Introduction to Modern Records Mangement

Class 2
Records Program Execution

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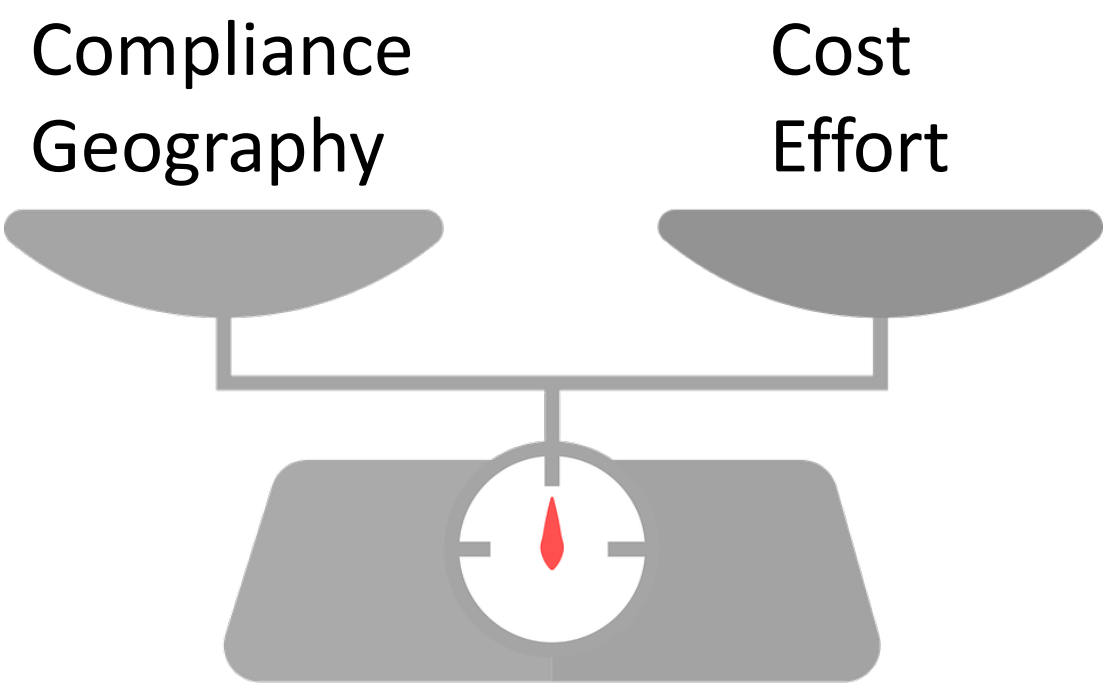
A Records Retention Policy and Schedule is not the “Last Mile” - it's the First



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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?

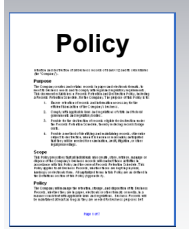
Consequences – If we don't do this now, will anything bad happen?

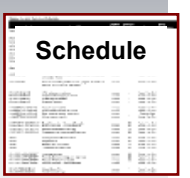
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How Do Courts and Regulators Judge Compliance?

What Did You Say You Were Going To Do?

- Assessments
- Policies
- Schedules





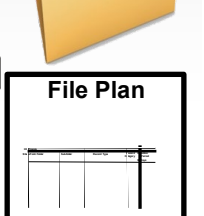


How Did You Do It?

- 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

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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

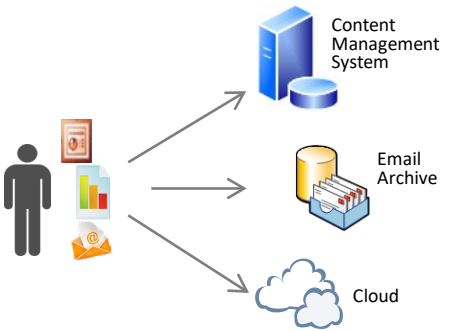
Employee Productivity/WFH



- 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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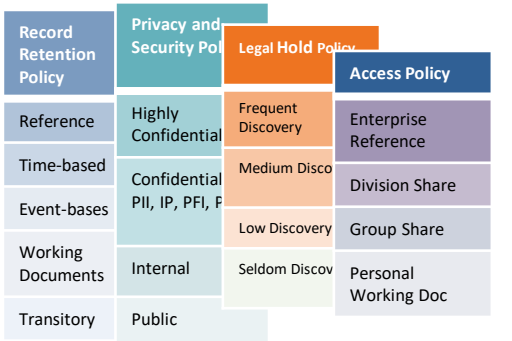
Impact of a Mature Program on Employees



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



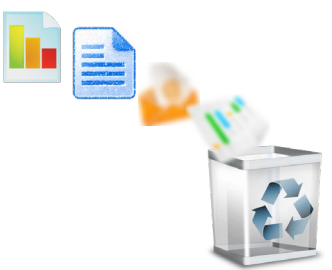
Storing and classifying records and documents takes less than 5 seconds



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

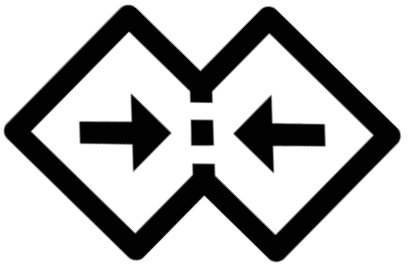
Processes

- 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



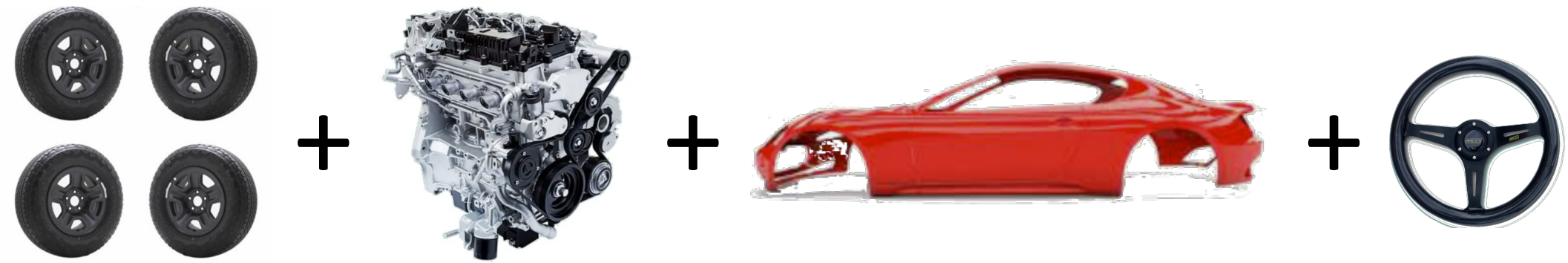
Record Retention Policy and Schedule

- 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

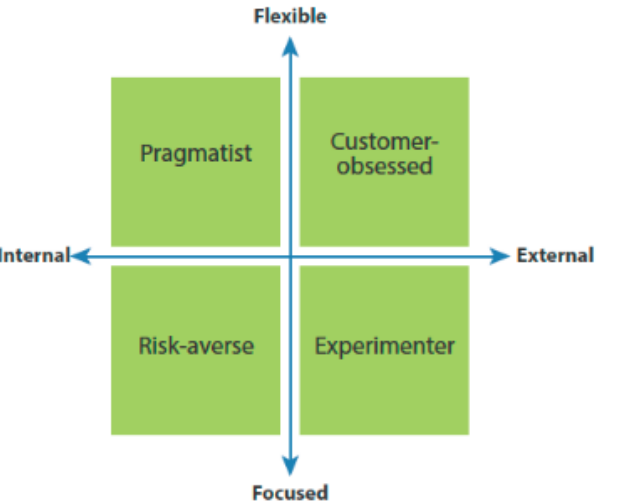
Approach Needs to fit Corporate Culture

- 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

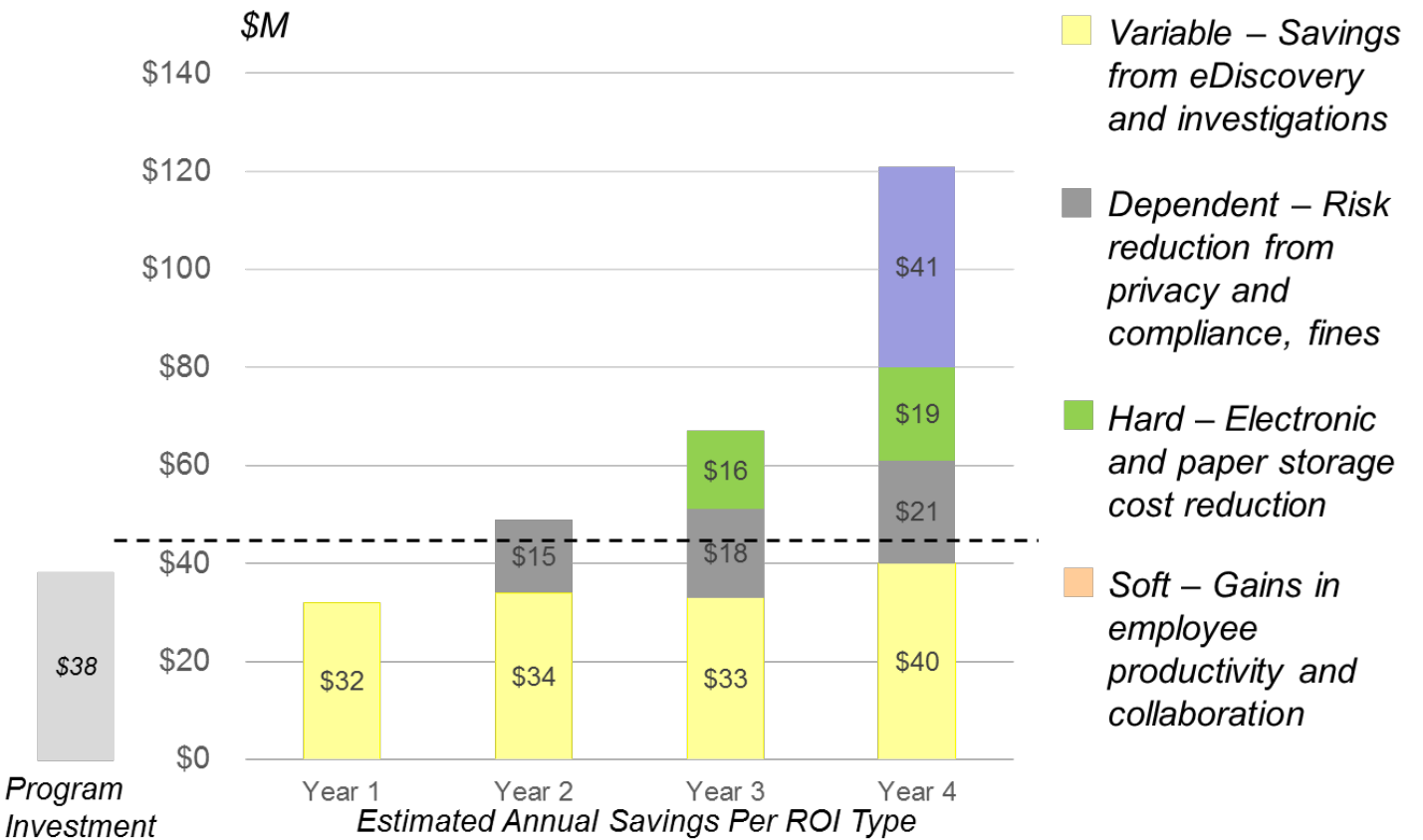
Cultural Biases



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:

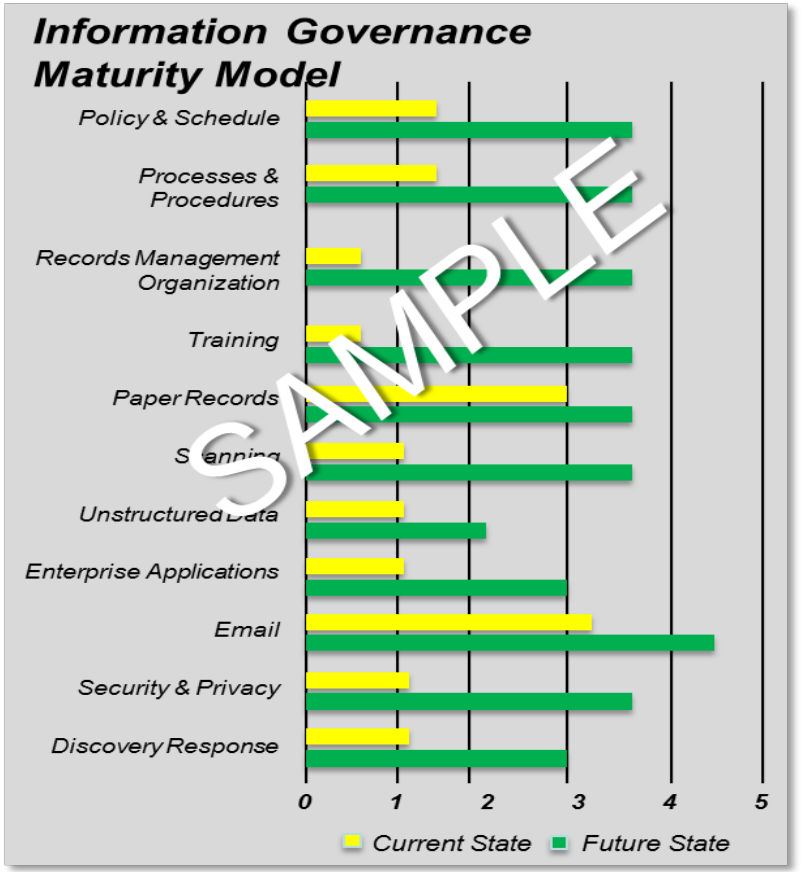
Gather facts : Assessment

"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



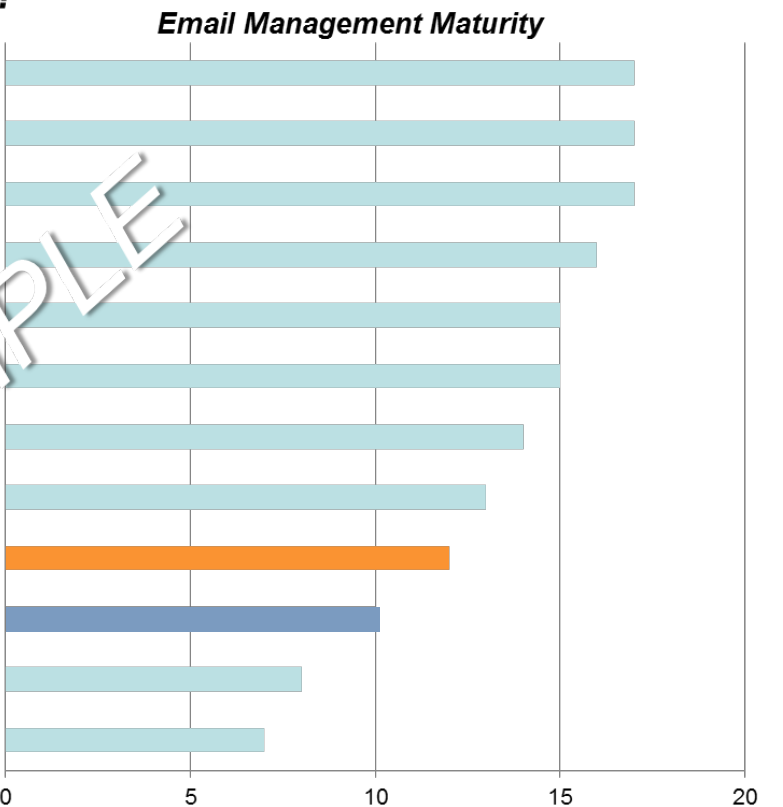
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Benchmark Example: Industry Comparison

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

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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

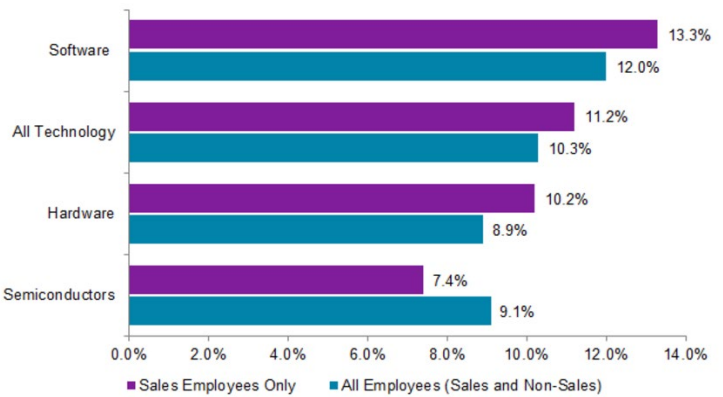
Employee Innovation Program



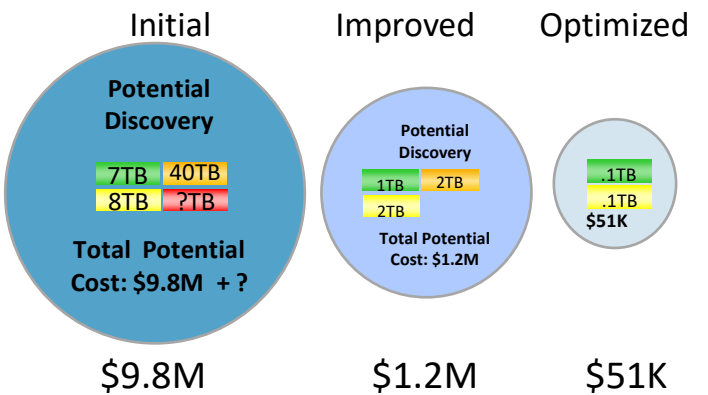
Faster M&A Integration



Reducing Impact of Employee Turnover

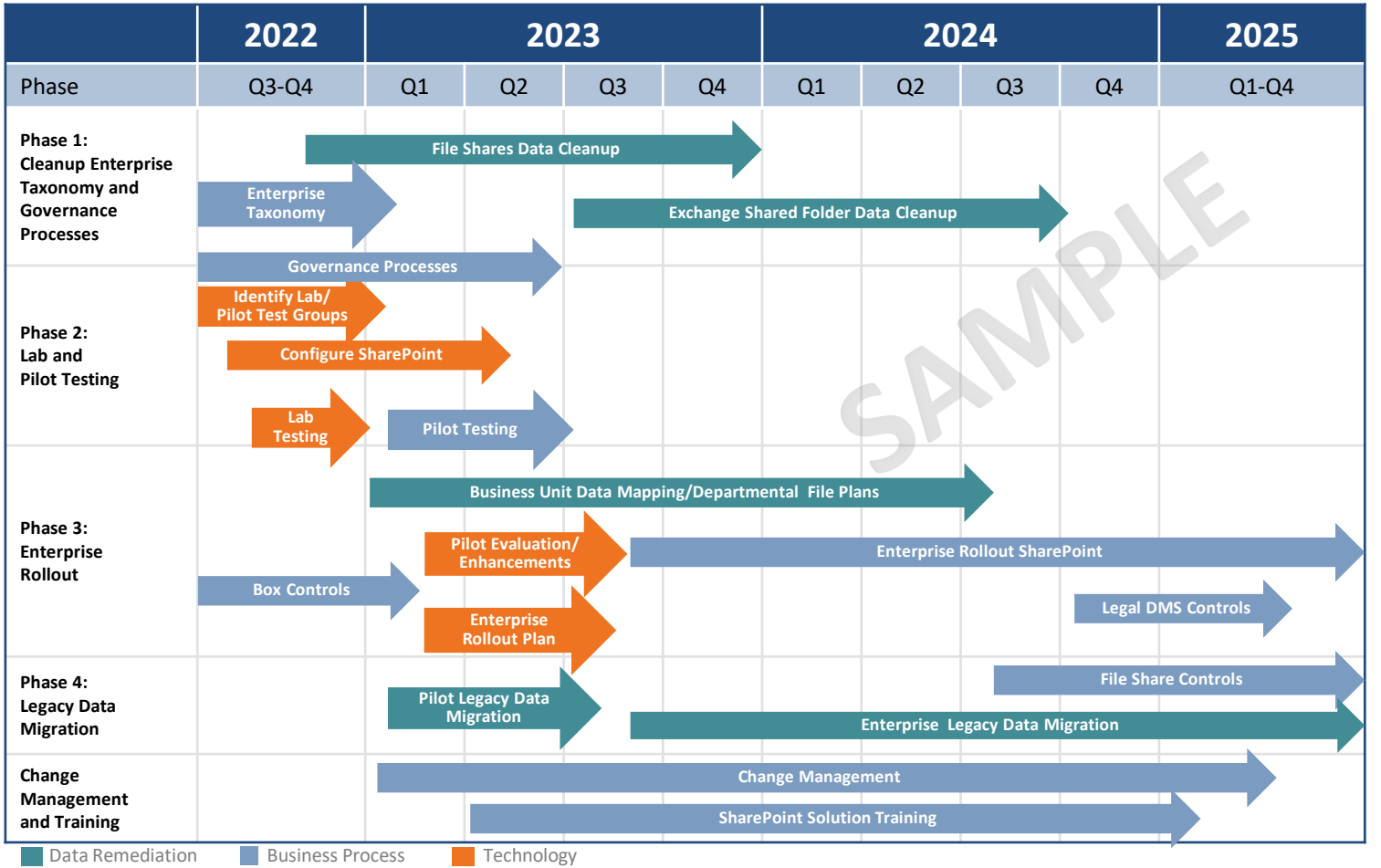


Decreased eDiscovery Costs and Risks



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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

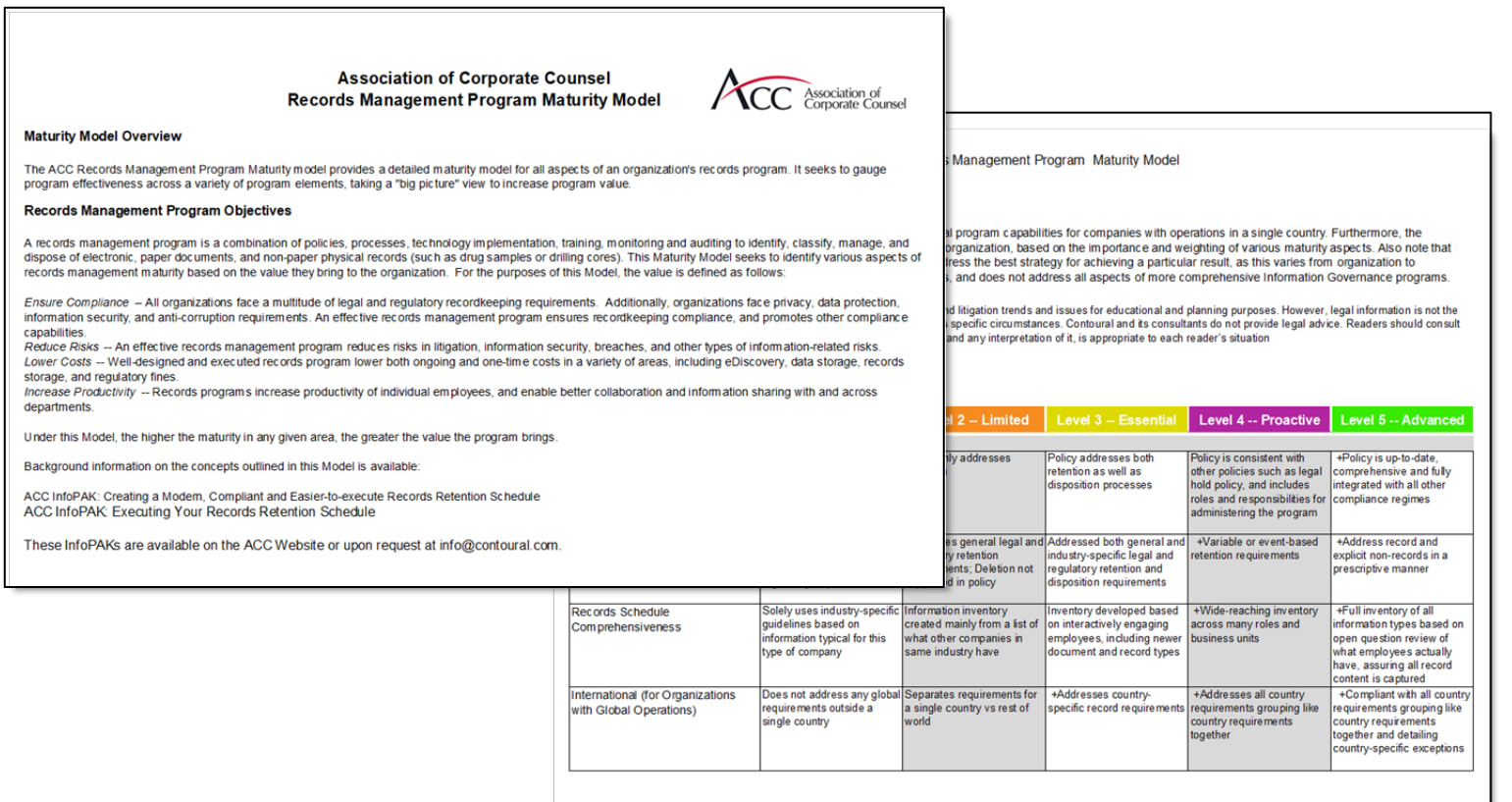
- External providers (consultants, auditors, etc.) can be brought in to evaluate both program needs and assess gaps.
- Comparisons can be made against like companies
- These external opinions can carry weight



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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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