ACC ONLINE EDUCATION

ACC Records Management University

Class 4: Records Management Training, Employee Behavior Change Management and Organizational Development

RMU

OLD SCHOOL

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Today's Faculty

Tom Mighell, Esq., COO, Contoural

With over 25 years of experience in compliance, litigation, privacy and information governance, Tom regularly works with corporations to develop information governance programs and is a Certified EU Privacy Professional. Tom served as Chair of ABA TECHSHOW 2008 and 2018, and as 2011-2012 Chair of the ABA's Law Practice Division.

Mark Diamond President & CEO, Contoural

As founder and CEO of Contoural, Inc. Mark Diamond is one of the industry thought leaders in proactive records management, privacy, litigation readiness, compliance and governance strategies. As a trusted advisor he and his company work with more than 30% of the Fortune 500, plus many mid-sized firms, federal agencies, as well as non-profits. Contoural is also helping the Association for Corporate Counsel launch a law firm security assessment program.

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ACC Records Management University Syllabus

Class 1: Introduction to Modern Records Management: Creating a Records Policy and Schedule

- Key concepts of a modern records program
- Creating a compliant and easier-to-execute records retention schedule
- How privacy, data governance and other initiatives fit into a records program

Class 2: Records Program Execution

- Key steps in records program execution
- Moving records management from being exclusively owned by legal to a shared responsibility owned and funded by multiple functions
- Cadillac, Chevy, golf cart or bicycle – determining the right level of program maturity for your company
- How to avoid from getting stuck, or restarting a stalled initiative
- Designing a records program so it drives effective privacy, eDiscovery, and employee productivity

ACC Records Management University Syllabus, cont.

Class 3: Automating Records Management

- The Five Second Rule – Creating combined records management, privacy, data classification and access control processes that employees can follow quickly
- A quick review of technologies to automate programs, including technologies that most companies already own today
- How to delete email, files and other information quickly and defensibly
- Combining policies, processes and technologies to automate records management

Class 4: Records Management Training, Employee Behavior Change Management and Organizational Development

- **How messaging, communications plans, training and audit can be combined into an effective employee behavior change management strategy**

- **Creating records management messages that resonate, even for employees that don't care about records management**
- **Creating and staffing a records management organization**

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Problems with Employees Hoarding Documents

Non-compliance with Record Policies

3 Years

POLICY

5 Years

7 Years

Indefinite

Increased Risk of Data Breaches

Increased Discovery Costs and Risks

FRCP

Legal Holds

Rule 26f

Decrease in Employee Productivity & Collaboration

Success is a Behavior Change Management Problem

Current Employee Behavior and Practices

"Save everything everywhere"

"My data"

All information should be available to everyone

Access anywhere, anytime

No understanding of corporate privacy responsibilities or consequences
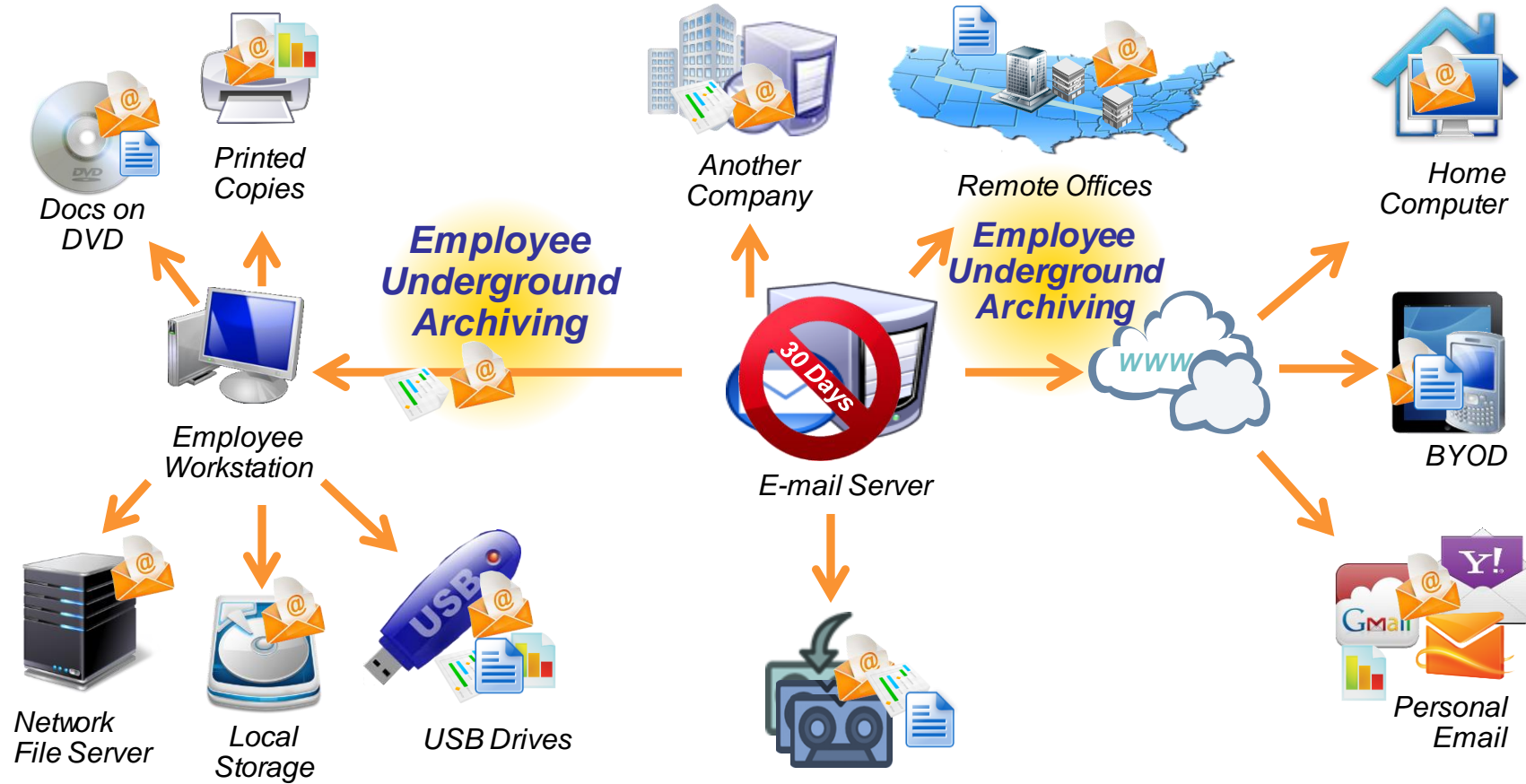
Change Management Process

Desired State

Increased productivity

Data only in designated repositories

Appropriate use and access of information

Awareness of responsibilities and consequences

Reduced risk of unintentional disclosure

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Aggressive Deletion

Self-Certification

Approach: *Employees*

Tactics:
- *Employees sent monthly email with link to confirm retention policy compliance and document destruction*
- *Employee click on link to confirm compliance*
- *All employees monitored to ensure they acknowledged compliance*

Case Study: *Large High Technology Company*
Approach: Policy self-certification
Result: Majority of employees clicked link

But...   *Subsequent audits revealed significant non-compliance.*

Reasons included:
- *"I'll get to it later, I need to get back to work now."*
- *"This does not apply to me."*
- *"To be honest, I just clicked. Wasn't sure why I was supped to click."*

Getting Strategy Buy-in

Constituency	Buy-in Needed
Stakeholder Steering Committee	• Why this needs to be addressed • Approach, budget, and timeframe
Senior Management	• Strategy awareness • Impact of problem on business • Communicating the message downward
Mid-level Management	• Strategy awareness • How this will help business • Impact on their employees • Identify champions in their groups
Departmental Record Coordinators	• Understand key messages • Role and time commitment
Employees	• Buy-in • Making their lives easier • Communication and Training is mandatory

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Understanding Employee and Business Unit Pain

- *Average Employee Spends 4 to 6 hours per week searching and managing email, files and paper*
- *Enterprise-wide processes can break when information is siloed within individual departments*

Employees' Comments
"We are drowning in e-mail"
"Don't have time to organize"
"Was on verge of sending out contract when email box full"
"Every time we reinvent the wheel when I know someone has created this before."
"I spent the first two months on the job combing through my predecessor's email."

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Understanding Behavior

Accumulation in inboxes, desktops

"Pilers," 50% - 60%

Documents go in folders

"Filers," 35% - 45%

Few documents are saved, most are deleted

"Deleters," 5% - 10%

Documents retrieved from assistants

"Can-you-get-me's," 5%

- **Where are you saving?**
  - Employees' work spaces
  - Production applications
  - Desktops/laptops
  - File shares
  - Remote offices
  - E-mail stores
  - PST/NSF files
  - Secure repositories
  - Hosted applications
  - Cloud storage
  - Third-party providers
  - Facebook/LinkedIn
  - iCloud

- **How much is tied to business process?**

- **Ticketing system**
  - Which of your records are created, or stored in e-mail, files?
  - How does this vary across business units, functions and roles?
  - What do employees believe they need to do their jobs?

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Talk About Records Through Employees' Plainspoken Needs

"We have three or more copies of everything. Paper, email and File Shares."

"I hit my email limit on a daily basis. It can take 30 minutes to get out of email jail and It always happens when I have to send a critical document."

"We don't have all the supporting documents we need. Search is also hard and very slow. I keep my own set in email and the S:drive."

"The biggest productivity issue across the company is Search. You have to look in multiple places or know who to ask to find information."

"Version control drives me crazy. I'm never sure if I have the latest version in my email or on SharePoint"

"We do not know much about keeping electronic records confidential other than secure access to our restricted share folder and personal folders."

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Before You Get Started….

☑   Up-to-date retention policy and schedule

☑   Defensible legal hold policy and process

☑   Information Governance technology roadmap

☑   Participation from key stakeholders: legal, compliance, audit, IT

☑   Have the organizational will and desire to change

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Communications Plan and Training Tactics

- Communication Plan: Identifies which audience segments: executives, managers, sales, record coordinators, and messages to these audiences.
  - "Hunting License"
- Training Plan: Audiences, timeline, definitions, content, media, trainers.
- Train the trainer model and CBT can deliver the same content.
- Trainer can take Q&A. Many will do a hybrid approach with CBT and lunch and learn.
- Extra training for IT and the helpdesk – may need extra help
- Including email usage guidelines: Most companies have them and need to have them updated and revised
- 24/7 hotline, roaming the floor during cutover
- Most want to limit training to 30 minutes or less

Creative Employee Engagement

Communicate, Communicate, Communicate

1) Designate target message deliverer & recipient
- *Senior Executives*
- *Steering Committee*
- *Business Unit Heads*
- *Records Coordinators*
- *Managers, Supervisors*
- *Employees*

2) Decide on message timing
- *Initial Orientation*
- *Annual Training*
- *Monthly Updates*
- *Quarterly Reviews*

...and determine a mode of communication

E-mail		Focus Groups	
Intranet Postings		Risk Assessments	
Break Room Flyers		Learning Management Systems	
Surveys		In-Person Training	

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Program Rollout

Pilot rollout:

- Always do a pilot(s) first along with technology pilot
- Survey and audit users after the pilot, and adjust
- Modify training for different audience segments -- i.e. "Sales only wants training via iPad."

General rollout:

- Do rollout in waves
- In parallel with communication
- Do another audit on the backend
- "White Glove Treatment" for senior executives

Legacy data rollout:

- OK to address legacy data as follow on
- May involve different strategies, e.g. discovery tool
- Legacy data remediation can piggy back large ediscovery

The Hidden Blocker…Legal

- Disposition targets circulated to legal for approval
- Legal receives
- Awaiting legal's approval
- Awaiting legal's approval
- Awaiting legal's approval
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# Level of Hires - Information Governance Staffing Roles

IG Organization Roles:

Four possible roles:

- *IG Steering Committee representing key stakeholders and largest business entities; no reporting lines*
- *IG Program Executive acts as the functional head of the IG Program; typically a direct report to Legal , Compliance or IT*
- *IG Compliance Leads are strategically placed based on the matrix structure selected;*
- *Records Coordinators facilitate implementation of the IG Program activities support to execute program activities*

IG Steering Committee

IG Program Executive

IG Compliance Leads

Records Coordinators

Core Skills for Records Management and Information Governance Hires
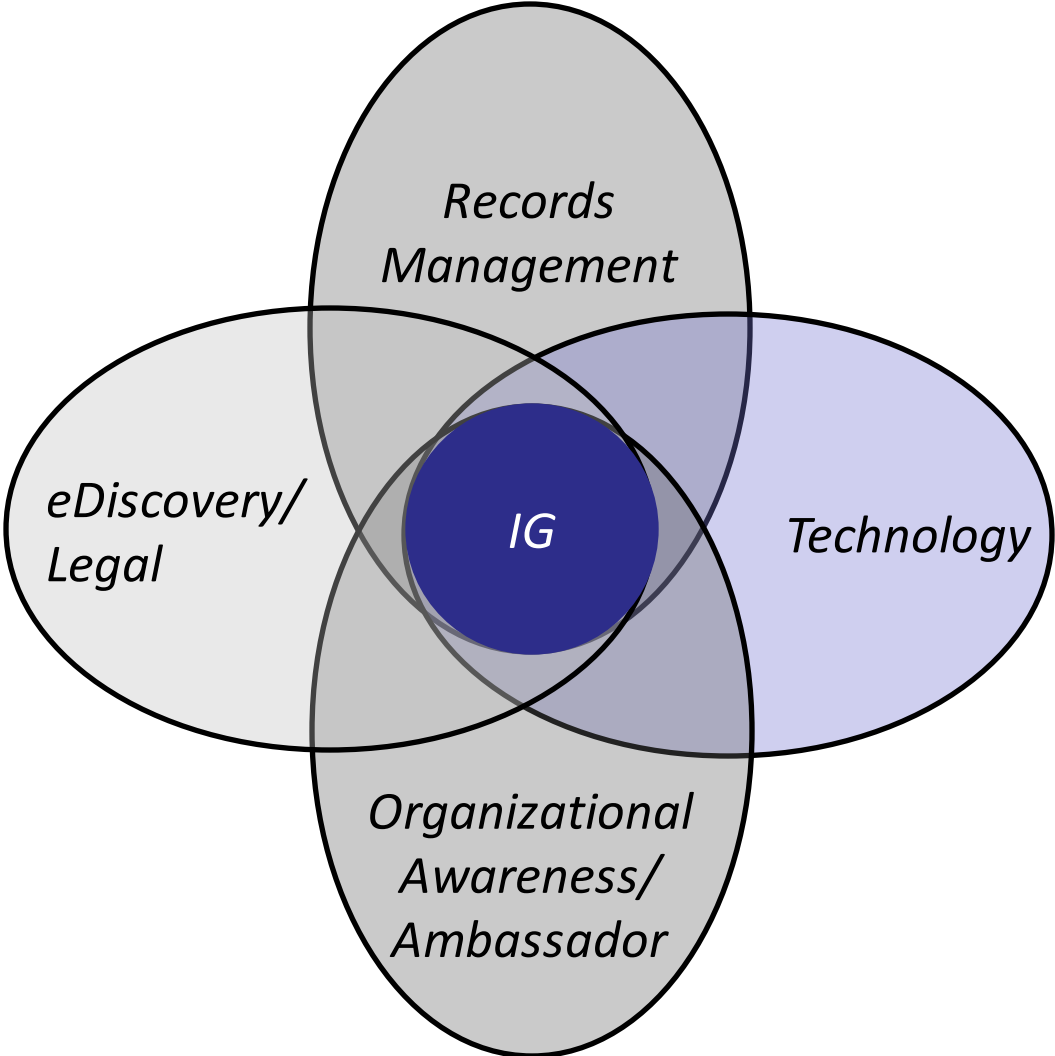
Defining the Role: Builder v. Maintainer

Program Builder	Program Maintainer
Likes building IG programs	Prefers managing over building
Prefers challenge of constructing something new	Enjoys managing an ongoing effort
Happy to be a bit on "cutting edge"	Content to make incremental improvements
Can get bored once program is complete	Has ability to focus on the details
Sometimes lacks patience when faced with a slower pace	Has ability to stay with a task over a longer duration
Often have a limited tenure	Has the potential to stay in the role for a long time

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Defining the Role: Full-Time or Part-Time

$M - T - W - Th - F$

FTEs are almost always difficult to justify…

Key Considerations:
- Number of employees
- Number of locations and geographies
- Regulatory environment
- Audit findings
- Litigation and FOIA profile
- Flexibility in re-assigning internal resources
- Potential for using contract resources
- Build phase may require full-time resource but could transition to part-time role for maintenance phase

$M - T - W - Th - F$

Consider a Part-Time Role

Key Considerations:
- Program maturity (maintenance)
- Program complexity
- Budget constraints
- Potential for using a phased program rollout (adding resources over time)
- Flexibility in re-assigning internal resources
- Potential for using contract resources

The Last Word: Don't Let Perfect Be the Enemy of Good

- You will never get to perfection

- Legal standard is "Good faith, reasonable efforts"

- Long wait for perfection - risky

- Start with good today

- Improve over time

About Contoural

Largest independent strategic consulting services provider serving more than 30% of the Fortune 500 plus many small and mid-sized companies. Services including records and information management, litigation readiness and control of sensitive information consulting services. Sponsor of the ACC Information Governance Network.

Independent – Contoural does not sell any products, provide document storage services or offer "reactive," matter-specific discovery services.

Cross Functional – Our engagements incorporate a combination of legal, compliance, records management, information technology, security and change management best practices.

Flexible – Contoural services can be tailored either for some part of a specific project or an entire enterprise-wide program.

Experienced – Contoural has served more than 30% of the Fortune 500, a number of federal agencies, as well as numerous mid-sized companies and public entities. Our consultants average more than 24 years of experience in their respective field.

Real Impact – Contoural services provide measurable impact on real-world business needs.

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In-house Tales from the Trenches 20-minute On Demand

- Alex Williams, Church Mutual – Getting Started

- Megan Hertzler, Genentech – Program Execution

- Patrick Chavez, Edward Jones – Automating Records Management

- Natausha Cruz Wilson, Qualcomm -- Employee Behavior Change Management

Additional Content

Contoural complimentary content and additional resources at www.contoural.com or email info@contoural.com
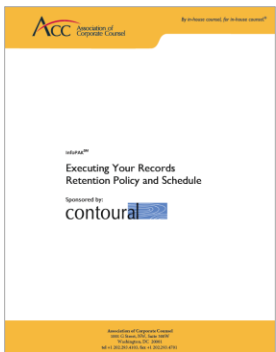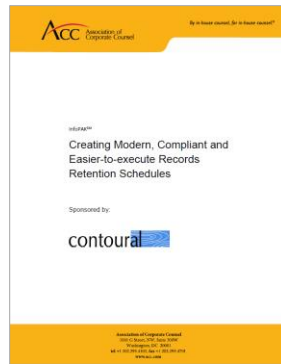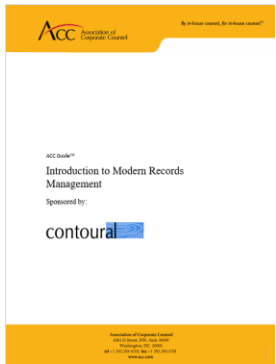
- **Guide:** *Introduction to Modern Records Management*

- **InfoPAK:** *Creating Modern, Compliant and Easier-to-Execute Records Retention Schedules*

- **InfoPAK:** *Executing Your Records Retention Policy and Schedule*

- **Article:** *Upgrading Your Traditional, Paper-centric Records Program to Be More Modern, Compliant and Useful*

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Questions

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