RECORDS MANAGEMENT IN AN ELECTRONIC AGE

PRESENTED BY:

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WHY ARE WE HERE TODAY?

Create Awareness
What Can Go Wrong?
Goals
Protection
New Threats
Discovery
Management Support
Create Awareness

WHY NOW?

• Bulk of University business information (including permanent records) is produced electronically

• Compliance and accountability with regulations is becoming a top priority for executives across all industries, including Higher Education, due to the recent court outcomes and introduction of the newer regulations, such as Sarbanes-Oxley

• Executive leadership change in the past four years
**What Can Go Wrong?**

**CHALLENGES**

- Outdated Records Management Policy (PM 99-05)
- Ambiguity within new court regulations as well as undefined or gray areas with the current campus Records Management Policy
- Complexity of electronic records and compliance
- Risk (litigation cases and non-compliance)
What Can Go Wrong? (cont.)

ELECTRONIC RECORDS – A DIFFICULT ISSUE

- Volume
- Distribution/Locations
- Interpretation – Data + Software
- Unmanaged information – email
- Back-ups/Legacy Systems
Goals

- Achieve a comprehensive Records Management Program by incorporating electronic records into current Records Management Program

- To comply with our legal obligations
  - By establishing a centrally controlled information management system for managing records
  - By establishing systems for eliminating all unmanaged information
Protection

WHY A RECORDS MANAGEMENT PROGRAM MATTERS

• An effective program provides systematic review, retention and destruction of documents in the course of business
• A document retention policy formalizes protocol for saving and discarding documents in the course of business
• Identifies documents that need to be maintained with guidelines for how long they should be kept and how they should be destroyed
• Ensures compliance with federal and state laws, regulations and Chancellor’s Office Policy: Executive Order 1027
• Protects University in litigation
• Valuable records become more accessible; Valueless records are destroyed; Inactive records are transferred
• Frees up valuable space which promotes and improves operational efficiency
New Threats

- Statutes/Regulations
  - Sarbanes – Oxley Act
  - Health Insurance Portability & Accountability Act (HIPPA)
  - Gramm-Leach Bliley Act (GLBA)

- Impact of Sarbanes-Oxley and other laws

- Includes criminalization of the destruction, alteration and falsification of records in federal investigations, bankruptcy cases and official proceedings

- Section 802 provides for a fine and imprisonment up to 20 years for knowingly “alter, destroy, mutilate, conceal, cover up, falsify, or make a false entry” to any record or document with intent to impede, obstruct or influence an investigation...”
New Threats (cont.)

- Court Decisions
  - Arthur Anderson
  - Morgan Stanley
  - Phillip Morris
  - Zubulake Decision(s)
• Discovery is:
  - A formal investigation – governed by court rules – that is conducted before trial. Discovery allows one party to question other parties, and sometimes witnesses. It also allows one party to force the others to produce requested documents of other physical evidence.

• Electronic Discovery is:
  - Discovery of electronic documents and data (Email, web pages, word processing files, computer databases, and virtually anything that is stored on a computer).

• Documents and data are “electronic” if they exist in a medium that can only be read through the use of computers.
  - Cache memory, magnetic disks, optical disks (such as DVDs or CDs), and magnetic tapes.

• The same rules that govern paper discovery govern electronic discovery.
Discovery (cont.)

- Challenges of Discovery
  - Time and cost of compliance
  - Difficulty of compliance
  - Multiple sources, locations and formats
  - Risk of non-compliance
Management Support

SCOPE & RESPONSIBILITIES

- Involves entire organization – legal, IT, records management, compliance, risk management, campus departments
- Overcome complexity by standardization
- Management will be held accountable under Sarbanes Oxley, litigation.

RESPONSIBLE PARTIES

- Records manager for overall retention program
- IT for implementation and electronic records
- Risk Manager for business continuity
- Compliance officer – audit University’s process and procedures
- Everyone – responsible for implementation
LEADERSHIP REQUIRED FROM:

- University Legal Counsel
- CIO – establishing systems and parameters for electronic information
- VP for University Advancement – donor and fund-raising activities
- VP, Student Affairs – student and health records
- Provost & VP, Academic Affairs – instructional and student-related records and faculty-related records
- VP, Administration – business and finance records related to University operations and coordination with legal counsel
- HR – all personnel related records
- Auxiliary Organizations – all of the above mentioned areas as applicable
Recommendations

- Complete Policy Update
- Continue Campus-wide Communication/Training Effort
- Comply with Chancellor’s Office Executive Order 1027
- Launch Records Management Web Site; continue to enhance
- Maintain Status Quo?
- Pursue Enterprise-Wide Solution?
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- Disposition and Retention Schedule – University Policy Manual
  Personnel: http://www.csus.edu/umanual/admin/umr15051.htm
  Fiscal: http://www.csus.edu/umanual/admin/umr15052.htm
  Student: http://www.csus.edu/umanual/admin/umr15053.htm
  Administrative: http://www.csus.edu/umanual/admin/umr15054.htm

  Web site: http://www.csus.edu/umanual/admin/umr15050.htm