

RETENTION POLICIES

Managing E-Docs

Launching or upgrading protocols can be difficult.

By Richard Simon

Whether your organization is just starting to consider how to manage its electronic records, or wants to improve an existing program, here are some tips:

1. *Communicate.* User adoption and compliance is typically the last mile on the long road to a successful e-records program. Many users are resistant to change, and may be particularly suspicious of programs that could affect their day-to-day work styles.
 - Identify users who are influencers and involve them early. Ask their opinions about design and functions, and rely on them to champion adoption.
 - Explain the basis for the changes — how they will help users' units (and the organization as a whole) become more productive and compliant.
 - E-record managers: Work closely with communications managers to craft effective internal marketing campaigns promoting new or modified procedures.
 - Make it easy for users to find answers to frequently asked questions by combining relevant procedures and guidelines in a single location.

2. *Be flexible:* Provide all users with an electronic workspace they can control. While programs depend greatly on employees classifying and profiling documents, don't let "the perfect be the enemy of the good."

A program can be effective while offering users flexibility



to freely manage a nominal amount of space for materials that are not official records (i.e., those governed by a retention schedule). Users should be trained to use this space to store works in progress, and recognize — and separately declare and profile — the organization's official records.

3. *Measure compliance:* Keep metrics to track compliance with e-records management programs. Enforcing compliance through internal audits can help your organization defend its business practices if it comes under scrutiny by regulators or in court. Audits can also provide insight into user behavior and storage requirements.

One advantage of managing e-records is the relative ease and accuracy with which compliance and participation can be measured. Basic metrics concerning classification accuracy, field completion, record duplication, participation, disposition, and age relative to expiration are usually simple to generate.

Particularly when these metrics are referenced against groups of users — by region, company/firm or business group — they can be quite effective in identifying and resolving potential compliance issues.

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4. *Clean-up Days:* Do include e-records in company clean-up days, when employees dispose of expired or duplicative paper records. These also are excellent opportunities for personnel to declare, organize, and dispose of e-documents, including e-mail. As with hard copy clean-up, personnel should be properly instructed how to treat records in accordance with your organization's existing policies and schedules.

5. *Inventory:* Maintain an inventory or data map of your organization's electronic systems and data. Even small organizations rely on a multiplicity of electronic systems to manage information; for larger organizations, systems often number in the thousands.

Maintaining an accurate, up-to-date inventory can help your organization meet its obligations to disclose and preserve information that may be responsive in discovery or investigations—or are subject to audit. A data map also can help your organization manage its system of records, identify which record series are contained in other data sources, and identify any automated grooming or disposition functions.

6. *Address various formats:* Organizations rely on an increasing volume and variety of e-content, such as video, audio, blogs, wikis and social networking. Evaluate content sources outside of your direct control, and consult counsel when necessary, to assess whether these are business records that create obligations for your firm.

Where third parties manage your data, be sure it is treated according to your policies. You may need agreements that govern how data will be managed. Consider addressing these materials directly in your records/information policy, and include known sources of such information in any map of your

data, before they become too pervasive to control.

7. *Culture:* Promote a culture where everyone is encouraged to dispose of unneeded electronic materials. The potential issues associated with over-retention of e-documents are well known: reduced productivity, unreliable record-keeping, and costlier discovery.

Today, most individuals are responsible for managing their e-documents and may unnecessarily retain materials long after they could (or should) have been discarded.

Issue short, targeted "quick tip" e-mails to raise awareness of records policies, and provide real-world instruction on when it's okay — and when it's not okay — to throw documents away.

8. *Keep it simple:* Less is more when it comes to classifying and storing records. Most users manage only a handful of record types in their day-to-day work. Present users with a limited list of categories focusing on their most frequently-used record classifications. Investigate patterns of different user groups; analyzing user needs can pay dividends in more accurate classification and increased compliance.

9. *Integration:* How do all of your organization's policies work together to manage electronic records? Do your policies and procedures work together to form an effective framework? Are policies governing system backups consistent with the records retention schedule? Are requirements placed on users through legal hold procedures aligned with the general records and information management policy?

Managers should examine their organization's existing policy framework to identify gaps and inconsistencies, considering, for example: legal holds; records and information management; records retention schedules; electronic signatures; backups, archives and disaster recovery; codes governing professional conduct and acceptable use; and data privacy and security.

10. *Start now:* Begin to manage e-records while your organization still has a choice. Even in the absence of a full electronic records program, proactively addressing basic e-records issues raises awareness of its importance and can help mitigate risk and reduce costs.

Pay attention to basic questions:

- What is an electronic record in your organization?
- Where are the most important records located?
- What are the legal and regulatory requirements to retain and access these records?

Don't wait for an event to occur that will force your organization to reactively address these issues. **LTN**

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