4 Business Drivers for Electronic Records Management

Managing records shouldn't be viewed as just any expense

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What is Electronic Records Management?

ISO standard 15489: 2001 defines Records Management (RM) as the field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use, and disposition of records, including the processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records. AIIM expands this definition to include records of all types, including those maintained in electronic format.

Organizations must understand that information and records are assets of the organization, not the individual, and need to be managed actively and properly. The incorporation of Electronic Records Management Systems (ERMS) and practices provide structure, consistency, security, and control over these records.

ERM approaches are neither new nor unique. For decades, we have had centralized control of human resources (HR) and capital (Finance). Records management is the centralized control of the information assets of organizations. Establishment and enforcement of enterprise-wide records management explains the requirements, responsibilities, and accountability in managing an organization's information assets. The need for accountability and policy enforcement is becoming clear to executives and managers and, as more information is generated in electronic form, opening the risk of non-compliance and information loss. An enterprise-wide classification scheme within an ERMS, allows us to establish and manage:

- Retention and disposition rules
- Security and access controls
- Digital rights management
- Information sharing

Findability

There is the absolute requirement for a central function of RM professionals and staff to carry out the many critical activities and responsibilities needed by the organization. RM is often expected to conduct legal research on the many statutes and regulations impacting records practices. RM professionals must team with legal staff and IT to ensure that information and records are properly managed and readily available in the event of litigation, request for records under Freedom of Information laws (FOIA), audits, and government investigation.

Discussing business drivers on any subject can be discussed at both very high and very granular levels. AIIM's use of four broad business drivers has stood the test of time and stands as a sound means of emphasizing the importance of proper records management.

Four business drivers, in different combinations and proportions, make the business case for electronic records management (ERM) in most organizations: compliance, effectiveness, efficiency, and continuity.

Compliance addresses the need for organizations to create particular information and retain it for specific periods of time, along with much more. Effectiveness is carrying out business operations and office work better. Efficiency addresses productivity and cost savings in organizations. Continuity represents business continuity, ensuring that organizations can continue to conduct business after having suffered a substantial loss or interruption of business.

As should be clear, here, compliance addresses the WHAT we are trying to achieve, along with increased effectiveness, increased efficiency, and ensured business continuity. Governance addresses the HOW we achieve these four business drivers.

For those of you reading this who have taking a course with me or regularly read my writings (and everyone else too, of course); here's a reminder to take a look at the HR function and the finance function in your organizations to understand the governance that is required for records management, looking after the information assets of the organization. Information governance deals with having enterprise-wide policies and procedures for records, including email and social media communications; it deals with having qualified staff, experts in the field, to develop and administer these policies and procedures and having both the authority and accountability of the function. It involves carrying out administrative activities to support records management, such as managing the off-site storage of paper records and, perhaps, managing a centralized scanning operation.

Information governance involves a partnership of records management with other functions within the organization. A good source of information on this topic is the Information Governance Reference Module (found at www.edrm.net). Business leaders, legal, privacy, and security staff, as well as IT, need to be involved.

What needs to be understood it that while HR and finance policies and procedures are well understood and largely accepted, we no longer argue about doing our budgets each year, the new policies and procedures for records management will meet more resistance and so there is the need for even more staff than in these other functions and the necessary requirements of additional communication, enforcement activities, and substantial training.

AIIM continues to survey the information management industry and over time has shown that at times compliance is the prominent business driver for records management and at other times, efficiency is the number one driver.

In AIIM's most recent Industry Watch survey (March 2013) – Information Governance – Records, Risk and Retention in the Litigation Age, we found that "compliance with statutory records legislation" came out as number one, particularly reflecting concerns in the government and public services sector. At the same time, "compliance with industry regulations," was a very strong driver for financial organizations. This time around, "reduce storage costs" came out as the number two business driver for records management.

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Laws and Regulations – What You May Need to Be Compliant Against

More specific examples of such laws and regulations in the United States, taken from the Business Records Management LLC website include:

FACTA - The Fair and Accurate Credit Transaction Act (FACTA): was passed by Congress on December 4, 2003 as an amendment to the Fair Credit Reporting Act (FCRA).

Federal rules of Civil Procedure: New amendments to the Federal Rules of Civil Procedure, effective December 1, 2006, require companies to preserve potential electronic evidence in the event that they are sued or in the event they may be sued.

Gramm-Leach-Bliley Act: The Gramm-Leach-Bliley Act (GLBA), also known as the Financial Modernization Act of 1999, includes provisions to protect consumers' personal financial information held by financial institutions. There are three principal parts to the privacy requirements: the Financial Privacy Rule, Safeguards Rule, and pretexting provisions.

HIPAA: Enacted into law in 1996, the Health Insurance Portability and Accountability Act (HIPAA) issued regulations relating to the management of medically sensitive documents. The Privacy Rule became effective on April 14, 2003, while the Security Rule deadline was April 21, 2005.

IRS Revenue Procedure 98-25: IRS Revenue Procedure 98-25, Section 5.01(1), states that taxpayers must retain machine-sensible records as long as their content may become material to the administration of internal revenue laws under Section 1.6001-1(e). This materiality continues until the expiration of the assessment limitation period for each tax year, including extensions. In certain situations, records should be kept for a longer period of time.

Safe Harbor Act: The Safe Harbor Act, also known as the European Union Data Protection Directive, went into effect in October 1998. It prohibits the transfer of personal data to non-European Union nations that do not meet the European "adequacy" standard for privacy protection. While the United States and the European Union share the goal of enhancing privacy protection for their citizens, the United States takes a different approach to privacy.

Sarbanes-Oxley Act: On July 30, 2002, President Bush signed the Sarbanes-Oxley Act into law. The most dramatic change to federal securities laws since the 1930s, the "SOX" Act radically redesigned federal regulation of public company corporate governance and reporting obligations. It also significantly tightened accountability standards for directors and officers, auditors, securities analysts and legal counsel.

SEC Regulation S-P: The U.S. Securities and Exchange Commission (SEC) issued Regulation S-P on June 22, 2000 to protect the privacy of financial information. Under Regulation S-P, financial institutions must provide their customers with notice of their privacy policies and practices. These organizations are prohibited from disclosing private personal information about a consumer to nonaffiliated third parties, unless the institution provides certain information to the consumer and the consumer has not elected to opt out of the disclosure.

As mentioned above, not all laws and regulations impact every organization.

Compliance

The compliance business driver consists of two forms. First, there are national, international, state/provincial, and local laws that require organizations to create or collect information about their operations and retain them for different, and at times, specific lengths of time.

There are literally thousands of such laws and regulations and impact organizations differently depending on jurisdiction, industry, and the type and size of the organizations. There are no standards or references that provide comprehensive lists of these legal requirements. Organizations are on their own to identify the laws and regulations that impact their organizations and to determine the requirements that they need to adhere to. There are a few vendors that have developed laws and regulations database software products that organizations can purchase for their own use. Generally, they cover the requirements in the United States, though some have extended their reach to international requirements.

In discussing proper records management, it cannot be done in isolation, within organizations, and that there needs to be a partnership between information/records management professionals, legal staff, and the business leaders. This teamwork effort is needed when determining what laws and regulations impact the organization and their implications. All three groups must contribute to this body of knowledge and carry out the research to ensure that the organization meets its legal obligations.

An example of the need to keep records arises, certainly, in the area of financial accounting. By contrast, privacy protection legislation in many countries places requirements on organizations not to keep certain records. Understanding compliance here is relatively easy – your organization has to comply with the laws [on this page, *Laws and Regulations*].

We understand that there are many more laws and regulations that impact organizations as they conduct their business - laws on fair hiring practices, preventing a hostile work environment, safety regulations, consumer laws to the many accounting, and corporate reporting requirements.

Many of these laws and regulations do not require that specific information be created and retained; however, it is from the information that is created as records that it can be shown that the organization has adhered to the requirements. If your organization keeps good records of its activities and decisions, it will always be able to prove how well it has complied with the laws and regulations. Secondly, compliance can be extended beyond laws and regulations. All organizations have internal policies, standards, and voluntary codes of conduct. Here, as well, the organization's adherence to these mandates can be challenged. For example, an organization could stipulate, and publish, the fact that it is a good community member. This, as well, could be challenged so that it would make sense to keep track of staff who participates in volunteer activities within the community and who donates to worthy community causes.

It is important to appreciate the fact that over the past ten years, regulators and the judicial system are taking these matters much more seriously. They understand that there is a sound body of knowledge on records management; there are best practices that have been developed and that there are now computer systems and applications that can allow for the proper management of records.

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Records management literature and legal case law have provided examples of many cases where executives and attorneys, along with their organizations, were held accountable for failing to retain records and failure to comply with discovery, or ediscovery, requirements. Substantial fines, and other sanctions, were ruled. Other areas of negative impact have been influencing the reputation of the organizations, under the category of reputational risk, in which the organizations receive publicity in a negative way, having profound results, including a drop in the stock prices and losing the trust of customers, suppliers, and partners.

Effectiveness

The second major business driver for records management is effectiveness, or doing things better: doing things in a way which is more sensible for the business or organization, but without necessarily saving money. Better effectiveness can improve a business' competitiveness or an organization's reputation and image.

Examples of effectiveness ERM brings can include:

- Not losing records: once a record is correctly stored in an ERM system, it can never get lost.

- Sharing records: ERM systems allow several users to read a record at once, whereas with paper records only one person can.

- Finding records easily: ERM systems typically offer a multitude of ways to find specific records or correspondence items.

- Getting the complete picture: A byproduct of the above features is that, with an ERM system, you can always get complete answers.

There are many business trends that impact records management. You have heard of many of these including social business activities, in which business communications are being carried out on blogs, wikis, forums, and other social media platforms both inside and outside the organizations; cloud computing, in which computer applications and data and records storage are held in private and public architectures and big data, emphasizing the substantial increased growth of both data and electronic records. They all have an impact on organizations' effectiveness.

Something that we need to appreciate is that technology impacts records management. We have moved from handwritten notes and reports to typewritten records, to electronic files and, more recently, to business communications and expressions.

To support effectiveness in our organizations, we need to change the old paradigms of doing our office work. For the longest time, we would file paper records into manila folders, and there are some organizations that still print their files and emails and file them. Years ago, these records were often managed and maintained by secretaries, librarians, and archivists who knew the rules and applied them diligently.

> There can be huge cost benefits through records management and defensible disposition of content.

With personal computers, we learned to click on the "Save" button and store files on our local drives or network shared drives. With the different forms of electronic records – files, communications, and expressions and with the volumes of electronic records that are now being created, and that are required to be managed, these old paradigms no longer will result in increased effectiveness.

To provide a time reference, Microsoft's Office suite first came out in 1989. I'm not blaming Microsoft, the click save and show the drives was the approach used long before this. However, I find it incredible that with all the advancements in technology and functionality, this approach has not be changed or improved – has not been touched – in over 25 years.

From this, I would argue that this is not just a records management, or information governance, issue; this is a basic file and save issue with the office productivity technology.

The problems that arise, over this extended period of time, are very easy for us to appreciate! All of us have experienced the frustration and anxiety of trying to remember what we called a particular file – 2 days, 2 months, or 2 years after we "dumped" it on our drives.

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You could not find important business files because we could not remember on what drive we stored it. We have experienced problems with retrieving emails that got buried in our inbox.

We have experienced the pain and we need to recognize that the old ways of storing records will not work with the business trends mentioned above.

No longer can staff and knowledge workers be shown the 5 steps, or 12 steps, to an administrative task and be instructed to click on the Save button, and store their work on the local or network shared drives.

Staff – users – need to understand the business context of their work and the business information they are creating and know that there is a proper place to store their work product. And, no, we are not making them records management experts. Staff needs to know how to complete their office activities by properly storing their files. To me, this is nothing more than common sense.

> Organizations are beginning to realize that the information deluge can only get worse, and that reducing duplication and forcing safe deletion are the only real solutions to the constant demand for more storage space.

I have just been blessed with a second granddaughter. As I will be telling the first, love has no limits, no bounds and as I grow to love the second, it will not diminish my love for Olivia. In the very same way, understanding the business context of a person's work activity, will not burden the user, or impair their work, but will actually support the person's activities.

And to know that there is a proper place to store their work product – yes, there is the need for information/records management professionals to develop a classification scheme for organizations. We know that this should be done by having user involvement, putting a sound structure together with the many records series – whether we take the "big bucket" approach or not, and train the users. We understand with this change that it will take time for the users to adjust, we want to use could change management tactics, but that the users will become accustomed to this better approach and they, along with the organization, will benefit.

We also want to take advantage of ECM/RM technologies, including tight integration with the office productivity products, business applications, and email systems, to make it easier for users to properly capture their work. And yes, we may even ask the user to apply the appropriate metadata to their files, but my experience is that we can get so much of the needed metadata from the computer system itself.

The fact that staff need to understand the business context of their work, and that there is a proper place to store their files within a repository, is being made abundant clear in the social media context. In social business, it is clear that the same staff cannot use any platform they desire and communicate whatever comes into their minds.

Organizations need to develop enterprise-wide policies to inform staff on what platforms should be used and what should be communicated. It has become quite clear that policies need to be in place to inform, and educate, what staff can, and cannot, do. Key areas cover: appropriate usage, personal usage, representation, or can the employee speak on half of the organization, affiliation, or making it clear that you are, or are not, representing the interest of other people and organizations, ethics, protection of information, and accountability.

Identically, as staff needs to understand the context of their communications in emails and social media, they need to understand the context of their everyday work.

Which brings up the topic of training for the users; we see in AIIM's Industry Watch surveys, and other records management literature, that training is not supported in a lot of organizations. In our current discussion, it is important that we don't call what is now required as records management, or, perhaps, information governance, training. What we need is fundamental office work training; so that the habit of click save and file on a local or network share drive can be eliminated.

As mentioned above, the users need to understand the business context of their work. When they create a word document, a spreadsheet, presentation, or other work product, they should understand how it fits

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Records Are Your Assets

Under effectiveness, having a sound records management program, information governance, and using the ECM/ERM technology that is available today, organizations can have faster and more agile responses to a wide range of events such as bad weather, accidents, press activities, freedom of information enquiries, social media storms, and others, taking advantage of mobile and remote connections.

Making the case to invest in managing records is often difficult. Those in charge of budgets often have preconceived notions of "those people in the basement managing those boxes" or have no notions at all of records. Here's a short list of reasons for WHY managing records is good for your company.

The benefits of ERM are clearly outlined in *ISO 30300 - Information and documentation — Management systems for records — Fundamentals and vocabulary*. All organizations, regardless of their size or the nature of their business, generate information from their work processes. As one type of information resource, records are part of the intellectual capital, and therefore assets, of an organization.

The purpose of implementing a management system for records (MSR) is the systematic management of information as records about business activities. Such records support current business decisions and subsequent activities, and ensure accountability to present and future stakeholders. The objective of implementing a MSR is to create and control records in a systematic and verifiable manner in order to:

- Conduct business and deliver services efficiently

- Meet legislative, regulatory, and accountability requirements

- Optimize the decision-making, operational consistency, and continuity of an organization

- Facilitate the effective operation of an organization in the event of a disaster

- Provide protection and support in litigation, including the management of risks associated with the existence of, or lack of, evidence of organizational activity

- Protect the interests of the organization and the rights of employees, clients, and present and future stakeholders

- Support research and development activities

- Support the promotional activities of the organization

- Maintain corporate or collective memory and support social responsibility

And, FYI, don't mention ISO to your executives, focus on the business value you're bringing to the table by managing these assets.

in their roles, and jobs, within the organization. When users create an email, or receive a business email, they should understand how it fits in the work they are doing for the organization. From this, and through training, they should understand that there is a specific and proper place for that file or email to be stored.

Now, an issue is that some think that each word document, spreadsheet, email, etc., is unique. They need to be trained that their work product is generally not unique and different from their other work. Within their roles, in their day-to-day activities, they do very similar tasks and their work product can be split into categories.

By taking advantage of structure, an organization classifications scheme with record categories or records series, by taking advantage of ECM/ERM technology, by having staff intuitively capture their work product to the property categories, we can enhance effectiveness within our organizations.

Efficiency

This means saving money. Note that saving money comes after effectiveness, and that's intentional – most often the implementation of an ERM environment is not justified, or driven, by cost savings alone. Usually, effectiveness is the bigger driver – or at least provides the biggest benefits.

The term "environment" here distinguishes between the whole people and machine "system" that is needed to support ERM in an organization, and "system" as in a computer "application." The introduction of ERM to an organization involves new policies, processes, roles, and responsibilities, as well as new computer applications.

A key area, here, is reducing the amount of paper processing in organizations.

Take advantage of eforms and other technologies to reduce the amount of paper being used and the usual rekeying of data input that is required. In AIIM's most recent Industry Watch survey; [Information Governance – Records, Risk and Retention in the Litigation Age](): it was found that the volume of paper records is increasing in 42% of organizations surveyed. For cost savings, this should be reversing. Where paper is required, scan the information as soon as possible in the process so that we can take advantage of workflow and automated processes, using scanned images for support.

Another important consideration is being able to access records quickly and on all devices. If records are stored in an ERM system, they are all accessible within seconds, because they are held in a computer repository and because they are well indexed.

We are aware of the popularity of using laptops, tablets, and smart phones to access business records and information. There are business dynamics which are in play as well, as we have "road warriors" who are away from their offices, as well as the trend towards telecommuting, where staff works from their homes. Information and records that are stored in desk drawers and file cabinets are not useful in these circumstances. Information and records need to be accessible from all devices in popular use.

In this age, of "big data," meaning that organizations are storing and managing terabytes of data and records, there can be huge cost benefits through records management and defensible disposition of content.

Again referring to our recent industry watch; Information Governance – Records, Risk and Retention in the Litigation Age; it was found that in approximately half of the organizations surveyed, there is still considerable inequality between the practices applied to paper records, and those applied to electronic records. There were retention schedules established for paper records but not electronic records. And where there were retention periods established for electronic records, they were not, in fact, being deleted.

> Information and records need to be accessible from all devices in popular use.

While over many years, it is clear that the cost of storage media has been dropping, with the exponential growth in data and records, these storage costs are having a large impact on organizations. It is also clear that the cost of managing all this content, including backing up the data, is having a large financial impact on organizations. In the AIIM survey, it was found that for a third of organizations, 90% of IT spending added no new value to the organizations, but was required to manage the current volumes. For some organizations, reduction in storage costs is considered to be the biggest benefit of information governance.

In the AIIM survey, it was good to see that further roll-out of ECM and RM systems was considered the most significant part of the storage reduction strategy, and, of course, it is much harder to apply retention policies to content that is not managed by such systems.

In the report, Information Lifecycle Governance Leader Reference Guide, by CGOC, it was noted that: "As companies defensibly and consistently dispose of unnecessary data, they find that a significant amount of data stored was in fact debris – often 50% or more of the total storage and stored data. Conversely, as data volume grows year over year and without disposal of unnecessary data, it creates a compounding cost dynamic that is not sustainable. Disposal creates a tremendous dividend for IT because almost all IT costs are a function of the amount of data, applications, and hardware in the environment. As retention schedules are aligned with and instrumented on applications and servers, storage allocation can also be rationalized with the business need for information and the duration of that need."

From the AIIM survey, it's clear that we need to examine what shape our enterprise records management takes and, in the big data age, how do we keep a lid on the escalating costs of content storage? Organizations are beginning to realize that the information deluge can only get worse, and that reducing duplication and forcing safe deletion are the only real solutions to the constant demand for more storage space.

> Records management, or electronic records management, is an administrative function that needs to be in every organization to manage its information assets, both those considered records, as well as that which are not considered formal records.

At this time, organizations are increasingly faced with the possibility of high profile criminal, commercial, and patent cases that hinge on evidence from electronic documents, from emails, and even from social network comments. The AIIM survey found that most organizations are able to manage application-generated records and output, but very few are managing dynamic or personalized content. For a large number of organizations, social content management is not even on their radar.

Clearly, organizations can incur significant fines from regulators and court sanctions and excessive litigation costs are clearly seen as one of the biggest risks of a failure of a sound records management program. Even when the evidence is in electronic form, the AIIM survey found that organizations' ediscovery mechanisms are still often manual - manual processes for ediscovery searches across file shares, email, and physical records increasing the costs of responding.

A very important consideration is organizations protecting their intellectual property. Authoritative

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sources report that each year, intellectual property theft costs U.S. companies about $300 billion. Obviously, this will be much higher internationally. The AIIM survey found that, in the last three years, 14% of organizations that responded had suffered from embarrassing data loss episodes. Through applying security means at the IT architecture level and within the EC/ERM systems, intellectual property can be better protected.

Policies and staff training are absolutely required and, even with policies in place, monitoring and enforcement is clearly important, especially across multiple repositories and other enterprise systems.

Continuity

Business continuity is being able to recover business information and records after a disaster. As we are all aware, there are all sorts of disasters that can affect any organization, from natural disasters such as earthquakes and floods, through accidents such as fires, to man-made disasters such as terrorist attacks and alerts. A disaster can destroy a building and all the records in it; or, almost as bad, it can deny access to the building and its records for an extended period.

> A business without its records typically cannot survive.

Businesses tend to fail if they lose their records (or access to them); for example, if a business lost all of its accounts receivable documentation. A business without its records typically cannot survive. Without access to details of its clients, suppliers, part-completed transactions, and so on, businesses tend to fail - sometimes within days. Government organizations may survive, but will not be able to discharge their obligations, usually for periods much longer than the loss of the records.

Electronic records can be better protected than paper and physical records. When the passenger plane was flown into the Pentagon during the 9/11 attacks, all of the paper records were burned in the area of the crash. However, not one byte of electronic data was lost. Electronic storage of records allows records to be recovered, even following the loss of the building, or buildings, in which they were stored. This provides a potent driver for management wishing to minimize the effects of possible disasters.

There is much more to recovering records after a disaster than just having an ERM system. You have to be able not only to recover them, but also to continue your organization's business and to use those records. It follows that business recovery using electronic records will only work as part of a complete business continuity plan. So the organization's plan must include, for example, proper off-site storage of backups and a realistic plan to replace hardware, software, and communications links in a usable office space. It would be a mistake to think that an ERM system alone will provide the ability to recover after a disaster; you need a business continuity plan as well.

Summary

Records management, or electronic records management, is an administrative function that needs to be in every organization to manage its information assets, both those considered records, as well as that which are not considered formal records. Office technology has changed the office environment for the creation and management of information and records. Current business trends of increased social business, cloud computing, and big data are having a profound impact on properly managing an organization's content. Increased statutory, regulatory, and legal emphasis on records and information, and the costs of responding to these pressures, takes a financial toll on organizations.

We have discussed business drivers for electronic records management in four broad categories. Senior management must recognize that there is a sound body of knowledge, there are well-defined best practices, and that there is technology that can support the creation, management, and destruction of business information and records. The current circumstances will only get worse – it is time for action and support for an electronic records management program – including staff, policies and procedures, the use of ECM/ERM technologies, and training for staff.

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ERM Training Program

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*From AIIM's Industry Watch: Records Management – plotting the changes

About AIIM

AIIM (www.aiim.org) has been an advocate and supporter of information professionals for nearly 70 years. The association's mission is to ensure that information professionals understand the current and future challenges of managing information assets in an era of social, mobile, cloud, and big data. Founded in 1943, AIIM builds on a strong heritage of research and member service. Today, AIIM is a global, non-profit organization that provides independent research, education, and certification programs to information professionals. AIIM represents the entire information management community, with programs and content for practitioners, technology suppliers, integrators, and consultants.

About the Author

Carl Weise joined AIIM in 2006 and is a Program Manager/Industry Advisor. He has contributed to the development of many of the AIIM courses and is a global instructor of these courses.

Carl has over thirty years of senior level records management and project management experience in the financial, IT, manufacturing, electric power, legal, and government environments in both Canada and the United States. He has worked for a records management software provider and worked as a Principal Consultant in Enterprise Content Management (ECM). He is currently providing enterprise content management (ECM), electronic records management (ERM), taxonomy and social media governance (SMG) courses throughout North America and other countries. He has reached over 1,200 students. He is aware of what is happening with records and information management in organizations across North America.

Carl is a Certified Records Manager (CRM) and has given presentations at AIIM and ARMA conferences and chapter meetings. Carl has served on the ARMA Conference Program Committee, including Program Chairperson. He served as a Board of Regent for the ICRM (Vice-President of Exam Administration). Carl developed and taught community college level records management courses and has given many seminars on records management, electronic records management, e-discovery, compliance, risk management, and enterprise content management in cities across the United States and Canada. He has written articles on records management which have been published in North America and Japan.

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