



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF TECHNOLOGY
State Capitol
Charleston, West Virginia 25305

Mark D. Scott
Cabinet Secretary

Heather D. Abbott
Chief Information Officer

November 12, 2023

The Honorable Daniel Linville, Co-Chair
Joint Technology and Infrastructure
Room 206-E, Building 1
State Capitol Complex
Charleston, WV 25305

The Honorable Ben Queen, Co-Chair
Joint Technology and Infrastructure
Room 204-W, Building 1
State Capitol Complex
Charleston, WV 25305

Re: Legal Hold Service Request to WV Office of Technology

Dear Chairs:

As requested, below is a synopsis of the WV Office of Technology (WVOT) services and procedure to request services supporting production and preservation of agency emails for legal matters. WVOT manages email as a centralized service to approximately 22,000 accounts. On a daily basis, there are 500,000 emails received and 125,000 sent from the wv.gov email domain.

Currently, agencies are required to request creation or closure of employee email accounts for either new or departing employees.

Standard operating procedure to close a departing employee's account requires agencies to submit a "Deprovision Form". This form starts the process of closing the account, releasing the software licenses, and providing 30 days of access to another employee designated by the agency to download, organize, and/or file relevant documents or emails that may be needed by the agency. Once a deprovision is submitted, the account remains accessible for 30 days. After 30 days, unless additional review time is requested, the account is deleted but the associated data is held for another 25 days, accessible only by WVOT account administrators. After the 25-day period, the data is permanently deleted and not recoverable.

If litigation is anticipated by an agency, agency leadership or counsel can request a legal hold on specific accounts. Legal holds can be applied to either an active employee's account or a departing employee's account at the time of deprovision. Email accounts that have been marked for a legal hold are disabled when the departing employee separates, but the data remains available until needed for legal proceedings.

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Any agency needing to request a legal hold for a specific account may do so by contacting the WVOT's Security Team. At the Governor's direction, WVOT is currently developing an updated form and process for these requests and the service request will be included in the self-service request portal where agencies can request services by WVOT, such as account creation or deprovision. Once the legal hold is applied to the account, the account and its data is preserved until the legal hold is removed (at the request of the agency).

Additionally, the WVOT can perform agency data production as a service to respond to litigation discovery requests. Data production is a search of accounts identified by the agency, often by keyword search and date range (i.e. any john.doe@wv.gov email with the word "basketball" between January and April of 2022.) A data set is provided to the agency to respond to the request for discovery or information. Once provided to the agency, production data is the responsibility of the agency to manage in line with its legal strategy. The WVOT does not retain copies of production data once an agency confirms receipt.

I would be happy to discuss or answer questions related to this information at your convenience.

Sincerely,

Heather D. Abbott

Heather D. Abbott
Chief Information Officer
West Virginia Office of Technology