  o Why was the data restored?

• Are passwords or encrypted files used on any of the electronic mail systems? If yes:
  o Describe what is protected (electronic mail, attachments, transmission of data, etc.).
  o Describe how files are protected.
  o Who could provide access codes if required?
  o Who has super user status?
  o What access rights do different groups/users have?

• Are passwords and access codes revoked/changed when an employee leaves the company/agency?
  o How and by whom is this process managed?

Databases

• Describe all type(s) of database server systems and client programs currently in use.
  o What operating systems are used (Windows NT/2000/XP, Linux, Novell, Unix, proprietary)? If Microsoft-based, what service packs are installed? If Linux, what is the distribution (Red Hat, Debian, Mandrake, etc.); what version of the Kernel is running; and what windowing system is in use (Gnome, KDE)?
  o Describe the type of databases used by the company (CRM, accounting, etc.).
  o Identify the system administrator for each.

• Identify the type(s) (names) of database software used. (Oracle, dBASE, Advanced Revelation, Access, proprietary, etc.).
  o Describe the fields of information used in the database(s). (Data fields are categories of information such as names, social security numbers, file numbers, dates, etc.)

• Identify the person(s) responsible for:
  o Database design.
  o Database maintenance (editing, adding, "packing," etc.).
  o Report design.
  o Database backup.
  o User requests/suggestions.

• Identify the individual(s) who enter information into the database:
  o What is the source of information?
  o Are entries verified? If so, by whom?

• Describe how the database is accessed.
  o Identify users.
  o Identify access security levels for users.
  o Are queries (reports to the database) stored? If so, where?
  o Describe the output/responses to queries. (Printed reports? Online response?)
  o Are the responses stored? If so, where?

• Describe any standard reports prepared on a routine basis.
  o Identify recipients.
  o Are these reports stored? If so, where?
  o Describe protocol and detailed instructions for reviewing the database as it existed [XX] months/years ago.

• List all database systems in the company that are backed up. Obtain information for each system.
  o Describe the backup software program(s) used (e.g., ARCserve, Backup Exec, etc.).
What content do database backups contain?
How frequently are database backups performed (daily, weekly, monthly)?
Is the database backup process automated?
Describe the type(s) of backup media used (tapes, discs, drives, and/or cartridges).
Describe the tape rotation cycle.
Have any tapes been pulled from rotation?
What is the location of the database backup media (off-site storage, out-of-state storage, etc.)? How does the media get to the storage location?
How are database backup tapes stored (e.g., racks, cabinets, etc.)?
What is your database backup tape destruction method (e.g., degauss, shred, etc.)?
Are database backup tapes labeled? If so, describe labeling protocol.
Are database backup tapes indexed by the backup software and/or logged?
Do you keep or discard outdated database backup drives or software?
Who has access to database backups?
Who actually performs database backups?
Are database backups password-protected? Who has the passwords?

Have you modified your database backup procedures to comply with recent discovery requests?
Describe any modifications.
Describe the steps taken to notify employees involved in performing backups.

Is data ever deleted from the database system(s)? If yes:
Does the company have a purge schedule?
Describe the method(s) used to delete data.
Are accounts closed/purged when an employee leaves?

Are databases "archived" off the system?
What databases have been archived?
Where are the archival backups maintained?

Have you restored data from a backup tape within the past [XX] months? If yes:
What data was restored?
Was the restoration operation successful?
Describe the resources required to perform the restoration (labor hours, equipment, drive space, etc.).
Why was the data restored?

Are passwords or encrypted files used on any of the database systems? If yes:
Describe what is protected (data, transmission of data, etc.).
Describe how files are protected.
Who could provide access codes if required?
Who has super user status?

Are passwords and access codes revoked/changed when an employee leaves the company/agency?
How and by whom is this process managed?

Miscellaneous

Are you aware of the production of electronic documents in other litigation or legal proceedings?
What cases?
Relevant time periods?
What was produced, and in what format?

Are you aware of any alternative sources of electronic data or information?
Any locations outside the company where electronic documents are regularly sent (including employees' home
computers as well as other business entities)?
  ○ Persons who would have knowledge of third parties’ computer systems, where applicable?
  ○ Details about the company’s website (Who develops content? What are revision intervals? Which third parties have access)?

• Has anyone examined any of the company’s computers since learning of this lawsuit? If yes:
  ○ Identity of all involved parties?
  ○ Details about reasons for examination?
  ○ Protocol utilized?
  ○ Results?

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• Have you modified the use of any computers since notice of litigation or to comply with recent discovery requests?
  ○ Describe any modifications.
  ○ Describe the steps taken to notify employees.

• What steps have you taken to ensure electronic data was preserved?
  ○ Performed mirror image backups?
  ○ Removed backup tapes from rotation cycle?
  ○ Isolated key systems from usage (including removing power from these systems)?
  ○ Disconnected unnecessary network connections?
  ○ Stopped hardware/software updates?
  ○ Saved broken drives and media?
  ○ Other?

Paul French, Director of Consulting Services for New Technologies, Inc., contributed to these materials.