

BUREAU OF COMPETITION PRODUCTION GUIDE

REVISION 1.9, 04/13/2023

AN eDISCOVERY RESOURCE

This guide explains what the Bureau of Competition generally requires when we send a formal request, such as a **Civil Investigative Demand**. The suggested formats are based on our experience with many different submissions. Please follow this guide to organize your submission and minimize the chance of incompatibility with our processes and systems.

This resource is intended to serve as guidance and does not supersede instructions in any request or subpoena issued by the Bureau. We continue to streamline the production process, so contact the FTC representative identified in the formal request to discuss any specific issues you may have with collecting, formatting, or submitting documents.

The Federal Trade Commission uses **Relativity** as its primary document review platform.

TABLE OF CONTENTS

1	Identification and Collection.....	3
2	Processing/Review.....	3
2.1	Deduplication.....	3
2.2	Preferred Formats.....	3
2.2.1	Email.....	3
2.2.2	Chat and Text Messages.....	3
2.2.3	Loose ESI.....	4
2.2.4	Hard Copy Documents.....	4
2.2.5	Databases or Data Compilations.....	4
2.2.6	Executable Files.....	4
2.3	Metadata and other Information Requirements.....	5
2.3.1	Emails.....	5
2.3.2	Attachments.....	6

2.3.3	eDocs.....	7
2.3.4	Hard Copy Documents	7
3	Producing.....	8
3.1	Data.....	8
3.1.1	Load Files.....	8
3.1.2	Preferred Field Order in Load Files	9
3.2	Images.....	10
3.3	Native Files	10
3.4	Text Files.....	10
3.5	Virus Scanning	10
3.6	Field Formats	10
3.6.1	Date and Time Field Format	10
3.6.2	Parent/Child Relationships.....	11
3.6.3	File Name/File Path	11
3.7	Sample Productions.....	11
3.8	Production Transmittal Letter	11
3.9	Encryption	12
3.10	Media/File Transfer	12
3.10.1	File Transfer	12
3.10.2	Media	12
4	Post-Production.....	13
4.1	Inadvertently Produced Documents.....	13
4.2	Alternate Custodian Overlay load files.....	13

1 IDENTIFICATION AND COLLECTION

Before you collect electronically stored information (ESI), the Bureau is interested in the following information:

- Name of person from whom the information was obtained;
- Originating file path/folder structure for the information; and
- To the extent possible, use a forensically sound collection method that preserves the information's metadata.

2 PROCESSING/REVIEW

2.1 **Deduplication**

Deduplication vertically within custodian does not require Bureau approval. Horizontal or global deduplication must be done in a way that preserves and produces the people from whom the information was obtained. Global deduplication requires Bureau approval in the form of a written modification to the FTC request. To obtain approval for global deduplication, please submit a written description of the deduplication method to the FTC representative identified in the document request.

Do NOT deduplicate email attachments against loose files or compound documents. Families must be produced intact, except as limited by a claim of privilege.

2.2 **Preferred Formats**

2.2.1 Email

Emails may be produced in TIFF image format with extracted text of email, attachments as separate documents and numbered consecutively to the parent email;

2.2.2 Chat and Text Messages

Because chat & text messages can be stored in a variety of ways, if instant messages are responsive to an FTC request, contact the FTC representative identified in the request to request a meeting with BC's Technology and Information Management group to determine the best approach for collecting and producing instant messages.

2.2.3 *Loose ESI*

Submit Microsoft Excel, PowerPoint, and Access files in their native formats, with the metadata and information described in the “Metadata and other Information Requirements” section below;

Submit other multimedia files in their native formats with the metadata and information described in the “Metadata and other Information Requirements” section below; or

Submit other files and attachments as Group IV single page tiffs accompanied by an image load file, extracted text and the metadata and information described in the “Metadata and other Information Requirements” section below.

2.2.4 *Hard Copy Documents*

Group IV single page tiffs accompanied by an image load file and the metadata and information provided in the “Metadata and other Information Requirements” section below.

2.2.5 *Databases or Data Compilations*

Production format will depend on the database platform, size and contents/function of the database. Access to cloud databases can also be arranged in lieu of production.

Please contact the FTC representative identified in your request to discuss databases and data productions as instructed by the document and data request.

2.2.6 *Executable Files*

Produce executable files separately from documents on separate media and clearly labeled “contains executable files” so that they can be isolated for further inspection.

2.3 Metadata and other Information Requirements

2.3.1 *Emails*

Field Names	Description
ALTERNATE CUSTODIAN	List of custodians where the document has been removed as a duplicate
BATES BEGIN	Beginning Bates number of the email
BATES END	Bates number of the last page of the email
BEG ATTACH	Beginning Bates number of attachment range.
END ATTACH	Ending Bates number of attachment range.
CUSTODIAN	Name of the person from whom the email was obtained
EMAIL BCC	Names(s) of persons blind copied on the email
EMAIL CC	Names of persons copied on the email
EMAIL DATE RECEIVED	Date email was received [format: MM/DD/YYYY]
EMAIL DATE SENT	Date and was sent [format: MM/DD/YYYY]
EMAIL FROM	Names of the person sending the email
EMAIL MESSAGE ID	Microsoft Outlook Message ID or similar value in other message systems.
EMAIL SUBJECT	Subject line of the email
EMAIL TIME RECEIVED	Time email was received [format: HH:MM:SS AM/PM]
EMAIL TIME SENT	Time email was sent [format: HH:MM:SS AM/PM]
EMAIL TO	Name of the person receiving the email
FILE PATH	File path/folder location of email
HASH	Identifying value used for deduplication (SHA1 or MD5)
TEXT LINK	Relative path to submitted text file Example: \TEXT\001\FTC0003090.txt
PAGECOUNT	Number of pages in record

Field Names	Description
ALTERNATE CUSTODIAN	List of custodians where the document has been removed as a duplicate
BATES BEGIN	Beginning Bates number of the email
BATES END	Bates number of the last page of the email
BEG ATTACH	Beginning Bates number of attachment range.
END ATTACH	Ending Bates number of attachment range.
CUSTODIAN	Name of the person from whom the file was obtained
DATE CREATED	Date the file was created [format: MM/DD/YYYY]
DATE MODIFIED	Date the file was saved [format: MM/DD/YYYY]
FILE NAME WITH EXTENSION	Name of the original native file
FILESIZE	Size of file in KB
FILE EXTENSION	File extension type (e.g., docx)
HASH	Identifying value used for deduplication (SHA1 or MD5)
NATIVE LINK	Relative path to current location of native or near-native document Example: \NATIVES\001\FTC0003090.XLS
PARENT ID	Beginning Bates number of the parent document
TEXT LINK	Relative path to submitted text file Example: \TEXT\001\FTC0003090.txt
TIME CREATED	Time file was created [format: HH:MM:SS AM/PM]
TIME MODIFIED	Time file was saved [format: HH:MM:SS AM/PM]
PAGECOUNT	Number of pages in record

Field Names	Description
ALTERNATE CUSTODIAN	List of custodians where the document has been removed as a duplicate
BATES BEGIN	Bates number of the first page (or unique number assigned to document)
BATES END	Bates number of the last page
DATE CREATED	Date the file was created [format: MM/DD/YYYY]
DATE MODIFIED	Date the file was saved [format: MM/DD/YYYY]
FILE NAME WITH EXTENSION	Name of the original native file with file extension
FILE PATH	File path/folder structure of original native file
HASH	Identifying value used for deduplication – typically SHA1 or MD5
NATIVE LINK	Relative path submitted native or near-native document Example: \NATIVES\001\FTC0003090.XLS
TEXT LINK	Relative path to submitted extracted text file Example: \TEXT\001\FTC0003090.txt
TIME CREATED	Time file was created [format: HH:MM:SS AM/PM]
TIME MODIFIED	Time file was saved [format: HH:MM:SS AM/PM]
CUSTODIAN	Name of the person from whom the file was obtained
PAGECOUNT	Number of pages in record

Field Names	Description
BATES BEGIN	Beginning Bates number of the email
BATES END	Bates number of the last page of the document
CUSTODIAN	Name of person from whom the file was obtained
FOLDER NAME	Originating folder name/location of document

3 PRODUCING

3.1 Data

3.1.1 Load Files

- Each volume produced must be accompanied by corresponding DAT file (ANSI), containing the metadata and information specified in the Metadata and Information section. Please do not split document families across volumes.

Recommended delimiters for DAT files are:

Description	Symbol	ASCII Character
Field Separator	¶	020
Quote Character	␣	254
New Line	Ⓜ	174
Multiple Field Entries	;	059

- Image cross reference files can be either an .OPT file or .LOG file. OPT and LOG files should contain a reference for each image (jpeg, gif or tiff) provided.

Example of OPT image cross reference file:

Bates number, volume number, relative path to image, First Page?,,,page count

```
ABC-000000001,VOL-001,00001-01\01\ABC-000000001.tif,Y,,,4
ABC-000000002,VOL-001,00001-01\01\ABC-000000002.tif,,,,
ABC-000000003,VOL-001,00001-01\01\ABC-000000003.tif,,,,
ABC-000000004,VOL-001,00001-01\01\ABC-000000004.tif,,,,
ABC-000000005,VOL-001,00001-01\01\ABC-000000005.tif,Y,,,1
ABC-000000006,VOL-001,00001-01\01\ABC-000000006.tif,Y,,,1
ABC-000000007,VOL-001,00001-01\01\ABC-000000007.tif,Y,,,1
ABC-000000008,VOL-001,00001-01\01\ABC-000000008.tif,Y,,,1
ABC-000000009,VOL-001,00001-01\01\ABC-000000009.tif,Y,,,1
ABC-000000010,VOL-001,00001-01\01\ABC-000000010.tif,Y,,,2
ABC-000000011,VOL-001,00001-01\01\ABC-000000011.tif,,,,
```


3.1.2 Preferred Field Order in Load Files

Field Names	Field Description
ALTERNATE CUSTODIAN	List of custodians where the document has been removed as a duplicate
BATES BEGIN	Beginning Bates number of the Email/Document
BATES END	Ending Bates number of the last page of the Email/document
BEG ATTACH	Beginning Bates number of attachment range.
END ATTACH	Ending Bates number of attachment range.
CUSTODIAN	Name of person from whom the file was obtained
DATE CREATED	Date the file was created [format: MM/DD/YYYY]
DATE MODIFIED	Date the file was saved [format: MM/DD/YYYY]
EMAIL BCC	Names of persons blind copied on the email
EMAIL CC	Names of persons copied on the email
EMAIL DATE RECEIVED	Date email was received [format: MM/DD/YYYY]
EMAIL DATE SENT	Date and Time email was sent [format: MM/DD/YYYY]
EMAIL FROM	Names of person sending the email
EMAIL SUBJECT	Subject line of the email
EMAIL TIME RECEIVED	Time email was received [format: HH:MM:SS AM/PM]
EMAIL TIME SENT	Time email was sent [format: HH:MM:SS AM/PM]
EMAIL TO	Names of persons receiving the email
FILE SIZE	Size of file in KB
FILE EXTENSION	File extension type (e.g., docx)
FILE NAME	Name of the original native file
FILE PATH	File path/folder structure of original native file
FILE HASH	Identifying value used for deduplication – typically SHA1 or MD5
TIME CREATED	Time file was created [format: HH:MM:SS AM/PM]
TIME MODIFIED	Time file was saved [format: HH:MM:SS AM/PM]
PAGECOUNT	Number of pages in record
PARENT ID	Document ID or beginning Bates number of the parent document
FOLDER NAME	Originating folder name/location of document

NATIVE LINK	Relative path to current location of native or near-native document Example: \NATIVES\001\FTC003090.xls
TEXT LINK	Relative path to submitted text file Example: \TEXT\001\FTC0003090.txt

3.2 Images

We accept images files that are:

- Black and White: 300 DPI, Group IV Tiff
- Color: Jpeg files; or
- PDF files: submitted as a linked native file

3.3 Native Files

Please review the Preferred Formats section for guidance on which documents should be produced and how. Native files may be renamed with a beginning bates number or document ID number.

3.4 Text Files

Each document should be accompanied by a text file containing either the extracted text from originally native files or OCR. Provide text files:

- As document-level text files,
- Named for the beginning Bates number, and
- Organized into a folder separate from images

3.5 Virus Scanning

All electronic documents and production media shall be scanned and free of viruses prior to shipping to the Bureau. The Bureau will request replacement for any infected media. Delay will affect the timing of your compliance. FTC uses Symantec EndPoint Protection.

3.6 Field Formats

3.6.1 Date and Time Field Format

Please use the following format for date and time fields:

DATE: MM/DD/YYYY

TIME: HH:MM:SS AM/PM

There are three methods for establishing Parent/Child relationships within the DAT file:

1. Parent ID
 - Include a Parent ID field in all attachment records
2. Attachment Bates Begin/Attachment Bates End fields
 - Include Attachment Bates Begin and Attachment Bates End fields in the parent record. Make sure the parent bates number is included in the range. Attachment begin will be the first bates number of the family, normally the parent. The attachment End will be the last bates number of all attachments of that family.
3. Attachment Range
 - Include Attachment Range field in the parent record. Make sure the Bates number of the parent document is included in the range!


3.7 Sample Productions

To minimize problems and issues with a full production, the Bureau strongly encourages submitting a sample production that includes a representative mix of documents to be produced in the full production, for testing.

3.8 Production Transmittal Letter

For each production, submit a letter that includes all of the following:

- volume name,
- bates ranges and custodians,
- total number of records,
- total number of images or files,
- list of fields in the order in which they are listed in the data files,
- encryption method/software

 Do not include password for encryption in the transmittal letter.

3.9 Encryption

We strongly encourage the encryption of productions before delivery to the FTC.

Be sure to inform us the encryption method or software used when producing documents to minimize issues with decryption.

For larger productions, we encourage the use of encrypted hardware instead of software modules.

3.10 Media/File Transfer

3.10.1 File Transfer

The FTC uses Kiteworks Secure File Transfer. When transferring data, a respondent receives an invitation via email to upload files accordingly.

- The respondent will use a link found in the email to access the FTC instance of Kiteworks. An Email invitation from the FTC is required to utilize this option.
- Invitations are valid for four days.
- Once the party accesses the link, they may upload the files.
- Kiteworks will notify the respondent when the upload is complete.
- To request an invitation, contact the FTC representative identified in the request you received. Please provide the email address of the individual who will be responsible for upload of the files.
- Use of other File Transfer methods is permitted. Please discuss this option with the FTC representative identified in the request to determine the viability.

3.10.2 Media

- **Digital Optical Discs**, which include: CD-ROM (CD-R, CD-RW) optical disks and DVD-ROM (DVD+R, DVD+RW) optical disks for Windows-compatible personal computers, and USB 2.0 Flash Drives are acceptable storage formats.
- **External Hard Disc Drive** can be received in stand-alone portable or hard drive enclosure and must be formatted in Microsoft Windows-compatible, uncompressed data format.
- **Flash Drives** USB 2.0 or above are acceptable connector standards.

4 POST-PRODUCTION

4.1 Inadvertently Produced Documents

Please notify the FTC representative identified in the request that documents have been inadvertently produced, including the basis for any claim of privilege. Provide a log for the document(s) as instructed in the process request. With the log, provide the Bates Begin number, and production volume (or date of production) of each document that was inadvertently produced. Once we have an official notification that inadvertently produced documents have been produced, the documents will be removed from the production and be returned, deleted, or sequestered as appropriate. See FTC Rules 2.11(d), 3.31(g).

4.2 Alternate Custodian Overlay load files

Alternate Custodian information may be produced after the original document was produced. Please provide a DAT file containing Bates Begin and Alternate Custodian field.