

## Case 2.

Computers fail for many reasons; most commonly, because of a hard drive crash. Computers may also be rendered unusable by fire, flood, mistreatment, sabotage, rust, viruses, overheating, static electric shock, and other mishaps. Users sometimes lose data by forgetting a password, deleting data accidentally, or making other mistakes. Even the savviest user will sometimes neglect to back up important data. When catastrophe occurs, the data stored on the hard drive, though often still there, cannot be retrieved by normal means.

Properly trained technicians often can recover data. The process can be painstaking and delicate, and only a few are qualified to recover data. Those who are qualified usually charge high prices for their service, which customers are willing to pay.

Fred earns a comfortable living as president of his own small data recovery company, Recoupabyte Confidential, Inc. Starting five years ago from a one-person operation, he now employs a team of six: three technicians for the service side, and three staff members for the business side. The corporate website advertises comprehensive data recovery from most mishaps, free estimates, and complete confidentiality. Their tagline is “Your reputation is safe with us.” Fred had often thought about that line, thinking that, “Your data is safe with us” might be more accurate.

Fred assigned Arnie, a new technician, to the case of a new customer, Mr. Bowen. In a rage, Mr. Bowen had hurled his laptop through a window of his house. After calming down, he realized that all his tax records were on the computer and he had no backup. He gathered up the pieces of the laptop and brought them to Recoupabyte. During the interview, with Fred and Arnie both present, Bowen nervously inquired about the confidentiality promise. He wanted to make sure that Recoupabyte would treat all data in the strictest confidence, no matter what it might be. Fred assured him that anything on the computer, unless it involved plans for future criminal activity, would be completely safe with Recoupabyte. “We are all professionals here!” he said.

Since the hard drive had been damaged, Arnie had to extract and examine one file at a time. Many files were lost or hopelessly corrupted. In examining files, Arnie noticed some poor-quality photographs of what looked like a badly injured person. He continued the retrieval process and found a folder called “diary” that contained files named by month and year. He examined one of these files and found it to be a first-person account of daily activities. His curiosity getting the better of him, he found the diary file with the same date as one of the photographs. To his amazement, the diary contained a brief, perfunctory account of a murder.

Shocked by what he had seen, Arnie went home early. In the middle of the night, unable to sleep, he got on the Internet and started searching for information about a local murder

committed about that time. He found nothing about a murder, but a month after the date on the file, there had been an unresolved missing person report.

The following morning, Arnie went in early and read the entire diary. By his own account, Mr. Bowen was an extremely volatile person, who frequently flew into uncontrollable rages. His diary recounted numerous times he had destroyed property or ruined friendships in his rage, only to come to his senses later and indulge in bouts of self loathing and remorse. Remorse quickly passed until the next incident.

According to the diary, Bowen had struck a drinking buddy during an argument, knocking him out. The sight of him lying unconscious on the floor had only enraged Bowen all the more. He continued hitting and kicking him until his fury was spent. When Bowen came to his senses and checked for a pulse, he realized his friend was dead. The diary went on to describe how he disposed of the body, but did not give a location.

Arnie called Fred into the lab, showed him the files and poured out the whole story. “So what do we do?” he asked.

Fred replied, “We recover his data and give it back to him.”

“And then what?”

“Send him a bill.”

Arnie turned red and spluttered in disbelief, until Fred finally explained. “Look, kid. This company is built on confidentiality. People need to know that we will not turn them in, no matter who they are. Otherwise, if we start picking and choosing what dirt we turn over and what we sweep under the rug, we’ll lose all trust. We’re not a jury. We’re not even consultants or advisors, we’re just housecleaners. Not noticing anything in the house we’re cleaning is just good business practice. And what if it’s not a real diary, but notes for a novel? So, finish your work and stop snooping through Bowen’s files, O.K.?”