DeNISTing: An Absolute Requirement for Reducing the Volume of Electronic Discovery

The ultimate goal of electronic discovery is, or at least should be, to obtain information that is truly relevant to the case. The legal community is beginning to also awaken to the need to process, review and ultimately produce this information in the most cost-effective manner.

In 99.99% of cases, relevant information is not going to be contained in the electronic files distributed by software companies with their program files. Microsoft Office programs such as Word or Excel are normally distributed as hundreds to thousands of files requiring literally hundreds of GB of drive space. By simply eliminating the collection or processing of these commercial software files, the volume of electronic discovery and in turn, the cost of complying with requests related to electronic discovery is significantly reduced.

The proper method for excluding these files is known as DeNISTing. The National Institute for Standards and Technology ("NIST") publishes the National Software Reference Library ("NRSL"). The NRSL is basically the Library of Congress of software files. Its comprehensive listing of files includes all of the files known to be distributed with software packages such as Microsoft Office. The listing includes the names of the files, their typical file sizes and the "hash" value for the file. A hash value is an individual file's digital fingerprint. Eliminating the files contained in the NRSL maintained by NIST is called "DeNISTing." In the typical electronic discovery case, DeNISTing alone will reduce the volume of information to be examined by 20%.