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Achieving Information Governance Enforcement: Engagement, Enablement and the Change Journey

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After years of wading through increasing data challenges and the unpredictable evolution of cyber security threats, corporations are increasingly considering the importance of information governance. We're seeing meaningful progress in the ability of legal, IT, records, compliance and security teams to work together and establish internal cross-functional IG committees. And with this progress is a growing eagerness among these groups to maximize and measure their investments.

Most large companies today have either implemented an IG program, hired IG personnel or have plans to do so in the near future. Those that have taken the step of getting programs up and running have typically spent a sizeable portion of resources to do so, and are accountable to garner some ROI from them. All too often, even after an investment into IG has been made, many projects are not monitored for compliance and success or kept evergreen, thus falling short of leadership's expectations for success.

Policy enforcement is a challenging task for most organizations—more so for those in regulated industries that have a highly complex



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legal and compliance profile. The more regulated or more geographically diverse a corporation, the more burdened it will be with nuanced policies and compliance requirements. Legal hold is one common area where these challenges play out, as it can be very difficult for organizations to scope the correct individuals that need to be under legal hold, and limit retention to only those individuals, so excessive data isn't retained unnecessarily.

While technology is a necessary piece in ensuring that IG programs are sustainable and enforceable, there are best practices that should

be taken into consideration at the outset of any IG effort. Following is an outline of some guiding steps that will allow IG teams to build enforcement into policies from the ground up. Additional best practices will be discussed in a follow-up article.

- **Cross-Functional Support:** To be successful, IG must be a cross-stakeholder initiative with sponsorship from top company leadership. Legal, compliance, security, IT and records departments should work together to determine enterprise wide initiatives that need streamlining. Stakeholders can partner to

achieve their range of unique goals through the implementation of a single IG effort. But before creating a laundry list of needs, the team must work together to understand the confines of the internal landscape, such as the corporate culture as it relates to risk and changing business processes.

By evaluating each group's varying motivators through the lens of the company's culture, stakeholders can begin to understand the 'gives' and 'gets' involved in building new policies and implementing new technology. During these discussions, stakeholders should come to the table prepared with a risk analysis and ROI calculations for proposed projects.

- **Executive Sponsorship:** An IG project simply cannot be successfully implemented—or enforced—without C-level involvement. The key to gaining their buy-in is communicating the program's benefits that will specifically address their pain points. If the executive sponsor is the general counsel, building the risk case for that person is critical—this includes the risk of not disposing of data that has met its retention requirement, and is not subject to legal hold. If sponsorship is solicited from the CIO or another IT leader, they may be more likely to embrace a project that addresses data minimization and defensible disposal. Business leaders or board members will be more focused on the costs and overall impact to the bottom line and mitigated risk. Quantify what the business will save in the long run, the risks involved and how those risks will be mitigated. Generally, starting with small projects can show value

quickly and grow in scope (and ROI) over time.

The corporation's existing risk framework, which prioritizes the organization's highest risks, such as regulatory/sanctions, reputational, etc., can help the team evaluate which risk categories IG will impact, and make a business case for IG investments that can mitigate key risks without becoming financially prohibitive. This business case should also take into consideration the cost avoidance of possible penalties for failing to comply with various regulations in any region where the company does business.

- **Change Management:** In IG, the course of changing business processes should be rooted in compliance. Change is difficult for many people and becomes exponentially more so in large organizations where a wide range of varying priorities and personality types exist. Understanding how to effectively manage and enable change—and approaching it as a journey—is essential for anyone looking to drive IG. Legal and compliance departments have the opportunity to help their IG cohorts and the rest of the organization understand the fundamental legal and regulatory drivers behind the proposed changes.

One of the most widely accepted methods for implementing change management is the Kotter 8-Step Change Model, which was developed to help organizations become adept at progress. Some of the key tenets of this model, which will help with managing data challenges,

include creating urgency, clearly communicating the vision, identifying and eliminating obstacles, setting short-term realistic goals that foster a sense of achievement among those involved, and making changes permanent by solidifying adoption and addressing opposition head-on.

When in-house counsel work strategically with the IT and records departments, they can make a huge impact in implementing technology to enforce and support the policy and track company-wide compliance thereof. Establishing a cross-functional team to spearhead these issues with executive sponsorship is the critical first step in the right direction. Part 2 of this article—"Achieving Information Governance Enforcement: Ensuring Policies Aren't Left to Collect Dust"—will outline additional best practices that lead to IG enforcement and prevent important policies from falling to the wayside.

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