Information Governance: Engaging with Your Natural Allies
What is Information Governance?
What is Information Governance?

<table>
<thead>
<tr>
<th>Gartner</th>
<th>Barclay Blair (IGI)</th>
<th>Sedona</th>
<th>AHIMA</th>
<th>Soares</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIIM</td>
<td>EDRM</td>
<td>Skupsky</td>
<td>Smallwood</td>
<td>ARMA</td>
</tr>
</tbody>
</table>

Wikipedia

(fill in the blank)

ARMA Tulsa September 2017
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
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.
<table>
<thead>
<tr>
<th>TRAVELER</th>
<th>INFORMATION FOCUS</th>
<th>GAPS?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawyers</td>
<td>“Their” area; “their” way; protect privilege</td>
<td>Compliance with Code of Conduct and policies; record retention schedules</td>
</tr>
<tr>
<td>E-discovery</td>
<td>Finding, preserving documents; sanctions; chain of custody; texts; new technology</td>
<td>Pre-discovery activity; sharing lessons learned</td>
</tr>
<tr>
<td>Regulatory</td>
<td>Regulatory requirements; training; conducting investigations; clarity</td>
<td>18 USC §1519</td>
</tr>
<tr>
<td>HSE</td>
<td>Documenting compliance with laws and regulations; safety processes; proving what happened</td>
<td>Accuracy of information</td>
</tr>
<tr>
<td>Antitrust</td>
<td>Contacts with competitors; business writing; “market”; “power”</td>
<td></td>
</tr>
<tr>
<td>Business Unit</td>
<td>Contracts; modifications; finding history; writing clearly and completely</td>
<td>Getting rid of ROT</td>
</tr>
<tr>
<td>Labor</td>
<td>Privacy; social media; confidentiality; investigations</td>
<td>Employee duties</td>
</tr>
<tr>
<td>M&amp;A</td>
<td>What the target has and where it has it; history; document the agreement</td>
<td>How to integrate information after we buy; what we still need after we sell</td>
</tr>
<tr>
<td>IP</td>
<td>Trade secrets, copyrights, software, patents</td>
<td>Other proprietary information</td>
</tr>
<tr>
<td>Corporate</td>
<td>SOx; accurate and complete; preserving history</td>
<td>Employee duties</td>
</tr>
<tr>
<td>Tax</td>
<td>Required documents; accuracy</td>
<td>Rev. Proc. 97-22</td>
</tr>
<tr>
<td>TRAVELER</td>
<td>INFORMATION FOCUS</td>
<td>GAPS?</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Finance</td>
<td>SOx; materiality; accurate &amp; complete; assets &amp; liabilities; investments; audit</td>
<td>Information is a company asset; record retention schedules</td>
</tr>
<tr>
<td>Security</td>
<td>Confidentiality; availability; integrity; business continuity; conducting investigations</td>
<td>Proprietary information; record retention schedules</td>
</tr>
<tr>
<td>IT</td>
<td>Budget measures; recoverability; up-time; storage and archiving; security; access; search</td>
<td>How to dispose; end-of-life systems; Privacy in EU; record retention schedules</td>
</tr>
<tr>
<td>HR</td>
<td>Confidentiality; education; applicants; payroll; pensions; time records; whistleblowers; social media; discipline</td>
<td>Shadow system; record retention schedules</td>
</tr>
<tr>
<td>Privacy</td>
<td>Collection; use; storage; transmission</td>
<td>Outside the US; record retention schedules</td>
</tr>
<tr>
<td>Compliance Officers</td>
<td>Code of Conduct; document the process; compliance with law; education; audit; certifications</td>
<td>Duties; information as an asset; records management</td>
</tr>
<tr>
<td>Plant Managers</td>
<td>Production; costs; efficiency; process; filing, finding; history; business continuity; schedule; parts; maintenance</td>
<td>Corporate hoo-hah, including record retention schedules</td>
</tr>
<tr>
<td>Managers</td>
<td>Results; performance contract; bonus; timely, reliable information; analytics; customers</td>
<td>Code of Conduct; accountability; employee duties; record retention schedules</td>
</tr>
<tr>
<td>Employees</td>
<td>What the boss requires; how I do my work; how can I find things?</td>
<td>Record retention schedules; compliance with Code of Conduct; duty to comply with procedures; duty to report excursions</td>
</tr>
</tbody>
</table>
Who’s missing?

<table>
<thead>
<tr>
<th>TRAVELER</th>
<th>INFORMATION FOCUS</th>
<th>GAPS?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Records Manager</td>
<td>Records schedule, organization, legal holds, records disposal</td>
<td>Non-records; Code of Conduct; company policies; engagement with others; broader view</td>
</tr>
</tbody>
</table>
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