How to Design a Legally Defensible Records Retention Plan

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Agenda

Buried Alive in Data

Baby Steps to Create a Records Management Policy

Technological Leaps

Landscape Continues to Change

Pre 2000 | Paper is the primary focus of records programs

2002 | Sarbanes-Oxley is enacted

2006 | Federal Rules of Civil Procedure are amended

2008 | Retention drives discovery & review costs

2010 | Worldwide Data grows to 1.2 Zettabytes

2011 | Domestic & international privacy requirements

What is a Zettabyte?

Data inflation 2

Unit	Size	What it means
Bit (b)	1 or 0	Short for "binary digit", after the binary code (1 or 0) computers use to store and process data
Byte (B)	8 bits	Enough information to create an English letter or number in computer code. It is the basic unit of computing
Kilobyte (KB)	1,000, or 2^{10}, bytes	From "thousand" in Greek. One page of typed text is 2KB
Megabyte (MB)	1,000KB; 2^{20} bytes	From "large" in Greek. The complete works of Shakespeare total 5MB. A typical pop song is about 4MB
Gigabyte (GB)	1,000MB; 2^{30} bytes	From "giant" in Greek. A two-hour film can be compressed into 1-2GB
Terabyte (TB)	1,000GB; 2^{40} bytes	From "monster" in Greek. All the catalogued books in America's Library of Congress total 15TB
Petabyte (PB)	1,000TB; 2^{50} bytes	All letters delivered by America's postal service this year will amount to around 5PB. Google processes around 1PB every hour
Exabyte (EB)	1,000PB; 2^{60} bytes	Equivalent to 10 billion copies of *The Economist*
Zettabyte (ZB)	1,000EB; 2^{70} bytes	The total amount of information in existence this year is forecast to be around 1.2ZB
Yottabyte (YB)	1,000ZB; 2^{80} bytes	Currently too big to imagine

Source: *The Economist*

The prefixes are set by an intergovernmental group, the International Bureau of Weights and Measures. Yotta and Zetta were added in 1991; terms for larger amounts have yet to be established.

Unstructured data

"Unstructured content is stupid and old-fashioned. It's costly, complex, and does not generate a competitive advantage."

Anne Mulcahy, Xerox Chairman and CEO

Why Companies Fail

- Disconnect between competing business interests
- Use manual, error-prone processes that take forever & are costly
- Retention schedules were built for boxes not our digital world
- Retention schedules are too confusing
- IT mandate to keep everything forever

Roadmap to Success:

Scope the Project -

- Get Exec buy-in (need to set the tone from the top)
- Create clear ownership of the project
- Assemble team, define responsibilities
- Define goals
- Make project schedule
- Find other teams doing similar work (audit or business continuity)

Create Project Plan -

- Reach out to Business Units to build inventory of records
- ID categories (e.g. email is a separate category)
- Define retention needs (tax, litigation, etc.)
- Draft Retention Schedule
- Test your assumptions

Roadmap (cont…)

Training and Awareness -

- Get Departmental buy-in (need to set the tone from the top)
- Integrate retention/destruction into workflows
- Educate employees
- Analyze and refine your rollout schedule

Manage the Process -

- Assess the project for compliance and effectiveness
- Don't be afraid to alter the retention schedule, education, etc.
- Monitor the project continuously
- Measure Success

Finding ROI

Getting Exec Buy-in

- Find allies such as Auditors, Attorneys, IT, Business Continuity, Security, Records Champions (e.g. those that are buried in data – Business Intelligence)

- Each document has several costs within a company – creation costs, storage costs, findability costs, litigation/regulatory costs, potential costs for losing documents

- Scare tactics can be effective but know your audience and the limits (each party wants something different yet related):

Auditors want to find what documents exist.

Attorneys want to find what documents exist.

IT wants less data to store and restore if needed.

Biz Continuity wants to be able to restore the necessary bits of data asap.

Security wants fewer sensitive documents and few places where sensitive data is stored.

Records Champions (and employees in general) want to find what documents exist and to be able to find them quickly.

Execs want to lower costs and increase efficiency.

Measuring Success

Metrics –

- Volume of stored records
- Storage costs
- Employee awareness (number of questions received about records management)
- Number of employees receiving training
- "Findability" of records
- Litigation/Compliance costs and response time
- Percentage of expired records retained
- Requests for restoring of archived or auto-deleted emails/documents

Buried alive in Data…

Yes, the data is growing

Yes, building a Records Policy is complicated

Yes, you can do it!

Agenda

Buried Alive in Data

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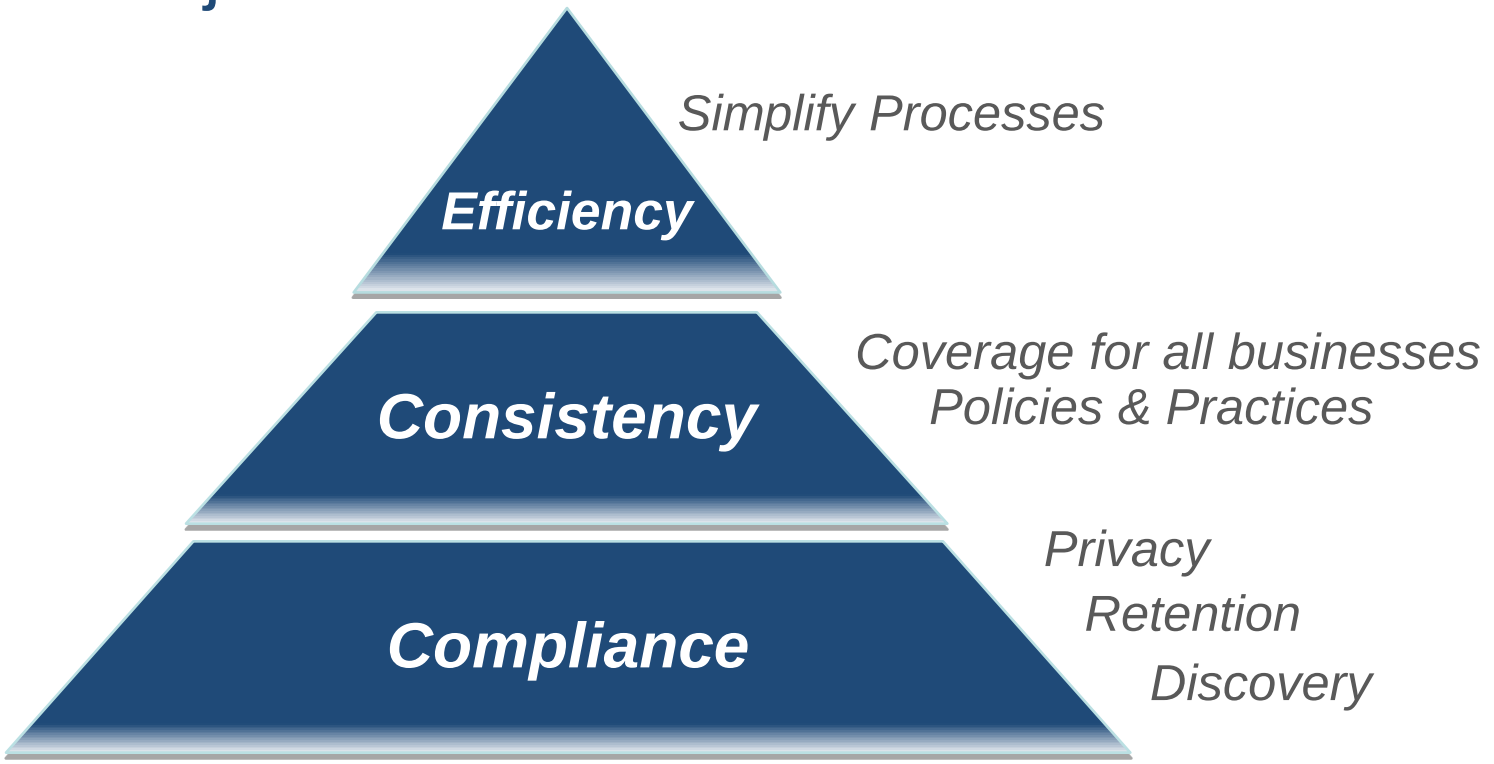
Technological Leaps

Records Objectives



Translation for In House Counsel

- Little or no budget
- Need to get rid of stuff
- No time
- Minimal impact to the business

Organizational Challenges

- 33 separate companies
- Heavily regulated industry
- 12 month timeline for data collection
- Made decision functionally where possible across companies
- Tapped a single resource at each company

The People

Sponsors

- Legal / General Counsel
- Internal Audit
- IT

Project Team

- Internal Audit
- Legal/Compliance
- HR Training
- HR Communications
- IT

Policy Manager

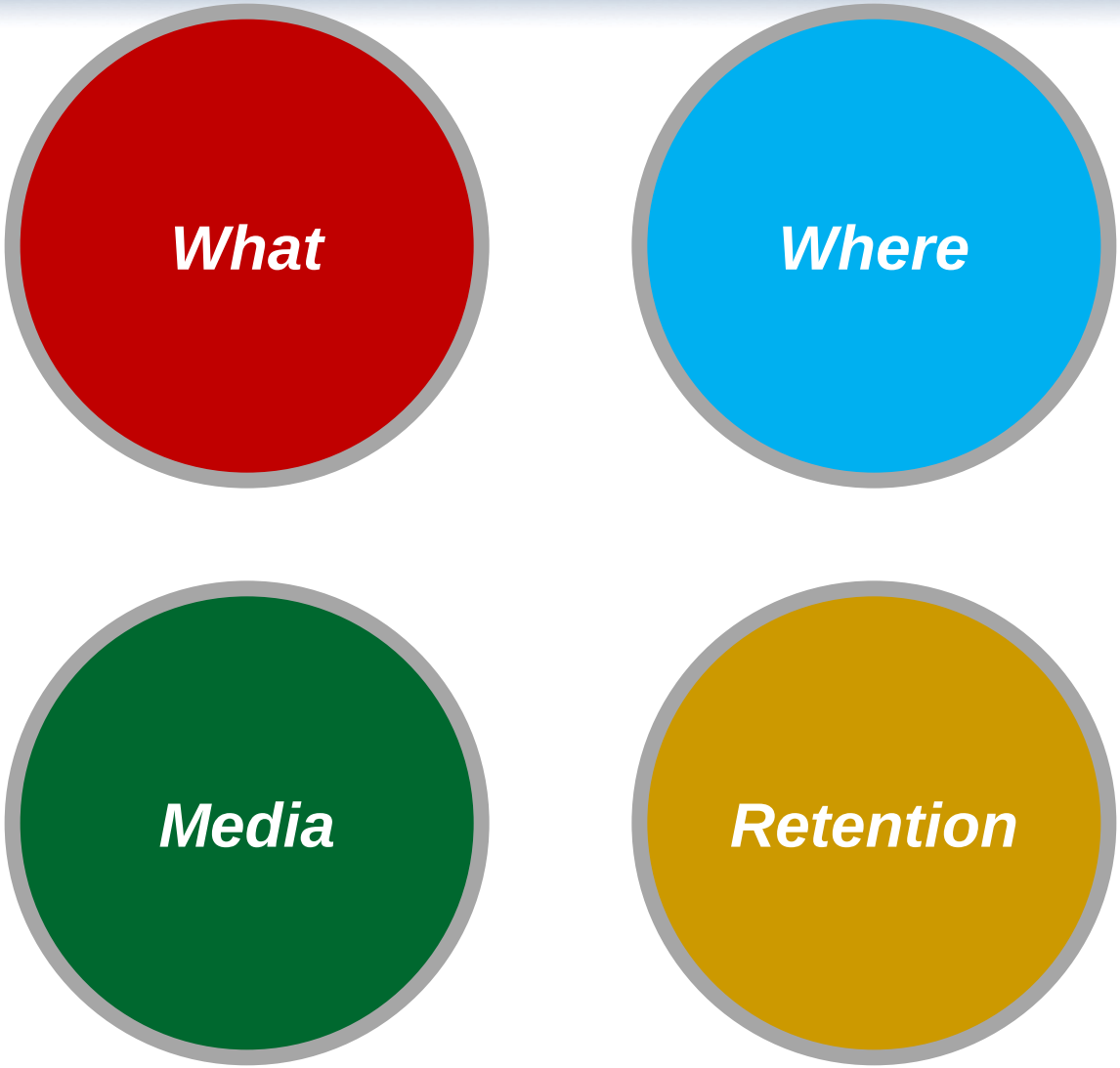
- Owns the program
- Leads training
- Ensures compliance
- Answers questions

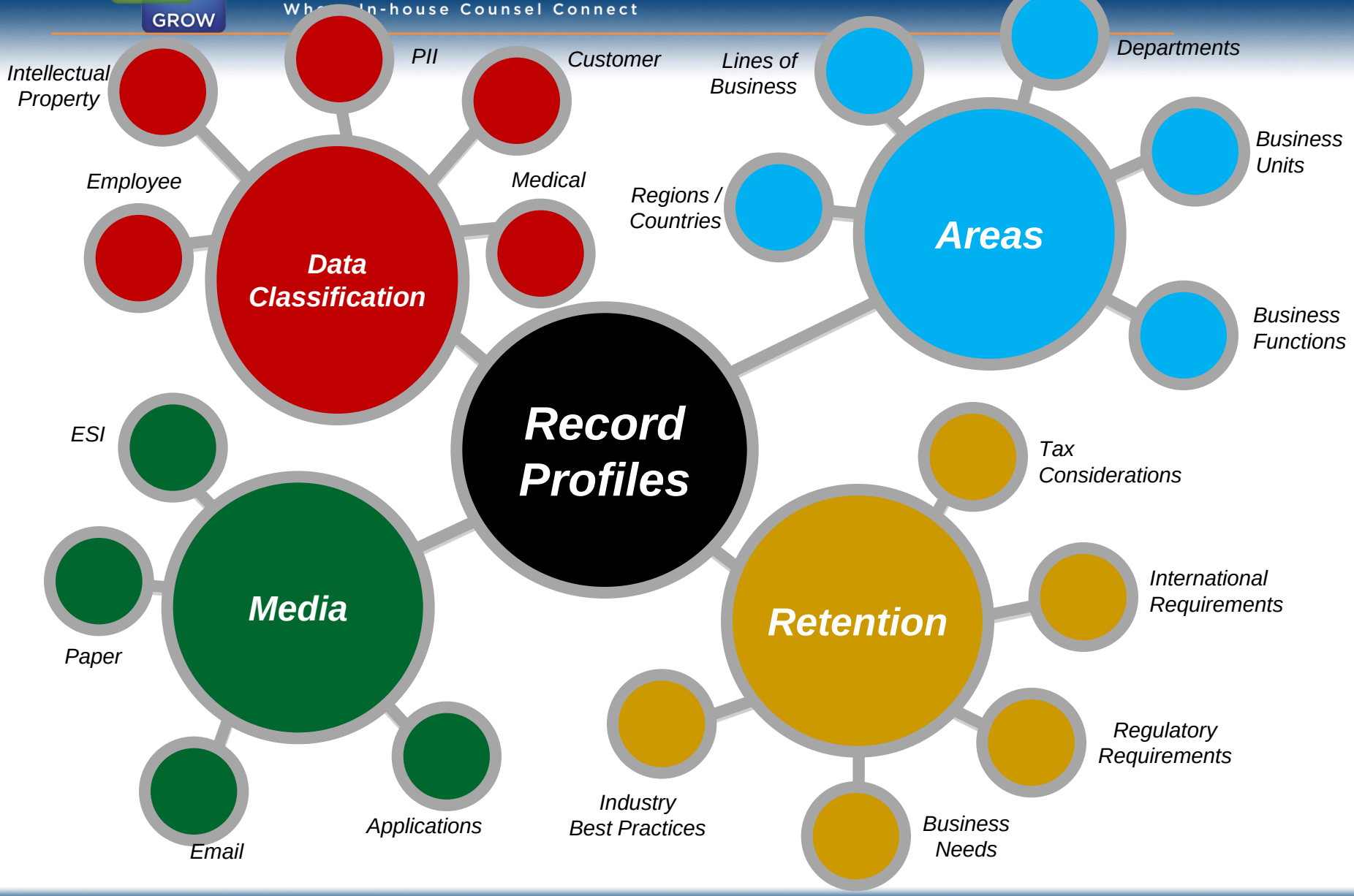
Records Management Liaisons

- *Leadership team members*
- *Serve as liaisons between Policy Manager and employees to ensure compliance*

Information Management Governance Committee (Advisors)

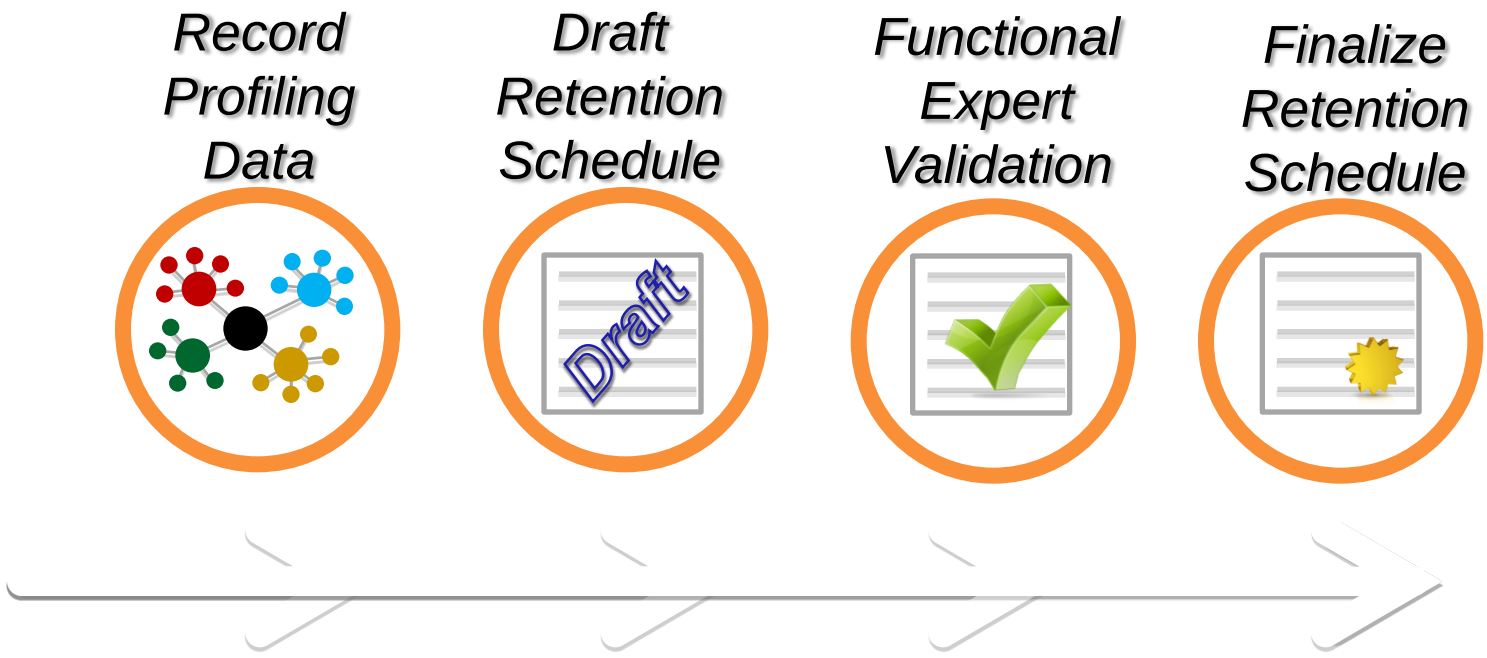
- *Review policy & program annually*


What
Where
Media
Retention


Record Profiles
Data Classification
Intellectual Property
PII
Customer
Employee
Medical
Areas
Lines of Business
Departments
Business Units
Regions / Countries
Business Functions
Media
ESI
Paper
Email
Applications
Retention
Tax Considerations
International Requirements
Regulatory Requirements
Industry Best Practices
Business Needs

Where do you get this Information and who knows it?

- What records exist across the enterprise
- How they correlate to specific lines of business/departments
- The media and applications in which they reside
- Where redundancies occur
- The reference value and business needs
- Records that contain PII and other sensitive information


Record Profiling Data
Draft Retention Schedule
Draft
Functional Expert Validation
Finalize Retention Schedule

Personnel Files

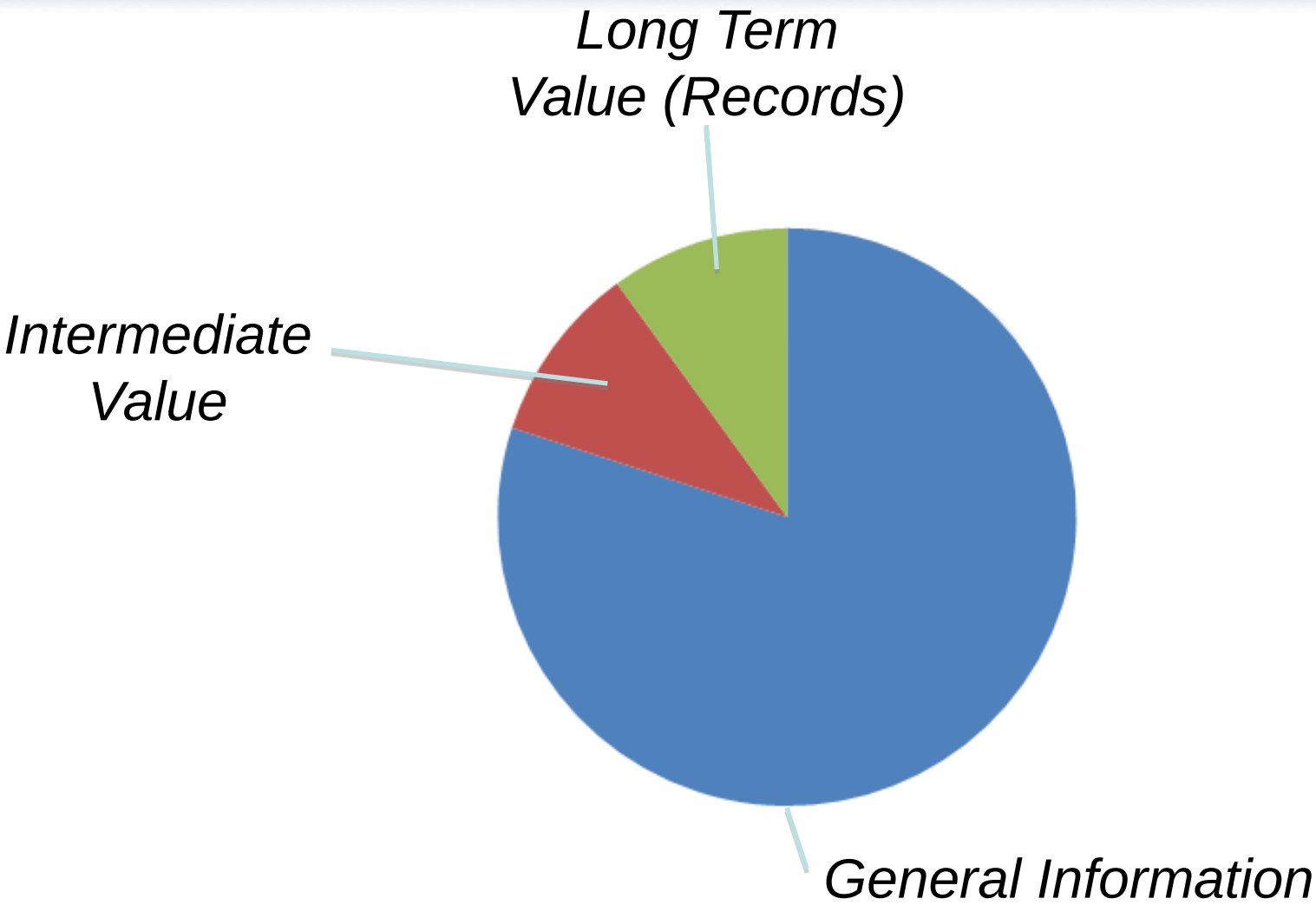
- What
- Media
- Version
- Retention
- Where
- Media Locations
- Business Need

Personnel Files

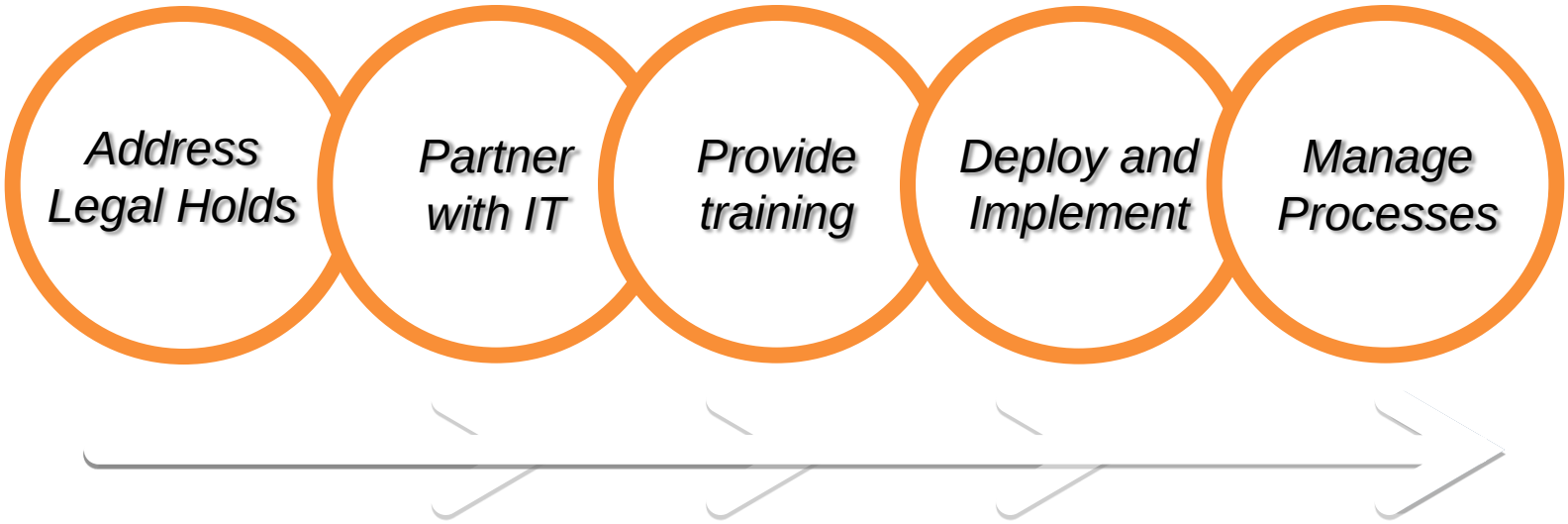
Personnel files including employee review, appraisals, disciplinary actions, statu
compensation agreements, employee agreements, non-disclosure agreements,
records, exit interviews, etc.

Sensitive Elements

	Media Types				Sensitive Data Elements						
	Email	Paper	Application	Electronic	PII	ID	IP	FIN	SI	EMP	CC
Finance	☑	☑	☑	☑	☑	☑	☐	☑	☐	☑	☑
	Inbox, Archive (PST, NSF), Printed and filed	File cabinets/Personal, File cabinets/Centralized	Oracle	Workstation hard drive, Laptop hard drive, Shared departmental drive							
Human Resources	☑	☑	☑	☑	☑	☑	☐	☑	☐	☑	☐
	Archive (PST, NSF), Inbox	File cabinets/Secured	Epicor, Oracle, CORESense, SalesForce.com	Laptop hard drive, Work station hard drive, My documents							
Operations	☑	☐	☐	☑	☑	☑	☐	☐	☐	☑	☑
	Archive (PST, NSF), Inbox			Laptop hard drive, Work station hard drive							


Long Term Value (Records)
Intermediate Value
General Information

Program Roll Out



Results

- ***Program is Driving More Disposal***
- ***Consistent Program Execution***
- ***Save Money in Storage and Discovery***
- ***Program Aligned with Discovery Process***
- ***Notification Technology Drives Accountability***
- ***Increased Privacy & Retention Awareness***

Implementation Planning

- Collaboration between legal and IT
  - Clearly articulate requirements & definitions
  - Ensure current infrastructure can meet the expectations of policy
- Dispose of obsolete records & information you don't need
  - Address legal holds
  - Document logic behind disposal
- Invest in technology when reasonable
  - Cost vs. benefit
  - Set realistic expectations

Agenda

Buried Alive in Data (and loving it?)

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Technological Leaps

How Can Technology Help?

Figure out what information you have

Find information you need to keep

Let users find and share information they need

Identify information you can retire

Tag information for actionability

Three Technology Use Cases to Consider

Auto-Classification of Legacy Data

Automated / Semi-Automated Email Filing

Targeted Remote Collection of ESI

Auto-Classification of Legacy Data

- What it is, how it works
- Benefits
- When/why it can make sense
- Customer example

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Questions?