Information Governance: 3 Initial Steps on the Way to Success

by Mike Frazier Director, Information Governance, TERIS Lately, the phrase "information governance" has become one of those buzzwords that people toss around an awful lot without necessarily knowing exactly what it entails. Information Governance ("IG") is more than virtual archives for old data or having rules about what employees can and cannot access from their work computers. Rather, IG is an enterprise-wide strategy and accountability framework for the management of all of an organization's data - paper and electronic - not just a few aspects of a company's data footprint.

Why does IG matter at all? Quite simply, today's businesses operate in the era of big data where data volumes are growing exponentially and organizations are struggling to effectively manage it. The "keep everything" mindset puts organizations on an unsustainable path.

- 90% of the data in the world has been created in the last two years.¹
- Data volumes are doubling every 2 years.²
- eDiscovery and litigation costs are highly dependent on data volume. Obviously, the more data that has to be reviewed in litigation, the higher the cost will be. The average per gigabyte cost of attorney review is \$18,000. ³ Even a 20% reduction in data could yield substantial savings.

Upon evaluation of the numbers on data growth, storage costs, eDiscovery and litigation costs, and then weighing those numbers against the risks and opportunity costs associated with an organization's data, it becomes clear that just about every enterprise can benefit from some amount of IG implementation. For most organizations, it's time to stop conceptualizing on what could be done to improve how they manage their information assets, and get to work on it. However, taking the first step (or 3 steps in this case) is often the hardest part.

What Is Information Governance?

Depending on who you ask, or what organization you ask, you may get many different definitions of what IG encompasses. By analyzing the definitions put forth by various well-respected organizations, such as The Sedona Conference, ARMA, and Gartner (to name a few), there are common elements present in each of their viewpoints. These common elements give us a solid foundation of understanding, and provide us with a basic definition for IG, which is:

- 1. A strategic accountability framework
- 2. that includes standards, processes, procedures, roles, and metrics
- which surround the creation, organization, use, valuation, and disposition of an organization's data
- 4. in order to ensure efficient and effective use of that information to enable an organization to reach its goals.

As we see from this stripped down definition, it all starts with accountability. Without accountability – through executive-level program sponsorship, incorporating compliance with IG initiatives into performance evaluations, and defined and measurable duties and responsibilities – even the most well planned IG program will fail.



Even with an accountability framework in place, tackling IG can seem a daunting task because it encompasses so much and touches all components of an enterprise. It can leave even the most eager and dedicated professionals feeling overwhelmed. A common question is, "how, and where, do we start?" Rather than trying to eat the whole elephant in one bite, implementing an IG program should be broken down into manageable pieces. The pieces will undoubtedly include some "quick wins" as well as some longer term projects; and some will be higher impact than others. Its understanding all the pieces, what they mean for the enterprise, and what organizational pain points need alleviating, that will help the organization to chip away at implementing an effective IG program.

Step 1: IG Assessment

To paraphrase Yogi Berra, the baseball great – It's hard to get where you're going if you don't know where you're at. Ok that's not quite what he said, but the idea is the same. An IG assessment is a means of providing an objective "check-up" on the health of an organization's information lifecycle management and governance programs. This can be done on a holistic,

enterprise-wide, scale looking at the entirety of the organization's IG programs, or focused on a particular department or pain point – such as litigation and eDiscovery readiness, records retention, privacy & data protection, or specific departmental information practices.

In whatever manner an organization chooses to approach their information woes, they must first understand how their current practices and procedures measure up. An assessment should be done against objective standards, such as the Generally Accepted Recordkeeping Principles developed by ARMA, rather than a set of proprietary standards put forth by a specific company that may have a bias (whether intentionally or unintentionally) toward providing a finding that would support the use or purchase of that company's other products or services.



Armed with the results of an objective assessment, the organization can see how mature and well defined its IG

programs are, and identify gaps of where it would like to improve in specific areas of its policies and programs.

Step 2: Executive Sponsorship

Just about any IG initiative will fail without the commitment and support of those within the company. This commitment and support has to start at the top of the organization, at the executive level. Furthermore, executive support cannot merely be providing general oversight or to be loosely involved – it has to be vocalized, felt, and driven from the highest levels of the organization. It's a bit like the old bacon-and-eggs breakfast fable about the chicken vs. the pig – the chicken is involved, but the pig is committed. Organizations that can tout IG success stories are led by pigs, not chickens. There needs to be chickens too, but the point is there must be accountability and commitment to the initiative; and there must be active involvement from the top all the way to the bottom of the organization.

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Executives need to understand and appreciate why IG matters. Money often motivates, so it makes sense to start there to gain buy-in. For example, rather than considering IG as a conceptual idea, look instead at the hard numbers when it comes to the cost savings. How can defensible deletion, rather than storing data well beyond any regulatory or business requirement to do so, yield tangible cost savings for the organization? Metrics can be shown to illustrate savings from reducing storage and business application costs, legal and eDiscovery costs, as well as soft costs associated with better availability of "clean" data. These sorts of numbers will help build the business case, with return on investment analysis, to get the project off the ground.

Step 3: Understand the Risks and Define some "Quick Wins"

It may be that the results of the IG assessment show improvements are needed across the entire enterprise. As stated earlier, whether the IG program is being newly implemented or already exists but is in need of revamping, the initiative won't be successful without executive sponsorship or if the organization tries to tackle all the issues at once. It needs to be broken down into manageable pieces – but how?

One effective way of breaking down the issue is to strategize on what matters to the organization relevant to its industry and positioning, and understanding where its information related pain points exist. These can then be plotted against each other based on likelihood/frequency of occurrence of the problem, and its potential impact on the company. For instance, the organization may have a very difficult time with properly preserving and collecting the relevant data when a litigation hold is instituted, making it very difficult (or impossible) to provide targeted data collections for purposes of discovery. In order to comply with preservation obligations the organization may be forced to over preserve entire classes of data for attorney review, which then drives up costs significantly. If the organization regularly finds itself in litigation, making this a frequently occurring and expensive pain point – and the potential impact and risk of this process to the organization is seen as being high – alleviating this pain point may rise to the top of the priority list for remediation.

Not every remediation project can be a top priority, and not every project will be able to be completed in the near term. Upon plotting all of the known informational pain points and developing an understanding of which represents the largest risks to the organization, the next step is to identify some "quick win" projects to get the ball rolling. Ideally, these would also have a high impact on the organization. Starting with quick wins helps to immediately start reducing risk, and shows a positive return on investment for the program. They also help to build confidence among those in the trenches and shows that IG really can be implemented. Additionally, it will validate the executive sponsors' decisions to take on and support an IG initiative.

Enjoying Successful Information Governance

It's worth restating that upon evaluating the numbers on data growth, storage costs, eDiscovery and litigation costs, and then weighing those numbers against the risks and opportunity costs associated with an organization's data, it's clear that just about every enterprise can benefit from some amount of information governance.

There is no one-size-fits-all process or solution for implementing an IG program. In fact, every organization's information lifecycle management circumstances will be fairly, if not wholly, unique to their specific situation – whether that be due to the organization's size, maturity, industry, litigation profile, regulatory profile, or otherwise – IG isn't a "plug-and-play" initiative. Notwithstanding that, there are common steps at the front end of the process that permeate across almost all organizations who are undertaking an IG program, such as those listed above. These steps will help to give organizations the proper foundation on which to establish a successful IG program.

^{1.} Big Data: The Next Frontier for Innovation, Competition, and Productivity. McKinsey & Company, 2011 Study.

^{2.} The Digital Universe in 2020: Big Data, Bigger Data Shadows, and Biggest Growth in the Far East. International Data Corporation, December 2012.

^{3.} Where the Money Goes: Understanding Litigant Expenditures for Producing Electronic Discovery. RAND Corporation, 2012.

If you would like to learn more about how TERIS can help you with information governance, please contact <u>Mike Frazier at TERIS</u>.

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About the Author



Mike Frazier is the Director of Information Governance at TERIS in Austin. Texas. Mike's focus is on consulting corporations information governance litigation & on readiness matters. Additionally, Mike provides litigation management and eDiscovery process consultation services to corporations and law firms. His blend of legal and business experience uniquely positions him to work closely with businesses and their legal teams, both in-house and outside counsel, to navigate the juxtaposition of business goals and litigation outcomes.

Prior to joining TERIS, Mike was the Litigation & eDiscovery Manager for CareFusion, a market

leading medical device and technology company. There he was responsible for the day-to-day management of the company's patent/IP, product liability, and general commercial litigation matters, as well as investigations of all scope and size, in partnership with the company's litigation counsel. In addition, Mike managed eDiscovery for all cases, spanning all phases of the EDRM. He conducted and oversaw forensic investigations and analyses in connection with litigation and internal investigations; and partnered with IT and other business leaders on matters of information security, data loss prevention, and the development of record and data management policies and procedures. Prior to joining CareFusion, Mike worked at DLA Piper, a leading international law firm, where he participated in patent litigation in various venues across the country, including the International Trade Commission. Additionally, Mike leveraged his prior business experience to assist the firm in nationwide practice group related marketing initiatives.

Michael received a Bachelor of Arts in Political Science/Prelaw from Washington State University, a Paralegal Certificate from the University of San Diego, and holds professional credentials related to both compliance and information governance.

TERIS is a full-service information governance and litigation support services provider founded in 1996, serving clients both within the U.S. and internationally through multiple offices. For more than a decade, TERIS has been at the forefront of enterprise-level information management and eDiscovery. We work directly with corporate legal teams across a variety of industries – including healthcare, technology, financial, insurance, oil and gas, and educational – as well as their outside counsel to deliver repeatable, defensible, and scalable information governance and eDiscovery services.

At TERIS, we recognize that successful businesses, both big and small, will continue to generate large amounts of data – data that is necessary for the business to remain competitive and profitable, but which may also pose significant risks to the organization. Our Corporate Services model is designed with your organization's success in mind, to make it easier for your company to generate the data it needs to succeed without worrying about how you'll handle the next investigation or litigation.

Michael is a frequently requested speaker on matters of eDiscovery and Data Management. Please <u>contact him directly</u> if you or your organization would like to find out more.