# Introduction to Modern Records Mangement

## Class 1
## Introduction to Modern Records Management: Creating a Records Policy and Schedule

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# Today’s Faculty



Tom Mighell, Esq., COO, Contoural

With over 25 years of experience in compliance, litigation, privacy and information governance, Tom regularly works with corporations to develop information governance programs and is a Certified EU Privacy Professional.  Tom served as Chair of ABA TECHSHOW 2008 and 2018, and as 2011-2012 Chair of the ABA's Law Practice Division.

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# Syllabus

**Class 1: Introduction to Modern Records Management: Creating a Records Policy and Schedule**

- **Key concepts of a modern records program**
- **Creating a compliant and easier-to-execute records retention schedule**
- **How privacy, data governance and other initiatives fit into a records program**

Class 2: Records Program Execution

- Determining the right level of program maturity for your company
- Getting a records program started or restarted
- How to avoid from getting stuck, or restarting a stalled initiative
- Designing a records program so it drives effective privacy, eDiscovery, and employee productivity

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# Syllabus, cont.

## Class 3: Automating Records Management

- The Five Second Rule – Creating combined records management, privacy, data classification and access control processes that employees can follow quickly
- A quick review of technologies to automate programs, including technologies that most companies already own today
- How to delete email, files and other information quickly and defensibly
- Combining policies, processes and technologies to automate records management

## Class 4: Records Management Training, Employee Behavior Change Management and Organizational Development

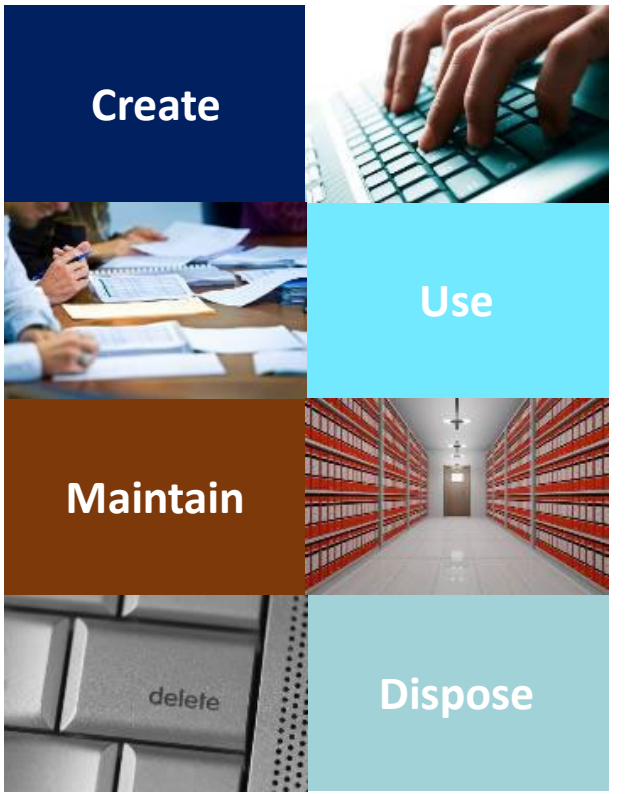
- How messaging, communications plans, training and audit can be combined into an effective employee behavior change management strategy
- Creating records management messages that resonate, even for employees that don't care about records management
- Creating and staffing a records management organization

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# What is Records Management?

Records Management, sometimes referred to as Records & Information Management, or “RIM,” refers to the systematic control over the lifecycle of records.

Everyone manages records as part of their work - creating, using, storing, and ultimately destroying documents on a daily basis.

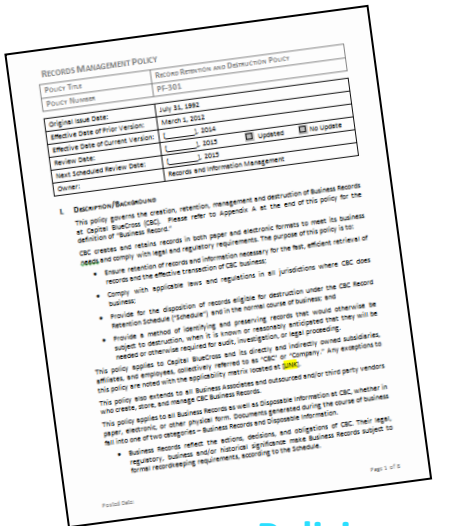



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# Records Management Policies and Schedules

## Record Retention Policies

- Sometimes referred to as a Records Retention and Destruction Policy. It governs the management of all records, in any format.
- Typically, it is an enterprise policy that applies to all employees in all locations and business units.
- The Policy is the stated intent for an organization to comply with applicable contractual, regulatory and legal recordkeeping requirements


RECORDS MANAGEMENT POLICY

Records Retention and Destruction Policy

Policy Title

Policy Number

PF-501

Original Issue Date:

July 31, 1992

Effective Date of Prior Version:

March 1, 2012

Effective Date of Current Version:

_____, 2014

Updated

No Update

Review Date:

_____, 2015

Next Scheduled Review Date:

Owner:

Records and Information Management

I. Description/Background

This policy governs the creation, retention, management and destruction of Business Records at Capitol BlueCross (CBC). Please refer to Appendix A at the end of this policy for the definition of "Business Record."

CBC creates and retains records in both paper and electronic formats to meet its business needs and comply with legal and regulatory requirements. The purpose of this policy is to:

- Ensure retention of records and information necessary for the fast, efficient retrieval of records and the effective transaction of CBC business;
- Comply with applicable laws and regulations in all jurisdictions where CBC does business;
- Provide for the disposition of records eligible for destruction under the CBC Record Retention Schedule ("Schedule") and in the normal course of business; and
- Provide a method of identifying and preserving records that would otherwise be subject to destruction, when it is known or reasonably anticipated that they will be needed or otherwise required for audit, investigation, or legal proceeding.

This policy applies to Capitol BlueCross and its directly and indirectly owned subsidiaries, affiliates, and employees, collectively referred to as "CBC" or "Company." Any exceptions to this policy are noted with the applicability matrix located at SINK.

This policy also extends to all Business Associates and outsourced and/or third party vendors who create, store, and manage CBC Business Records.

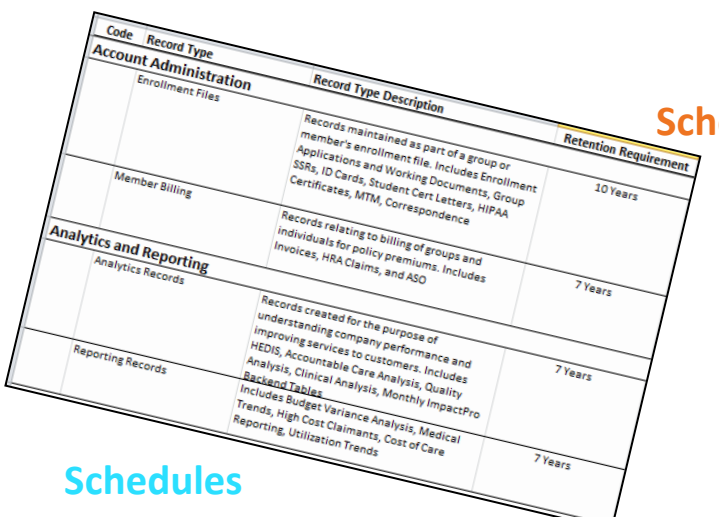
This policy applies to all Business Records as well as Disposable information at CBC, whether in paper, electronic, or other physical form. Documents generated during the course of business fall into one of two categories – Business Records and Disposable information.

- Business records reflect the actions, decisions, and obligations of CBC. Their legal, regulatory, business and/or historical significance make Business Records subject to formal recordkeeping requirements, according to the Schedule.

Page 1 of 6

Posted Date:

Policies



| Code | Record Type | Record Type Description | Retention Requirement |
|---|---|---|---|
| **Account Administration** | | | |
| | Enrollment Files | Records maintained as part of a group or member's enrollment file. Includes Enrollment Applications and Working Documents, Group SSRs, ID Cards, Student Cert Letters, HIPAA Certificates, MTM, Correspondence | 10 Years |
| | Member Billing | Records relating to billing of groups and individuals for policy premiums. Includes Invoices, HRA Claims, and ASO | 7 Years |
| **Analytics and Reporting** | | | |
| | Analytics Records | Records created for the purpose of understanding company performance and improving services to customers. Includes HEDIS, Accountable Care Analysis, Quality Analysis, Clinical Analysis, Monthly ImpactPro Backend Tables | 7 Years |
| | Reporting Records | Includes Budget Variance Analysis, Medical Trends, High Cost Claimants, Cost of Care Reporting, Utilization Trends | 7 Years |

Schedules

Schedules

## Records Schedules

- The Records Retention Schedule is typically an addendum to the policy and lists all record types and their retention periods.
- Some schedules detail the legal citations supporting the retention period.
- Schedules can be organized in a various of formats.

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# What are Business Records?

- Reflect business actions or decisions
- Can exist in any media format (paper, electronic, email, DVDs, images, etc.)
- Retention justified either by legal or regulatory requirement and/or business value
- May be stored in various locations (physical and/or electronic)
- Have defined retention requirements



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# Non-Records

## 1. Convenience Copies

Convenience Copies are documents copied to you as a convenience. You probably often receive email with copies of documents attached; your department did not create them, so you have no responsibility for retaining them.

Convenience Copies should only be kept as long as needed to do your job. If you no longer need a Convenience Copy, dispose of it.

## 2. Drafts

There are often many drafts created of a final record. Dispose of drafts once superseded by a new draft or the final version.

If retention of drafts is required for legal or regulatory reasons, keep them for the period identified in the Schedule. Otherwise, dispose of them.

SAMPLE

## 3. Work Papers

Work Papers are short-term records created as part of a project or in conjunction with working on a task.

These records include notes, reference materials, or other documents created and used when accomplishing a task.

Dispose of Work Papers as soon as you no longer need them.

## 4. Transitory Information

Transitory Information are emails and other documents with no on-going business value.

Transitory Information can include notes, out-of-office messages, and personal email.

Dispose of Transitory Information immediately.

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# Working Documents

**Working Documents** are short-term records created as part of or in conjunction with working on a task.

These records include notes, reference materials, or other documents created and used when accomplishing a task.

However, some working documents become part of an official record when the task is complete.

Many companies allow retention of working documents for a limited period, e.g., 18 months, in a managed repository.



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# Legal Holds May Supersede Record Retention Destruction Dates

## Instructions for complying with a Legal Hold:

- Carefully read the Legal Hold Notice you receive from the Legal Department.
- Save and store documents normally.
- Do not delete, destroy, alter or modify existing documents.
- Continue to preserve documents until you receive a Legal Hold Release.
- When the Legal Hold is released, review the preserved records.
  - Destroy any records whose retention period expired during the Legal Hold.
  - Continue to keep the remaining records until the end of their designated retention period.

SAMPLE

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# Rethinking Records Retention Schedules

## Traditional Approach

- Retention biased towards paper records
- Focuses almost entirely and legal and regulatory record retention, for the most part excluded business value.
- Dictates policies to business units, does not engage them
- Records program is a stand-alone entity
- Once policy is published little or no audit



## Modern Approach

- Includes a **comprehensive** list of record types **across all media**
- Records identified based on legal and regulatory requirements *and* **business value**
- Represents a consensus across key stakeholders and business units on what to save for how long and what can be deleted
- Lends itself to be **integrated** with privacy, eDiscovery, and other compliance frameworks
- Includes processes to demonstrate it is being followed, making it **defensible**

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# Have We Captured All The Record Types?

**Common Records** – 75% of Record Types

Common across many companies:
- Finance
- HR
- Marketing

**Organization-specific Records** – 25% of Record Types

Specific to your industry or even your company:
- R&D
- Manufacturing
- Operations

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# Strategies to Increase Comprehensiveness Quality and Maturity

*Electronic Survey-only Industry Average Participation Rate:* ***2% to 8%.*** *Risks missing information*

*60 minute interviews with groups of 1 to 5 people produce the highest quality data, which can be supplemented with online surveys*




*"Minimal Spanning Tree" Interviews – Collecting the most information with the fewest interviews.*



*"Deep Dive" on documents and records for accuracy and completeness*



*Involve the business on both ends – data collection and schedule validation. Participation is good for buy-in and compliance when the schedule is rolled out.*

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# Globalizing Your Records Management Program

Identify Differences from the U.S. and other countries

- Update Policies, Process, Procedures, Retention Schedules
- Regional and Country Exceptions, Local Practices
- Define Change Management & Communication Plans (localization)
- Define a Schedule to Roll-Out Changes
- Connect through the Organization – No Surprises
- Follow-Up Regularly
- Rinse, Repeat

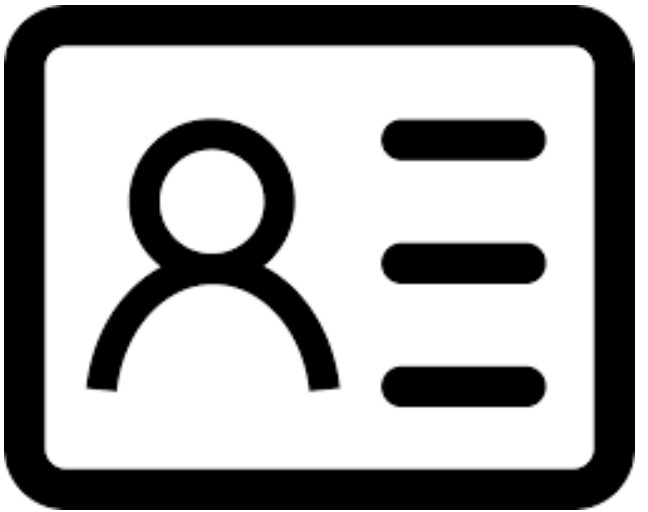
| Governance Structure & Organizational Structure |
| --- |
| Define a global framework |
| Set-up or augment a governing steering committee |
| Define roles & job descriptions |
| Define country specific differences in roles |
| Setting up a liaison for each business unit / country |
| Define communication, audit and review processes |

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# Personal Information Retention and Disposition Requirements

**Personal information is information. It goes through the information lifecycle like all other information.**

**However, many privacy laws require that personal information, unlike other information, be kept "no longer than necessary" and be able to be deleted on demand by the data subject.**



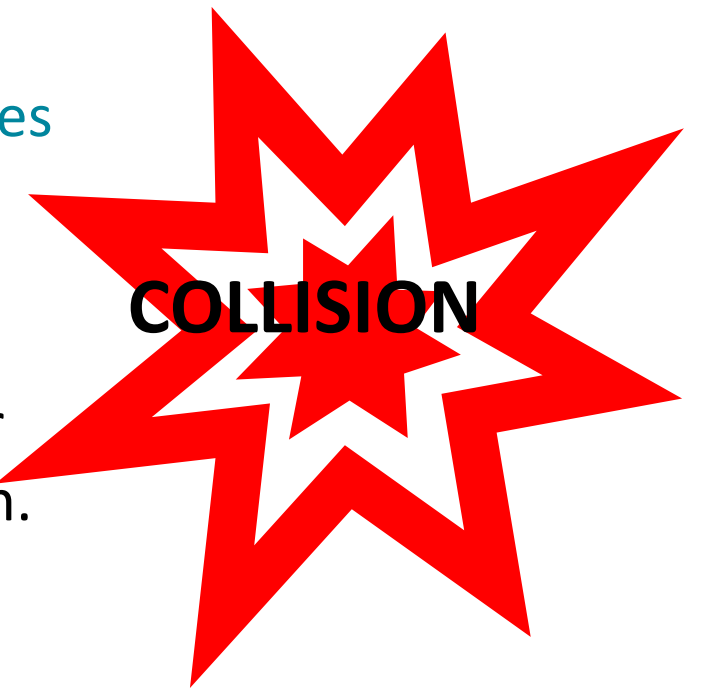
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# When Record Retention and Privacy Requirements Collide

- So how do you keep business records and information for as long as the business utility exists, but only keep personal information “no longer than necessary” and be able to delete on demand?

Use your records retention schedule processes to help.

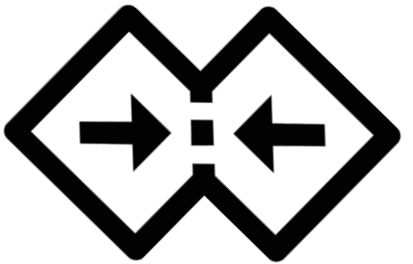
Just as you work through the business and legal need for other records, do the same for your records containing personal information.




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# Data Retention Policy vs. Records Retention Policy and Schedule

**New Data Retention Policy**



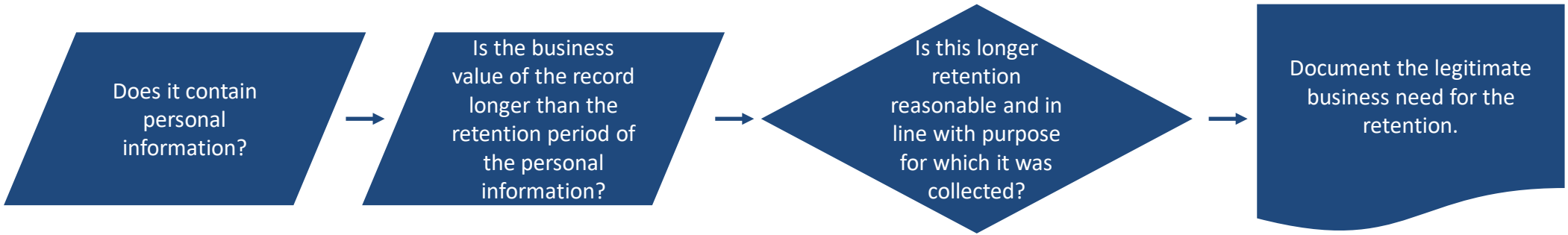
**Record Retention Policy and Schedule**

- Legal and Regulatory Retention Requirements
- Business Value
- *Add disposition requirements*
- *Add personal information*
- *Add legitimate business purpose process*

You do not need a new document – **you already have the tools you need to appropriately manage and retain personal information.** Irrespective of the title of the document/s, they provide the same information: the length of time you must keep records.

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# Personal Information Business Justification Process




| Code | Category | Description | Examples | Retention | Personal Information | Retention Justification |
|---|---|---|---|---|---|---|
| CRP1000 | Business Organization | Formal corporate and board of director documentation of the company, as well as records related to shareholder activity and stock ownership in the company. | Includes Articles of Incorporation, Amendments, Bylaws, Corporate Charter, Corporate Meeting Minute Books and Resolutions, Board Meeting Minutes and Materials, Board Committee Meeting Minutes and Materials, Board Dockets, Board of Director Conflict of Interest Records, Annual Reports, Stock Transfer Records, Shareholder Records, Shareholder Meetings, Shareholder Proxies, Shareholder Dividends | Permanent | • Conflict of Interest Forms (contains Board Member and employee names, and may contain names of other relations as part of the disclosure)<br>• Shareholder Records (contains names of individual shareholders and shares held)<br>• Corporate Minutes (may contain personnel names and other employment information)<br>• Corporate Resolutions (may contain personnel names) | Laws in Q state, where we are headquartered, require that we keep formal corporate information permanently. Laws in X and Y countries, where we have substantial operations, require that we keep formal corporate information permanently. As a corporation, having a historical record of all decisions made by the Board of Directors is important to our ongoing business. |

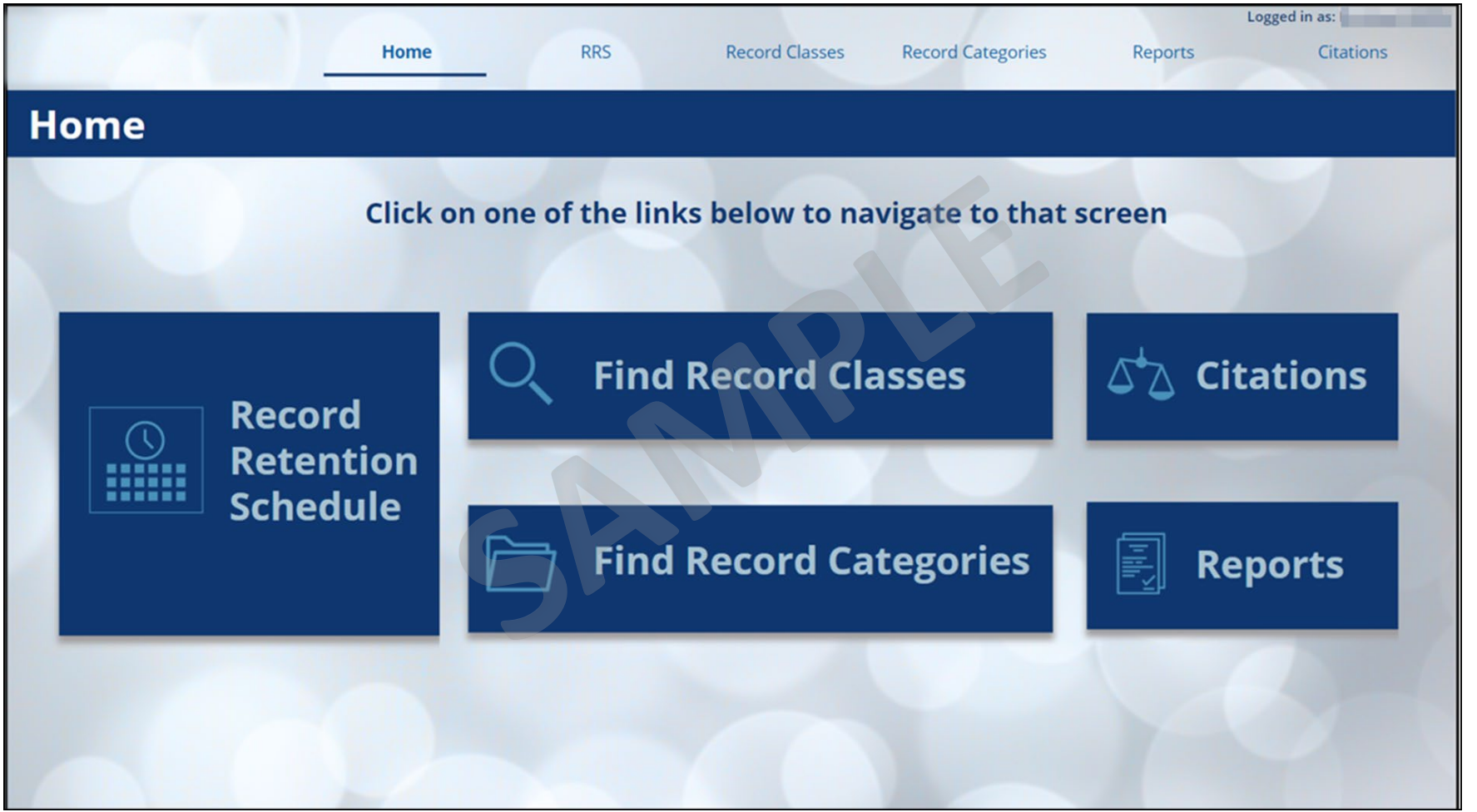
SAMPLE

Address Records Containing Personal Information

Identify Legitimate Business Need for the Retention Period

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# Records Retention Schedule – Power App




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# Information Governance vs. Data Governance

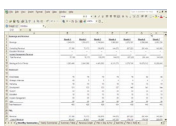
## Media



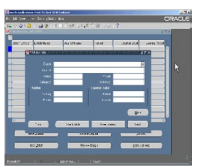
- Paper



- Semi-structured
  - E-mail
  - IM/Text Messages
  - Wikis
  - Social Media



- Unstructured
  - Files
  - Images



- Structured
  - Relational and other databases

Information Governance

Data Governance

| Information Governance Skills |
|---|
| Records Management |
| eDiscovery and Litigation Readiness |
| Privacy |
| Behavior Change Management |
| Enterprise Content Management |
| Archiving |
| Defensible Disposition |
| Enterprise Rollout |
| Project Management |
| Communication |

| Data Governance Skills |
|---|
| Data Architect |
| Data Analyst |
| Privacy Workflow |
| Information Security |
| Relational Databases |
| Big Data and Non-relational Systems |
| Data Modeling |
| Data Integration |
| Data Warehousing |
| Project Management |
| Communications |

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# The Joint Program Hidden Win



Records compliance drives better information management, which drives higher employee productivity.

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# Questions?



**Tom Mighell,** COO
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# Introduction to Modern Records Mangement

## Class 2
## Records Program Execution

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# Syllabus

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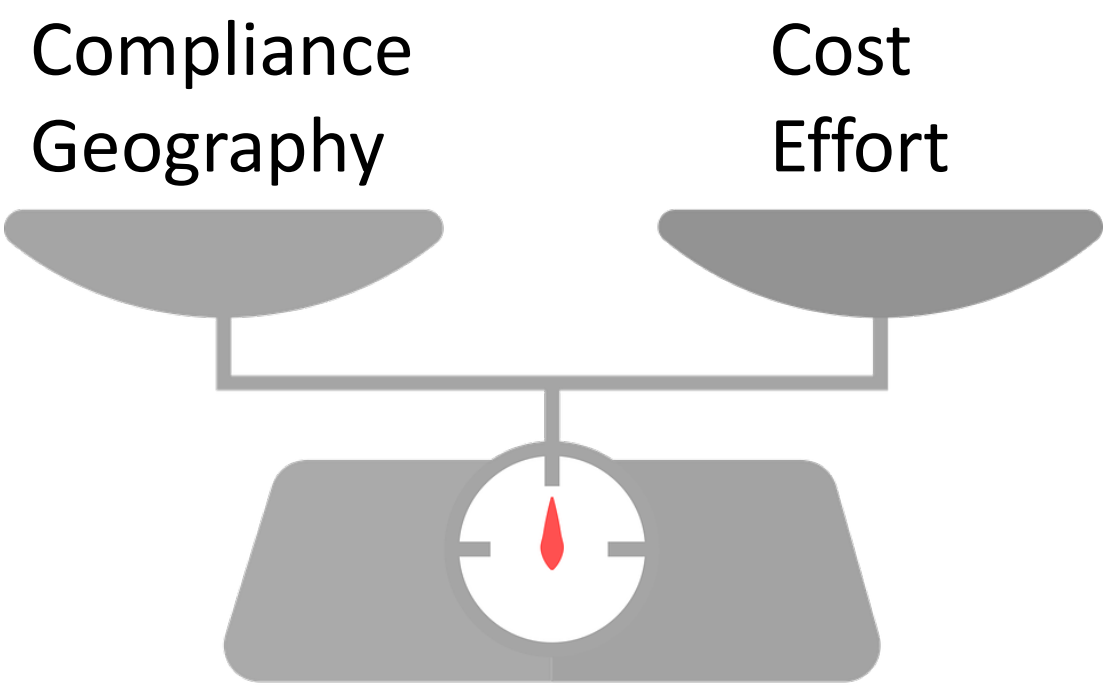
# A Records Retention Policy and Schedule is not the “Last Mile” - it's the First



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# How Much Effort Should You Put Into Your Records Program?

Traditional Records Program Maturity Drivers




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# Hidden Records Program Drivers



**Effectiveness – Will our program really work?**

**Consensus – Can we get other groups on board?**

**Ownership – If we initiate a program, will we end up owning it forever?**

**Priority – Do we really need to do this now?**

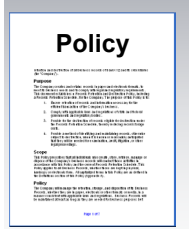
**Consequences – If we don't do this now, will anything bad happen?**

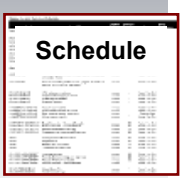
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# How Do Courts and Regulators Judge Compliance?

## What Did You Say You Were Going To Do?

- Assessments
- Policies
- Schedules



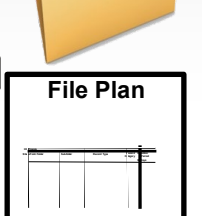



## How Did You Do It?

- Tools
- Processes
- File Plans








## How Did You Check You Did It?

- Training
- Surveillance
- Metrics Tracking
- Reporting
- Audit
- Upda








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# Cadillac or Bicycle: Are You Targeting the Right Maturity?

| | Current vs. Recommended Capability | | | | | Risk | Cost Savings |
|---|---|---|---|---|---|---|---|
| | No Capability | Limited Capability | Basic Level | Full Capability | Fully Optimized | | |
| |  |  |  |  |  | | |
| **Records Compliance** | | | | | | Moderate | Large |
| **Litigation Readiness** | | | | | | High | Medium |
| **Operational and IT Efficiency** | | | | | | Minimal | Large |
| **Employee Productivity** | | | | | | Minimal | Medium |

SAMPLE

Current Capability

Recommended Capability

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# Other Factors Impacting Records Management Maturity

## Regulatory Changes



- Recordkeeping legal and regulatory requirements updated frequently
- Organizations create and receive new types of records
- Gaps can emerge between these requirements and the schedule
- Regulatory sweeps often highlight these gaps, which can lead to fines

## Privacy




- New and emerging state privacy regulations require companies to be able to dispose of employee and other personal information upon request
- Deletion can be suspended in the information is a record
- Out-of-date schedules hamper deletion processes, and raise the costs of complying with privacy rules

## Litigation Profile



- Paper and electronic information continue to accumulate
- During litigation, opponents push companies into larger discovery, greatly increasing costs
- Opponents often target out-of-date records schedules, pointing out that the schedules are incomplete and not being executed
- Failure to be able to show that they have a consistent policy that is being applied force companies into “providing a negative” during discovery, forced to search through everything to prove relevant information is not there

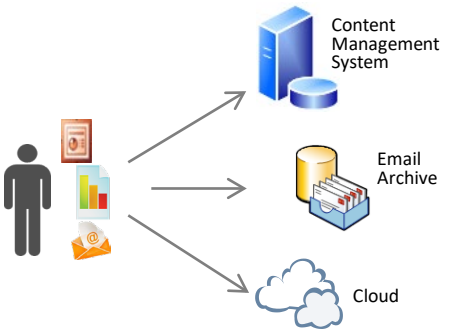
## Employee Productivity/WFH



- Many organizations are asking fewer employees to do more with less resources
- Work from home hampering collaboration and productivity
- Over-retention causes information clutter – employees save everything and can’t find anything
- Out-of-date schedules don’t recognize business value, hence high-value information is not classified or made easily accessible
- Employee productivity suffers

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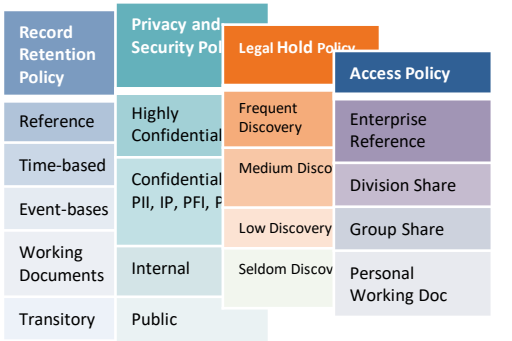
# Impact of a Mature Program on Employees




For any given user, each document lives in only one of four or five places and only in those places



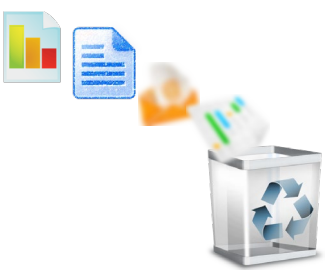
Storing and classifying records and documents takes less than 5 seconds




Retention, access, security, privacy and other rules are programmed into the repositories and rules are automatically applied



Repositories make it easier for users to search, version, collaborate and share information, increasing productivity



After each document's retention period is reached, the system automatically deletes it… older, expired, unneeded documents fade away



Legal holds, public record searches, discovery done with little or no user involvement

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# How to Get Started or Restarted

- Educate yourself on needs and benefits of an Information Governance committee
- Create alliances with other stakeholders
- Form steering committee
- Assess current capabilities, risks and opportunities
- Develop a roadmap
- Inform and garner senior management support



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# Getting Started…

Which projects should go first?

What projects should I include?

Is this just a legal project?

How do I get approval for the plan?

How much will the projects cost?

Will I need additional resources or FTEs?

Help! Everyone has a different opinion

Do we need to buy technology?

How long will it take?

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# Typical Records Management/Information Governance Program Elements

## Types of Policies

- Record Retention Policy
- Record Retention Schedule
- Legal Hold Policy
- Privacy Policy
- Data Security Classification
- Email Usage Guidelines

## Training and Change Management

- Senior stakeholder program engagement
- Employee training
- Behavior monitoring/enforcement
- Program audits
- Coordinator training
- On-going communications

## Sample Technology Tools

- Enterprise Content Management
- M365
- Document Management System
- Records Management system
- eDiscovery
- Data Classification Tools

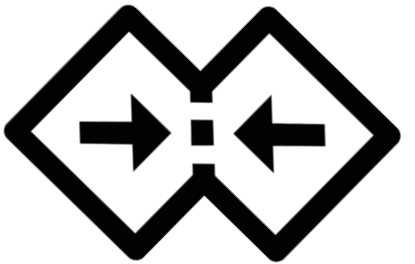
## Processes

- Record retention
- Email classification
- Defensible disposition
- Discovery response plan
- Legal hold and release
- Sensitive data classification
- Legacy document management

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# Data Retention Policy vs. Records Retention Policy and Schedule

New Data Retention Policy



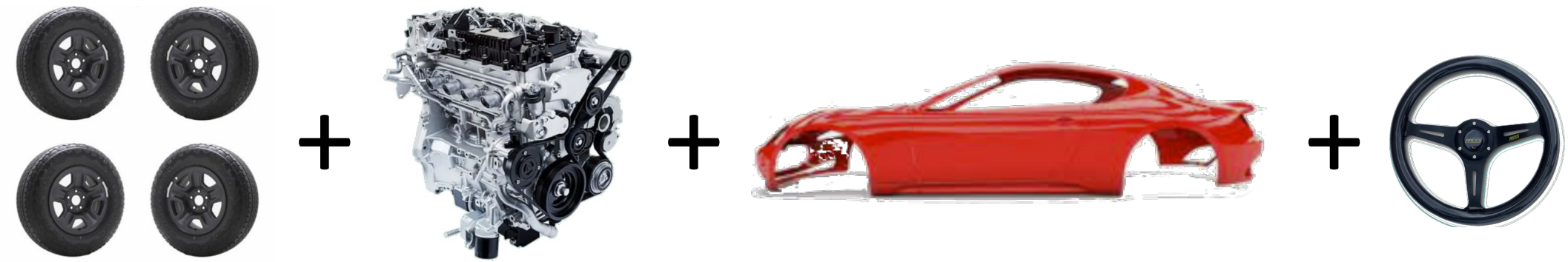
Record Retention Policy and Schedule

- Legal and Regulatory Retention Requirements
- Business Value
- Add disposition requirements
- Add personal information
- Add legitimate business purpose process

You do not need a new document – Irrespective of the title of the document/s, they provide the same information: the length of time you must keep records.

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# Key Components of Maturity



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# Rightsizing Your Approach

**Build Quick Wins into the Project Plan**

- Projects that address immediate cost savings
- Projects that fix identified high-risk behavior
- Low resource effort

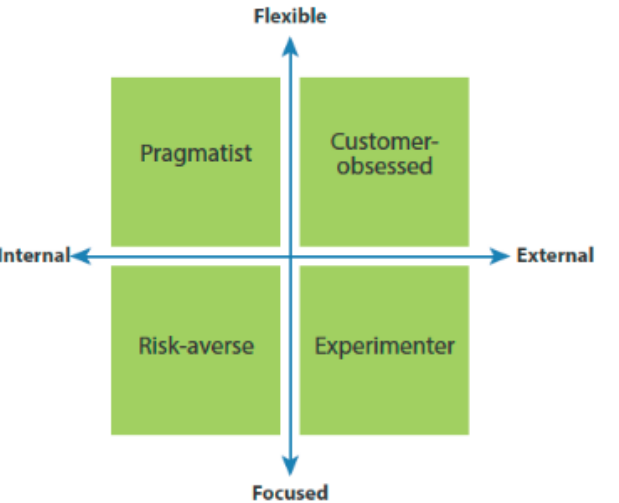
**Approach Needs to fit Corporate Culture**

- What is right pace?
- Tolerance for risk?

**Align your project plan to company strategy and goals**

- Projects need to complement and enhance established corporate priorities
- Reconcile policies and conflicting priorities between Privacy, IT, Legal and business
- Drive consensus

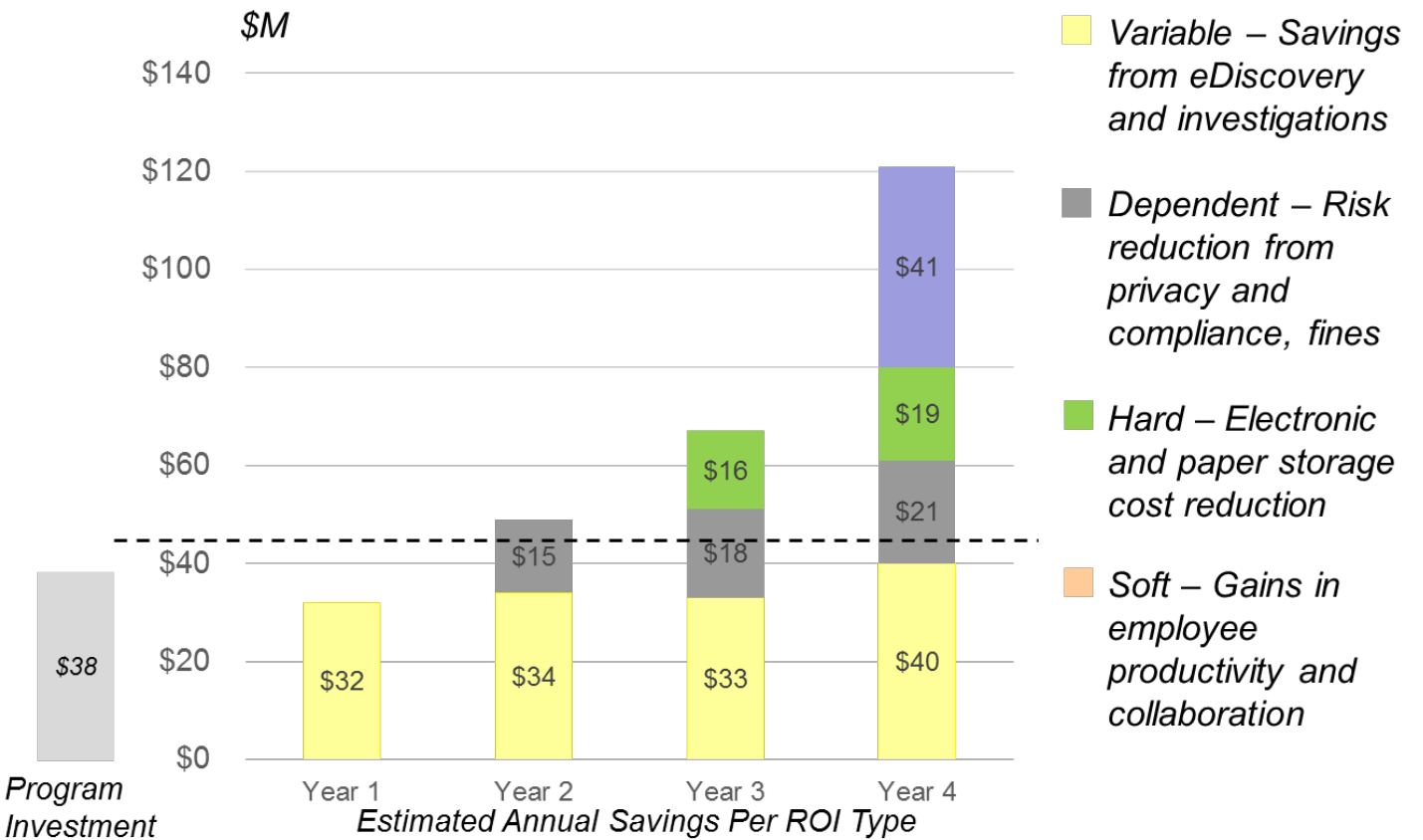
Cultural Biases




Source: Forrester Research

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# Case Study: Return on Investment for 50K Person Insurance Carrier




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# Getting Executive Buy-In for the Plan

*Communicate:*

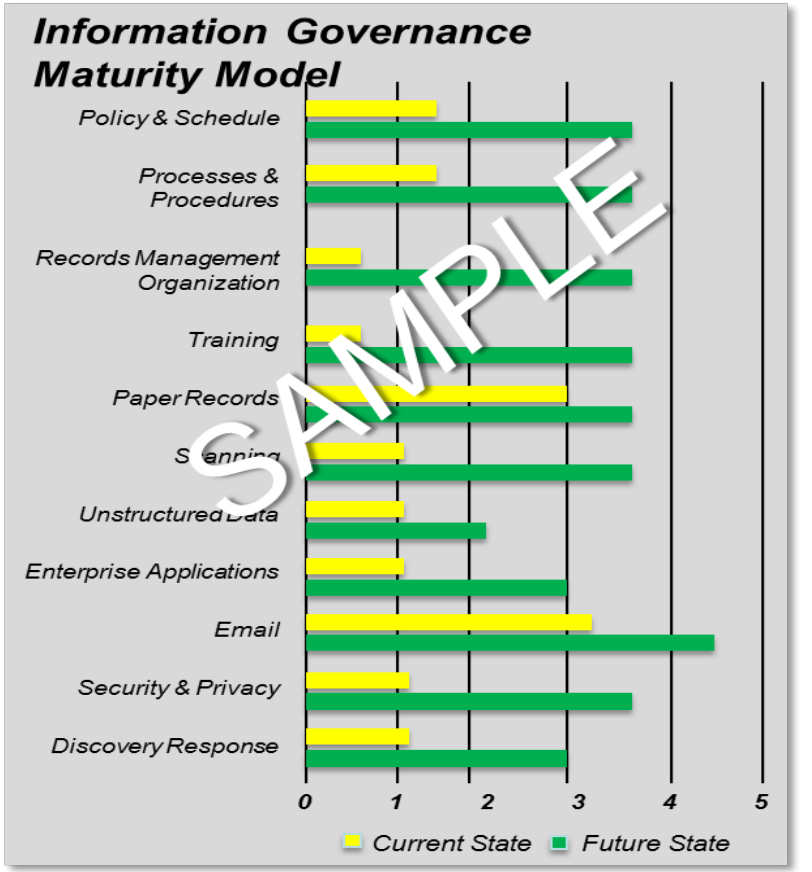
*Gather facts : Assessment*

*"Everyone is entitled to their own opinion, but not their own facts." Patrick Moynihan*

*Define the program benefits:*

- *Risk Reduction*
- *Compliance*
- *Cost Reduction*
- *Improved Productivity*
- *Increased data value*

*Provide benchmarks for Best Practice and industry segment*



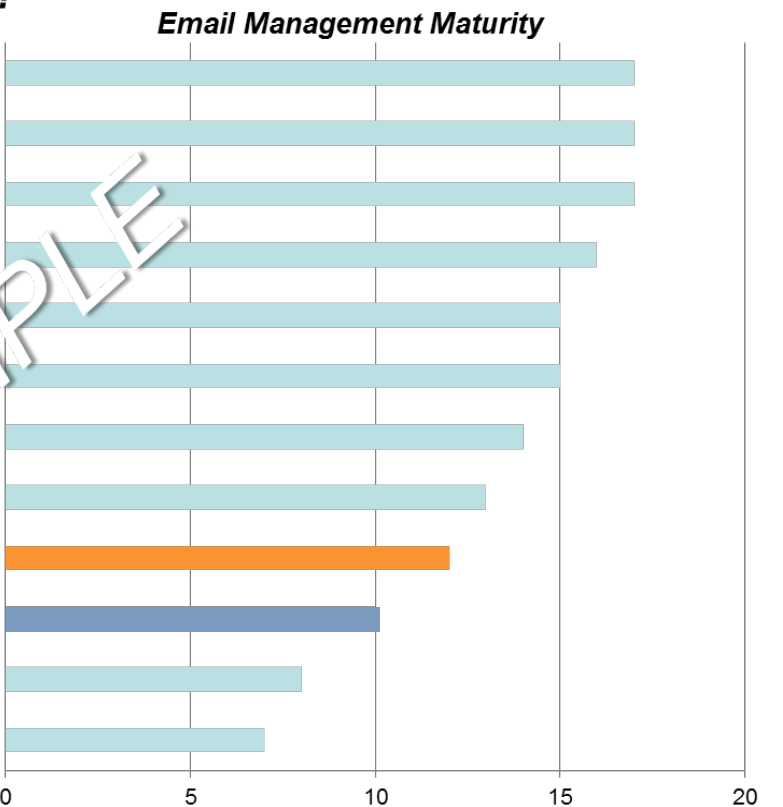

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# Benchmark Example:  Industry Comparison

***How do you compare to your Peers?***

| | | |
|---|---|---|
| Company 9 | <$10B | <25K |
| Company 8 | <$10B | 25K-50K |
| Company 7 | $10B-$25B | <25K |
| Company 6 | $10B-$25B | 50K-100K |
| Company 5 | $25B-$50B | 50K-100K |
| Company 3 | >$50B+ | 100K-1[illegible]K |
| Company 4 | $25B-$50B | 10[illegible] |
| Company 10 | <$10B | <25K |
| XYZ Company | >$50B+ | >150K |
| Company 12 | <$10B | <25K |
| Company 11 | <$10B | <25K |
| Company 1 | >$50B+ | >150K |

SAMPLE




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# Getting Stuck

1. IT interested in data archiving
2. Archiving put on roadmap
3. IT reaches out to legal for policy
4. Legal says wait
5. What should we save?
6. Committee formed
7. Committee meets
8. Committee meets
9. Committee meets…
10. Committee meets…



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# Information Governance Messaging That May Better Resonate

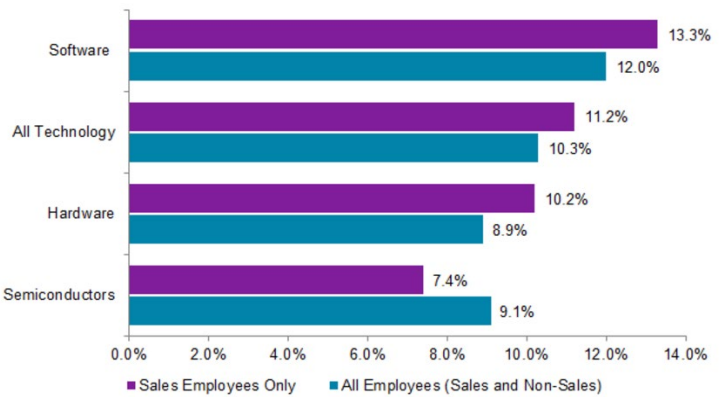
### Employee Innovation Program



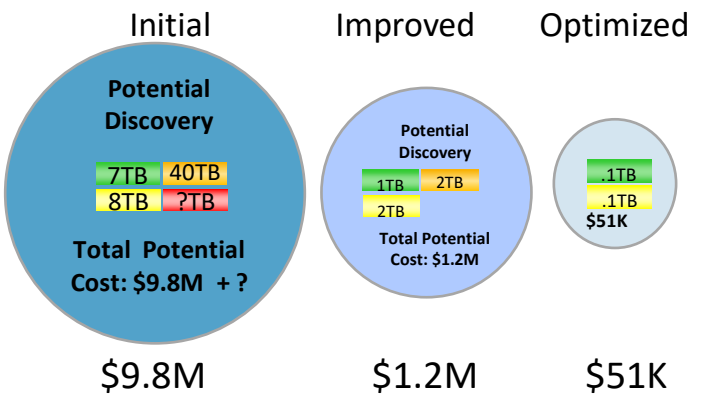
### Faster M&A Integration



### Reducing Impact of Employee Turnover

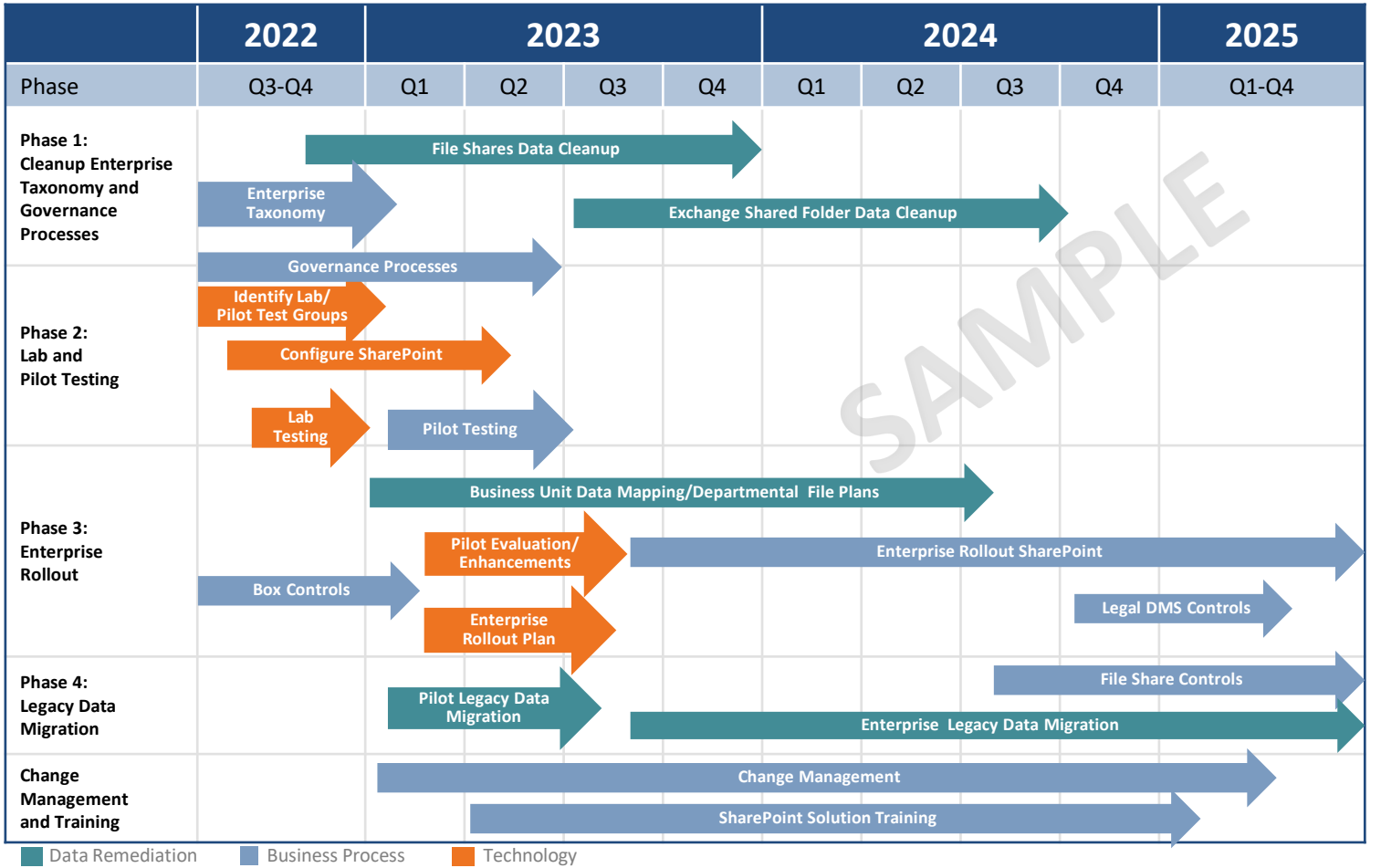



### Decreased eDiscovery Costs and Risks




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# Creating an Information Governance Roadmap




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# Identify the Projects and Timeline Example Prioritize Projects

| Recommendation | | Priority | Effort | Resources |
|---|---|---|---|---|
| 1 | Policy and Schedule | High | High | High |
| 2 | Records Management Organization | High | High | High |
| 3 | Processes and Procedures | High | Medium | Medium |
| 4 | Behavioral Change Management | High | High | High |
| 5 | Electronic Data Placement and Management | High | High | High |
| 6 | Data Security & Privacy | High | High | High |
| 7 | Standardize Scanning Processes | Medium | High | High |
| 8 | Discovery Response Program | Medium | Low | Low |
| 9 | Data Map | Medium | Medium | Medium |
| 10 | Paper Records Management | Medium | High | Medium |
| 11 | Standardize Retention for SORs | Medium | High | High |
| 12 | Backup Tape Remediation | Medium | Medium | Medium |

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# Data Security Classification Standard

- Update of the organization's data security classification standard for electronic records and information
- Creation of a security classification policy and strategy to conform to Information Governance and Data Privacy program objectives
- Incorporation of the control of privacy data into information governance program and roadmap
- Ensures all new requirements, such as GDPR, are included and meet compliance requirements
- Designed to minimize data breaches and misuses of sensitive or critical information
- Improve user compliance through streamlined and easy-to-understand categorization




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# Update Discovery Response, Litigation Readiness

## Reactive eDiscovery

- Accumulation of unneeded ESI and paper
- Inconsistent, broad, non-defensible holds
- Expensive and reactive discovery
- Out of control

## Fire Fighting

15-20% average cost reduction potential



## Proactive Litigation Readiness

- Ongoing defensible deletion
- ESI mapping enables narrow legal holds
- Consistent in-house discovery response process
- Predictable, defensible and in control

## Fire Proofing

25-40% average cost reduction potential



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# Modern Data Placement Strategy: Employee View

- Easy “put it someplace” paradigm
- Few choices of locations
- Five-second rule
- Enables productivity



# Bringing in Outside Validation

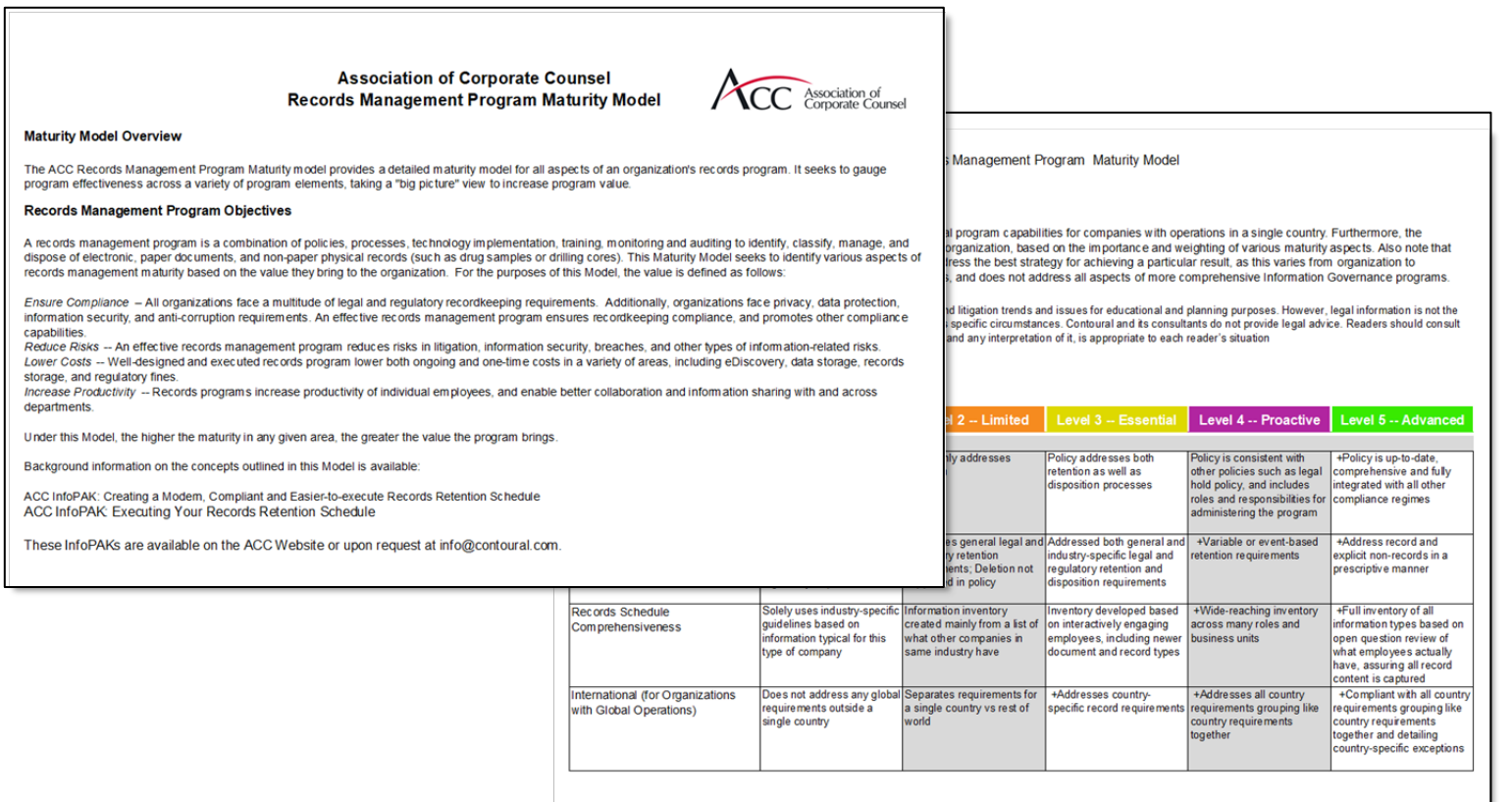
- External providers (consultants, auditors, etc.) can be brought in to evaluate both program needs and assess gaps.
- Comparisons can be made against like companies
- These external opinions can carry weight



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# Review Your Risk Tolerance and Target Maturity

## ACC Records Program Maturity Model



**Association of Corporate Counsel**
**Records Management Program Maturity Model**

**Maturity Model Overview**

The ACC Records Management Program Maturity model provides a detailed maturity model for all aspects of an organization's records program. It seeks to gauge program effectiveness across a variety of program elements, taking a "big picture" view to increase program value.

**Records Management Program Objectives**

A records management program is a combination of policies, processes, technology implementation, training, monitoring and auditing to identify, classify, manage, and dispose of electronic, paper documents, and non-paper physical records (such as drug samples or drilling cores). This Maturity Model seeks to identify various aspects of records management maturity based on the value they bring to the organization. For the purposes of this Model, the value is defined as follows:

*Ensure Compliance* -- All organizations face a multitude of legal and regulatory recordkeeping requirements. Additionally, organizations face privacy, data protection, information security, and anti-corruption requirements. An effective records management program ensures recordkeeping compliance, and promotes other compliance capabilities.
*Reduce Risks* -- An effective records management program reduces risks in litigation, information security, breaches, and other types of information-related risks.
*Lower Costs* -- Well-designed and executed records program lower both ongoing and one-time costs in a variety of areas, including eDiscovery, data storage, records storage, and regulatory fines.
*Increase Productivity* -- Records programs increase productivity of individual employees, and enable better collaboration and information sharing with and across departments.

Under this Model, the higher the maturity in any given area, the greater the value the program brings.

Background information on the concepts outlined in this Model is available:

ACC InfoPAK: Creating a Modern, Compliant and Easier-to-execute Records Retention Schedule
ACC InfoPAK: Executing Your Records Retention Schedule

These InfoPAKs are available on the ACC Website or upon request at info@contoural.com.

Management Program Maturity Model

program capabilities for companies with operations in a single country. Furthermore, the organization, based on the importance and weighting of various maturity aspects. Also note that ress the best strategy for achieving a particular result, as this varies from organization to , and does not address all aspects of more comprehensive Information Governance programs.

litigation trends and issues for educational and planning purposes. However, legal information is not the specific circumstances. Contoural and its consultants do not provide legal advice. Readers should consult and any interpretation of it, is appropriate to each reader's situation

| | 2 -- Limited | Level 3 -- Essential | Level 4 -- Proactive | Level 5 -- Advanced |
|---|---|---|---|---|
| | ly addresses | Policy addresses both retention as well as disposition processes | Policy is consistent with other policies such as legal hold policy, and includes roles and responsibilities for administering the program | +Policy is up-to-date, comprehensive and fully integrated with all other compliance regimes |
| | es general legal and y retention ents; Deletion not d in policy | Addressed both general and industry-specific legal and regulatory retention and disposition requirements | +Variable or event-based retention requirements | +Address record and explicit non-records in a prescriptive manner |
| Records Schedule Comprehensiveness | Solely uses industry-specific guidelines based on information typical for this type of company | Information inventory created mainly from a list of what other companies in same industry have | Inventory developed based on interactively engaging employees, including newer document and record types | +Wide-reaching inventory across many roles and business units | +Full inventory of all information types based on open question review of what employees actually have, assuring all record content is captured |
| International (for Organizations with Global Operations) | Does not address any global requirements outside a single country | Separates requirements for a single country vs rest of world | +Addresses country-specific record requirements | +Addresses all country requirements grouping like country requirements together | +Compliant with all country requirements grouping like country requirements together and detailing country-specific exceptions |

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# Contoural Services: An Innovative Approach

| Maturity Assessment and Strategic Roadmap | Records Retention Policy and Schedule | Data Security | Discovery Response Program and Legal Hold | Unstructured Data Placement and Email Management Strategy | Technology Requirements and Vendor Selection | Data Placement Strategy Implementation | Behavior Change Management, Communications and Training | Legacy Data Disposition |
|---|---|---|---|---|---|---|---|---|
| Information Governance Assessment | Retention Policy and Schedule Creation/Update | Data Security Classification Standard | In-House Discovery Response Program | Data Placement Strategy | Business, Functional, and Technical Requirements | Implementation Pilot | User Behavior Objectives and Metrics | Paper Records Reduction Strategy and Scanning Optimization |
| Litigation Readiness Assessment | Policy Gap Analysis | Controls and Safeguards Requirements Identification | Legal Hold Policy and Process Development | Configuration and Implementation Decision Matrix | Vendor Short List | Data Migration Planning, Filing Structures and Migration Workbooks | Communications and Training Plan | Paper Records Inventory, Remediation, and Migration |
| Strategic Roadmap and Recommendations | U.S. and Int'l Legal Citations | IG Program Integration Strategy | Discovery Workflow Strategy | Data Map Design and Population Strategy | Vendor Selection: RFP Creation, Response Management and Scoring | Repeatable Implementation Playbook | Communications Content and Playbook | Structured Data Management Strategy and Remediation |
| Cost and ROI Models | Native Microsoft 365 Automation | | 30(b)(6) witness preparation | Data Map Maintenance | Vendor Demos and Scoring Comparison Summary | Microsoft 365/ECM Configuration and Implementation | IG Training Content | |
| Program Metrics, Benchmarking and Business Case | Evergreen Updates | | Knowledge Transfer | Retention Schedule and Data Map Integration | | | Pilot Training | |
| | Retention Policy and Schedule Globalization | | | | | | | |

**Information Governance Organization (IGO) Development**

IGO Framework and Distribution Matrix
IGO Roles and Responsibilities
IGO Program 90-day Task Plan

IGO Stakeholder and Participant Identification
Information Governance Processes and Procedures
Audit Planning and Design

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# Questions?



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# Introduction to Modern Records Mangement

## Class 3
## Automating Records Management

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# Records Management University Syllabus, cont.

**Class 3: Automating Records Management**

- **The Five Second Rule – Creating combined records management, privacy, data classification and access control processes that employees can follow quickly**
- **A quick review of technologies to automate programs, including technologies that most companies already own today**
- **How to delete email, files and other information quickly and defensibly**
- **Combining policies, processes and technologies to automate records management**

Class 4: Records Management Training, Employee Behavior Change Management and Organizational Development

- How messaging, communications plans, training and audit can be combined into an effective employee behavior change management strategy
- Creating records management messages that resonate, even for employees that don't care about records management
- Creating and staffing a records management organization

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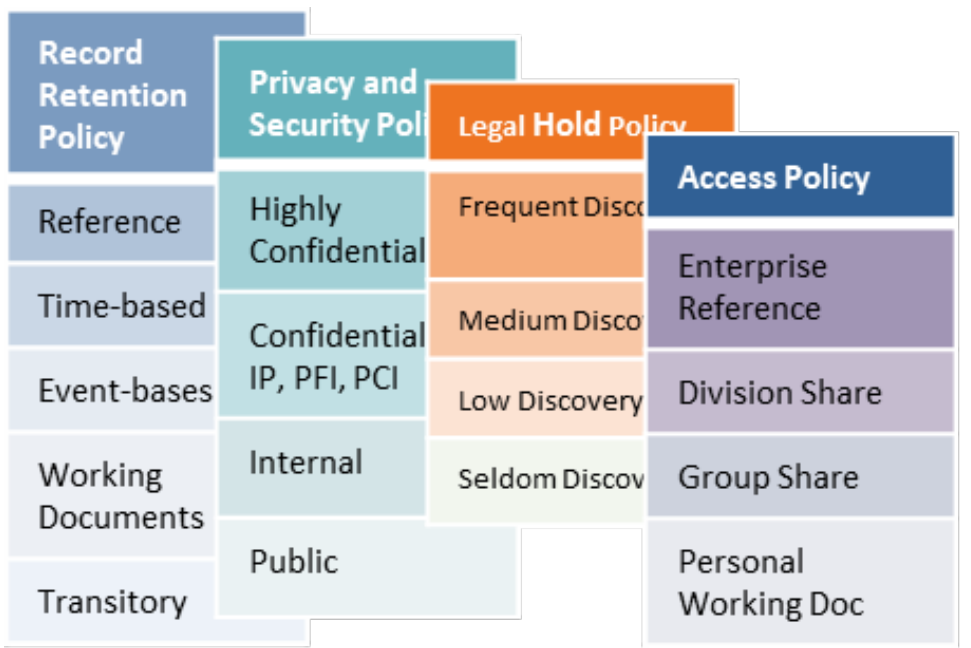
# The Five Second Rule



**"Five-Second Rule"** – Employees will spend up to five seconds manually classifying documents. If it takes longer, they will use the five seconds to subvert the classification process.

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# Much of Information Governance Should Be Automated




+



**"Five Second Rule"**
Employees will spend up to five seconds manually classifying documents. If it takes longer, they will use the five seconds to subvert the classification process.

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# Automation for Whom?



Records Managers



Records Coordinators



IT



All Employees

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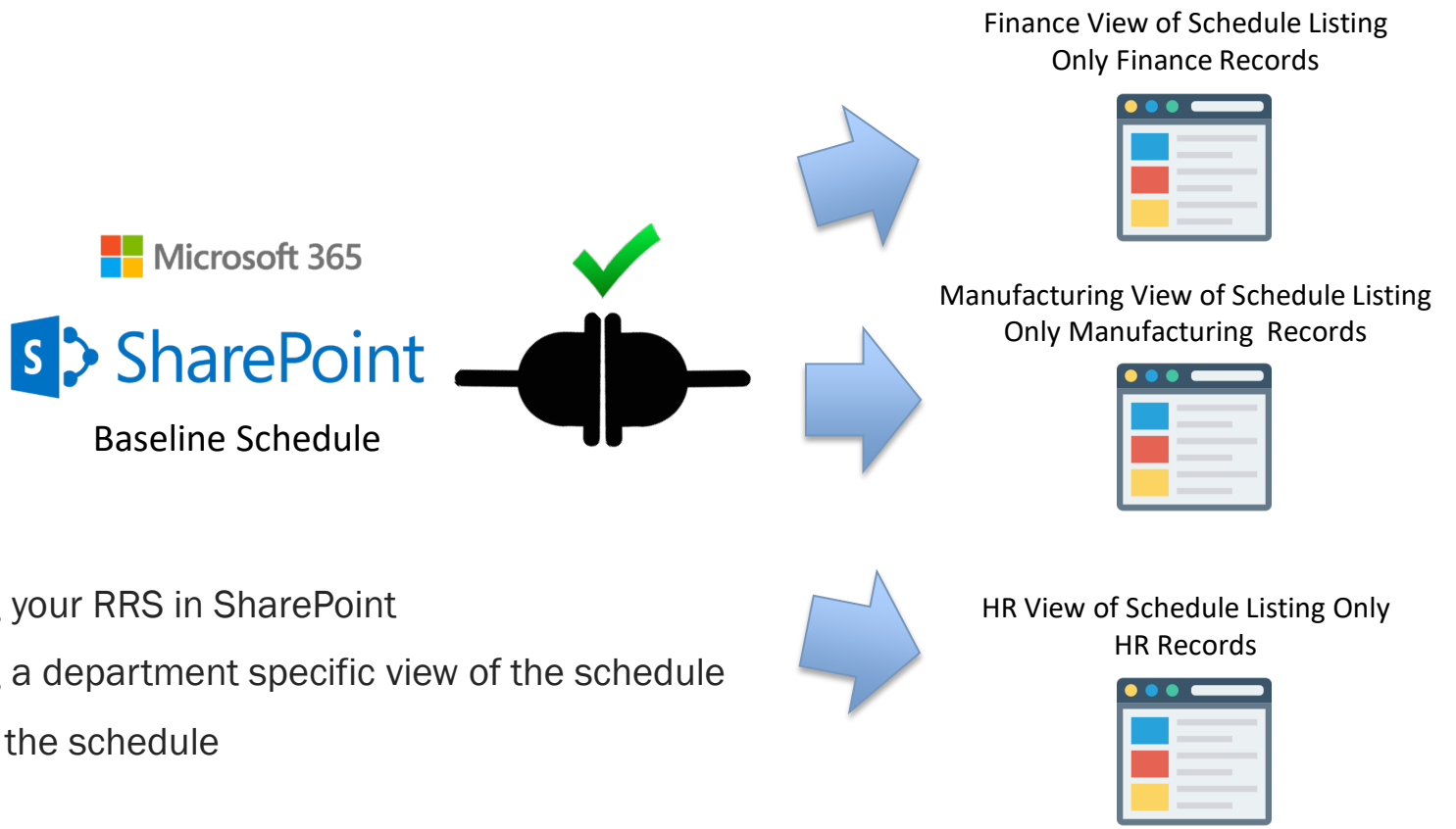
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# Records Management Automation Strategies That Do Not Crack the Top 5

- Updating citations online
- Integrated offsite cube storage and destruction
- Compliance dashboards
- Save everything and search everything
- Content analytics-based taxonomy development
- ….

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# Strategy 1: Automate the Publishing of Your Schedule




- Publishing your RRS in SharePoint
- Publishing a department specific view of the schedule
- Searching the schedule

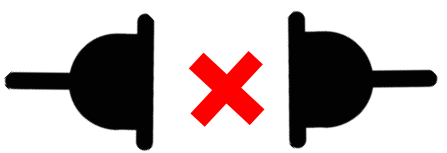
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# The Compliance Risks of Disconnected Retention Schedules



Cloud-based Citations and Schedule Updates

**Compliance Gap 1**
Business value retention information not enabled or lost



Always-updating Retention Schedules





**Compliance Gap 2**
Automatically updated Schedule changes not propagated to implementation



Training Programs



Content Management Configurations



Privacy Access and Deletion Requests

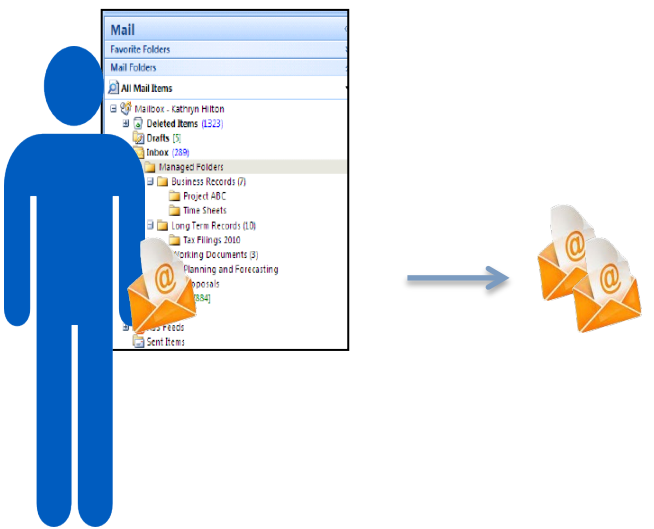
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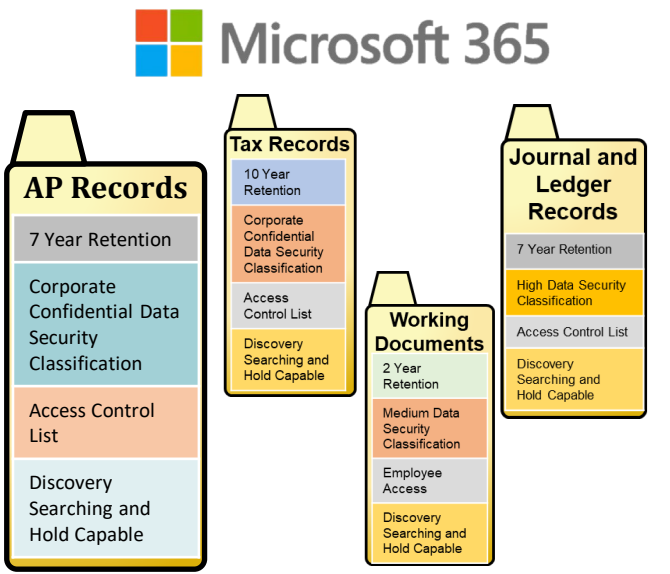
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# Strategy 2: Automate Classification

## Drag and Drop Inheritance for Classification

Finance employee drags and drops email records from inbox into appropriate Microsoft 365 Managed Email Folder




When email is placed in a folder, Microsoft 365 automatically tags it with a retention label

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# Applying Automated Retention and Disposition Everywhere

***Microsoft 365 Exchange for corporate email***

*Capabilities:*

- *Send and receive individual email*
- *Manage email by policies*
- *Email anywhere on any device*
- *Shared mailboxes*

***Replaces on-premises Exchange***

**Microsoft 365 OneDrive for individual file storage and working area**

Capabilities:

- Sync Desktop/My Documents to the cloud
- Store files in the cloud
- Allows sharing single files
- Access to files from a mobile device

**Replaces individual share drive**

**SharePoint Online for group records, reference, working areas**

Capabilities:

- Department storage and knowledge base
- Version control and Information Governance
- Retention by library and folder
- Workflows, publishing, applications

**Replaces group/department file shares**

**Microsoft 365 Teams for a collaborative area for projects, activities**

Capabilities:

- Chat, screen sharing, video/audio conferencing
- Working document file storage
- Group shared mailbox

**Replaces Skype, file shares, shared mailboxes, Dropbox, Google Drive**

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# Case Study: Avoid Short-term Deletion Fixes



**Approach:** Clean up older files, emails and other documents from file shares, PST files, workstations

**Case Study**

Organization: Large Manufacturer
Problem: Significant over retention on corporate file shares
Approach: Initiated electronic clean up day, followed up by identifying top 10% of file share users (100 employees out of 5000)

**Result:** Reduced documents on file shares by 43%

**But…** Eighteen months later file share storage volume exceeded previous level

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# Strategy 3: Automate Retention and Disposition

- Keep documents accessible
- Give users an option
- Centralize control of deletion
- Drive deletion based on user inactivity



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# Enabling Fully Compliant Automatic Disposition




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# “Where Did My Files Go?”

## Behavior Change Management



- Users must know where their information is always
- Do not move information into a new repository without user education
- Deletion must be socialized
- Autoclassification requires even stronger employee behavior change management programs

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# Automation Will Not Solve Lack of Agreement on Policy

- Legal, IT, Compliance and Business Units must agree on what to save and not save
- Autoclassification will not solve lack of agreement
- Executing autoclassification and deletion without agreement may be your last project



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# Retention Schedules are Not File Plans or Taxonomies

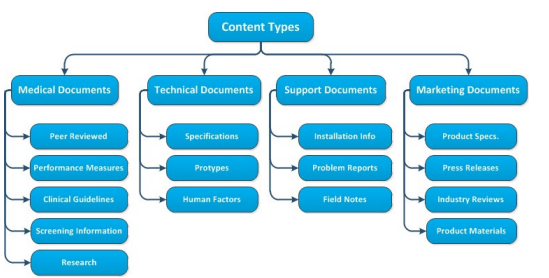
## File Plans

- Identify which records are to be retained exclusively in e-mail vs. other media
- Specify which function or organization will be the record owner (vs. convenience copies)
- Determine necessary roles and functional requirements
- Address country-specific privacy exceptions or customizations
- Address go-forward strategy and legacy data migration
- Create archive or content management and e-mail server system configuration settings
- Determine strategy for time-based and event-based records



## Taxonomy

- A framework for classifying documents and within Information Governance used to configure SharePoint, Enterprise Content Management and archiving systems.




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# Questions?



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# Introduction to Modern Records Mangement

## Class 4
## Records Management Training, Employee Behavior Change Management and Organizational Development

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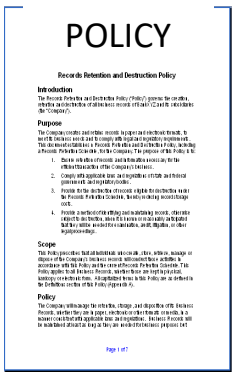


# Problems with Employees Hoarding Documents

## Non-compliance with Record Policies

3 Years

7 Years


POLICY

Records Retention and Destruction Policy

Introduction

Purpose

Scope

Policy

5 Years

Indefinite

## Increased Risk of Data Breaches




## Increased Discovery Costs and Risks

FRCP

Legal Holds



Rule 26f

## Decrease in Employee Productivity & Collaboration



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# Success is a Behavior Change Management Problem

## *Current Employee Behavior and Practices*

- "Save everything everywhere"
- "My data"
- All information should be available to everyone
- Access anywhere, anytime
- No understanding of corporate privacy responsibilities or consequences

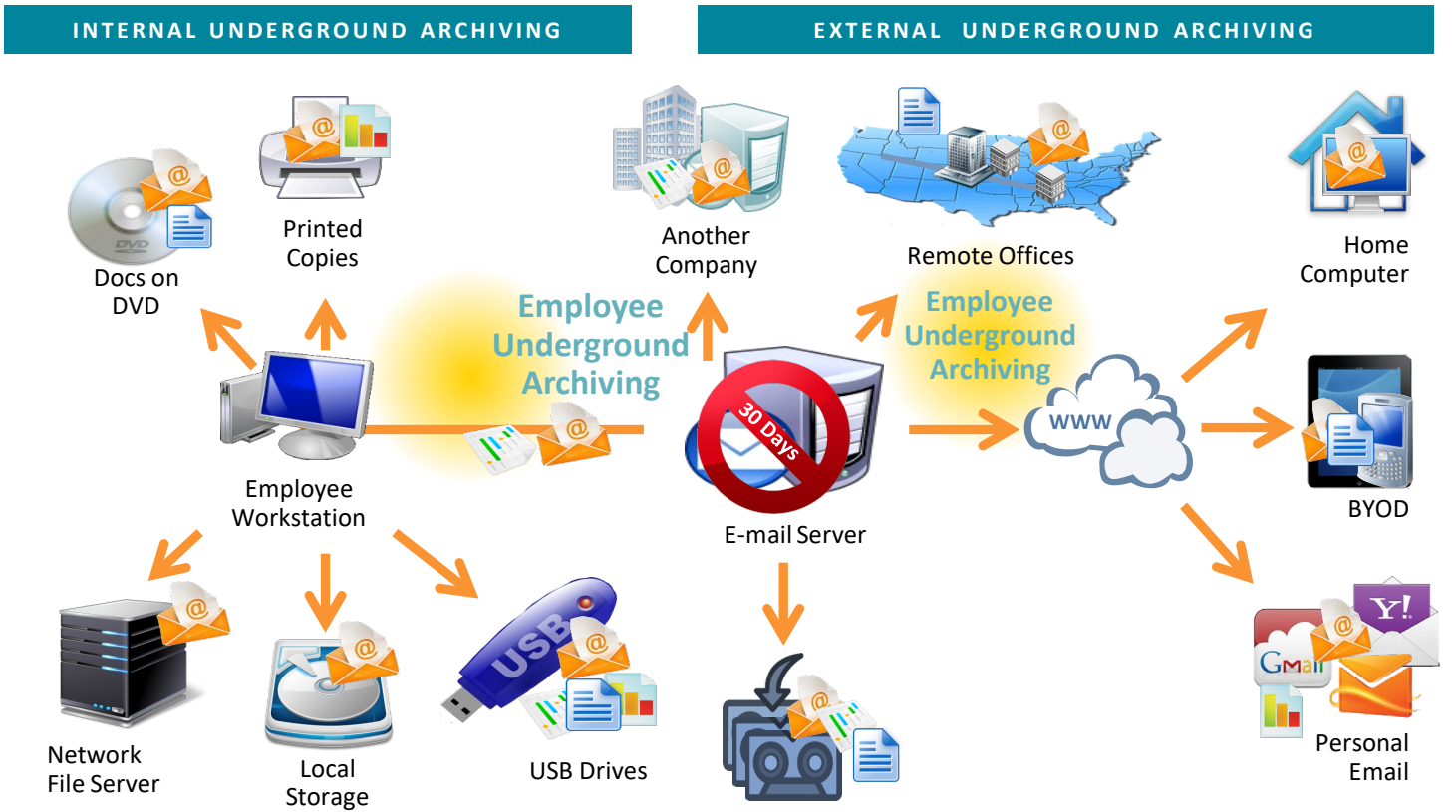



## *Desired State*

- Increased productivity
- Data only in designated repositories
- Appropriate use and access of information
- Awareness of responsibilities and consequences
- Reduced risk of unintentional disclosure

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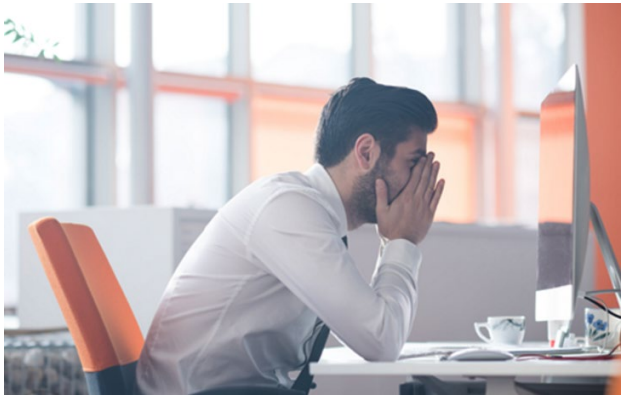
# Aggressive Deletion




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# Self-Certification



**Approach:** Employees

**Tactics:**

- Employees sent monthly email with link to confirm retention policy compliance and document destruction
- Employee click on link to confirm compliance
- All employees monitored to ensure they acknowledged compliance

**Case Study:** Large High Technology Company
Approach: Policy self-certification
Result: Majority of employees clicked link

**But…** Subsequent audits revealed significant non-compliance.

Reasons included:

- "I'll get to it later, I need to get back to work now."
- "This does not apply to me."
- "To be honest, I just clicked. Wasn't sure why I was supped to click."

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# Getting Strategy Buy-in



| Constituency | Buy-in Needed |
|---|---|
| Stakeholder Steering Committee | • Why this needs to be addressed<br>• Approach, budget, and timeframe |
| Senior Management | • Strategy awareness<br>• Impact of problem on business<br>• Communicating the message downward |
| Mid-level Management | • Strategy awareness<br>• How this will help business<br>• Impact on their employees<br>• Identify champions in their groups |
| Departmental Record Coordinators | • Understand key messages<br>• Role and time commitment |
| Employees | • Buy-in<br>• Making their lives easier<br>• Communication and Training is mandatory |

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# Understanding Employee and Business Unit Pain





- Average Employee Spends 4 to 6 hours per week searching and managing email, files and paper
- Enterprise-wide processes can break when information is siloed within individual departments

| Employees' Comments |
| --- |
| "We are drowning in e-mail" |
| "Don't have time to organize" |
| "Was on verge of sending out contract when email box full" |
| "Every time we reinvent the wheel when I know someone has created this before." |
| "I spent the first two months on the job combing through my predecessor's email." |

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# Understanding Behavior



"Pilers," 50% - 60%

Accumulation in inboxes, desktops



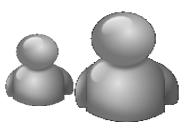
"Filers," 35% - 45%

Documents go in folders



"Deleters," 5% - 10%

Few documents are saved, most are deleted



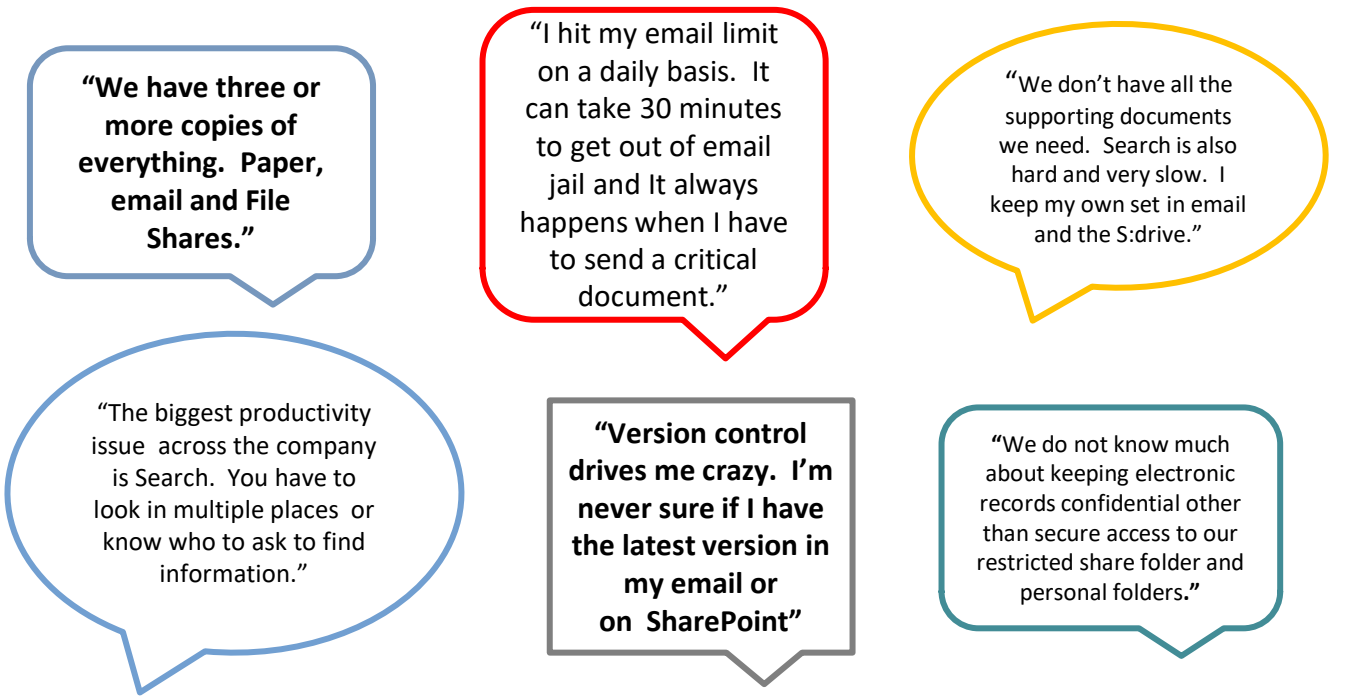
"Can-you-get-me's," 5%

Documents retrieved from assistants

- Where are you saving?
  - Employees' work spaces
  - Production applications
  - Desktops/laptops
  - File shares
  - Remote offices
  - E-mail stores
  - PST/NSF files
  - Secure repositories
  - Hosted applications
  - Cloud storage
  - Third-party providers
  - Facebook/LinkedIn
  - iCloud
- How much is tied to business process?
- Ticketing system
  - Which of your records are created, or stored in e-mail, files?
  - How does this vary across business units, functions and roles?
  - What do employees believe they need to do their jobs?

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# Talk About Records Through Employees' Plainspoken Needs




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# Before You Get Started….

- ☑ Up-to-date retention policy and schedule
- ☑ Defensible legal hold policy and process
- ☑ Information Governance technology roadmap
- ☑ Participation from key stakeholders: legal, compliance, audit, IT
- ☑ Have the organizational will and desire to change

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# Communications Plan and Training Tactics




- Communication Plan: Identifies which audience segments: executives, managers, sales, record coordinators, and messages to these audiences.
  - "Hunting License"
- Training Plan: Audiences, timeline, definitions, content, media, trainers.
- Train the trainer model and CBT can deliver the same content.
- Trainer can take Q&A. Many will do a hybrid approach with CBT and lunch and learn.
- Extra training for IT and the helpdesk – may need extra help
- Including email usage guidelines:  Most companies have them and need to have them updated and revised
- 24/7 hotline, roaming the floor during cutover
- Most want to limit training to 30 minutes or less

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# Creative Employee Engagement







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# Communicate, Communicate, Communicate

1) Designate target message deliverer & recipient

- Senior Executives
- Steering Committee
- Business Unit Heads
- Records Coordinators
- Managers, Supervisors
- Employees

2) Decide on message timing

- Initial Orientation
- Annual Training
- Monthly Updates
- Quarterly Reviews

...and determine a mode of communication

| | | | |
|---|---|---|---|
| E-mail |  | Focus Groups |  |
| Intranet Postings |  | Risk Assessments |  |
| Break Room Flyers |  | Learning Management Systems |  |
| Surveys |  | In-Person Training |  |

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# Program Rollout

## Pilot rollout:

- Always do a pilot(s) first along with technology pilot
- Survey and audit users after the pilot, and adjust
- Modify training for different audience segments -- i.e. “Sales only wants training via iPad.”



## General rollout:

- Do rollout in waves
- In parallel with communication
- Do another audit on the backend
- “White Glove Treatment” for senior executives

## Legacy data rollout:

- OK to address legacy data as follow on
- May involve different strategies, e.g. discovery tool
- Legacy data remediation can piggy back large ediscovery

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# The Hidden Blocker…Legal

- Disposition targets circulated to legal for approval
- Legal receives
- Awaiting legal's approval
- Awaiting legal's approval
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# Level of Hires - Information Governance Staffing Roles

**IG Organization Roles:**

Four possible roles:

- **IG Steering Committee** representing key stakeholders and largest business entities; no reporting lines
- **IG Program Executive** acts as the functional head of the IG Program; typically a direct report to Legal , Compliance or IT
- **IG Compliance Leads** are strategically placed based on the matrix structure selected;
- **Records Coordinators** facilitate implementation of the IG Program activities support to execute program activities




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# Core Skills for Records Management and Information Governance Hires




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# Defining the Role: Builder v. Maintainer

| Program Builder | Program Maintainer |
|---|---|
| Likes building IG programs | Prefers managing over building |
| Prefers challenge of constructing something new | Enjoys managing an ongoing effort |
| Happy to be a bit on “cutting edge” | Content to make incremental improvements |
| Can get bored once program is complete | Has ability to focus on the details |
| Sometimes lacks patience when faced with a slower pace | Has ability to stay with a task over a longer duration |
| Often have a limited tenure | Has the potential to stay in the role for a long time |

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# Defining the Role: Full-Time or Part-Time

M – T – W – Th – F

## FTEs are almost always difficult to justify…

Key Considerations:

- Number of employees
- Number of locations and geographies
- Regulatory environment
- Audit findings
- Litigation and FOIA profile
- Flexibility in re-assigning internal resources
- Potential for using contract resources
- Build phase may require full-time resource but could transition to part-time role for maintenance phase

M – T – W – Th – F

## Consider a Part-Time Role

Key Considerations:

- Program maturity (maintenance)
- Program complexity
- Budget constraints
- Potential for using a phased program rollout (adding resources over time)
- Flexibility in re-assigning internal resources
- Potential for using contract resources

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# The Last Word: Don't Let Perfect Be the Enemy of Good

- You will never get to perfection
- Legal standard is "Good faith, reasonable efforts"
- Long wait for perfection - risky
- Start with good today
- Improve over time




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# About Contoural

Largest independent strategic consulting services provider serving more than 30% of the Fortune 500 plus many small and mid-sized companies. Services including records and information management, litigation readiness and control of sensitive information consulting services. Sponsor of the ACC Information Governance Network.

**Independent** – Contoural does not sell any products, provide document storage services or offer "reactive," matter-specific discovery services.

**Cross Functional** – Our engagements incorporate a combination of legal, compliance, records management, information technology, security and change management best practices.

**Flexible** – Contoural services can be tailored either for some part of a specific project or an entire enterprise-wide program.

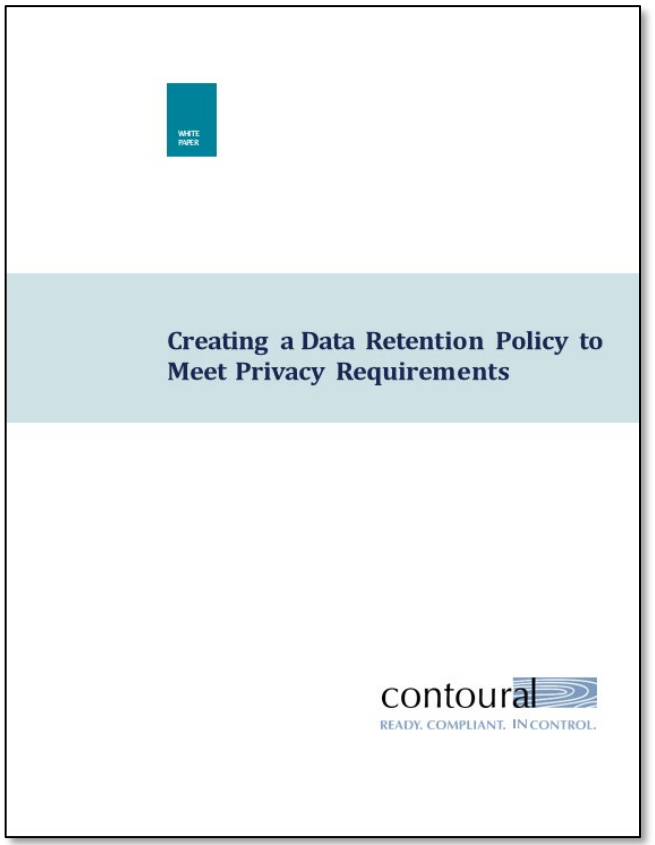
**Experienced** – Contoural has served more than 30% of the Fortune 500, a number of federal agencies, as well as numerous mid-sized companies and public entities. Our consultants average more than 24 years of experience in their respective field.

**Real Impact** – Contoural services provide measurable impact on real-world business needs.

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# Creating a Privacy-enabled Records Retention Schedule

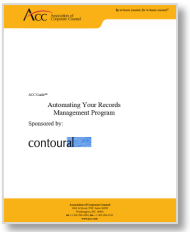
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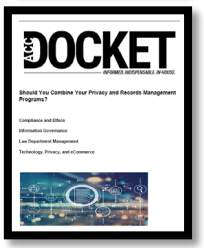

**White Paper:** *Creating a Data Retention Policy to Meet Privacy Requirements*

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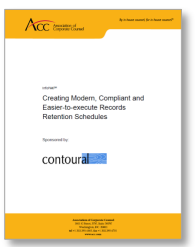
# Questions and Additional Content




**Guide:** *Deleting Emails and Files Quickly and Defensibly*




**Article:** *Should You Combine Your Privacy and Records Management Program*




**Guide:** *Creating Modern, Compliant and Easier-to-Execute Records Retention Schedules*




**Article:** *Upgrading Your Traditional, Paper-centric Records Program to Be More Modern, Compliant and Useful*




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