



INFORMATION RISK MANAGEMENT (IRM) –RETENTION AND DESTRUCTION REGIMES FOR ELECTRONIC AND PAPER RECORDS

The importance of corporate information management has dramatically increased in importance over the past few years, as courts and agencies have placed a greater burden on companies to rapidly produce full responses to discovery demands – often under threat of sanctions – to civil litigation requests, regulatory inquiries and enforcement proceedings. Even in the absence of an actual or threatened proceeding, current issues often require data-laden investigation or incident-response. Companies without proper policies and procedures in place unnecessarily increase the burden of responses on management and IT, while increasing exposure to serious court sanctions and fines.

Cost Savings and Risk Reduction

Fenwick clients have reaped **huge benefits** from these compliance services, including:

- reduced risk of civil liability and criminal exposure, including for inadequately explained or ill-timed record destruction
- reduced storage costs for electronically stored information (ESI) and hardcopy documents
- minimized burden and stress on management
- defensible, “real” policies, tethered to adequate employee education as well as in-the-trenches realities of the IT environment
- improved information-security via data encryption, metadata-scrubbing, appropriate electronic-redaction, employee sophistication, *etc.*
- quicker analyses/assessments in incident-response situations, lawsuits and regulatory/enforcement requests

Scope of Services

Fenwick’s Electronic Information Management (EIM) Practice Group is a unique combination of nationally recognized legal and IT thought leaders. EIM has developed a set of Records Retention Services that help companies of all sizes develop practical policies that not only effectively manage risks, but also enable compliance with various legal obligations. The scope of our hybrid legal and IT services includes:

- retention/destruction policies and regimes
- litigation-preparedness and eDiscovery-readiness protocols
- compliance with information-security laws and accompanying IT-best-practices
- technology-use (and lack of employee privacy) policies
- separation policies and protocols for departing employees



ELECTRONIC
INFORMATION
MANAGEMENT

Stages and Deliverables

Fenwick offers its IRM services hourly or through fixed-fee prices. Though the scope of each project depends on the size of the company and the status of current policies/protocols (or lack thereof), each IRM project typically consists of three phases:

	Services	Deliverables
Stage 1	<p>ASSESSMENT</p> <p>Assess current policies, IT environments, and data and document management storage and destruction</p> <p>Includes consultation with Legal and IT, as well as with Finance, HR and/or Operations if needed</p>	<p>Written analysis outlining recommended steps as to:</p> <p>EIM/IT implementation of a new retention/destruction/litigation-preparedness regime</p> <p>Key information-security measures, such as laptop encryption and installation of metadata-handling software</p>
Stage 2	<p>DEVELOPMENT</p> <p>Collaborate with client personnel to develop policies and procedures</p>	<p>Records Retention and Destruction Policy (and accompanying Schedules)</p> <p>Data Back-ups: Schedules of Jobs & Retention/Rotation Periods</p> <p>Technology-Acceptable-Use (No-Employee-Expectation-of-Privacy) Policy</p> <p>Protocols as to Personnel Files Handling, Tax Records Retention and Departing Employees Procedures</p> <p>Litigation-Hold Form Notice</p>
Stage 3	<p>IMPLEMENTATION</p> <p>Coordinate with company personnel to oversee implementation of revised policies and procedures</p> <p>Facilitate dialogue among C-level management, Legal and IT on various decision points needed to finalize and memorialize new regime</p>	<p>Roll-out schedule</p> <p>Roll-out memo(s) to company personnel</p> <p>Training/Education plan(s)</p>

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