

WORKING TOGETHER



Why a Partnership Between RIM and
Legal is Important

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RECORDS MANAGEMENT MISSION

- Assist staff with information regarding the retention and disposition of records;
- Provide guidelines for storage of records;
- Develop and maintain records retention schedules that establish retention periods for records based on and consistent with law and best practices;
- Develop disposition procedures that provide appropriate security for private or confidential data;
- Assist University staff on active management of records in all formats;
- Work collaboratively with other units to ensure that records are maintained and protected according to standards and best practices;
- Promote the use of technology resources to efficiently manage and preserve records.

LEGAL MISSION

- The Office of General Counsel ...focuses primarily on areas that present significant policy as well as legal issues, including governance, data practices, immigration, global study programs, copyright and other policy-related issues.
- The General Counsel coordinates the provision of Minnesota State Colleges and Universities legal services, including consultation on litigation, contracts and other legal issues of special significance to the system.

Office of General Counsel, Minnesota State Colleges and Universities

WHAT IS THE COMMON INTEREST OF BOTH MISSIONS?

- Compliance
 - Regulatory
 - Privacy
 - Security
- Policy
- Operational Efficiency
- Risk Management
- Litigation/Discovery

COMPLIANCE - REGULATORY

- Public records laws
- Employment
- Research
- Environment Protection
- Health and Safety
- Medical
- Immigration
- Audit Requirements
- Contractual Obligations

COMPLIANCE - PRIVACY

- Gramm-Leach-Bliley
- PCIDSS
- FERPA
- State and federal laws on privacy and breach disclosures
- HIPAA
- FACTA
- FMLA

COMPLIANCE - SECURITY

- In many instances, intersects with privacy concerns.
 - Destruction of information
 - Computer security – best practices and internal regulations
 - External media – thumb drives, smart phones, PDA's.

POLICY

- Deliberate plan of action to guide decisions and achieve rational outcome(s).
- Policies align operations, set behavioral expectations, and define roles and responsibilities.
- Important to establish the internal control environment.

OPERATIONAL EFFICIENCY

- Space savings – not only in file cabinets but also IT server space
- Operational efficiency – staff can find what they need when they need it
- Storage savings – cost of storage of hard copy and electronic storage.

RISK MANAGEMENT

- Definition:
 - process that ensures that an organization does not assume an unacceptable level of risk; includes both records risk analysis and records risk assessment procedures
 - Source: *Vital Records: Identifying, Managing, and Recovering Business-Critical Records* (ANSI/ARMA 5-2003) [6].

RISK MANAGEMENT

- Identify risks that threaten your records
 - e.g. fire, floods, sabotage, computer viruses, theft, etc.
 - Risks can be put into 3 groups
 - Natural – such as fire, floods, tornadoes;
 - Accidental – such as negligence or carelessness
 - Deliberate – such as theft or sabotage
 - Risks can also be either having information too long or not long enough.

RISK MANAGEMENT

- Analyze risks and prioritize for importance
 - Physical Risks – such as destruction of the information
 - Intangible Risks – such as negative publicity or appearing negligent
- Determine response to the risk
 - Weigh likelihood and severity of risk against cost of addressing problem

LITIGATION/DISCOVERY

- Assuring that information is stored that is at high risk of being relevant to litigation.
- Assuring that institution can locate records it needs, including when responding to discovery requests.
- Authorizing appropriate destruction of records and avoiding sanctions or claims of spoliation.

NEW TECHNOLOGY

- Wireless Technologies
 - PDA's
 - Smart Phones
 - Flash Drives
 - VOIP
- Social Networking
 - Facebook and MySpace
 - Blogs

NEW TECHNOLOGY

- Collaboration Technologies
 - Wikis
 - Google
 - Other softwares



EMAIL

- Many, if not most, email messages are records
- Email application is not a recordkeeping system
 - classify and file in the appropriate recordkeeping system
 - print and file
 - save on shared drive
 - file in an EDRMS (best solution)
 - file in email folder structure as an interim solution
 - retain and dispose according to the records retention schedule
 - delete transitory emails as soon as possible
- Do not store on hard drive of computers
- Also consider PDA's, Blackberries, Smartphones – email can reside on many different personal devices
- Voicemail – may also be stored as email

SUMMARY

- Keys to Success
- Answers for Today
- Looking Forward



THANK YOU

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