

Christian Liipfert  
Scharf Banks Marmor  
LLC

# Information Governance: Engaging with Your Natural Allies



# What is Information Governance?

# What is Information Governance?

**Gartner**

**Barclay Blair  
(IGI)**

**Sedona**

**AHIMA**

**Soares**

**AIIM**

**EDRM**

**Skupsky**

**Smallwood**

**ARMA**

**Wikipedia**



(fill in the blank)

# Information Governance

- What: How an organization manages its information
  - Why – risk, duty, requirements, obligations, make money
- “Its information” includes
  - Received, accessed, created, used, organized, stored, or transmitted
  - Non-public
  - Written and unwritten
- “Manages” includes
  - People (structures, interconnections, duties)
  - Controls (policy, process, education, monitoring, technology)

# What's the problem with Information Governance?

- It's big
- No one person owns it

# What's the solution?

- Establish a policy covering all information
- Appoint an owner
  - Provide them a measurable objective
  - Provide them resources
- Measure their performance

# Why hasn't this happened?

- It's big
- What is it?
- Who's going to own it?

# What you can do to help

- Don't try to own it
  - Encourage the organization to appoint one owner
- Understand it
  - Risk
  - Compliance
- Help others understand it
  - Risk
  - Compliance
- Create a coalition of fellow travelers
- Start a groundswell

# Who are your fellow travelers?

- Lawyers
- Compliance
- Security
- IT
- Privacy
- HR
- Finance
- HSE
- Regulated businesses
- Purchasing
- Sales
- Knowledge management
- Plant Managers
- Businesses
- Managers
- Employees

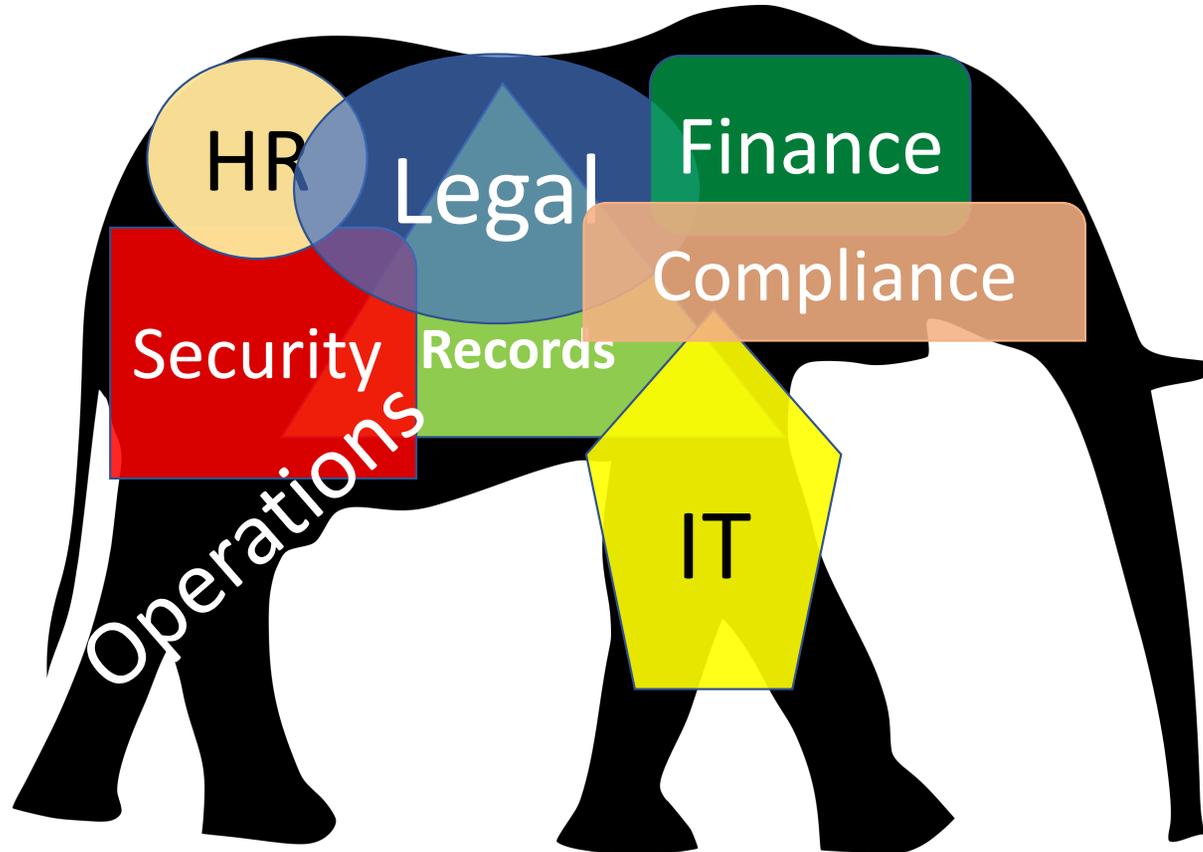
# What do you have in common?

- You're all employees
- You all manage some company information
- Duties of all employees
  - Comply with law in the course of the company's business
  - Comply with company instructions (Code of Conduct, policies, procedures)
  - Report material violations of law and company instructions

# What's different about them?

- Different information risks, requirements, concerns and processes
- Different sense of organization
- Influence different people differently
- Different gaps

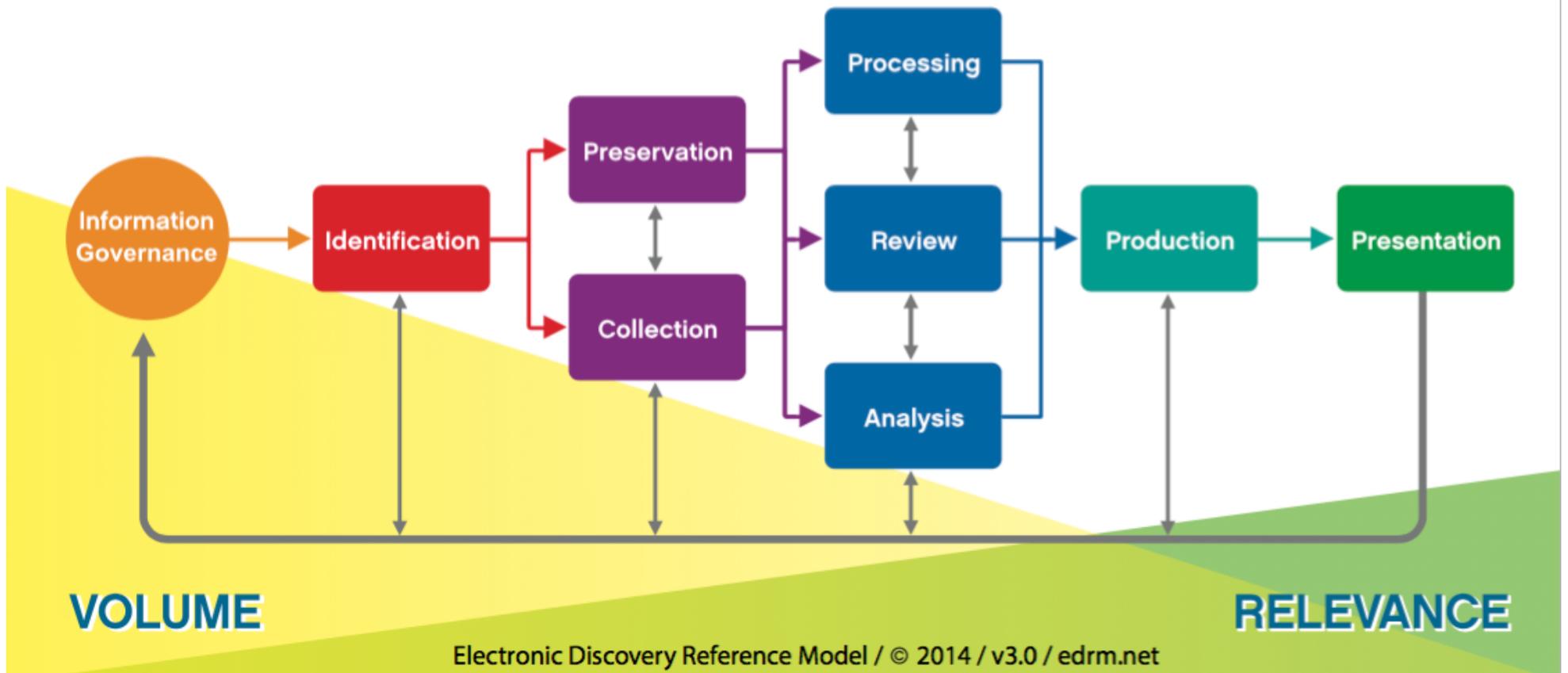
# The problem



# How to engage?

- Recognize information risks they manage
- Understand their information processes
- Discuss information in their terms
- Help them understand who their fellow travelers are
- Build their support for a comprehensive approach

# Electronic Discovery Reference Model



# 18 U.S.C. §1519

- Whoever
- knowingly alters, destroys, ..., falsifies, or **makes a false entry**
- in any record, document, or tangible object
- **with the intent** to impede, obstruct, or **influence** the investigation or **proper administration**
- of any matter **within the jurisdiction** of any **department or agency** of the United States ...,
- shall be fined under this title, imprisoned not more than 20 years, or both.

TRAVELER	INFORMATION FOCUS	GAPS?
Lawyers	"Their" area; "their" way; protect privilege	Compliance with Code of Conduct and policies; record retention schedules
• E-discovery	Finding, preserving documents; sanctions; chain of custody; texts; new technology	Pre-discovery activity; sharing lessons learned
• Regulatory	Regulatory requirements; training; conducting investigations; clarity	18 USC §1519
• HSE	Documenting compliance with laws and regulations; safety processes; proving what happened	Accuracy of information
• Antitrust	Contacts with competitors; business writing; "market"; "power"	
• Business Unit	Contracts; modifications; finding history; writing clearly and completely	Getting rid of ROT
• Labor	Privacy; social media; confidentiality; investigations	Employee duties
• M&A	What the target has and where it has it; history; document the agreement	How to integrate information after we buy; what we still need after we sell
• IP	Trade secrets, copyrights, software, patents	Other proprietary information
• Corporate	SOx; accurate and complete; preserving history	Employee duties
• Tax	Required documents; accuracy	Rev. Proc. 97-22

TRAVELER	INFORMATION FOCUS	GAPS?
Finance	SOx; materiality; accurate & complete; assets & liabilities; investments; audit	Information is a company asset; record retention schedules
Security	Confidentiality; availability; integrity; business continuity; conducting investigations	Proprietary information; record retention schedules
IT	Budget measures; recoverability; up-time; storage and archiving; security; access; search	How to dispose; end-of-life systems; Privacy in EU; record retention schedules
HR	Confidentiality; education; applicants; payroll; pensions; time records; whistleblowers; social media; discipline	Shadow system; record retention schedules
Privacy	Collection; use; storage; transmission	Outside the US; record retention schedules
Compliance Officers	Code of Conduct; document the process; compliance with law; education; audit; certifications	Duties; information as an asset; records management
Plant Managers	Production; costs; efficiency; process; filing, finding; history; business continuity; schedule; parts; maintenance	Corporate hoo-hah, including record retention schedules
Managers	Results; performance contract; bonus; timely, reliable information; analytics; customers	Code of Conduct; accountability; employee duties; record retention schedules
Employees	What the boss requires; how I do my work; how can I find things?	Record retention schedules; compliance with Code of Conduct; duty to comply with procedures; duty to report excursions

# Who's missing?

TRAVELER	INFORMATION FOCUS	GAPS?
Records Manager	Records schedule, organization, legal holds, records disposal	Non-records; Code of Conduct; company policies; engagement with others; broader view

# Engaging the coalition

- Identify the potential allies
- Don't mention "records"
- Discuss the information they manage
- Define the requirements applicable to what they do
- Show them commonalities with others
- Leverage the coalition through Compliance
- The Code of Conduct is your friend

Christian Liipfert  
Scharf Banks Marmor LLC  
cliipfert@scharfbanks.com

