

Electronic Document Management

Wisconsin Digital Government Summit
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or

Evolution to Information Governance

State CIO: Top 10 Priority Strategies



2008	2007	State CIO Priorities (NASCIO)
1	2	Consolidation
2	1	Information Security
3	5	DR/ Business Continuity
4 *	16	Electronic Records/ e-Discovery
5	6	Health Information Technology
6	3	Shared Services
7 *	19	Connectivity
8 *	22	IT Governance
9 *	14	Interoperability
10 *	--	Human Capital/ IT Workforce

Priority Technology #2: Document/Content/E-mail management (active, repository, archiving, digital preservation)

Sources: NASCIO.com

The Desired State of the Organization

> Effective and efficient access to information

- Respond to litigation, Open Records Requests, FOIA, audit, investigations
- Provide citizens with convenient and reliable access
- Knowledge sharing

> Control

- Centralized policy authority
- Consistency across silos
- Retention policies that minimize what we keep based on legal, regulatory and business reasons
- Storage and productivity efficiencies

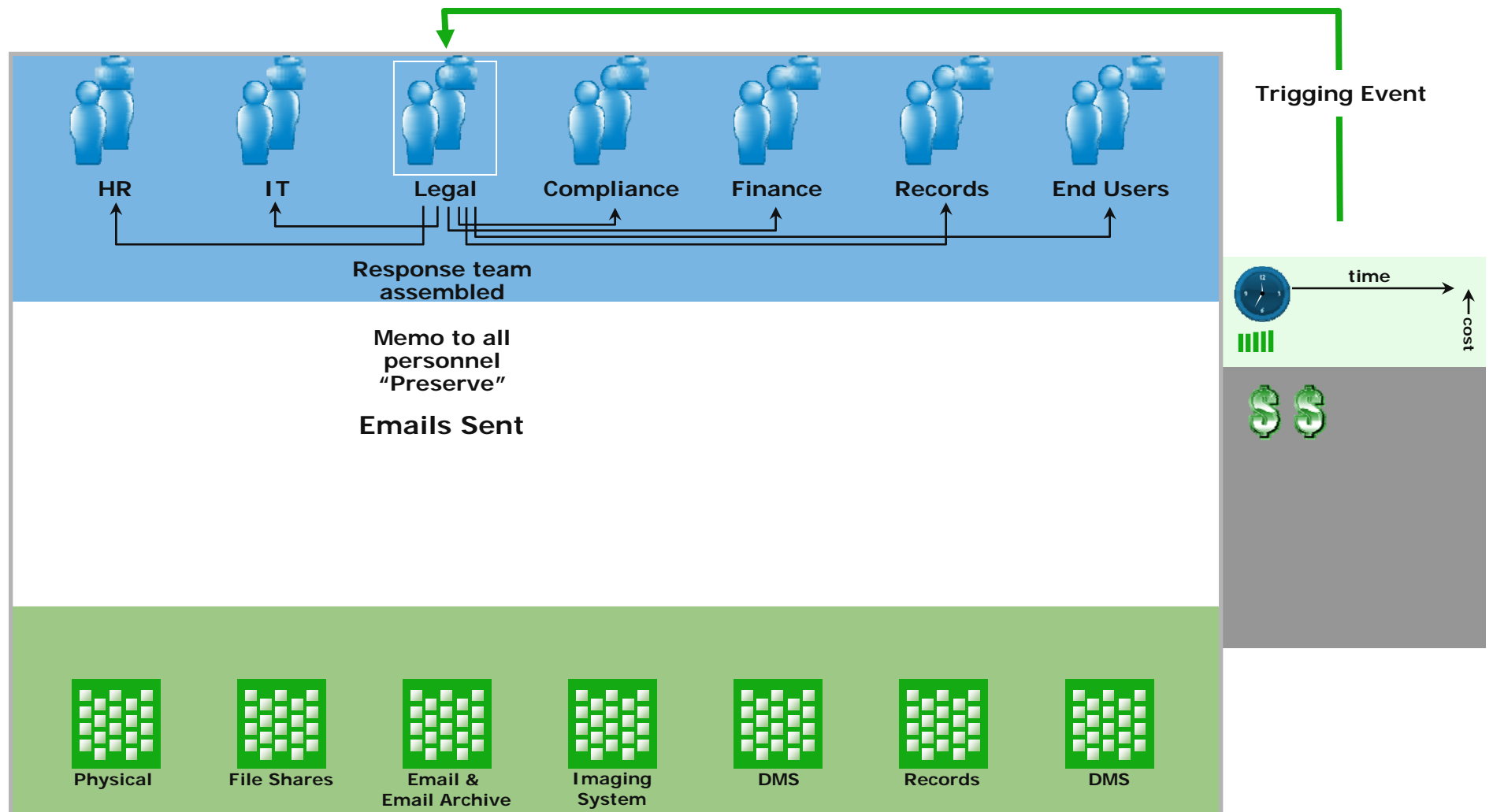
ARMA Survey on Information Management Prepared or Not?

- > Majority of RIM professionals feel unprepared
 - when it comes to email management – 72%
 - **for eDiscovery - 68 %**

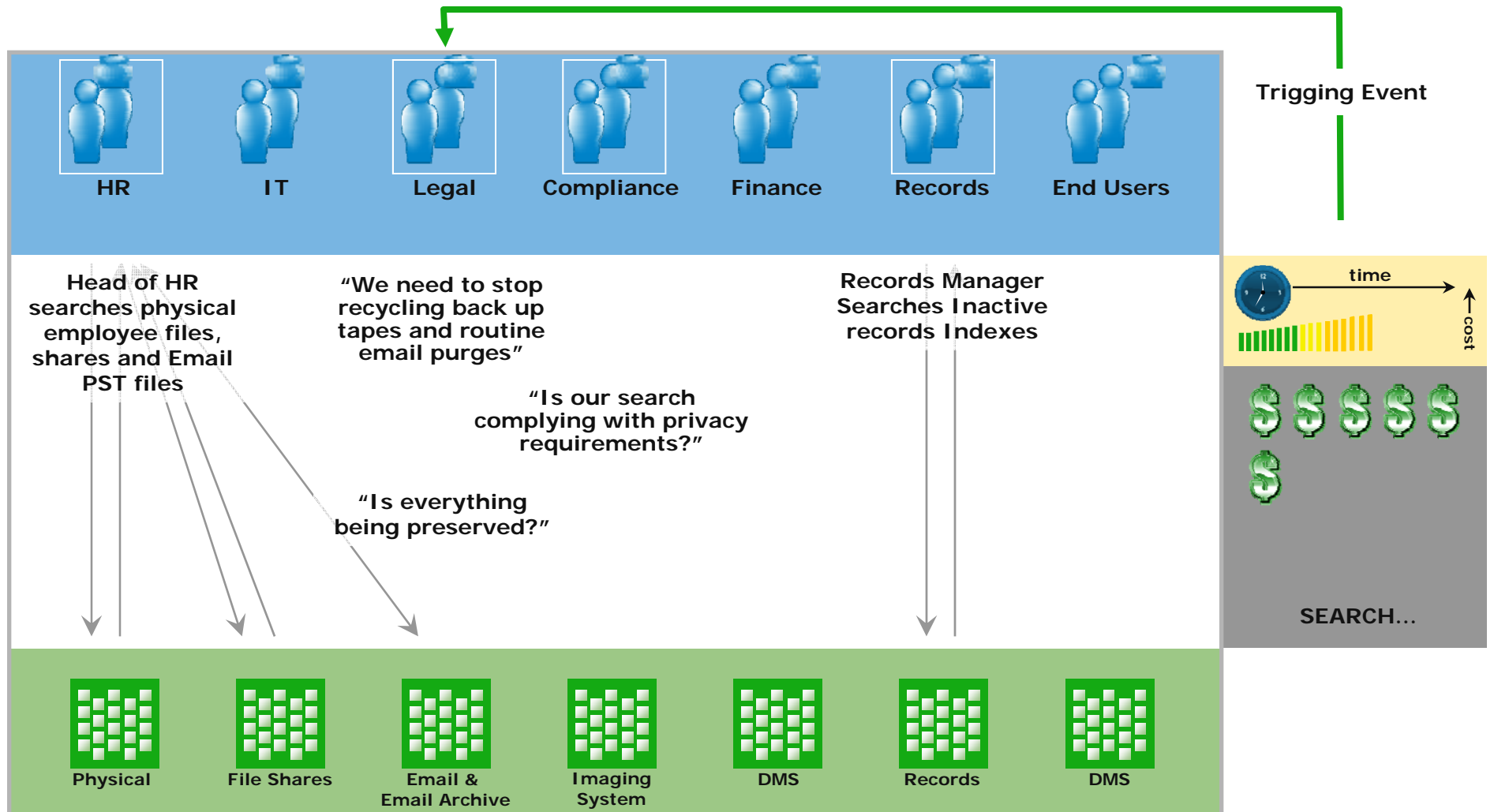
- > The study also reveals a cause for their lack of preparedness:
 - 62% do not have an email archiving system
 - **75 % do not have a system that manages their content consistently over the enterprise**

- > Inconsistency in the application and enforcement of policy is still lacking.
 - **Only 38% reported they manage records according to their retention schedule**
 - Only 41% manage their email according to their retention policy
 - **Only 20% manage their electronic documents according to the schedule**

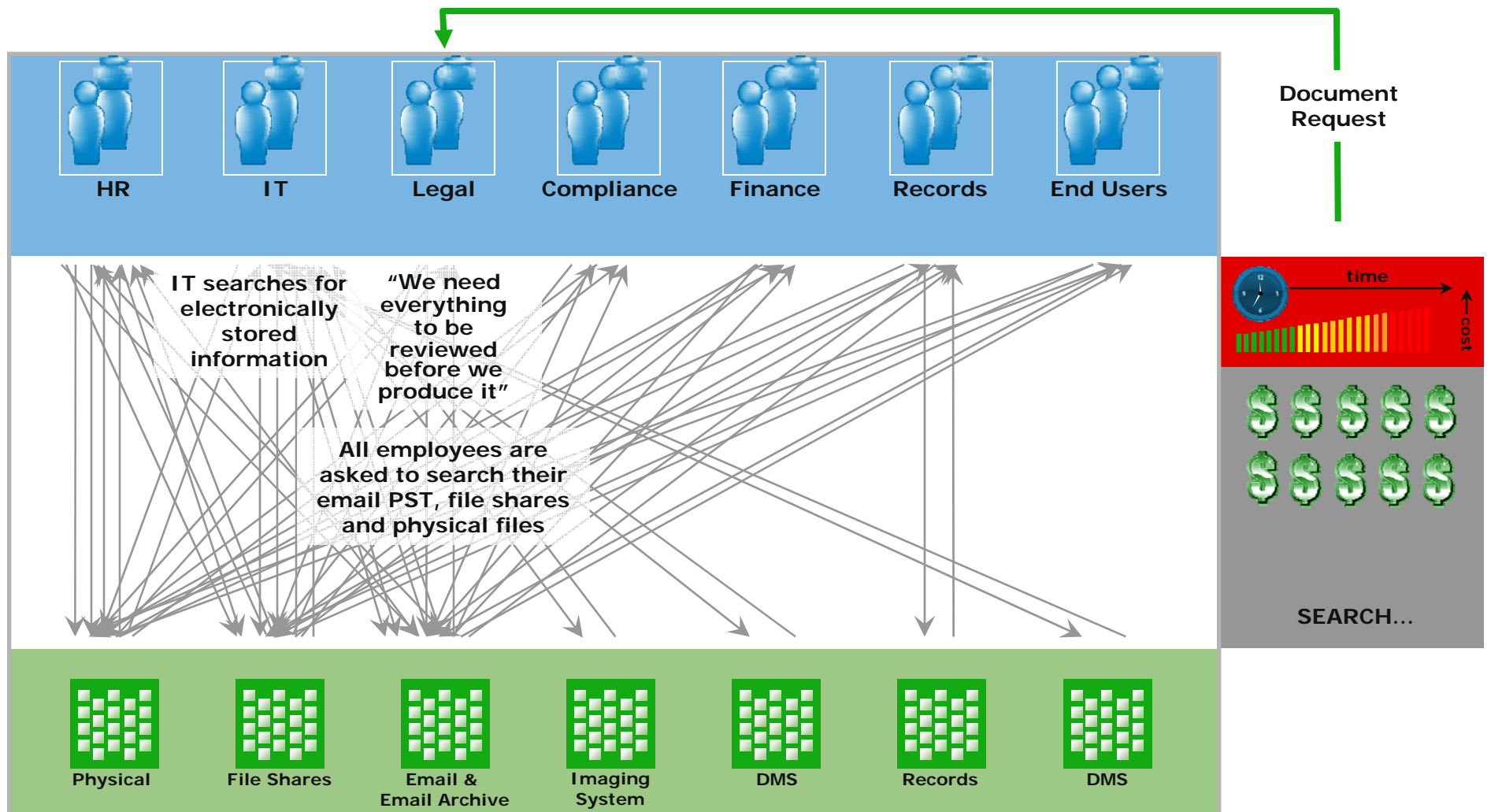
Open Record Request or Discovery Response Today



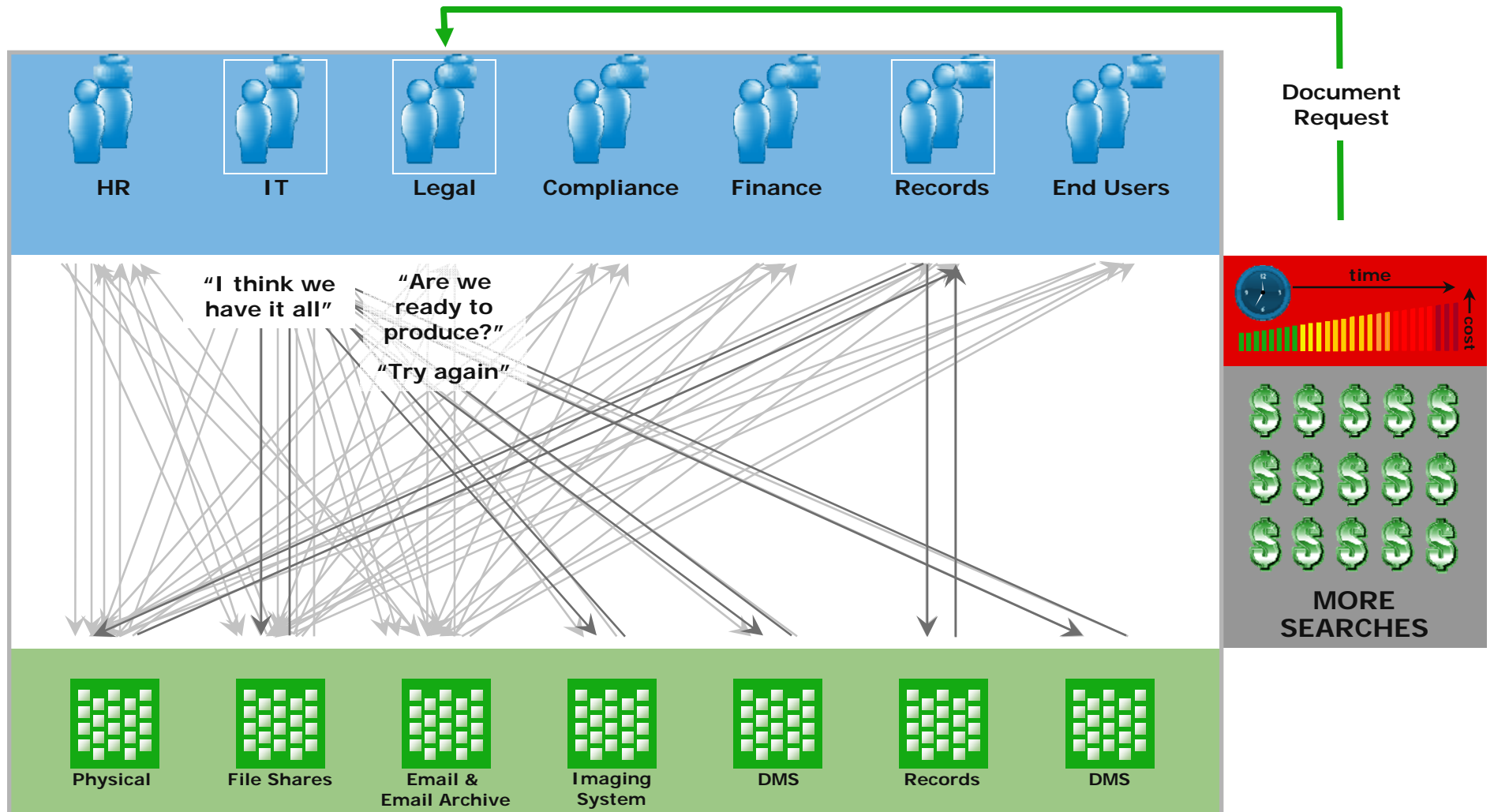
Unprepared and Inefficient



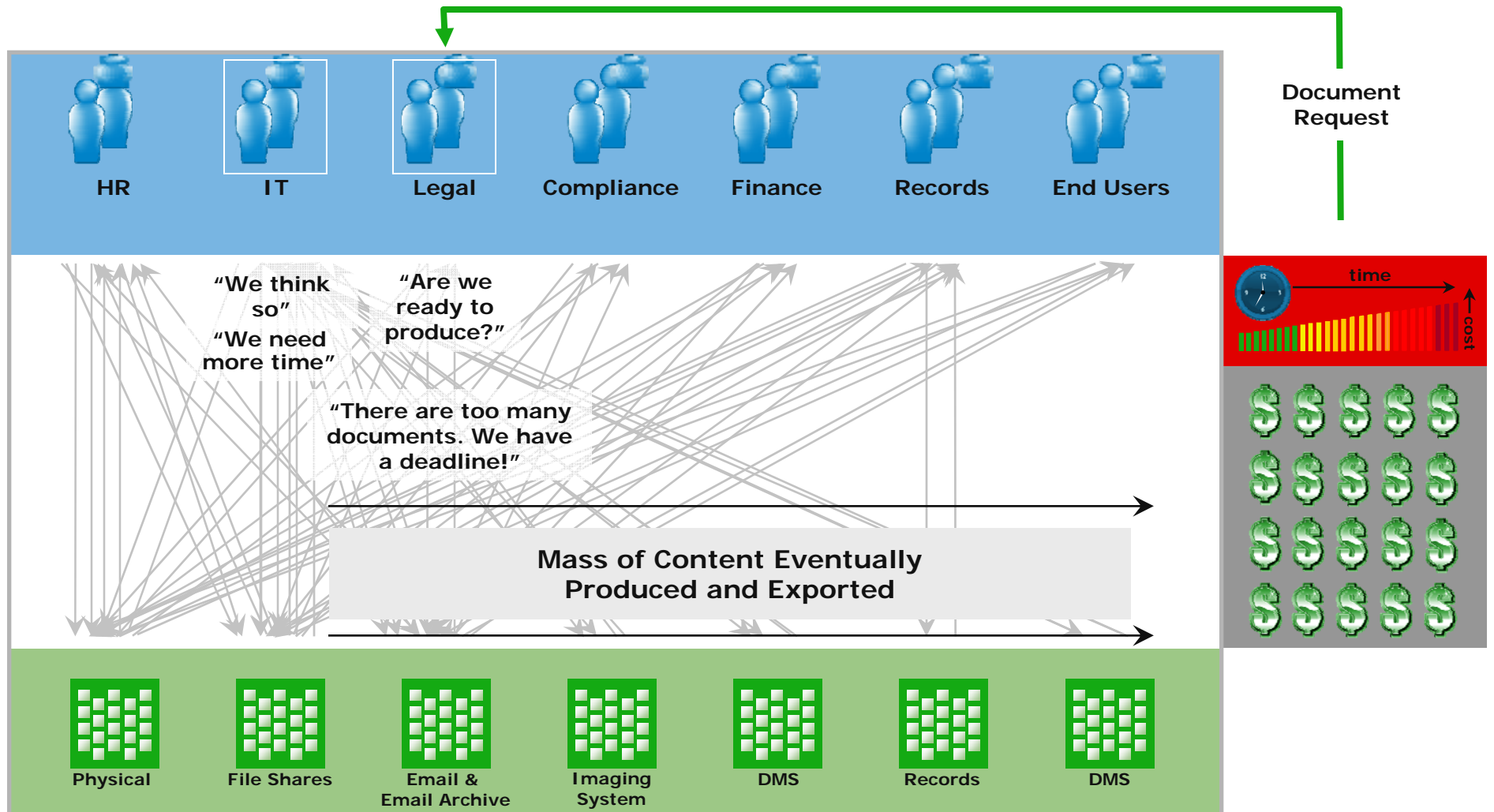
Reactive and Repetitive Actions



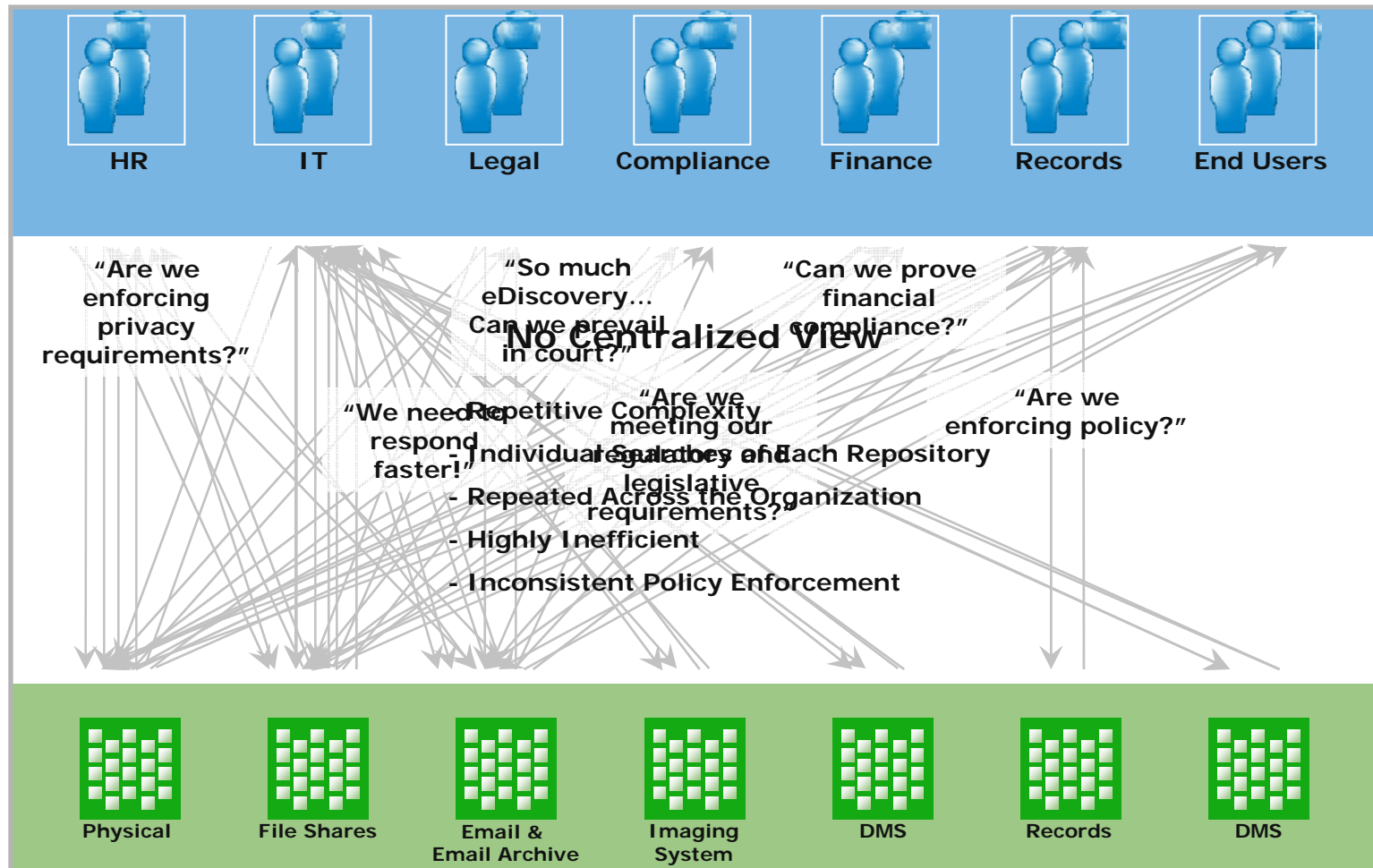
Disruptive and Inconsistent



Costly and Risky Processes



Legal's Questions and Worries

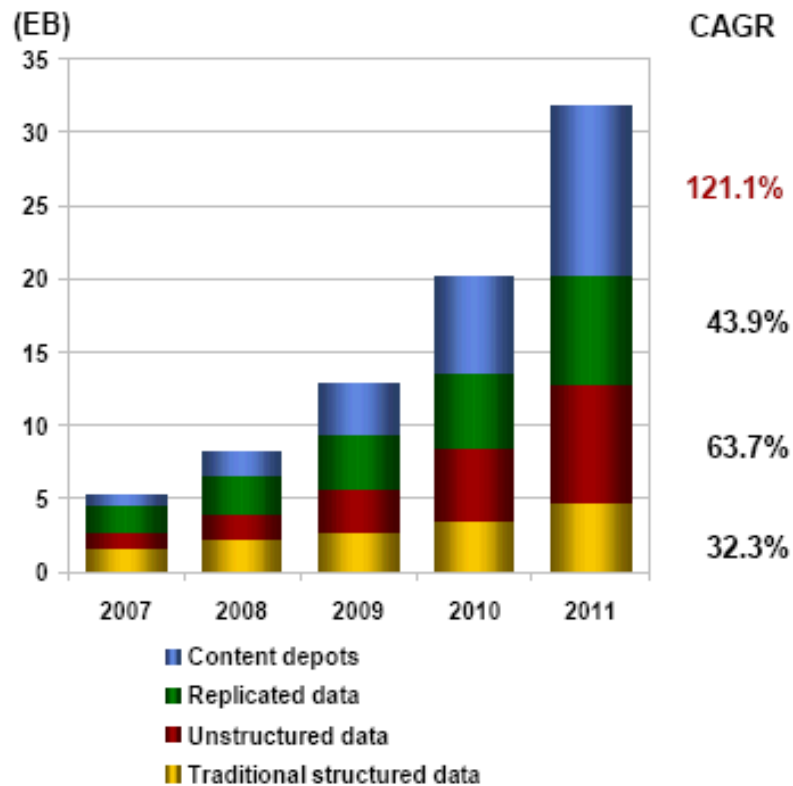


Agenda

- > Why do we manage ESI?
- > Closer look at eDiscovery
- > Evolution to Information Governance

Data Continues to Explode

**Consumption of Enterprise
Disk Capacity by Type**



- > New application, media, and delivery mechanisms
- > Emerging search and content analytics technologies
- > Balance information risk management with business value

Growth of the Digital Universe

- > Information silos and storage continue to grow
- > Osterman Research- “The Importance of Viewing Email Holistically – 2008”
 - Email use is increasing at roughly 20% per year and email message stores are growing at an average of 35% per year
- > Forrester – “Data Data Everywhere 2007”
 - The volume of the world's data doubles approximately every three years.
 - Growing at 30% a year, we'll reach zettabyte sizes by 2010 — that's a number with 21 zeros!
 - Approximately 80% of the world's data is unstructured

Regulations and Compliance

- > Federal Rules of Civil Procedure (FRCP)
- > Wisconsin Specific:
 - Public Records Law - Wis. Stat. § 19.31-19.39
 - Open Meetings Law - Wis. Stat. § 19.81-19.98
 - Case Law and Attorney General Opinions
- > The Freedom of Information Act
- > Privacy Act of 1974, Wisconsin Privacy Laws
- > *Sarbanes-Oxley Act of 2002, SEC, NASD*
- > HIPAA, EPA, Tax Laws, Many more...

Open Records Requests and Discovery

- > Open records requests, litigation, audits, and investigations
- > All relevant information must be produced, regardless of its potential to embarrass or damage
- > Requests/Discovery orders can severely impact IT and incur high costs
- > Few organizations have appropriate “hold” mechanisms that freeze processing of records in anticipation of litigation

Federal & Wisconsin Rules of Civil Procedures

- > FRCP guides discovery in the U.S. federal court system
 - The 2006 amendments are focused on the important issues presented by Electronically Stored Information (ESI)

- > Wisconsin Rules of Civil Procedure's proposed amendments differ somewhat from FRCP (2006)
 - More flexibility to courts
 - Burden on counsel to discuss and resolve e-discovery issues
 - Makes it clear that all parties should have a document retention policy in place that is consistently applied on a good faith basis

Understanding eDiscovery

Two Tier Production of Rule 26(b)(2)(B)

- > A party need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost.
- > On motion to compel discovery or for a protective order, the party from whom discovery is sought must show that the information is not reasonably accessible because of undue burden or cost. *(Producing party has burden.)*
- > If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery. *(Proportionality.)*

Understanding eDiscovery

Safe Harbor

- > Rule 37(e) offers a limited safe harbor from rules-based sanctions for ESI lost as a result of the "routine, good-faith operation" of a computer system.
- > "Routine" and "good-faith" are used to indicate control over the information that a company has good Records Retention practices.

Scope of Discovery

- > Civil discovery is wide-ranging and can involve any material which is relevant to the case.
 - This can include ESI as well as physical content
- > Anything that is relevant is available for the other party to request, as long as it is not privileged or otherwise protected.
- > Relevance is defined as anything more or less likely to prove a fact that affects the outcome of the claim

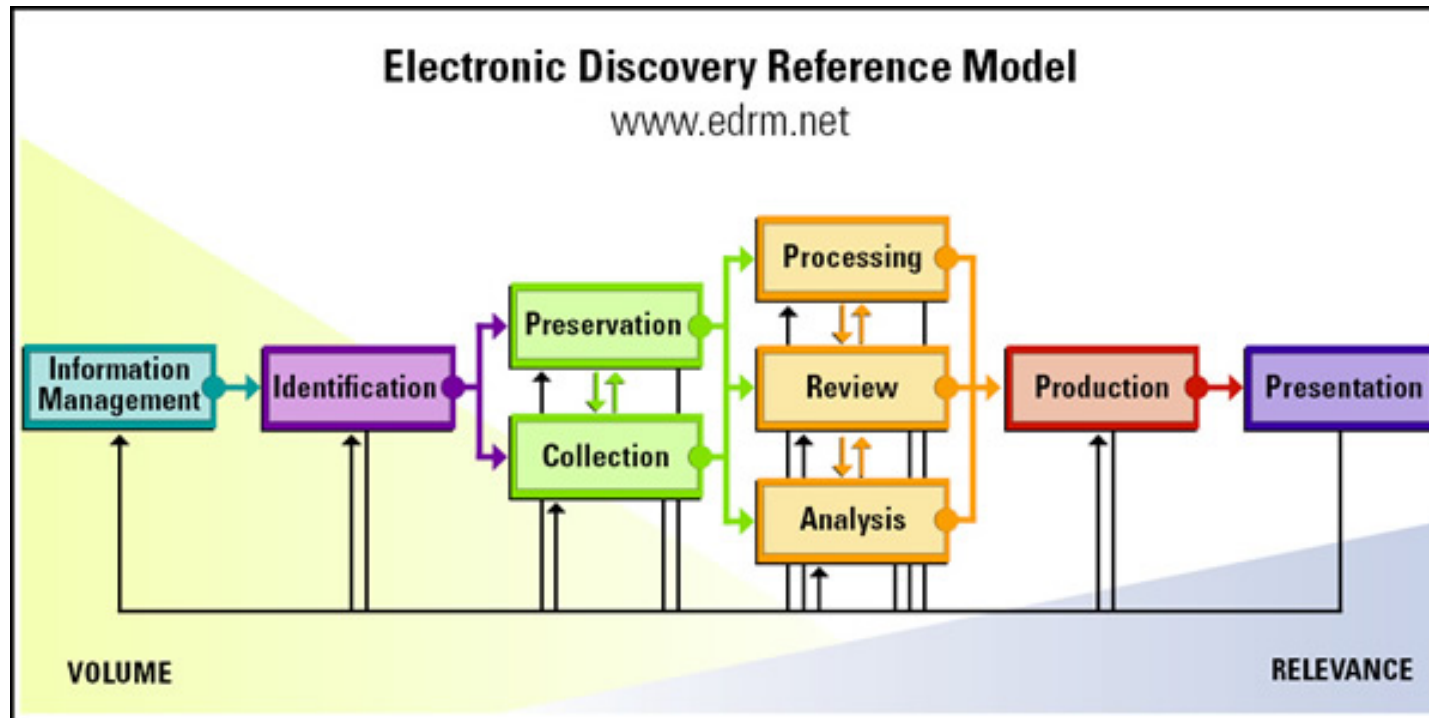
Limitations to Discovery

- > Discovery sought that is overly burdensome, redundant, unnecessary, or disproportionately difficult to produce with respect to the importance of the case or specific issue.
- > The work-product doctrine protects tangible (and some intangible) items created in anticipation of the litigation (e.g., a memorandum from an attorney outlining his strategy in the case). Protecting work product is considered in the interest of justice because discovery of such work product would expose an attorney's complete legal strategy before trial.

EDRM

> The reference model

- Provides a guideline for the discovery workflow
- Common, flexible and extensible



Discovery's Reach

Is Discovery Limited to Official Records?

> Who then, is responsible for managing non-record data?

What ESI does eDiscovery apply to?

> Everything – Email, File Shares, DM's etc.

Need for Information Governance

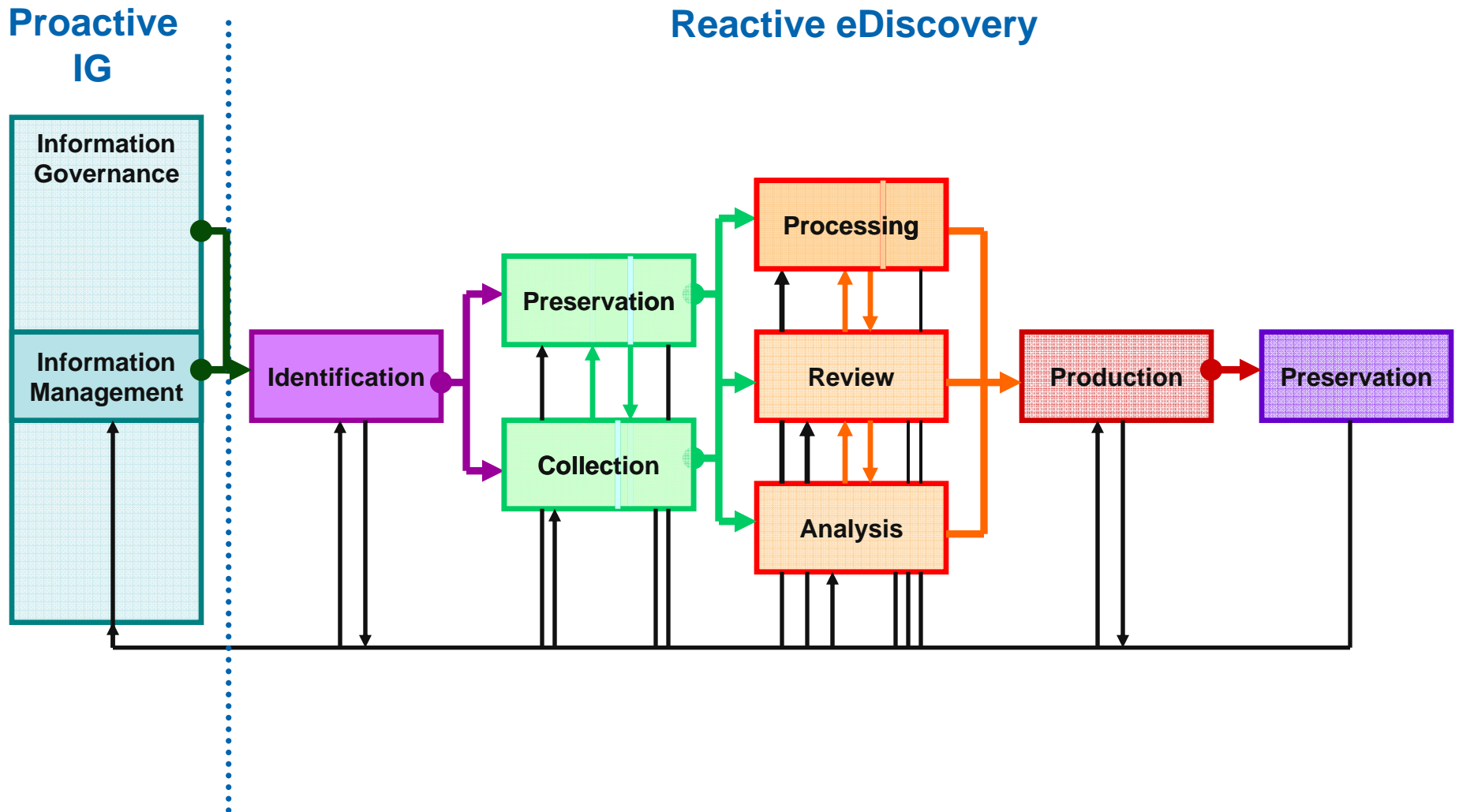
Evolution to Information Governance

- > A holistic policy-driven approach
- > A shift in the way information is managed, controlled and discovered.
- > Moves beyond a focus on repositories, their surrounding infrastructures, and the ***mechanics of managing information*** to an overarching strategy based on enterprise ***policy***.
- > Results in an enterprise governance program guided by a best-practice based policy, rather than any limitations dictated by a repository or technology.

Goals of Information Governance

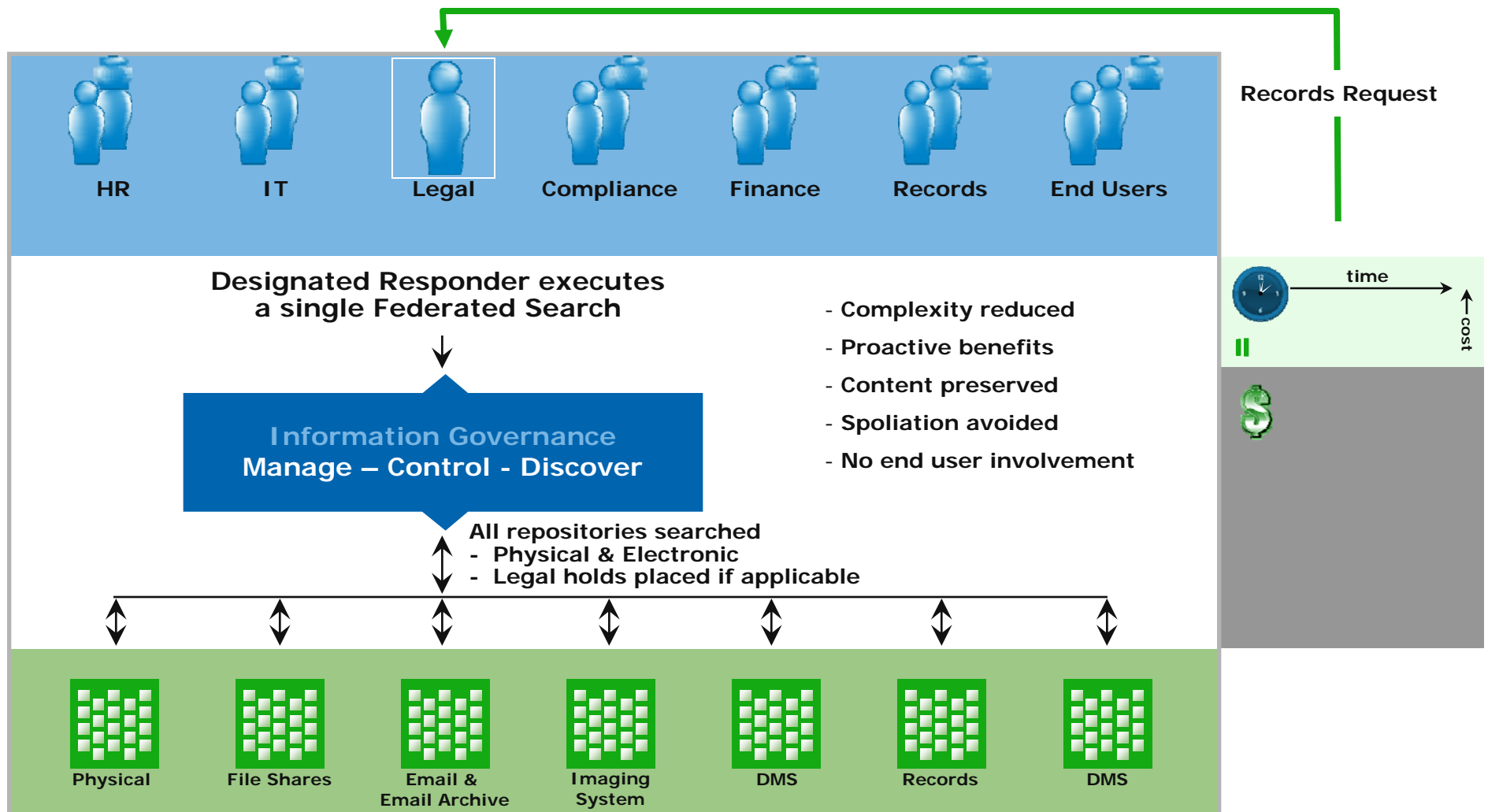
- > Risk mitigation and cost containment
- > Enable consistent management and **CONTROL** of all content via a **POLICY** authority
- > Proactively evaluate content where risk, cost or inefficiency outweighs its value
- > Eliminate content based on approved retention schedules to improve efficiencies and remove risk
- > Retention rules specify the point at which content should be re-evaluated or destroyed
- > Ready access to content dispersed across the enterprise in managed and unmanaged sources

EDRM with Proactive Information Governance

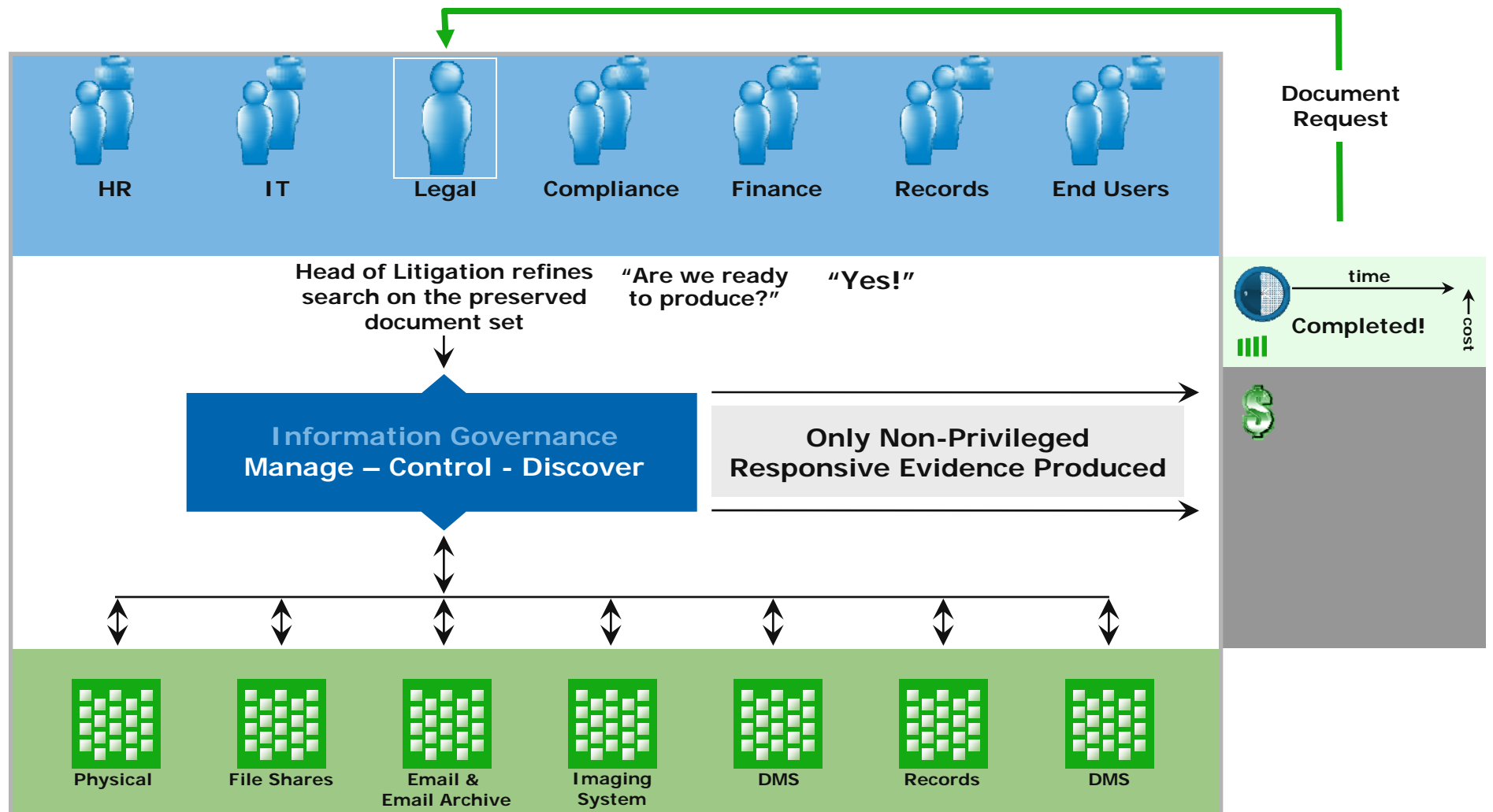


NEW Open Records Request

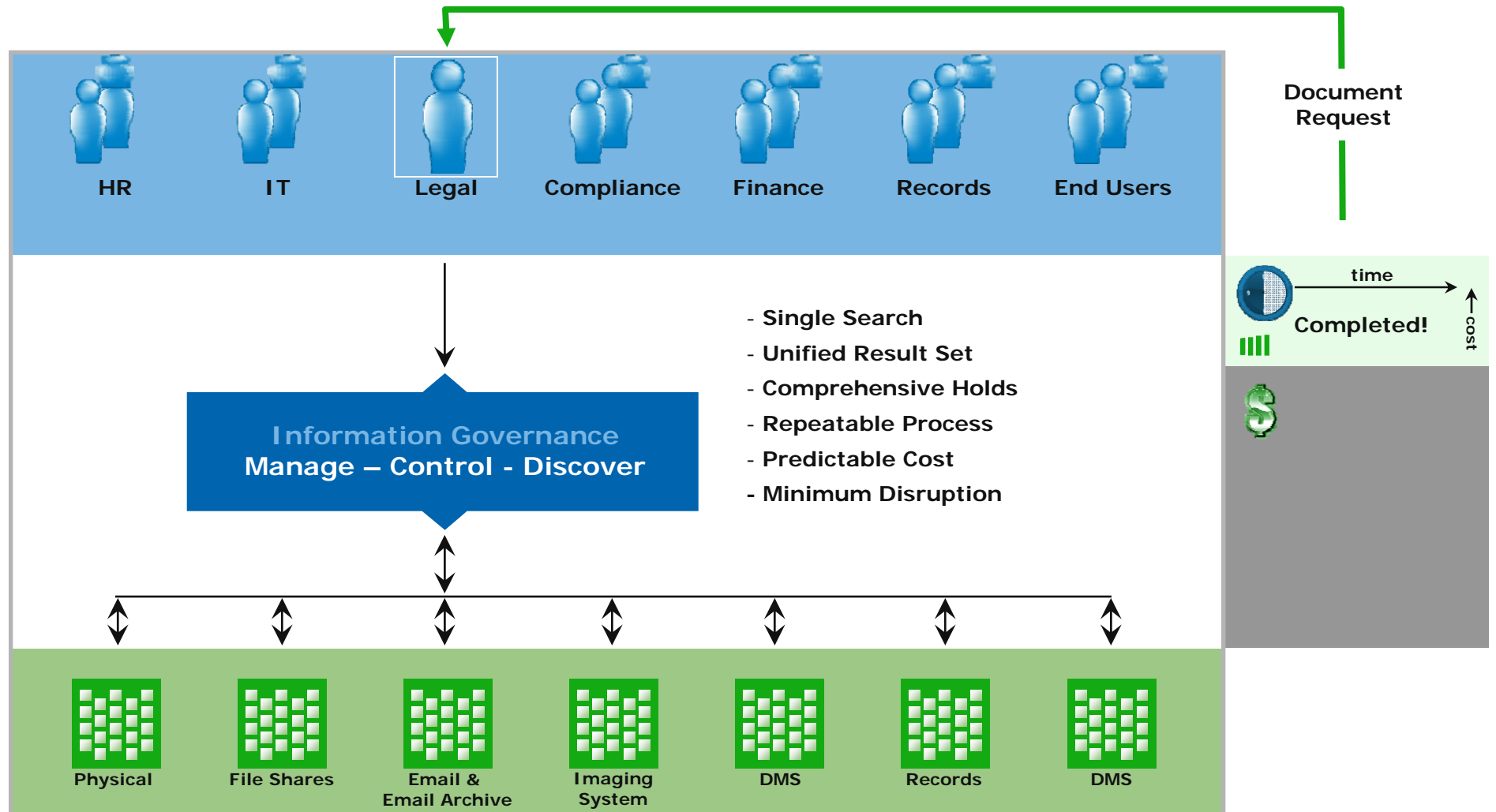
With Information Governance



Confident and Financially Sound



Efficient and Comprehensive Response

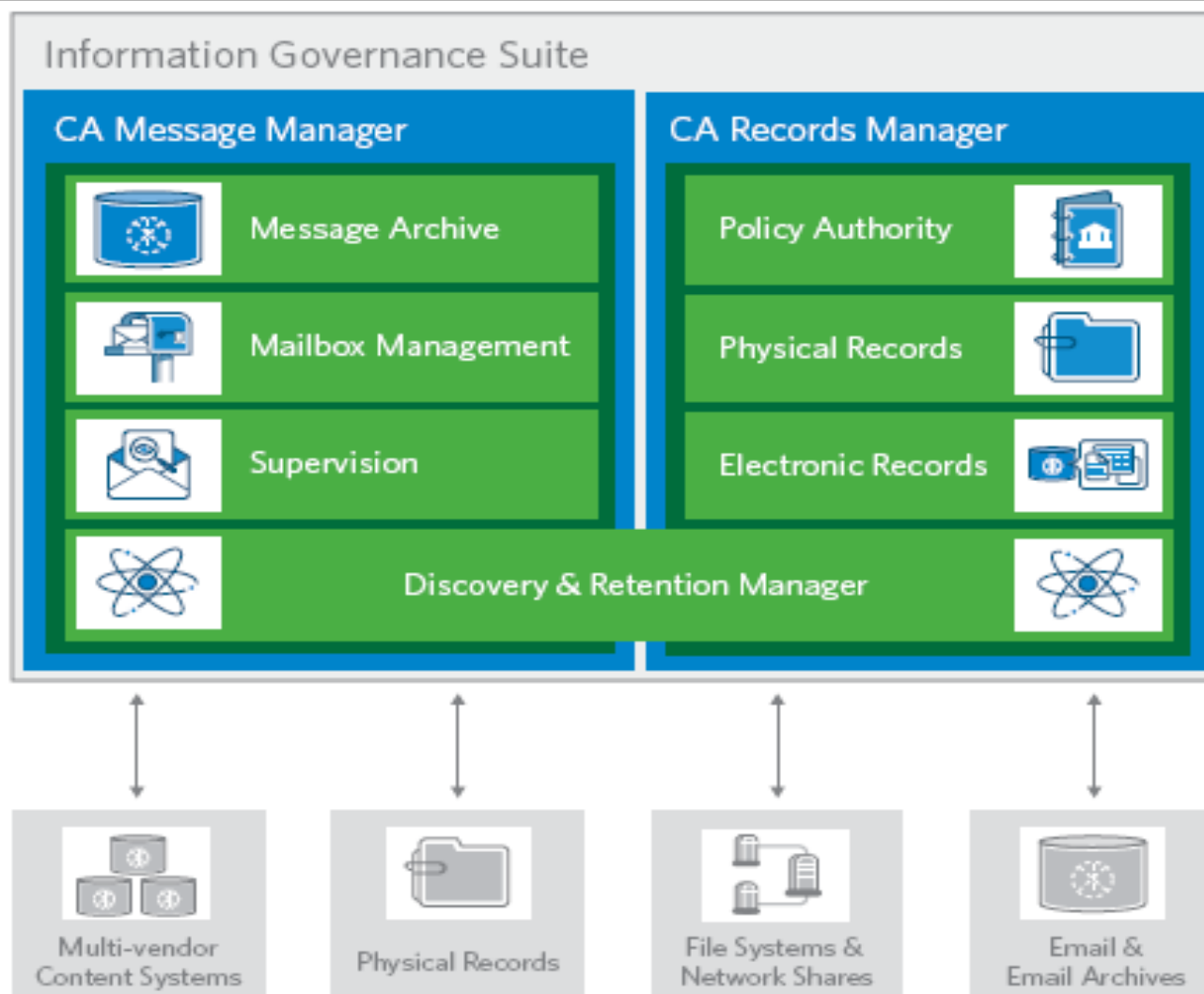


Importance of Retention Management

> Retention Management

- Focuses on the management of all content
- Objective is to eliminate content where risk, cost or inefficiency outweighs its value
- Retention rules specify the point which content must be re-evaluated or destroyed
- Manage content in-place and move if desired

Comprehensive Information Governance



CA Records Manager

Electronic and Physical Records


> Electronic Records Management Features

- Declare record from within MS Office applications, Email, and leading EDMS
- Federated, in-place management of records
- Direct filing from the desktop, Web, or mobile device
- Automated declaration via 'Rules'
- Batch (high volume) Imaging with conversion to text searchable PDF

> Physical Records Management

- Tracking of Files and Boxes from creation to final disposition including check in/out and complete circulation history
- Bar code scanning and label generation
- Physical Space & Warehouse Management
- RFID Integration

CA Information Governance & Microsoft

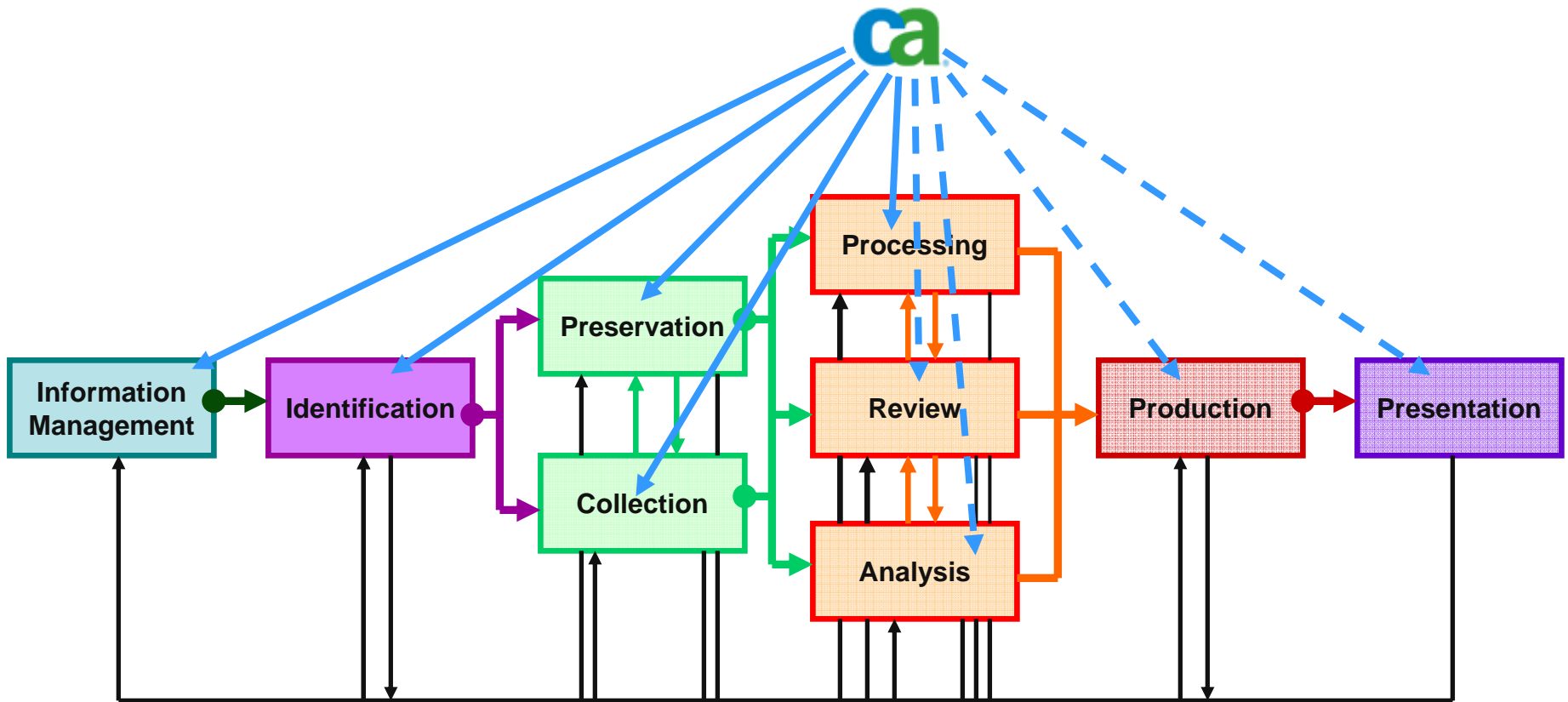
- MS SharePoint
 - SharePoint Portal
 - MS Exchange
- 
- CA Records Manager
 - CA Message Manager

First and only DoD 5015.2 v3 certification of “pairing”
between MS SharePoint and CA Records Manager



Information Governance and EDRM

A Proactive Approach



Managed and Under Control

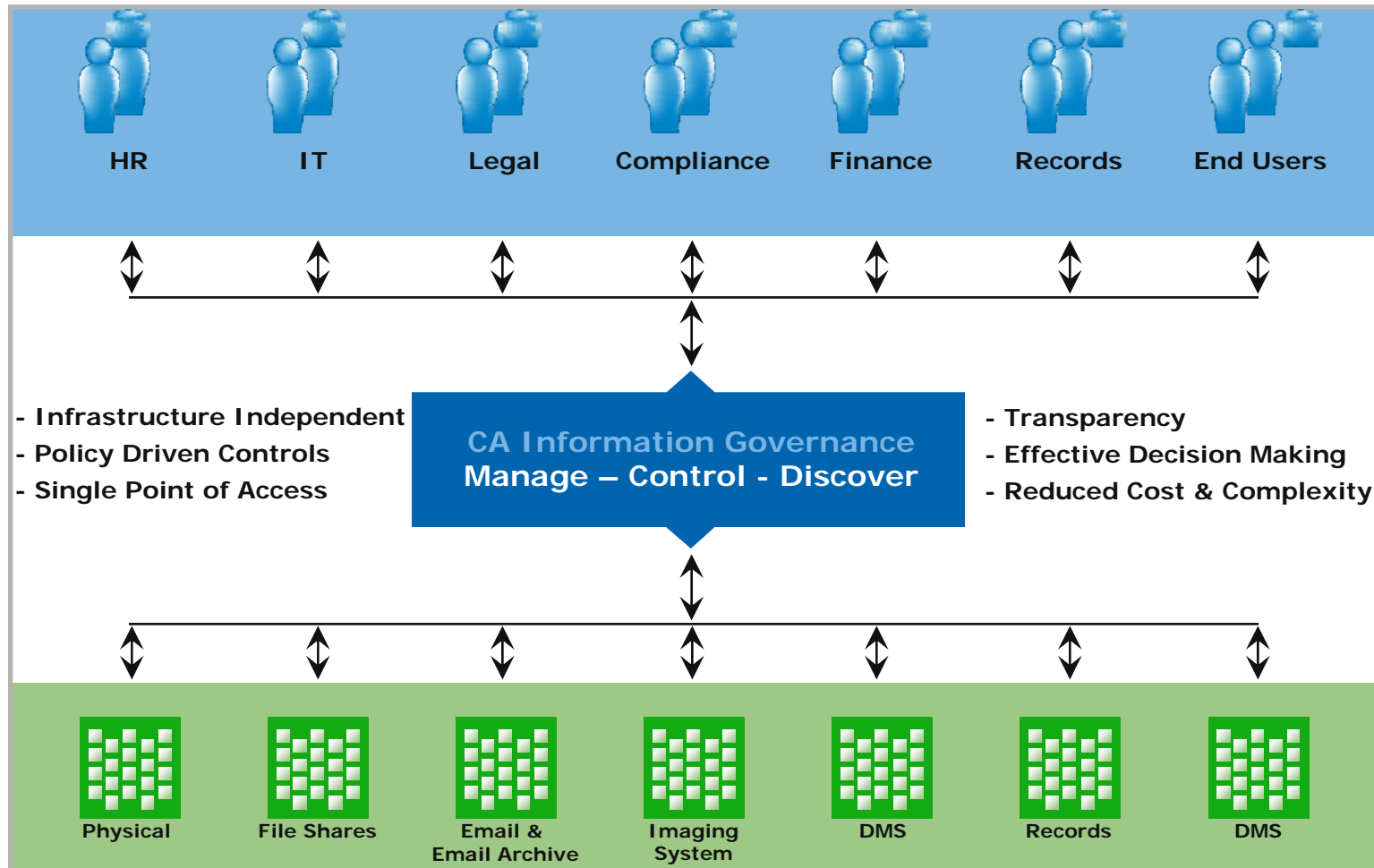
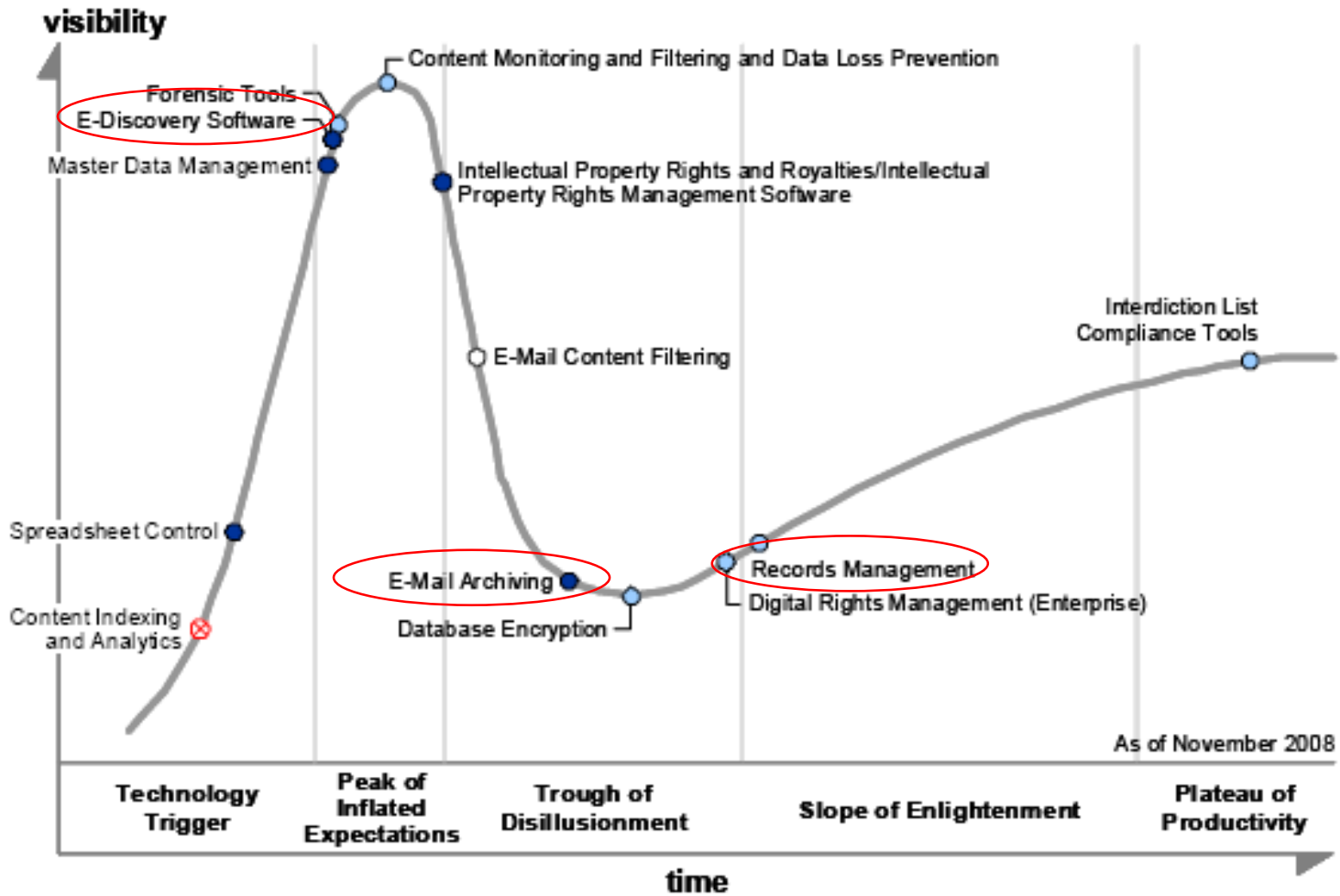


Figure 1. Hype Cycle for Legal and Regulatory Information Governance, 2008



As of November 2008

Years to mainstream adoption:

- less than 2 years
- 2 to 5 years
- 5 to 10 years
- ▲ more than 10 years
- ⊗ obsolete before plateau

Source: Gartner (November 2008)

Gen V (Generation Virtual)

Social Networking

- > Gartner defines the 'Next Generation' of user as the Digital Native
 - "Born digital"
 - Protagonists for technology adoption
 - Culture of technology driven convenience

- > "By 2011, at least 80% of enterprises will have embraced the use of social software." - Gartner, August 2008

- > Social Software includes
 - Blogs, Wikis
 - Twitter, Flickr
 - Facebook, My Space
 - Second Life
 - Linked In, Plaxo
 - YouTube
 - Instant message, text, and More...

Gen V (Generation Virtual) Considerations

- > New era of employee, executive
 - Decision makers of the future

- > Policy to incorporate new technologies
 - IT strategy and use policies (embrace vs. block)
 - Governance strategy to incorporate and minimize risk
 - When does productivity end and begin?

- > Introduction of social pollution
 - Retention management requirements
 - Risks, brand impact, productivity etc.

Questions & Discussion

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