

# Records Management, Archiving, and eDiscovery 101– Basic Concepts & RM Product Update

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## **DATA MANAGEMENT**

*DATA SERVERS, DATA WAREHOUSE  
AND DATA ARCHIVING (PRINCETON)*



## **ENTERPRISE CONTENT MANAGEMENT**

*INCLUDING FILENET PRODUCT PORTFOLIO*



## **INFORMATION INTEGRATION & MASTER DATA MANAGEMENT**

*PREVIOUSLY KNOWN AS ASCENTIAL,  
DWM, SRD & TRIGO.*



## **BUSINESS INTELLIGENCE & PERFORMANCE MANAGEMENT**

*COGNOS*



# Agenda

- Records Management
  - Why You Should Care about Records Management
  - Records Management Concepts
- Content Archiving
  - Why You Should Care about Content Archiving
  - Content Archiving Concepts
- eDiscovery
  - Why You Should Care about eDiscovery
  - eDiscovery Concepts
- RM Product Update



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# Records Management & Compliance a Corporate Priority?

- Compliance with Laws and Regulations requires retention of information
- Excessive retention of information produces more discoverable matter
- In order to avoid sanctions and manage data volumes, IT needs to implement consistent and legally defensible destruction practices
- The consequences of ignoring the imperative:
  - Audits by Regulators
  - SEC Investigations
  - Litigation and possible sanctions
  - Compliance retention failures against competing regulation requirements
  - Uncontrolled costs for storage, audits, and litigations without routine disposition and destruction practices
- The potential impact to your company may be significant – and cannot be ignored.



# More Work Required!

88% have formal records management programs but 30% do not include electronic records

36% do not regularly follow own RM policy

39% do not have formal process for holds

93% believe outcome of future litigation based on electronic records policy

46% doubt they could defend own electronic records

44% doubt own IT department understands RM policy

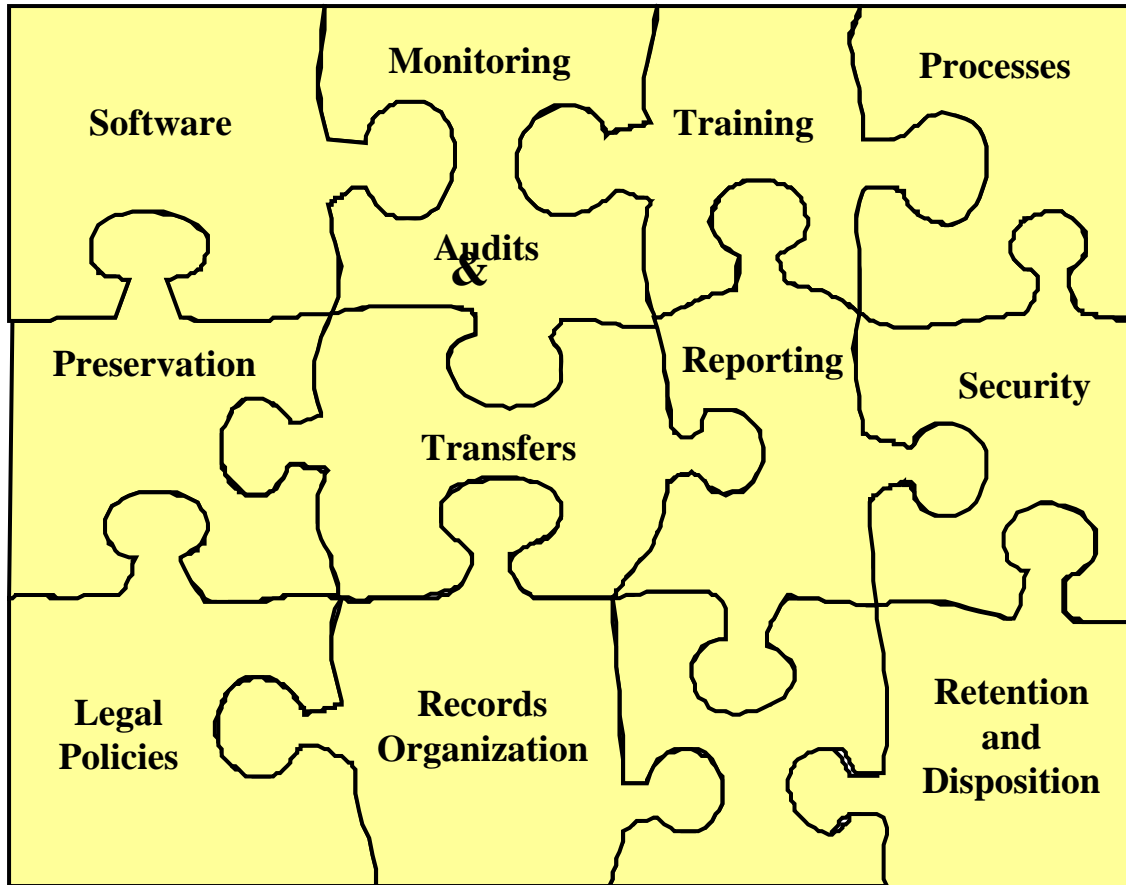
- Policies aren't clear, well communicated or supported by training
- Records don't get declared by business users and/or are incorrectly classified
- Records aren't getting destroyed at all
- Records are lost or destroyed too soon
- Records are kept too long
- RM and compliance policies not enforced

**Survey Base: 17,000 Users—1,700 Responses**

Source: Cohasset Associates, AIIM and ARMA 2007 Survey, *A Renewed Call to Action*



# RIM (Records & Information Management)



Field of management responsible for the efficient and systematic control of the **creation, receipt, maintenance, use, and disposition** of records

Vital Records



# What is a Record?

- Recorded information
  - made or received by an organization
  - regarding legal obligations or transactions
  - evidence of operations
  - has value requiring retention for a specific period of time
  - regardless of recording format, medium or characteristics,

***Source: ISO Standard 15489***



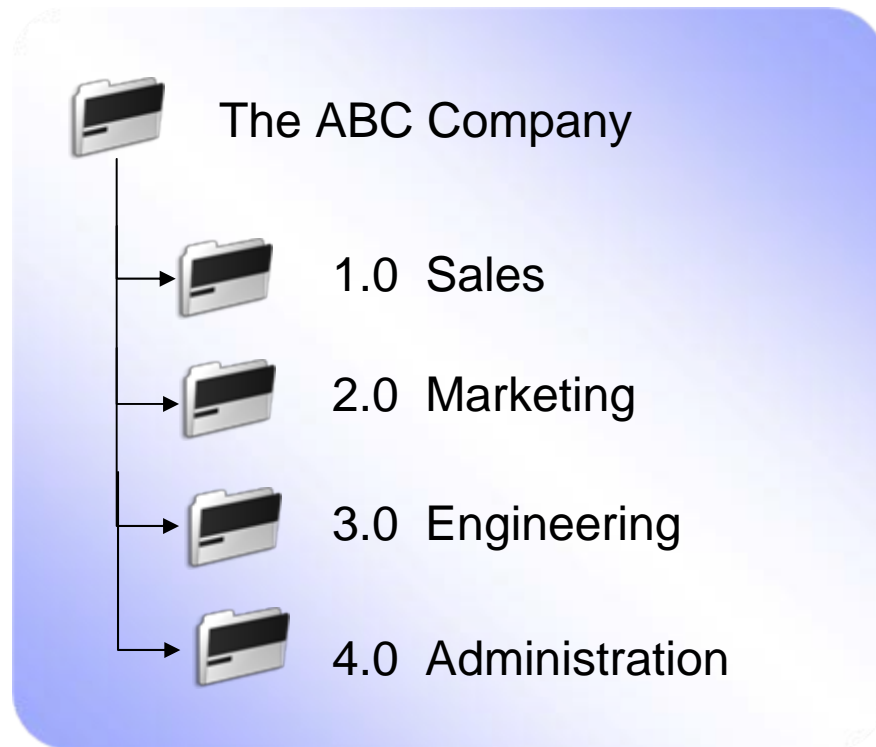
# Preservation

- **Processes and operations** involved in ensuring the technical and intellectual survival of authentic records though time
- **Content**—that which conveys information
- **Structure**—appearance and arrangement of the content
- **Context**—background information that enhances understanding of technical and business environments to which the records relate (metadata)



# Classification

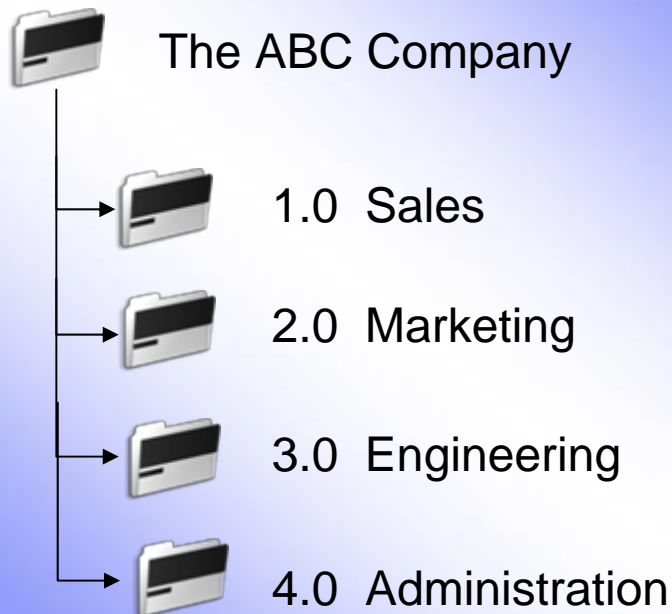
Systematic identification and arrangement of business activities and/or records into categories (sometimes referred to as the **file classification scheme, record plan, or file plan**).



1<sup>st</sup> Tier  
Categories  
**Business Functions**



# Using the File Plan



- Organises, describes, and links records
- Links and shares interdisciplinary records
- Provides improved access, retrieval, use and dissemination of records
- Attributes may be defined at higher levels and inherited at lower levels (i.e. retention, vital record, security, etc.)



# Retention Schedules

- Organisation's policy stating the retention period of the record
- May vary by record type and/or business unit (i.e. general correspondence records for the CEO versus general correspondence records for a lower-level department manager)
- Determined by:
  - Legal Statutes
  - Business Requirements
  - Historical and/or Research Value



# A Sample Retention Schedule

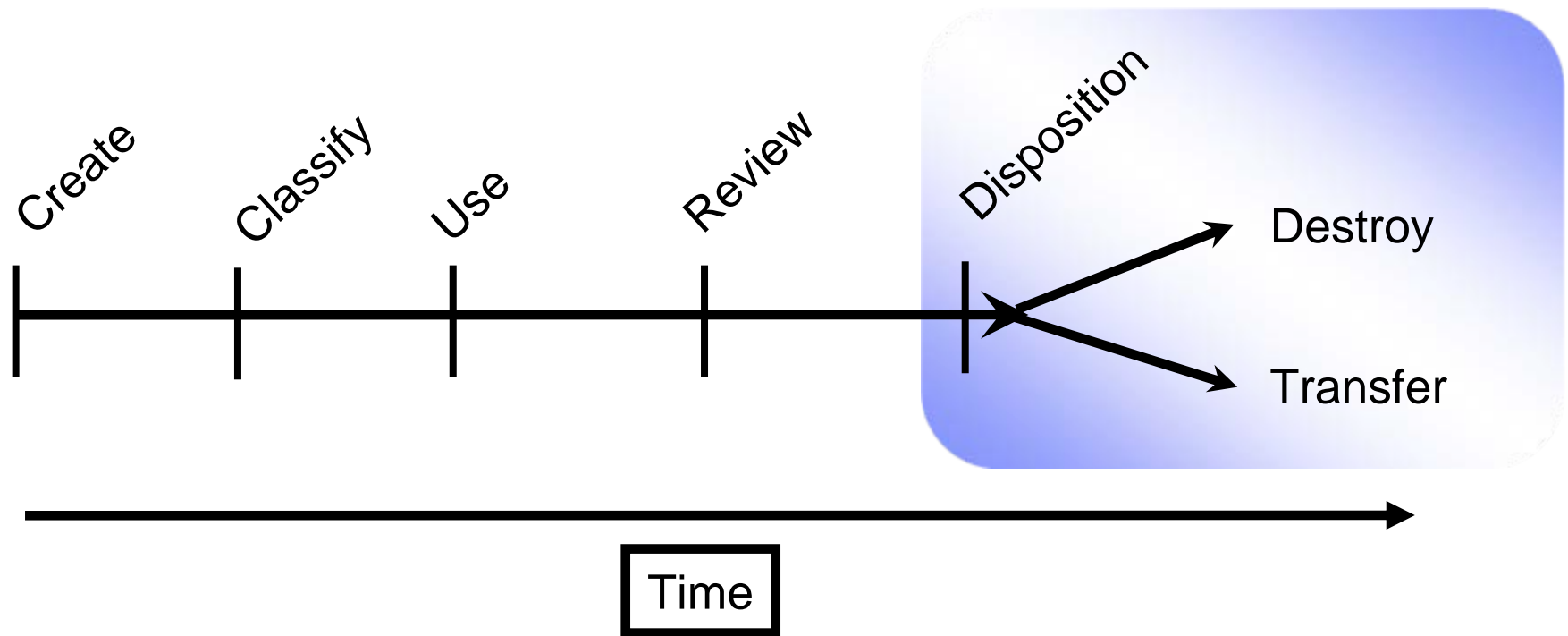


Number	Title	Authority	Description	Retention Period	Event	Legal Citation	Notes
A-1235	Consumer Complaints	Commonwealth of Pennsylvania Insurance Department Office of Regulation of Companies Insurance Department Notice 2000-07, 19 May 2000	Consumer complaints including log of complaints and correspondence with state insurance department	5 Years	Resolution of Complaint	40 P.S. §1171.5(11)	Failure to maintain a complete record of all complaints received during the preceding 4 Years is a violation of the Unfair Insurance Practices Act.



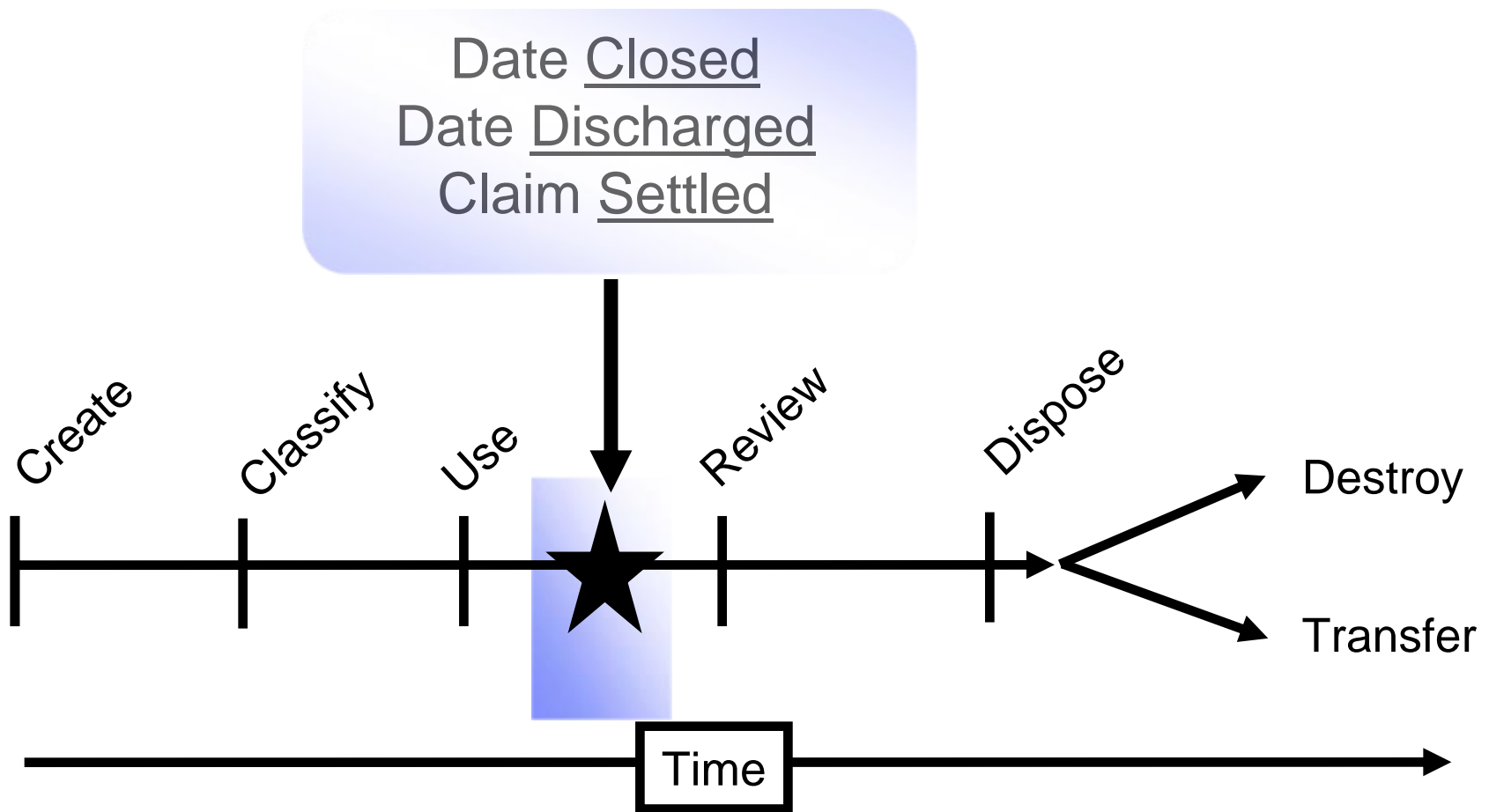
# Disposition

Those actions taken regarding records no longer needed for the conduct of the regular current business of the organisation



# Initiating Disposition

- Trigged on Time and Events



# Holding Records

- Suspension of the disposition/destruction
- Ensures records in response to litigation, audit, investigation, etc.



# Spoliation

- This term broadly refers ***to the intentional, reckless, or negligent destruction, loss, material alteration or obstruction of evidence that is relevant to litigation.***
- Courts and litigants are becoming increasingly concerned with the spoliation of evidence. The loss of evidence required for trial may prevent a party from adequately proving or defending a claim.
- The most severe sanctions are generally reserved for the willful destruction of digital evidence.
- Nevertheless, numerous courts have shown a willingness to issue harsh sanctions for the negligent destruction of data.



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# E-mail Messaging is Exploding

- **131 million** (est.) emails sent daily
  - Predicted to increase to 276 billion by 2009
- Email is
  - **75%** of corporate Intellectual Property
  - Subject to government and industry regulations eg FRCP
  - Increasingly subpoenaed in litigation
- **30%** of people's time is spent searching for relevant information.
- Nearly **60%** of companies impose mailbox size limits to curb the growth.

E-mail has become the primary medium for how we communicate. The consequence is that e-mail has become a de facto [record] repository.

CIO Magazine,  
Jan 2005



## But It's Not Just Email That Is The Problem...



“ ... unstructured content is frequently scattered across an enterprise ... in hundreds of email and file servers that are typically not well organized and not easily found ... limited visibility into compliance with corporate policies.”

– IDC

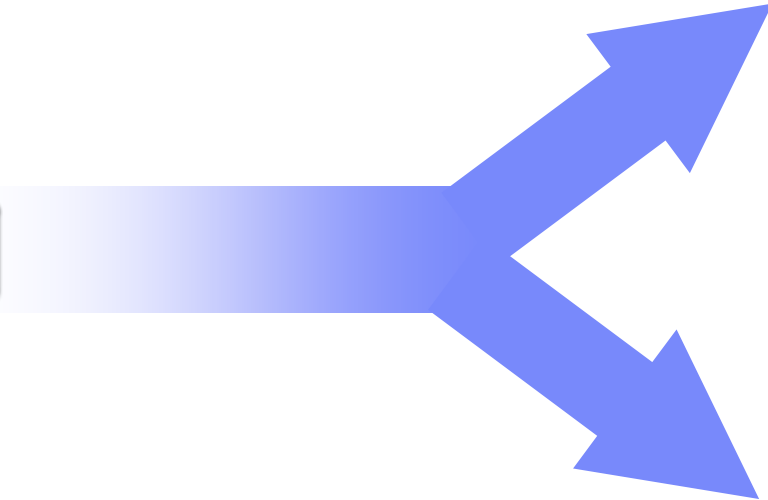


# Email and Records Management

- Email is a transport method, not a record type
  - eMail value is determined by content
  - Arbitrary mailbox limits (30 day, 60 day, or 90 day) help manage mailboxes and storage infrastructure only.
- Effective email management involves:
  - Declaring email content as business records
  - Integrating email content with other business content, transactions and processes
  - Applying and enforcing records management policy to email
- Records management for email mitigates compliance risks commonly found in systems that simply archive all email



# Archiving Market is Evolving on Two Fronts



## Archive Point Solutions

- Easier to Deploy and Maintain
- Simple Archive Rules
- Simple Retention Rules
- Another Repository Silo
- Evolving to *Intelligent Content Archiving*

## ECM Based Solutions

- Platform for *Intelligent Content Archiving*
- Context and Archive Rules
- Comprehensive Retention, Hold and Destruction using full Records Management
- Business Process Integration
- Single Repository for All Archived Document Types

Many organizations already planning to federate or migrate email point solutions into a larger ECM strategy



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# eDiscovery: What it Means to You

- Timely response to eDiscovery requests will be cost prohibitive without a robust and enterprise wide records and documents management system.
- eDiscovery will require an ability to store, access, search, and retrieve, structured, unstructured (e.g. email, and IM), internal and external data, and metadata as well as their printed outputs – and in a very timely and efficient manner.
- Enforcing record retention policies can mean big savings -- A majority of documents reviewed in legal discovery should have been destroyed as part of a record retention protocol.



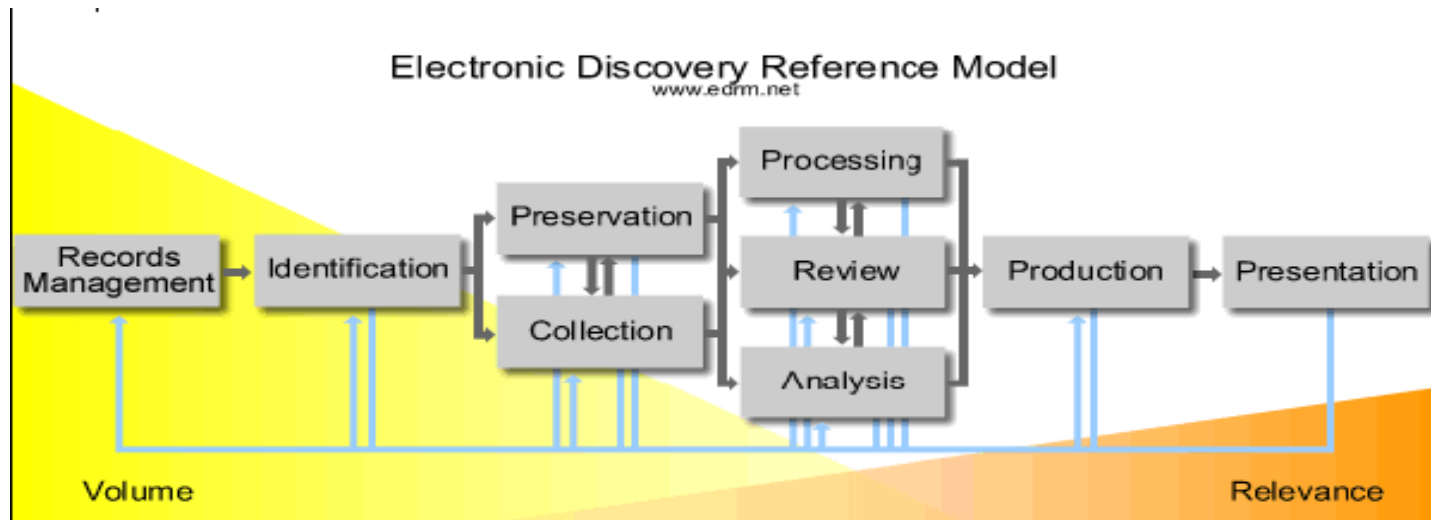
# New Federal Rules of Civil Procedure Took Effect in December 2006 Raising the ECM Bar

- The US Supreme Court approves new rules of civil procedure bringing a much needed standard and replacing dozens of state and local rulings
- New Federal Rules of Civil Procedure on Legal Discovery **(12/1/2006)**:
  - Early Attention: Rule 26 (a) (1): Show What You Have
  - Early Attention: Rule 26 (f): Requires a Discovery Consensus
  - Form of Production: Rule 34 (a) & (b): Can Ask for all Types of **ESI**
  - Sanctions: Rule 37: No Penalty for Purges as Part of Normal Operations
  - Form of Production : Rule 26 (b) (5) (B): Privileged Information Protected
  - Accessibility: Rule 26 (b) (2) (B): Protection from Cost Prohibitive Discovery
- There is no definition as to what constitute timely response in legal discovery. It is left to the discretion of judges and is bound to tighten as ECM solutions shorten response time.



# eDiscovery Process

Electronic Discovery is more than just searching ... it is a process that defines what documents are needed, how they are handled, reviewed and eventually packaged to be presented to external or opposing counsel.



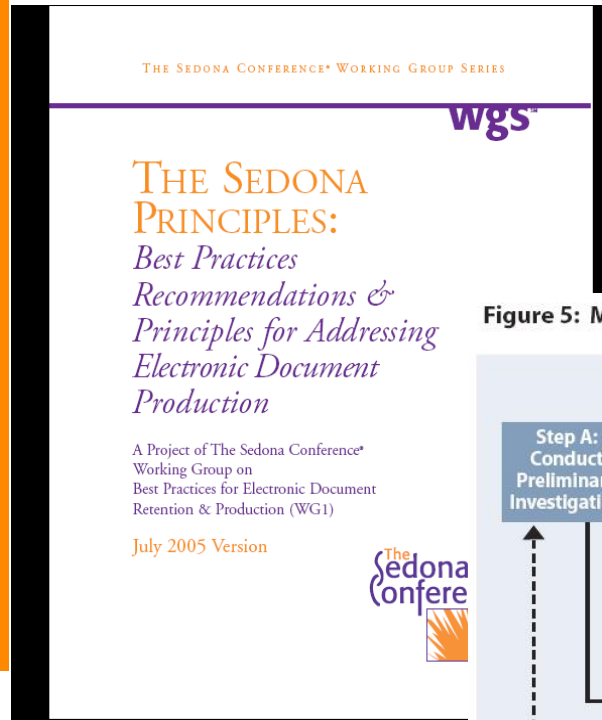
# The New E-Discovery Rules

Amendments to the Federal Rules of Civil Procedure Addressing Discovery of Electronically Stored Information (Scheduled to Take Effect Dec. 1, 2006)

Excerpts from the September 2005 Report of the Committee on Rules of Practice & Procedure and the May 2005 Report of the Civil Rules Advisory Committee

www.legalpub.com

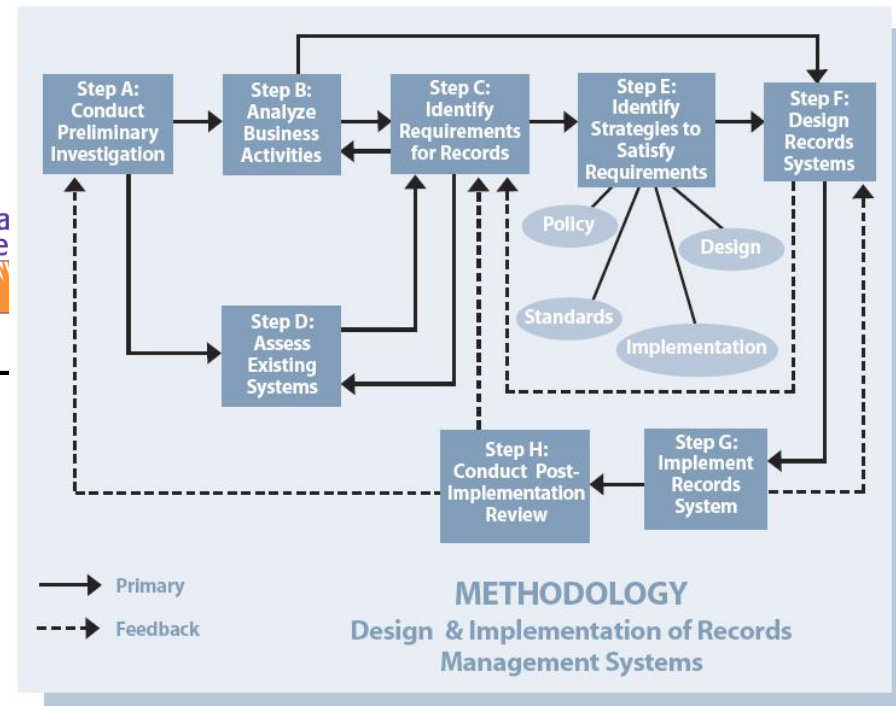
Federal Rules cites Sedona



Sedona cites ISO

Use of ISO 15489 towards good faith efforts

Figure 5: Methodology



Source: ISO/TR 15489-2 2001: Information and Documentation – Records Management – Part 2.

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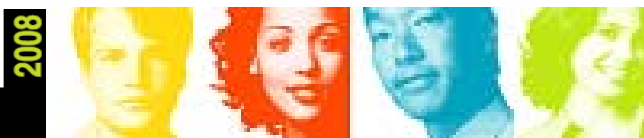


# Compliance Road Map and ARMA



Records Security and Protection		OK	100.0%	N/A	69.7%
<p>This part of the assessment covers the effectiveness of records security and protection procedures that are in place. It is critical to ensure records are protected from premature destruction, unauthorized access or modification, and physical damage or loss. To strengthen this part of the program, consider the following:</p> <ol style="list-style-type: none"> <li>Controlling humidity and temperature are critical factors for the proper storage of records. Uncontrolled environments can lead to premature deterioration of records (e.g., storage locations in basements or lower levels of buildings can lead to water or mildew damage to paper and other media.)</li> <li>Organizations should have formal guidelines regulating who is permitted access to records and in what circumstances. These may include key card access to locked areas or use of dutch doors/reference counters. Networks may control access to directories and subdirectories. Segmenting directories and protecting them from unauthorized access is as important as establishing locked file rooms.</li> <li>Backup methods for vital records should be employed to ensure access to information in case of disaster or business disruption.</li> <li>Audit trails should be maintained in electronic environments so that document and/or author changes can be tracked.</li> </ol>		● OK	100.0%	N/A	69.7%
		Your Score:	100.0%		
		Comparison To Others:	69.7%		

- <http://www.arma.org/pdf/RIMEAssessmentSample.pdf>
- Available to guide through ARMA compliance assessments



# IT Compliance Institute



- The IT Compliance Institute (ITCi) strives to be a global authority
- No single enterprise risk management framework is comprehensive...instead, you'll want to selectively combine standards by building around a central framework, such as COSO or AS/NZS 4360
- RM Matrix
- [www.unifiedcompliance.com/](http://www.unifiedcompliance.com/)
- [www.itcinstitute.com](http://www.itcinstitute.com)
- The Unified Compliance Framework (UCF) is the first and largest independent initiative to map IT controls across international regulations, standards, and best practices





# Compliance Community links

- [www.sedonaconference.org](http://www.sedonaconference.org)
- [www.unifiedcompliance.com](http://www.unifiedcompliance.com)
- [www.records.nsw.gov.au/recordkeeping/dirks-methodology-manual\\_1787.asp](http://www.records.nsw.gov.au/recordkeeping/dirks-methodology-manual_1787.asp)
- [www.ica.org/](http://www.ica.org/)
- [www.arma.org/bookstore/productdetail.cfm?ProductID=1462](http://www.arma.org/bookstore/productdetail.cfm?ProductID=1462)
- <http://www.archives.gov/index.html>
- <http://www.lists.ufl.edu/archives/recmgmt-l.html>
- [www.eedinc.com](http://www.eedinc.com)
- [www.epa.gov](http://www.epa.gov)
- [Skupsky Records Manager](#)
- <http://www.coso.org/publications.htm> (Risk Register)
- <https://www.rmda.belvoir.army.mil/rmdaxml/sitemap.asp?mode=programs>
- <http://www.epa.gov/records1/gloss/gloss07.htm>
- <http://www.aiim.org>
- [www.arma.org/standards/eassessment.cfm](http://www.arma.org/standards/eassessment.cfm)



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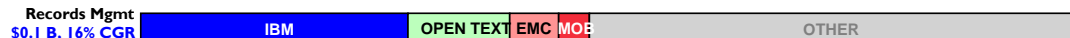


# IBM is the Acknowledged Leader



## Market Map

Source: IBM 2H07 GMV



## Gartner View

Source: Gartner MarketScope for Records Management, 2007, Jan 30, 2007. ID G00145243

Figure 1. MarketScope for Records Management, 2007

	RATING				
	Strong Negative	Caution	Promising	Positive	Strong Positive
CA				x	
EMC					x
IBM					x
Meridio				x	
Mobius			x		
Objective			x		
Open Text					x
Stellent				x	
Tower Software			x		
Vignette			x		
ZyLAB			x		

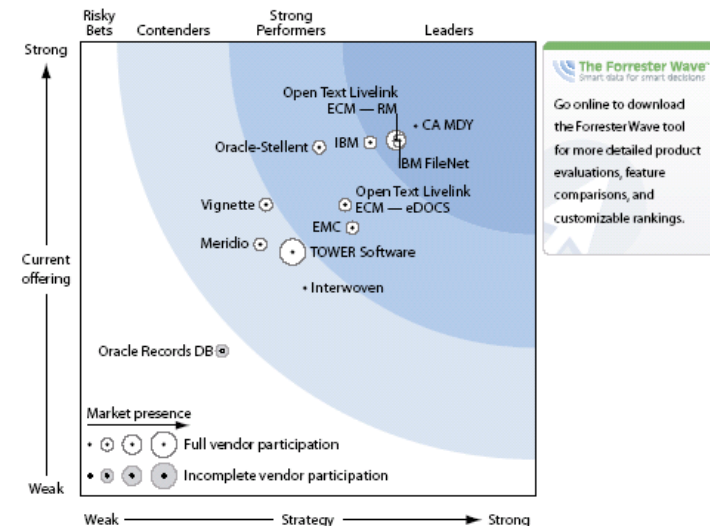
As of 29 January 2007

Source: Gartner (January 2007)

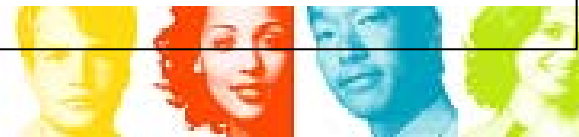
## Forrester View

Source: The Forrester Wave™: Records Management, Q1 2007, Mar 14, 2007

Figure 3 Forrester Wave™: Records Management, Q1 '07



Source: Forrester Research, Inc.



# RM Strategy

This represents best information currently available; Plans do change so check with your IBM representative

- P8 RM
  - Certification to DoD 5015.2 v3 in Q308 ... GA in Q308
  - P8 RM on distributed only, no plans for zOS
- IRM
  - Certification to DoD 5015.2 v3 in Q109
  - IRM on zOS in 1H09
- New P8 RM federation capabilities leveraging P8 CFS
  - P8 RM for CMOD
  - P8 RM for CM8



# IBM Compliance Warehouse for Legal Control

Leveraging IBM End-to-End Capabilities...

## Disorganised

Enterprise Content  
Manual Processes  
Paper Storage



## Organise / Control

Automatic Classification  
Records Management  
Intelligent Content Archiving



## Optimise

Legal Discovery  
Operational Controls  
Analytics, BI & Reporting



**Ingest**  
Tagging for Discovery  
& Process Context

**Enable**  
Streamline Discovery  
& Legal Productivity



# IBM Compliance Warehouse for Legal Control

## Information

### Enterprise Content

- Paper Capture
- Email, Documents, Images and Web

### Operational Processes

- Workflow & Transactions
- Embedded Controls & Risk Monitoring

## Warehousing and Storage

### Digital Compliance Warehouse

#### Warehouse Services

- Records / Retention
- Automatic Classification
- Content & Process Analytic Framework
- Process Execution / Audit / Monitoring

## Access Models

### Legal Control

- Legal Hold & Discovery
- Records Management
- Case Management

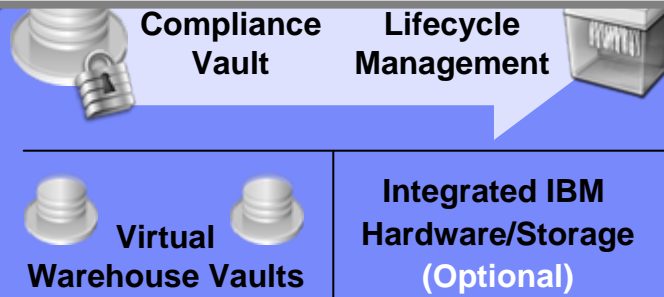
### Operational Control

- Risk & Control Framework
- Process Management
- Process Monitoring
- Compliance Management
- Compliance SOA

### Analysis & Reporting

- Mining & Visualization
- Business Intelligence
- Process Simulation

**The Journey**  
*Regardless of your starting point ... let us leverage your existing investments*



**IBM Business & Technology Services**  
 • Multiple Assessments & Services

**Partner Solutions | Partner Services**  
 • No Paper Weight

**Simplified, Prescriptive, Easy To Deploy**



# Questions?



**Brendan Reid**  
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IBM Information Management Software

