


Information Dexterity: How to Better Manage Your Information Assets

Introduction

In 2020 there will be more information created every few hours than was previously created in a year's time.¹ Organizations increasingly rely on third parties to run internal processes as though they were part of the company, moving company's information onto third-party computers. Many organizations are considering or have already committed to storing some of their information in the cloud because of scalability and economics. Company employees manage their workday from a communications app, creating business artifacts in a collaboration tool, and market products in a social media environment as part of normal business processes. New laws and regulations regularly affect how organizations should and shouldn't manage information and courts and regulators are increasingly penalizing litigants for not properly managing information. If the way your company manages information keeps you up at night, you are not alone.

Most organizations are grappling with more data types, more systems and more data and how to properly manage those issues. This white paper will help you navigate a productive path forward to get closer to information governance nirvana and to avoid some major pitfalls that have impacted other companies.



IDC predicts that the Global Datasphere will grow from
33 Zettabytes
in 2018 to
175 Zettabytes
by 2025

(1) <https://www.seagate.com/files/www-content/our-story/trends/files/idc-seagate-dataage-whitepaper.pdf>

In 2025 IDC predicts that **49%** of the world's stored data will reside in public cloud environments.

Source: <https://www.seagate.com/files/www-content/our-story/trends/files/idc-seagate-dataage-whitepaper.pdf>

Expanding Information Universe

Globally, there is a new exabyte of data generated every few hours.² A couple of decades ago it would have taken a year or so to create an exabyte of data. Most organizations have millions, or billions, of files stored in multiple locations including the cloud. In the electronic information context part of the proliferation problem relates to myriad drafts and copies floating within systems including email, shared drives, etc. Compounding matters, most organizations are not utilizing technologies available to manage this profusion seamlessly and automatically.

Historically, organizations were implementing more and more applications in more and more locations that made management more challenging. Some organizations are now reigning that in, but for most organizations the information management problem persists as they continually add applications, systems and storage locations to an already unwieldy IT infrastructure.



40% of survey respondents admitted to using personal solutions such as Box, Dropbox, or Google Drive to share and collaborate on work files. However, when organizations turn to an intelligent approach to information management, it can deliver a unified user experience in a consistent and familiar interface—regardless of the original repository or system in which it is stored and managed. This enables simple, intuitive access from any workstation or device, including native mobile apps for smartphones and tablets.

Source: <http://www.dbta.com/Editorial/Trends-and-Applications/ECM-Is-Dead-Long-Live-Intelligent-Information-Management-125508.aspx>

How the Expanding Universe Impacts Organizations

The growth of information has many legal and economic impacts on organizations. For most organizations, this translates to a difficult litigation response process as unearthing, finding, protecting and producing responsive information is no small challenge. In the *Corel Software v. Microsoft*, a recent court case, litigants and the court had to deal with data and conflicting legal requirements. On the one hand litigants sought

(2) <https://businesslawtoday.org/2018/06/destruction-information-difficult-essential-case-defensible-disposal/>

to make the information available through discovery and on the other hand the court had to weigh and balance GDPR and privacy needs. As a result of the production order, Microsoft was forced to produce terabytes of relevant, "complex" data that was expensive and time consuming. Similarly, dealing with regulators' requests for information is also time consuming and expensive as there are more sources of potentially responsive information that exist inside and outside the company. Information security has only increased in complexity as more information in more places is ill-managed and harder to lock down. For example, Facebook has been under scrutiny for many privacy issues including the recent exposure of hundreds of millions of Facebook users' personal information that was apparently "shared" with third parties who exposed it. The current state of information ill-preparedness leads to greater exposure of company trade secrets and private information which in this environment is not particularly well tolerated.

The current business environment is like information's "perfect storm." There is more data in more formats and systems with less visibility into what information assets exist, less business efficiency and effectiveness, lost opportunities to capitalize on its value. Confounding matter there are more challenges in managing it according to company rules with much of it floating in a cloud.



Microsoft objected to production of select data as being volumous and burdensome and also that it "...raises tension with Microsoft's obligations under the European General Data Protection Regulation 2016/679 ["GDPR"]..."

Source: <https://law.justia.com/cases/federal/district-courts/utah/utdce/2:2015cv00528/g7223/187/>

"Multiple countries are implementing regulations inspired by the GDPR principles, a movement that is likely to continue into the foreseeable future, These privacy requirements dramatically impact an organization's strategy, purpose and methods for processing personal data. Furthermore, breaches of these requirements carry financial, reputational and regulatory implications."

Bart Willemsen, Senior Director Analyst, Gartner

Expanding Legal and Regulatory Environment

One of the truisms is rarely are laws repealed once enacted. Additionally, there are more laws regulating how companies must manage their information for privacy, security, records retention and disaster recovery. As more companies are doing business globally, they will be subject to more laws and regulations in the jurisdictions they operate. Global organizations must accommodate the General Data Protection Regulation (GDPR) if they are selling to EU customers or have EU citizen's personal data and they will have to deal with other privacy regulations in other jurisdictions in which they do business. For companies doing business in the United States that may mean complying with privacy regulations in each and every state in which they do business.

To comply with records retention requirements companies may have to consider hundreds or thousands of laws that direct how long various types of records must be retained in various jurisdictions. This can be overwhelming for organizations unless they find a better approach to records retention including relying on technology to do the heavy lifting.

In 2019, Google was the first company to be penalized for a GDPR violation: a €50 million (\$57 million) fine brought by French regulatory body CNIL. That penalty stings even for a company the size of Google. But what about smaller companies that don't have the resources to comply with this burgeoning body of information law? How will they manage this massive, restrictive, and sometimes conflicting array of rules?

Source: David Doty, *J'Accuse: French Regulatory Body Hits Hard In Its First GDPR Fine*, Forbes (Jan. 28, 2019), <https://www.forbes.com/sites/daviddoty/2019/01/28/jaccuse-french-regulatory-body-hits-hard-in-its-first-gdpr-fine/#62de6db37713>



Compounding matters, organizations that function globally have to deal with privacy, retention and information security issues across borders with different legal requirements that have to be addressed by technology as employees don't have the time or the skillset to manage the volume of data created now by most organizations.

No matter, the interplay between privacy regulations and retention each adds its own layer of complexity. Big Data professionals want data for long periods of time. Information Management professionals push to follow retention rules which mandate different types of information be retained for a specified period of time which may be short. On the other hand, privacy regulations seek to keep less information for shorter periods of time which push back on both retention and Big Data, for example. Navigating these conflicts and complexities in today's environment is essential and incredibly complicated.

Impact of the Expanding Information Universe on Organizations

Most companies today are forced to address the reality that their information environment has been and continues to be out of control in various ways. The average employee may not have ready access to the information that they need to do their job effectively. Employees also store “convenience copies” on their laptops that aren't accessible by others and most likely is not classified or managed based on its risk to the organization. The organization's workforce is spending a significant portion of their day looking for information to do their jobs, which impacts efficiency and the bottom line.

Unfettered growth of information and mismanagement increases the risk profile from a legal, regulatory and privacy perspective. It also puts the organization at a greater risk of information theft from bad actors inside and outside the organization when information is not managed in accordance with its value because it likely hasn't been classified or secured.

While “storage” may be perceived as cheap, cost and risk go up when you factor in the following realities of most companies:

- the growing volume of information;
- holding it beyond its retention;
- not having a good understanding of what's there so you can secure it properly;
- and the opportunity cost of not having context and ready access to the information when historical access to the data is necessary.



Elements of Information Dexterity

Given the complexity of the information landscape today, being able to access, harness and harvest the fruits of your information tree requires a new kind of information dexterity. Information sprawl and greater negative consequences from mismanagement argue for greater centralized controls and management (sometimes referred to as federated). What follows are qualities that advance information dexterity.



Enterprise Governance Structure and Decision-Making Body

Organizations are well served to develop a governance structure that brings together executives from various parts of the organization to address information related matters, such as: governance, compliance, risk, policy, technology and alignment with C-level objectives. Increasingly, some organizations have information governance initiatives that seek to holistically manage information from a variety of legal and compliance perspectives. Having the right structure, making sure it is not unwieldy but also having all the right folks, allows the organization to make final decisions and develop a path forward as quickly and prudently as possible.

Get executive support from both the CIO and GC, then build your multidisciplinary information management program team to make Defensible Disposition come to life. This multidisciplinary team should consist of high-level representatives from groups such as:

- IT
- Legal
- Records Management
- Information Security
- Marketing
- Compliance
- Risk Management
- HR
- Tax and Audit
- Finance



Representation from the Essential Business Units

Getting information governance right for the enterprise requires business executives, IT, legal, compliance, privacy professionals, etc. to holistically vet and negotiate the various interests rather than IT or a particular business unit making a decision that doesn't address all the needs. Having the right people involved upfront may preempt conflicts, harmonize decisions and simplify technology procurement across the enterprise.



Implementing Compliance Methodology

Given the number of failures that impact an organization both intentional and mistaken, companies may benefit from implementing a compliance methodology that can act like an “insurance policy” when things go wrong. What compliance methodology does is to institutionalize reasonable corporate behavior so that when things go wrong, courts and regulators are less likely to penalize companies.



Centralized Governance that Promotes Compliance with Local Requirements

Whether it is a technology purchase, policy development or program implementation, having centralized governance and one enterprise approach can make things easier to implement. Organizations that have multiple policies covering the same topic create inconsistency, legal challenges and confusion among the workforce. When organizations are decentralized, different business units tend to do their own thing which leads to duplicative technology purchases, waste and inconvenience. Sometimes it may not be practical, but when feasible organizations should consider centralization when approaching people, process and technology. Centralized control ensures compliance with a broader regulatory landscape but must also accommodate the need to respond locally to conflicting or different regulatory requirements.

The Sedona Conference Commentary of Information Governance makes clear that, “[c]ompanies, including publicly traded organizations and those in highly-regulated industries, may adopt Information Governance as a complement to their internal control systems, ethics, and integrity programs to ensure information-related legal compliance and risk management.



Living Under One Roof (If You Can)

Having fewer places to store information is good for business as it makes finding and unearthing company information more predictable and efficient. Having more applications inside and outside (i.e., SaaS, business outsourcing, etc.) the company that make business hum makes managing all the sources of company information a significant challenge. Organizations need to have a methodical way to manage their information and have ready access it to run their business and respond to legal requests for it no matter where it is located.

The reality of having all your information in one location in a non-starter but being able to get to all your information by using as few tools as possible is good for business, employee productivity and expense reduction.



Don't Migrate All Your Junk When Consolidating Information

The need to be clean and lean when it comes to your information footprint is something that is overlooked by many organizations. The belief that "more is merrier" still seems to resonate in companies all too often. When decommissioning old environments or moving to a new environment, organizations should clean up the outdated information debris before making the move. Cleaning up the past in a legally defensible manner tends to minimize cost and risk while advancing needs to have essential business information more readily available going forward.



Let Technology Do the Heavy Lifting

Organizations historically had information management programs such as records retention, privacy, security, etc. so that they could manage information in accordance with policy. At the time, making the rules work meant that employees had to apply the rules to the information they created, stored and managed. That was simple when each employee managed paper and small volumes of electronic content. However, having employees apply business rules to millions, or billions, of files from various systems is like drinking from a firehose. In other words, managing information according to company policy by employees record by record for most organizations is no longer practical. Organizations should consider auto-classification of policy rules including records retention, privacy, information security and compliance. For example, using modern text analysis, which continues to evolve, information can be auto-classified as containing personally information, having specific business value or by

40%
of businesses say
they need to manage
unstructured data on a
frequent basis.
(Forbes, 2019)

More than
150 zettabytes
(150 trillion gigabytes) of
data will need analysis by
2025. (Forbes, 2019)

Source: <https://www.forbes.com/sites/rkulkarni/2019/02/07/big-data-goes-big/#2827816720d7>

identifying it as a company record that requires a specific retention time. What is clear is having technology doing the heavy lifting as it relates to coding and classification is substantially more efficient than human-beings.



Setting Up Governance Rules

Increasingly companies are understanding the importance of setting up the governance rules that will help better manage information. Governance rules provide the organization with structure to manage information in conformity with an increasing number of legal, regulatory, privacy and information security requirements. Rules that are not operational are not worth having because they are not much more than a liability. And while one size does not fit all when addressing governance, organizations should generally gravitate to fewer and simpler rules to follow and rules that address the wide variety of needs across the enterprise. Organizations should already have simplified retention rules, privacy policies, information classification guidelines, eCommunication directives, etc. If they aren't simple enough, they need to be simplified some more as any complexity turns into inaction. The next generation of governance rules, need to address these types of issues:

- Having and controlling accessing to information that promotes collaboration
- Technology functionality that protects company proprietary information from misappropriation but nonetheless allows sharing with authorized parties
- Applications that allow employees to locally create content that is centrally managed
- Governance rules that address multiple jurisdiction, legal and regulatory requirements and various business needs
- Rules that can operationalize complex business content classification structures (record, security level, privacy, IP, etc.)



Seamless and Auto Application of Rules

What we have learned over the last couple decades as the information footprint grew is that employees are not particularly good at classification or record retention and that technology is more accurate and efficient. Additionally, business interests are better served by having employees do their regular day job and to the extent possible letting technology manage information. In that regard, building or buying technology that manages information in a seamless, employee-free way to the extent possible is best.



Transparency and Insights into Your Information

Increasingly knowing where private information is stored, having tools to reduce information security risks, being compliant with records retention policies is essential. Given the growing volume of information and the disorganized state of most company's information footprints, technology is needed to augment management and make sense of the chaos. Knowing where records are stored and if retention has been applied and followed, where credit card numbers or trade secrets are stored and unprotected, and which employees are not following policy, among other things is now essential and will only happen if companies have good processes and robust technology.



Predictability

What compliance professionals have come to realize is that employees are the weakest link in any information governance process. They are not skilled at classifying, securing, properly retaining, defensibly disposing information. And ensuring company policies are followed and information is managed in accordance with those policies has become increasingly challenging. Unless technology delivers compliance, it is unlikely to materialize. In other words, technology can do what people can't and it is consistent and predictable in ways that employees can't be. Technology also makes compliance scalable across the data output of the organization.

Looking Forward

The information landscape is not getting any easier to navigate with volumes and increasing data types in more and more locations. With the projected growth of data, the lion's share of company's data sitting in third-party clouds and the growth of regulations requiring companies better manage information from a variety of perspectives, a plan and path forward is essential. Information mindfulness and dexterity comes from seeing information as the currency that drives business and building the processes and harnessing the right technologies to make business happen "faster, better, cheaper" and legally compliant. Anything less is simply more failure.



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