Data Management Essentials for Businesses

Sarah Sawyer: Welcome to this week's OK at Work with myself, Sarah Sawyer, my colleague Russell Berger, attorneys at Offit Kurman. And today we are talking about information governance, which in plain English um, typically means what you do with your data and information as a business with an eye to compliance and, future needs that might arise.

So obviously, every business is creating data every day. That's emails, it's teams chats. It's things you create for your clients and deliverables. It's your CRM. It's, fill in the blank. There's a million different things that every single day, every minute are being created, and they're being created for business purposes.

They're not just being created to be created. Right. Every business has this, every business has a lot of information, a lot of data, and obviously with modern technology a lot of that data gets [00:01:00] stored and, held for a certain period of time. And instead of having physical files in a big file room and all was paper, we have it all digitally now.

And. So it's important to say, all right, well, what information do I have and what do I do with it? And so what are some things that companies should be thinking about Russell when they're, overwhelmed thinking about the, tons of data and information that they're creating and collecting at any given moment of the day?

Russell Berger: Yeah. I Would add to your list of questions. A third question, which is how long do I keep it?

Sarah Sawyer: Yep.

Russell Berger: And the fourth question is, how do I get rid of it? Safely. Yeah I think that's it. We create, as businesses, we create a footprint and we create records. And, like so many things that we talk about, the appropriate thing to do is to have a plan and to lay it out.

And this isn't rocket science. There's best practices out there and there's guidelines for how to, what type of information? It depends on your business, obviously like for us as a law firm, [00:02:00] we're holding client files, it's a different set of rules and it's already governed, but just for any business, what's your baseline for saving emails?

You're gonna save them forever. Like it seems like one, not a great practice practically, and two like expensive. So where do you draw the line? And then of course, when there are disputes, do you have a litigation hold protocol to stop auto deletes and preserve certain types of information.

So I think just having a playbook in place is a really important starting point for information goverance. And then you can deal with the specifics and the nuances from there.

Sarah Sawyer: Yeah, and there's some really specific black and white guidance on some things, like things in employee files or certain types of tax documents.

There's state and federal regulations around that. But then there's a whole host of things in between. Emails is a good one. Different types of information that you're creating and I think we wanna think

Russell Berger: Like marketing plans.

Sarah Sawyer: Yeah.

Russell Berger: Just normal every, not the official rec employment factors or what have you, but [00:03:00] or accounting records, like really just nuts and bolts of the business type stuff.

Sarah Sawyer: Yeah and what your analysis is of what you're gonna keep and what you're gonna do with the information is gonna depend on the type of information and whether you're thinking about compliance or future litigation or risk management, or just practical business reasons, so what is the utility of me keeping this? What am I gonna use it later? 'Cause as you mentioned, Russell, data storage obviously is expensive. We used to pay for, big rooms to store paper in, and now we pay for, electronic storage and there is a cost to that.

Yeah, I think a good starting point is have a plan. Think about like, all right, which category does this fall into? Is this a legal compliance or a risk management function that I'm trying to solve for? Is this a practical business sense that I'm trying to, solve for it because I'm gonna need this later?

Or is it both or somewhere in between? And knowing what you have, I've had clients who they don't realize they're collecting certain types of data through apps or certain programs, and so that's another thing I would just highlight as part of this episode [00:04:00] is make sure you know what you have, what you're collecting. So ...

Russell Berger: Well, and to add to that, who has access to it because, like that file room filled with paper, a handful of people have keys, easy enough to manage access to it. Digital records, people internally, people externally knowing who has access to your information and what they can do with it.

That's an important control to put in place as well when you're talking about information governance.

Sarah Sawyer: Yeah. Not always the most fun topic to talk about because it's, record keeping, but it's important and it's especially a court and when we get involved.

Russell Berger: Yeah, right. Figure out a good blueprint for your industry, for your type of business and get something in place that everyone can follow.

It doesn't have to be a whole big deal and, spend a whole lot of time thinking about how to draft it. Find one that works for your industry, in your space. And then most importantly, get it implemented.

Sarah Sawyer: Yeah. Well thanks Russell. I'll see you next time.

Russell Berger: Thanks, Sarah.

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