

Definitions for the purpose of Section I

1.1 “Control” in the context of disclosure includes documents: (a) which are or were in a party’s physical possession; (b) in respect of which a party has or has had a right to possession; or (c) in respect of which a party has or has had a right to inspect or take copies.

1.2 “Copy” means a facsimile of a document either in the same format as the document being copied or in a similar format that is readable by the recipient, and in all cases having identical content.

1.3 “Data Sampling” means the process of checking data by identifying and checking representative individual documents.

1.4 “Disclose” comprises a party stating that a document that is or was in its control has been identified or forms part of an identified class of documents and either producing a copy, or stating why a copy will not be produced.

1.5 “Disclosure Certificate” means a certificate that is substantially in the form set out in Appendix 3 and signed in accordance with the Practice Direction.

1.6 “Disclosure Review Document” means as the case may be the Disclosure Review Document at Appendix 5 or in the case of Less Complex Claims the Disclosure Review Document at Appendix 6, which is to be completed in support of an application for Extended Disclosure.

1.7 “Electronic Image” means an electronic representation of a paper document.

1.8 “Keyword Search” means a software-aided search for words across the text of an electronic document.

1.8A “Less Complex Claim” means a claim which the parties have agreed or the Court has ordered is one that is suitable for a Less Complex Claim.

1.9 “List of Documents” means a list of documents in chronological order (or if appropriate classes of documents in chronological order), identifying each document with a clear description including the date and, where applicable any author, sender or recipient. Where appropriate the list must distinguish between documents which exist and those that no longer exist.

1.10 “Metadata” means data about data. In the case of an electronic document, metadata is typically embedded information about the document which is not readily accessible once the native electronic document has been converted into an electronic image or paper document. It may include (for example) the date and time of creation or modification of a word-processing file, or the author and the date and time of sending an e-mail. Metadata may be created automatically by a computer system or manually by a user.

1.11 “Narrative Document” means a document which is relevant only to the background or context of material facts or events, and not directly to the Issues for Disclosure; for the avoidance of doubt an adverse document (as defined at paragraph 2.6) is not to be treated as a Narrative Document

1.12 “Native Electronic Document” or “Native Format” means an electronic document stored in the original form in which it was created by a computer software program;

1.13 “Optical Character Recognition” (OCR) means the computer-facilitated recognition of printed or written text characters in an electronic image in which the text-based contents cannot be searched electronically.

1.14 “Technology Assisted Review” includes all forms of document review that may be undertaken or assisted by the use of technology, including but not limited to predictive coding and computer assisted review.