

eRecord Retention & eDiscovery

Using one to succeed at the other



King County

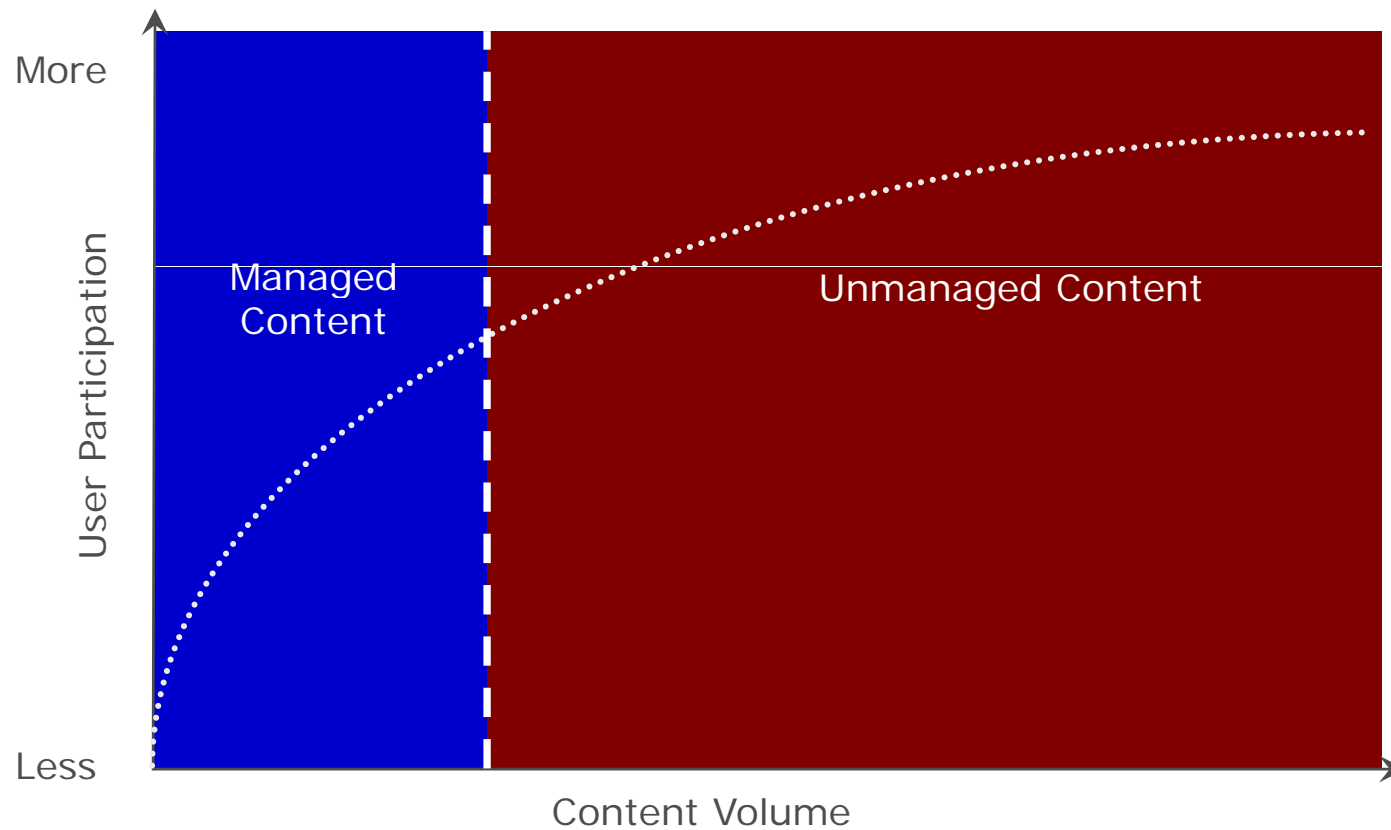
Archives and Records Management

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The Demands and Goals

- Demands of the amended FRCP
 - Parties need to discuss (early on) the discovery aspects of ESI¹, provide for timely production (in native format), preserve ESI with metadata intact, and provide for a verifiable chain of custody
- Goals of a sound Records Management program
 - Protect a record from alteration or destruction
 - Preserve the record in order to meet legal, fiscal, business, and historical requirements
 - Produce the record on demand, with metadata to validate its authenticity

The Challenge ²



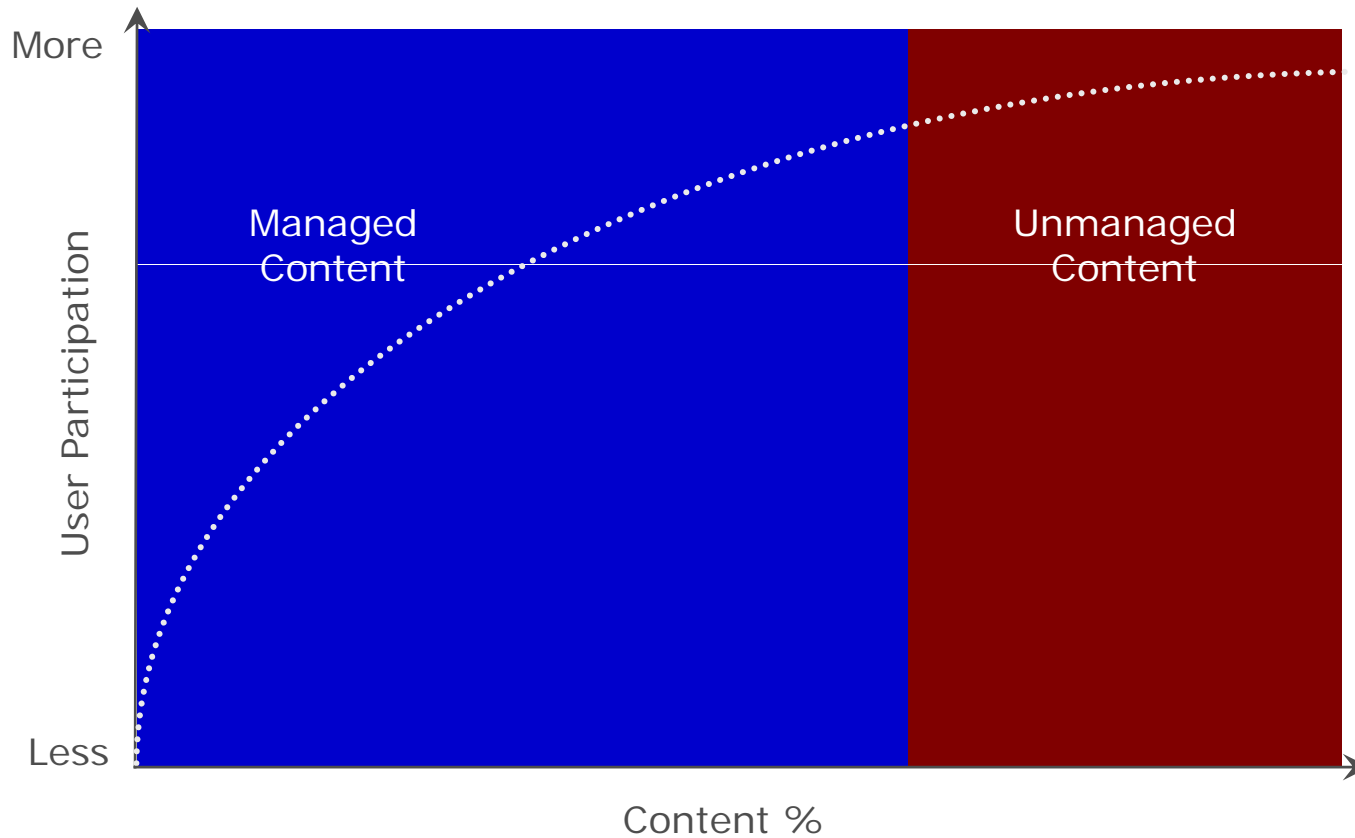
Managed - Well defined, centralized control, structured schema, few participants

Unmanaged - Undefined, decentralized, flexible schema, many participants

The Challenge

School folder

Revision



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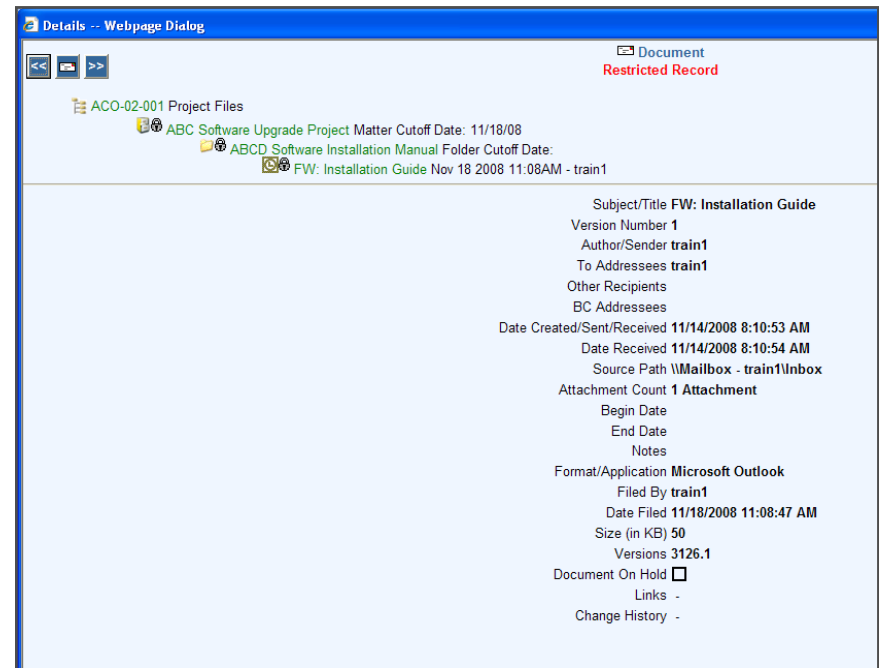
The Approaches to Avoid



- Destroy Everything (automated policy)
 - **Ignores regulatory and compliance requirements**
 - **Lost institutional knowledge**
- Keep Everything (big bucket)
 - **Pay me now vs. pay me later**
 - \$6.2M to restore & print email (93 tapes)²
 - \$9.75M to restore email (200 tapes)³
 - Inability to produce records - \$600M & \$850M⁴
 - 5 years + 50% = \$11M⁵
 - Legal review - \$1,800 to \$2,500 per gigabyte⁶
- Have no retention policy, no enforcement, or an inconsistent policy

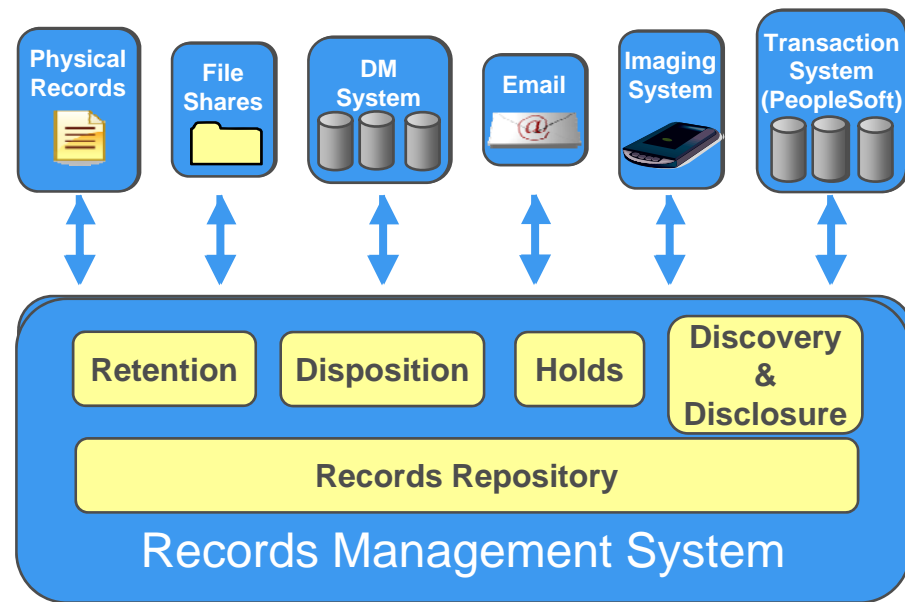
The Right Approach & the Right Tools

- Sound Records Management Program
 - **Consistent retention policy (media neutral)**
 - **Applied across the organization (everyone plays)**
- ERMS – Leverage technology
 - **Built-in retention policies**
 - **Auto-profile**
 - Documents chain of custody & authenticity
 - Indexing & metadata enhance search capabilities
 - **Selective incentives**
 - Carrot and Stick



The ERMS Options

- **Centralized Records Management**
 - **Manage storage**
 - **Eliminate**
 - **Challenges**



Decisions & Cautions

A decorative graphic in the top right corner of the slide. It features several 3D-style folder icons in shades of blue and green. One folder is labeled 'school folder' and another is labeled 'Revision'. The folders are arranged in a slightly overlapping, perspective view.

- ERMS vs. ERMS and EDMS
 - **ERMS alone**
 - Common retention
 - Resources
 - **With EDMS**
 - Capitalize on built-in workflow engines
 - Resources
- Scope of records addressed
 - **Electronic**
 - **Paper**
 - **Databases**
 - **Digital imaging**

Decisions & Cautions

A decorative graphic in the top right corner of the slide. It features several yellow folder icons on a blue background. One folder is labeled 'school folder' and another is labeled 'Revision'. The folders are arranged in a slightly overlapping, perspective view.

- Taxonomy – Build it upfront (or suffer)
- Big bucket
 - **Proceed with caution**
 - **May be your only option**
- Beware the sales pitch
 - **Auto-declaration is a myth**
 - **One size does not fit all**
- Involve the right players
 - **Records Management is critical**

Thank You

school folder

Revision

Questions?

Appendix

The header features a blue gradient background. On the right side, there are several yellow folder icons. One is labeled 'school folder' and another is labeled 'Revision'. The text 'Appendix' is written in white on the left side of the header.

- 1 – Electronically Stored Information
- 2 – Murphy Oil v. Fluor Daniel
- 3 – Rowe entertainment v. William Morris Agency
- 4 – Coleman Holdings, Inc. v. Morgan Stanley & Co.
- 5 – Julie Gable, “What CIO’s Should Know About Records,” *CIO Decisions*, November 2005
- 6 – Brian Dirking and Raghu R. Kodali, “*Strategies for Preparing for E-Discovery*”, *The Information Management Journal*, May/June 2008