

The Case Against Relying Solely on Microsoft Purview for eDiscovery

Why organizations need a broader strategy for comprehensive, defensible search, and compliance.

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Introduction: The Reality of eDiscovery Today

In today's reality, organizations are comfortable performing their own eDiscovery searches. We are going to discuss how Microsoft Purview may not be the best tool in the shed for complex (or even simple) eDiscovery.

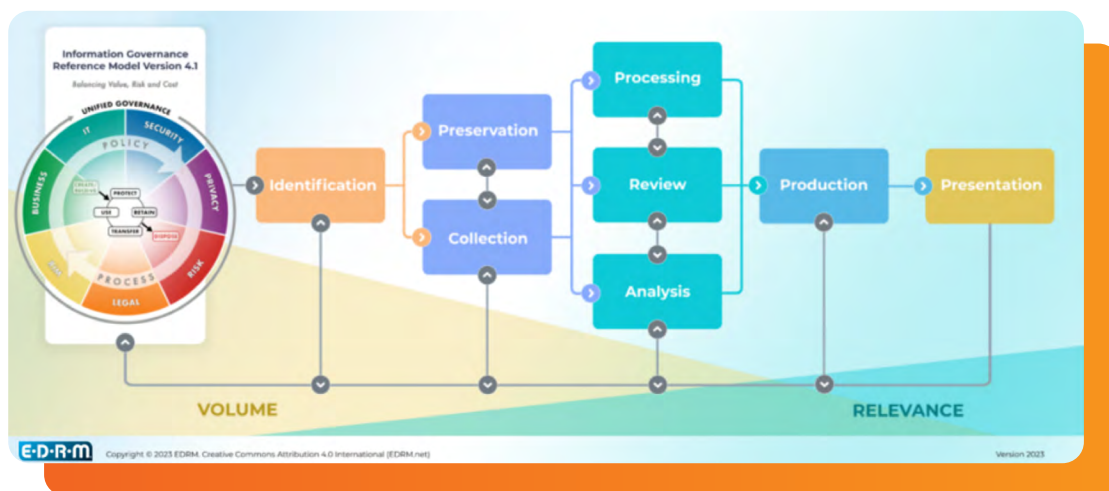
Looking at the eDiscovery landscape and the myriads of advanced tools available, through some exhaustive research, we have found that there are several features that are common across many toolsets. These features are now at the core of eDiscovery workflows. Organizations rely upon these features to perform complete and reliable eDiscovery case work.

We have found that even small lawsuits that involve high volumes of Electronically Stored Information (ESI) can present difficulties managing their discovery process when using Microsoft Purview eDiscovery. More alarmingly, it has been discussed (by several trusted advisors, e.g. Phil Favro) that relying solely upon Purview eDiscovery, organizations may not be able to perform a comprehensive search to reasonably identify relevant information.

Our analysis has shown that Purview eDiscovery's functionality has certain search limitations in search accuracy, indexing, and content sources. Organizations need to take steps to address these gaps so they can establish the defensibility of their discovery process by the courts and opposing counsel.

Two general limitations with Purview eDiscovery of which responding parties (in-house legal) should be aware include:

- Discovery search functionality.
- Discovery of content outside the Microsoft realm.



Limitations of Microsoft Purview eDiscovery

Indexing

While Microsoft indexes much of the content in a user's Microsoft 365 ecosystem, it does not comprehensively index all information encompassed within an organization's Microsoft 365 environment. Microsoft makes clear that certain files, file types that are not supported by Microsoft 365, and file sizes (4–150 MB, based upon file type) can result in partially indexed items or indexing errors. (See [Partially indexed items in Content search](#), Microsoft, June 13, 2024.)

Without a fully indexed data set, responding parties' search results may be incomplete and vary from one search to the next (even when using the same search terms), and therefore be unreliable.

Microsoft provides some additional indexing capabilities for its eDiscovery Premium customers (\$0.6667 per GB processed and stored per day, available under E5 and through specific eDiscovery and compliance add-ons on the E3 plan) that may ease some of these issues. Referred to respectively by Microsoft's marketing literature and technical instructions as deep indexing and advanced indexing, eDiscovery Premium users can have partially indexed SharePoint content (or content that generated indexing errors) reindexed.

However, Microsoft explicitly acknowledges that even this advanced reindexing option for eDiscovery Premium users does not extend to emails that have image attachments. Because attached images are not indexed, they will not be included in any search results (this means there is no Optical Character Recognition (OCR)). Since images may be critical evidence in certain litigation, this is a significant limitation with Microsoft's search capabilities. (See [Overview of Microsoft Purview eDiscovery \(Premium\)](#), Microsoft, May 14, 2024; [Advanced indexing of custodian and non-custodial data sources](#), Microsoft, July 21, 2023.)

In addition, anecdotal reports suggest that indexing issues generally impact many organizations' uses of Purview eDiscovery to effectively handle ESI searches.

Search Limitations

Purview eDiscovery search features are more limited than those offered by a full-service eDiscovery platform (like Arctera's eDiscovery solutions) that has fully indexed data and an advanced search engine (that includes OCR). While eDiscovery Premium users have some search capabilities beyond those available to Content Search and eDiscovery Standard users, all Purview eDiscovery solutions have important limitations related to:

- Indexing
- Search connectors and types
- Analytics
- Scalability and accuracy
- Validation

Search Types

Purview eDiscovery does not enable users to run advanced eDiscovery searches. Users do not have access to:

- Complex Boolean searches, including advanced wildcard operators, negative operators, or connector terms.
- Boolean wildcard searches that allow users to identify relevant documents with misspelled or otherwise transposed lettering that would be missed by standard search terms.

These limitations may prevent responding parties from identifying relevant information within their Microsoft 365 environment using Purview eDiscovery search tools. Content Search, eDiscovery Standard, and eDiscovery Premium users do have access to some Boolean connectors (such as AND, OR, NOT, and NEAR) and other operators, for example, prefix, exclusion, and exact wording searches (be sure to view this page for details on Microsoft eDiscovery search format and tips [Keyword queries and search conditions for eDiscovery](#), Microsoft, Nov. 28, 2023).

While these and other search features are helpful, Arctera Insight Advanced eDiscovery offers more advanced search functionality (that includes GenAI search summaries and more...) that can be used to more readily and defensibly identify relevant information for review and production.

Content Other Than Microsoft 365

Purview eDiscovery cannot at this time collect content from outside the M365 environment. Content from Slack, Advanced MS Teams, Jabber, Bloomberg, ServiceNow and many, many more cannot be collected.

This content is critical for today's eDiscovery user. There are many new regulations that require eDiscovery search on more than just M365 content. Some of these regulations are:

- CCPA
- HIPAA
- GDPR
- DORA
- MiFID II
- FINRA
- FinCEN
- and others.

Organizations must have a comprehensive methodology to capture, index, search, and produce other content sources, than just those represented by M365. When thinking about compliance (specifically in the financial industry), if an institution does not collect a mandated form of communications/collaboration it is considered an off-channel communication. That means that regulators cannot "see" what transpired in those communications. Off-channel communications can lead to a financial institution paying extensive fines.

There are other content sources that have been typically overlooked due to the complexity of capturing the data. This data type is mobile chat, specifically, encrypted chat sources. iMessage, Google Chat, Signal and others. These conversations are more and more becoming a necessary content source for eDiscovery. Again, you do not want off-channel communications.

This is where Arctera really helps enhance what is already provided by Microsoft. Microsoft and Arctera really are better together. Arctera augments what Microsoft provides and truly makes it better. Arctera collects and indexes (completely) over 130+ content sources (Slack, Teams, Bloomberg, WhatsApp, iMessage, Signal, ServiceNow, Salesforce, and more). Arctera moves an organization's compliance stance from just "good enough" to great in a single stroke.

No more off-channel communications—"better together" just became a championship team.

Analytics

Purview eDiscovery generally does not provide Content Search or eDiscovery Standard users with advanced analytics technology. This means that those users do not have access to search methodologies or analytics tools like:

- Near duplicate detection
- Data clustering
- Social networking analysis
- Sentiment analysis
- Technology-Assisted Review (TAR)

Any combination of these can help responding parties identify relevant documents that search terms may overlook or otherwise fail to identify.

eDiscovery Premium users have access to some analytics tools including email threading, near duplicate detection, and predictive coding. While these tools are an improvement over the Content Search offering, they do not deliver the enhanced functionality that [Arctera Insight eDiscovery](#) provides (part of Arctera's complete bundle, which includes Advanced eDiscovery, M365 archiving, many content sources and more—all at one low price).

Scalability and Accuracy

Reportedly, evidence suggests that Purview eDiscovery's search features may perform poorly when searching large numbers of custodians or volumes of data.

Microsoft clearly delineates in its technical specifications the parameters and limits for eDiscovery searches (see [Limits in eDiscovery \(Premium\)](#), Microsoft, Aug. 15, 2023). However, concerns have been raised regarding the ability of Purview eDiscovery to effectively handle searches when the Content Search module is used to identify relevant information across greater numbers of custodians or higher data volumes.

This scalability issue goes hand in hand with additional anecdotal observations that search results may be inaccurate, as indicated by the inconsistent results reached when repeating identical searches across large numbers of custodians or high data volumes.

What Arctera Provides

Organizations need to identify critical information to know what data to protect, how long to retain it, and what to delete. Understanding data in place is vital in the aftermath of a ransomware exfiltration attack.

Communication monitoring has become more complex with the increase in remote work. Applications such as Microsoft Teams, Zoom, and WhatsApp have become essential channels. Meanwhile, litigation continues to increase. The growth in communication tools adds challenges to content collection.

Data Compliance Challenges

Organizations face many challenges related to data compliance and governance. Today's fast-paced multichannel communication involves ever-increasing regulatory scrutiny and penalties for violations. In addition, challenges such as lack of data leadership, resources, time, and budget increase the difficulty of proactively protecting data and maintaining compliance.

A sound compliance strategy requires insight into the information ecosystem. Critical intelligence regarding the age, location, and ownership of data provides the roadmap for effective decision-making. Understanding your risk profile allows you to shift from a store-everything mentality to a value-focused perspective.

Challenges vary by industry. For example, financial services organizations must monitor an ever-expanding volume of content and channels including email, chat, social media, collaboration, and audio/video. Failing to monitor and manage data correctly can lead to massive fines. In 2024 alone, Wall Street firms received \$1.8B in penalties resulting from misuse and improper monitoring of WhatsApp communications.

Worldwide, litigation continues to grow and become more complex. In an annual survey by Norton Rose Fulbright, 44 percent of firms expect litigation to grow in 2023. Only 13 percent expect a reduction in cases. New communication channels increase complexity and the need to surface relevant content for a given case.

Successfully managing compliance requires proactive mitigation of risks and streamlining data-management processes. Arctera provides a comprehensive solution for [data governance, compliance, and eDiscovery](#). Gain detailed understanding of your information at source, including potential hazards and vulnerabilities.

Ensure Comprehensive Compliance Oversight with Arctera

Many organizations face challenges monitoring electronic communications, leaving them vulnerable to regulatory violations such as insider trading and off-channel communications. Detecting non-compliance in real time is challenging due to the lack of precision and efficiency in manual monitoring processes.

[Arctera Insight Surveillance](#) uses advanced technologies like AI and machine learning to help organizations supervise communications, detect potential threats, and ensure compliance with regulations.

Key features include:

- **Monitoring and Compliance:** Enhance regulatory compliance with real-time monitoring and AI-powered detection capabilities.
- **Workflow Automation:** Facilitate timely review and compliance checks, minimizing risk of non-compliance penalties.
- **Voice Transcription:** Comprehensive voice transcription capabilities to capture and document communication activity.

How Arctera Helps

Arctera and Microsoft M365 bring a better strategy together to the marketplace. Arctera provides compliance and eDiscovery for over 130 content sources, while Microsoft provides a unique and integrated messaging and knowledge management system.

Our customers have found that when using either our eDiscovery or compliance tools, there is no direct need to use similar features in Microsoft Purview. Arctera provides complete and comprehensive tools that allow a single search to provide responses across all collected content sources (M365, Slack, Advanced MS Teams, iMessage, audio and video, Zoom, Bloomberg, IceChat, and many others).

Arctera advantages:

- Expanded Scope of Data Capture: Supports all key content and communication platforms.
- AI-Powered Efficiency: GenAI, classification, summarization, and intelligent review.
- Seamless Integration: With Microsoft tools like Outlook, SharePoint, and Teams.
- Flexible Deployment: Cloud, on-premises, or hybrid environments.
- Specialized eDiscovery and Surveillance: Purpose-built tools for legal and compliance needs.

Conclusion: Why Arctera Is the Better Together Partner

While Microsoft Purview provides ease of deployment and integration within the Microsoft ecosystem, Arctera offers advanced features and functionalities, particularly in data analytics and handling complex data.

Arctera is truly a one-stop shop for collecting all the communication channels you need and making them searchable, all at once.

The combined use of Microsoft's compliance solutions and Arctera's specialized tools will create a more robust and efficient compliance framework, helping organizations:

- Address a broader range of data sources (130+)
- Reduce regulatory risk
- Leverage advanced AI capabilities
- Move from "good enough" to great
- Strengthen legal defensibility

Learn More

Ready to enhance your eDiscovery and compliance capabilities?

Visit www.arctera.io/partners/microsoft to explore how Arctera and Microsoft work better together to deliver powerful, integrated compliance and discovery solutions.

About Arctera

Arctera, a business unit of Cloud Software Group, is the leading global provider of compliance and governance solutions that enable firms to unleash game-changing technologies into their organizations while minimizing risk. Created in 2024 from Veritas Technologies, Arctera helps the biggest companies in the world monitor and control exactly how their information is being accessed, used and shared. The Arctera Insight Platform is able to capture data from over 130+ different content sources, and more than 280 AI policies help firms streamline compliance and adapt to evolving regulations.



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