

# Preservation Notice

To: [Distribution list, stated here or attached]

From: [GC or other senior in-house lawyer; if company has no in-house counsel, the notice may be issued by a senior executive uninvolved in the matter under investigation, or, as a last resort, by outside counsel]

Date: [Date]

## Confidential Document Preservation Notice

**This document preservation notice is strictly confidential and should not be discussed inside or outside the company other than questions directed to [designated contact person's name] to ensure compliance. [NOTE: Consider assigning multiple contacts, if warranted in light of the size of the distribution list and anticipated burden of responding to related questions.]**

*[For a purely internal investigation:]*

An internal inquiry is being conducted by company counsel regarding [general description of subject matter of investigation]. The fact that such an inquiry is being conducted [is not cause for alarm, but it] should of course be **treated as confidential** within the company.

In order to facilitate the internal inquiry and comply with the company's legal obligations, **it is vital that all documents and data described below are preserved** and that all routine or other disposal, destruction, or deletion of such materials be suspended until further notice.


*[In response to a government subpoena:]*

[Company] has received a subpoena from [government office or agency] that will require the collection and production of certain company documents in connection with an investigation of [general description of subject matter of investigation]. [Company] intends to cooperate with the [office/agency] investigation and will fully comply with the subpoena. The fact that such an inquiry is being conducted [is not cause for alarm, but it] should of course be treated as confidential within the company.

In order to comply with the subpoena, it is vital that all documents described below are preserved, and that all routine or other disposal, destruction, or deletion of such materials be suspended until further notice.

**Types of Documents:** Specifically, you must take all necessary steps to ensure that the following types of documents are preserved:

- [specify categories of documents to be preserved; if responding to a subpoena, adhere to the specifications in the subpoena and edit sparingly—use an attachment if necessary]



**What Are Documents and Where Are They Located:** The term “documents” include all types of hard-copy and electronic documents and data, regardless of whether located on or at **company or personal** premises, devices, or accounts. **If you are uncertain** as to whether something is a document that should be preserved, **err on the side of preservation**. The documents identified above must be maintained regardless of where they are located or the form in which they are stored, for example:

- Hard-copy documents
  - in your office
  - in common or shared storage areas
  - at any company facility
  - in off-site storage facilities
  - at your home
  - at any other location
- Electronic documents and data, **including text messages and chat conversations, regardless of the platform or application**
  - on computer servers
  - in databases
  - on desktop or laptop computers
  - in email accounts
  - in instant-messaging accounts
  - in voicemail boxes
  - on smart phones or other devices
  - in cloud storage repositories
  - on portable electronic media such as external hard drives, thumb drives or CDs

There is no distinction between “official” company files and your “personal” files. All potentially relevant documents that you wrote, compiled, or received must be preserved, including any copies you have saved separately from any “official” or “company” file. This is so even if such documents are maintained on your personal platforms, cloud storage, social media accounts, personal communications services and applications, personal devices, or other repositories that you control.

## Other Instructions

- These document preservation instructions take precedence over all other document-management policies or programs. Please take all necessary steps to suspend routine document destruction activities that might threaten covered documents, including documents that may be stored off-site (e.g., on your phone or in the cloud), and the automatic deletion or overwriting of data. This includes changing or updating settings on your phone or other devices to turn off auto-delete functions or expiration periods on applications, that may contain documents or data subject to this notice to ensure such documents are preserved.
- **Again, if you are in doubt** as to whether any documents should be preserved, you should err on the side of preservation.
- Originals **and** all copies, including drafts, of relevant documents must be preserved.
- [remove when distribution list is not shared (e.g., when even the identity of those involved is sensitive)]  
If you are aware of anyone who has custody of or access to the categories of documents described above and was not included on the distribution list for this notice, please notify [designated contact person's name] immediately.
- Do not forward or distribute this notice.

***Your compliance with the instructions in this notice is essential.*** Any alteration, removal, or destruction of relevant documents or data may be a violation of law that could result in adverse consequences for the responsible individual(s) and/or the company.

Please promptly confirm by reply email to [designated contact person's name and email address] that you have received, reviewed, and will comply with the instructions in this notice.

Please also keep in mind the confidential nature of this preservation notice and the related inquiry.

If you have any questions about these instructions, please call [designated contact person's name] at [phone number].

Thank you for your cooperation.