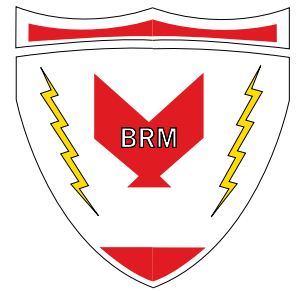




The  
**BUSINESS RECORDS MANAGEMENT**  
**BULLETIN**



A Service of **BUSINESS RECORDS MANAGEMENT**

3rd Quarter 2006

## DEALING WITH ELECTRONIC INFORMATION OVERLOAD

Electronic information comes at us in many forms, but the most frequent is e-mail. Consider these numbers by groups that look at information statistics. The Radicati Group puts the current number of e-mail users at 578 million with each averaging 85 messages a day. The Gartner Group predicts a 40% increase in e-mail annually. Even though many people have a loose perception that it is “just e-mail,” e-mail is central to how business gets done in most organizations. Thus, it gains importance as business knowledge, but also presents a high risk level, especially as discoverable evidence in lawsuits.

E-mail is only a part of the electronic information that must be managed by organizations today. Increasingly, this responsibility is being seen as a records management function rather than an IT function. As a follow-up to its 2003 survey, the 2005 Cohasset ARMA AIIM Electronic Records Survey found that organizations were viewing their electronic records management (ERM) problems as less severe. This is likely because more attention and resources are being granted to ERM. Cohasset believes this beneficial change in attitude on the part of senior management is the result of several events and changes during recent years.

Tough regulations forcing compliance, such as Sarbanes-Oxley and HIPAA, have made better ERM a necessity. Major court case decisions involving electronic discovery and evidence have forced improvements in ERM, and better integrated technology is helping the market. Good records management is the absolute foundation for compliance, and senior management is supporting this concept. The 2005 survey brought forth statistics on the problems of managing electronic records, and these statistics were a call to action by those in the records and information management (RIM) profession.



### Who's winning the overload war? Information, or the records managers?

Although the numbers have improved since 2003, there are still major deficiencies, particularly in management of electronic records, according to the nearly 2,100 RIM professionals who responded to the survey.

Here's how they assessed some situations.

- When asked to evaluate their own programs, 32% said “marginal” or “fair.”
- How often are retention schedules followed? “Not regularly” or “when time permits” said 29%.
- Are electronic records included in your retention schedule? No, said 43% of respondents.
- Do you have a retention policy for e-mail? No, said 49%.

Several questions asked whether retention schedules were actively applied to backup of electronic records, as well as archival storage media. From 27% to 72% said “don't know.”

### Faced with litigation, what does your organization do?

When certain records are identified as being relevant for litigation or regulatory inquiries, they are “on hold” and their normal retention schedules have to be suspended.

- Does your organization have a system for implementing hold orders? No, said 43%.
- Are electronic records included in your hold order system? No, said 53%.
- When you have to go to backup or archival storage for court-ordered evidence, is it difficult to retrieve this information? A total of 68% said they had “some,” “considerable” or “great” difficulty in doing this.

### Will you be able to read your records 10 years in the future?

Information technology continues to gallop ahead. Will your electronic records be accessible many years from now? How will migration of records be handled in your organization in order to maintain retention schedules? Is your IT staff thinking about this problem? No, said 57% of respondents.

The complete survey results are available in executive summary or 60-page version from [www.aiim.org](http://www.aiim.org) under Industry Statistics. Read it and ask yourself the questions set forth in the survey. It could be a wake-up call.

### Further emphasis on electronic discovery comes from the Supreme Court

On April 12, 2006, the United States Supreme Court approved proposed amendments to the Federal Rules of Civil Procedure, or FRCP, pertaining to the discovery of electronic evidence. These will, barring action by Congress, become effective on December 1, 2006.

It is hoped these changes will clarify some thorny areas for attorneys, IT staff, and records managers who must contend with discovery requests for electronic information. Some observers feel the changes will make it harder for attorneys to cast a wide net with their discovery requests, requests that led to astronomical costs for producing evidence.

The changes acknowledge that electronic discovery carries its own set of problems. Here is an overview of the changes.

- Electronically Stored Information, or ESI, is a distinct category, unlike documents and objects, with enormous amounts of material in electronic systems.
- Initial discovery conferences must include setting parameters for electronic discovery, including preservation of evidence.

- Courts can put limitations on the burden of retrieving and providing evidence termed inaccessible, such as records deleted in the normal course of business or legacy data. A court order or special circumstances may prevail.
- Courts can establish “safe harbors” against sanctions for loss of electronic evidence because of routine computer operations, such as updating or overwriting, and other specific instances.
- Privileged information must be protected with procedures for maintaining attorney-client privilege after information is produced as part of the discovery process. The intent is to prevent the unintentional exposure of evidence to a third party.

A group of corporate attorneys united to develop best practices in electronic discovery and their efforts were published as *The Sedona Principles: Best Practices, Recommendations and Principles for Addressing Electronic Document Production*. It has become one of the better-known works for dealing with the information overload that is part of the legal system.

### Is information overload wearing down our medical professionals?

Disconcerting news about adherence to HIPAA, the Health Insurance Portability and Accountability Act, has been released recently. In January 2006, the American Health Information Management Association (AHIMA) surveyed 1,117 hospitals and health systems on compliance with the three-year-old federal rules governing the privacy of patients' medical records.

The 2006 survey disclosed that 85% of health care privacy officers and others working with HIPAA said their institutions were more than 85% compliant. In 2005, 91% had said they were 85% compliant. Of those respondents who said they were less than 85% compliant, there were 15% in 2006 versus 9% in 2005. A lack of resources was cited by 55% as their deterrent to full compliance.

Survey results also indicate that patients are becoming more concerned about privacy for their medical records, with more patients refusing to sign release-of-information forms. This increased public awareness and desire for records privacy has also worked to prevent the establishment of a national health information network.

A further setback occurred in March 2006, when the Ohio Supreme Court ruled that the state's open-records law supersedes HIPAA's privacy protection for medical records. The HIPAA provision states that medical records must be kept private except where state law requires otherwise, and the Ohio Public Records Law states that state and local government records must be public unless a federal law requires them to be kept private.

### Get some help with your own information overload.

Beyond answering the usual storage questions, your storage contractor likely will have some answers to your other questions about information overload, so bring a list of questions to your next meeting.

### BE PREPARED FOR SEASONAL THREATS TO YOUR ORGANIZATION'S SURVIVAL

With hurricane season upon us and ongoing flooding in the northeast, businesses can take the opportunity to plan for business continuity and take a moment to look through disaster recovery resources available from ARMA International. As a not-for-profit professional association and the authority on managing records and information, ARMA International encourages organizations to update and review their Business Continuity Plan (BCP).

#### Planning and Prevention

ARMA International suggests having a BCP, which includes policies and procedures that enable an organization to effectively and efficiently respond to an event so that critical business functions continue without interruption.

The 2006 Business Continuity Market Survey of 5,000 U.S. IT professionals conducted by OpenSky Research revealed that nearly half of the surveyed businesses do not currently have a BCP in place. Shockingly, nearly 13% of respondents said they have no plans to implement a BCP. These numbers are astounding when studies show how important BCPs are to businesses. For example, ComputerWeekly.com reported that a recent University of Texas study revealed 94% of companies suffering a catastrophic data loss will not survive, as 43% do not reopen and 51% close within two years.

Business continuity solutions protect companies from any unplanned interruption that prevents access to business-critical data and information technology (IT) applications. With the resources ARMA makes available to records management professionals and their organizations, businesses can be prepared for the worst.

ARMA International's site, located at <http://www.arma.org>, has been a key resource for professional information for ARMA's members. Disaster recovery experts from ARMA International have determined which information management-related materials will be most valuable to those aiding in the prevention planning and potential recovery process as businesses prepare for the 2006 hurricane season. These materials are offered as downloadable files from the ARMA site that can be accessed and printed free of charge.

### Materials available for free download include:

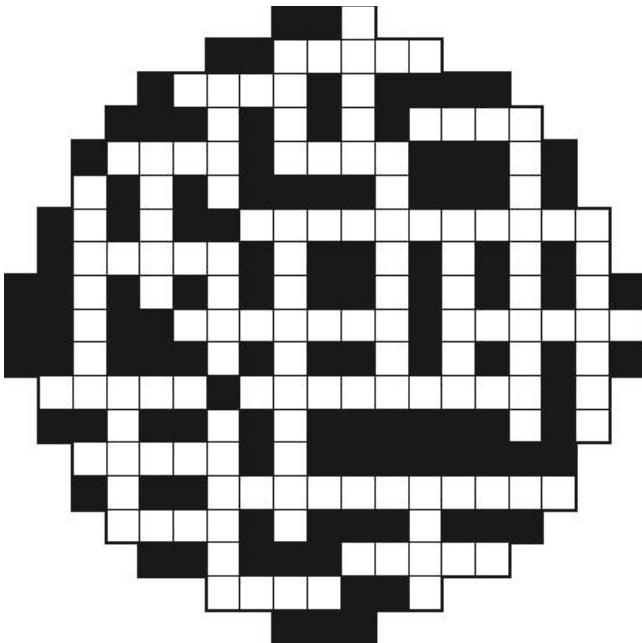
- Excerpts from the book, *Emergency Management for Records and Information Programs*, including Chapter 8: *Recovery and Resumption of Operations*, and a helpful form from Appendix B: *Initial Damage Assessment Report*. These focus on the steps for responding to an emergency or disaster and for beginning the recovery of information assets. These response and recovery steps are but a small part of a comprehensive emergency management plan that every organization needs to formulate in order to prepare for disasters and prevent or minimize the loss of records.
- Information on salvage and drying techniques from the ANSI/ARMA 5-2003 Standard: *Vital Records Programs: Identifying, Managing, and Recovering Business-Critical Records*

To download the articles online, visit [www.arma.org](http://www.arma.org) and see the Industry News headlines on the main page: *Be Prepared for Seasonal Threats to Your Organization's Survival and Half of Businesses Report No Business Continuity Plan*.

ARMA International is the oldest and largest international association dedicated to the management of records and information. ARMA International's 10,000-plus members include records managers, archivists, corporate librarians, imaging specialists, legal professionals, IT managers, consultants, and educators, all of whom work in a wide variety of industries, including government, legal, healthcare, financial services, and petroleum in the United States, Canada, and numerous other countries. ARMA International has more than 125 chapters that provide education and networking on the local and regional levels.

***Kallie Foglesong, ARMA International***

Can you fit the words from the list correctly into the grid?



**4 LETTERS**

APIA  
BONN  
LAOS  
LIMA  
MALE  
MALI  
OMAN  
OSLO  
PERU  
SUVA

**5 LETTERS**

AMMAN  
CAIRO  
GHANA  
IDAHO  
LA PAZ  
NIGER  
PRAIA  
WALES

**6 LETTERS**

BELIZE  
CANADA  
MASERRU

**7 LETTERS**

DENMARK  
PHOENIX  
SEATTLE

**8 LETTERS**

BARBADOS

**9 LETTERS**

LOUISIANA

**10 LETTERS**

BIRMINGHAM  
LIBREVILLE

**11 LETTERS**

PORT MORESBY  
PORT OF SPAIN

**RECORDS MANAGEMENT ETHICS**

In a post-Sarbanes Oxley world, ethics have become more important than ever before in the records and information management profession. Legal compliance, the integrity of records and evidence, and defensible consistency of actions recognized by courts as an integral part of records management program are all impacted by ethical decisions made by records managers. Both ARMA International and the Institute for Certified Records Managers (ICRM) maintain codes of ethics for the records management profession. These documents provide a good basis for decisions impacting records management policies.

The following code of ethics has been adopted by the ICRM:

“Certified Records Managers should maintain high professional standards of conduct in the performance of their duties. The Code of Ethics is provided as a guide to professional conduct.

1. Certified Records Managers have a professional responsibility to conduct themselves so that their good faith and integrity shall not be open to question. They will promote the highest possible records management standards.
2. Certified Records Managers shall conform to existing laws and regulations covering the creation, maintenance, and disposition of recorded information, and shall never knowingly be party to any illegal or improper activities relative thereto.
3. Certified Records Managers shall be prudent in the use of information acquired in the course of their duties. They should protect confidential, proprietary and trade secret information obtained from others and use it only for the purposes approved by the party from whom it was obtained or for the benefit of that party, and not for the personal gain of anyone else.
4. Certified Records Managers shall not accept gifts or gratuities from clients, business associates, or suppliers as inducements to influence any procurements or decisions they may make.
5. Certified Records Managers shall use all reasonable care to obtain factual evidence to support their opinion.
6. Certified Records Managers shall strive for continuing proficiency and effectiveness in their profession and shall contribute to further research, development, and education. It is their professional responsibility to encourage those interested in records management and offer assistance whenever possible to those who enter the profession and to those already in the profession.”

EMPLOYEE PROFILES



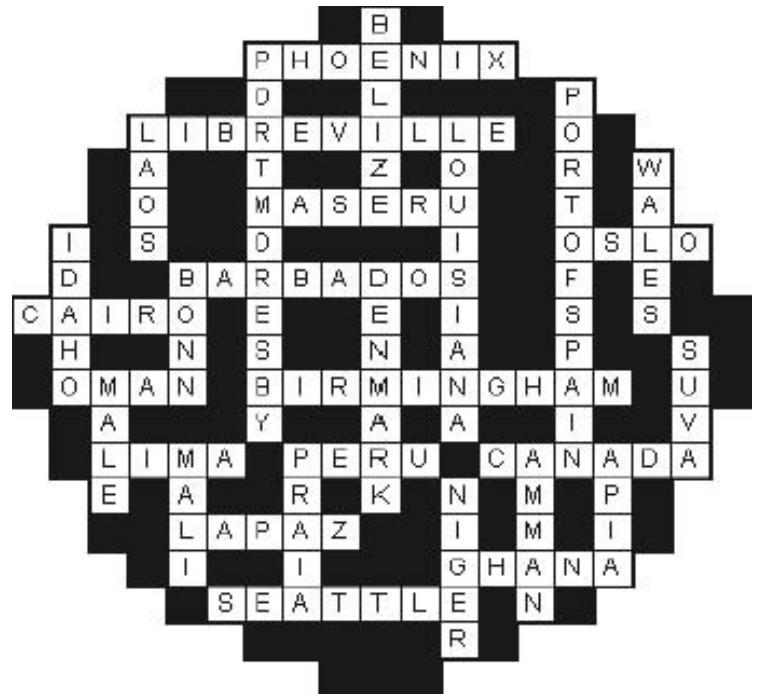
**John P. McDonald** is a new addition to the **BRM** team, joining us in June 2006, as a customer support specialist. In this position, John serves as the primary contact for all client issues, including client training, on-site access, and any special project requests from clients. He enjoys working with the clients face to face to

resolve issues or to complete projects. Customer satisfaction is his number one priority. Graduating from the University of Pittsburgh is John's greatest accomplishment to date, but he looks forward to adding his future career goals with **BRM** to that list. During his free time, John enjoys kicking back and reading at his Moon Township home, attending football games, and taking in a few concerts. When he needs to get away, he and his wonderful girlfriend Erin take off for the Outer Banks in North Carolina.



**Douglas Yost** also joined the **BRM** family in June 2006, as a customer support specialist. Doug works at our new Johnstown location, and describes his position as "solely pleasing the customer." He enjoys meeting with clients and making sure they are happy with **BRM's** service. Doug appreciates

the fast paced atmosphere at **BRM**, which is never boring. When Doug isn't hard at work, he is spending time with his wife Rachel and five-month-old daughter Margaret Anne (Maggie), his greatest accomplishment. Steve, a golden retriever, and Chyna, a jack russell terrier, round out the family. When life gets too hectic, Doug's favorite place to go is a quiet cabin in the woods.



**BUSINESS RECORDS MANAGEMENT  
BRM Disaster Recovery Services, Inc.**

1018 Western Avenue  
Pittsburgh, PA 15233

Voice: 412.321.0600  
Fax: 412.321.5152  
Web: [www.businessrecords.com](http://www.businessrecords.com)

**CONGRATULATIONS TO BRM'S 3RD QUARTER  
SUBSCRIBER WINNERS!**

Congratulations to **Sandra M. Yoxall** of Williams Coulson; and **Barb Kalanish** of Keystone Digestive Disorder Consultants. They each won two tickets to the PNC Pittsburgh Symphony Pops Series. Thanks so much for your continued support and service to BRM.