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The Chilling Effect

How Records Management is Changing the Way We Work

By Andy Moore, Editorial Director, *KMWorld* Specialty Publishing Group

Not that long ago, the only “records management” I knew anything about was alphabetizing my Monkees LPs. And I am not alone. Records management (RM), once the domain of a specialized, trained population of information experts, has intruded into the mainstream with unexpected and disruptive consequences.

But—good news ahead—the panel of experts I recently convened believes there is more value to be derived from records management than you’d think. Join me for a more-or-less transcript of our talk:

“Before Sarbanes-Oxley, confidence was shaken...quite shaken,” says Dr. Galina Datskovsky founder and CEO of MDY. “Congress felt it *had* to push legislation through quickly, because without it, it could undermine the US economy. And they did it! I think it has had a great effect on restoring confidence.”

“In year-one of Sarbanes (*was it only last year?*) businesses didn’t want to chance that the legislation didn’t have teeth. So they went a little overboard, and now they’re trying to cut back, and figure out how to reduce the number of controls, eliminate redundant controls...the pendulum is starting to swing back,” adds Dean Berg, director of business development for Stellent. “I’ve seen both extremes,” says Datskovsky. “Those who don’t go all-out, or perhaps doing the minimum, as well as those who are reacting very strongly. That’s because Sarbanes is uncharted

waters. And records management is only one component of compliance. Sarbanes does have stringent record management requirements, but only for a small subset of your records. Records programs in general are more driven by risk avoidance. The people buying Sarbanes solutions and the people buying records programs are two very different groups,” insists Datskovsky.

“There’s a lot of trepidation because of the volume of new regulations...from the SEC, from the states, internationally...” says Harald Collet, principal product manager, records management and compliance support for Oracle. “That’s tangible. People are looking for commonalities among all the regulations, and there ARE some common requirements. These affect our customers’ basic IT architectures. They were already thinking about service-oriented architectures (SOAs), but now they’re looking at ‘compliance architectures’ that extend much further than records management, but include business process management, specific compliance applications, the ability to provide data security and encryption...all of these are being lumped together into a set of compliance requirements. We are not just talking records management; we’re talking about records management connected with these other key areas into a long-term strategy,” says Collet.

Isn’t there a portion of the market that is making a cost/benefit evaluation, and hoping to skate under the radar of the investigators? I ask. “There have been two kinds of

customer, and they have reacted differently from year-one to year-two,” says Stellent’s Berg. “One wants to just ‘get by’ with the bare minimum. But there’s another group that knows it has to invest to comply, so it’s looking for ways to get additional business benefit from its investment.”

And that concept—gaining business value from an obligatory investment—set off bells among the panel:

“The process of documenting your business processes, identifying risks and documenting your controls helps you locate redundancies, which you can reduce or eliminate, and better understand your processes and optimize them,” insists Berg.

“Records management is document management on steroids,” says Mark Gilbert, VP and general manager, compliance solutions for Vignette. “Specifically, that is the addition of lifecycle management.” That would be the steroids, I’m guessing. “When you add electronic documents, e-mails, even video clips, into a records and document management environment, you create—many times for the first time in corporations—a *single source of the truth*. The ability to associate data from all these different environments, add a bulletproof audit trail in a hierarchical file structure and then apply a lifecycle to it, is very valuable.”

Gilbert continues: “What does it take to get a comprehensive view of a prospect or a customer? How many systems do you have to touch? Our largest customers have to touch 30-50 different systems in order to get a comprehensive view. But if your RM is an integrated repository for key information, you can reduce the number of systems you need to reach out to. That efficiency—avoiding the labor costs of managing multiple touch-points—is one of the hidden benefits of RM.”

Basement to the Boardroom

“Records management has gone from the basement to the boardroom,” says Dr. Johannes C. Scholtes, president and CEO of ZylLAB North America LLC. “I used to talk

The Cast

Dean Berg

director of business development,
Stellent

Michael Cliff

general manager of sales and
marketing, TOWER Software

Harald Collet

principal product manager, records management
and compliance support, Oracle

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Jens Rabe

director of compliance solutions, Open Text

Dr. Johannes C. Scholtes

president and CEO, ZylLAB North America

to facilities managers. Now I talk to CFOs, compliance officers, CEOs and legal counsel. They make decisions much faster and there's more money available. At first they see it (RM) as a burden, but once it's up and running, they suddenly understand the long-term benefits," says Scholtes.

Andrew Pery, chief marketing officer and senior VP for Hummingbird, agrees: "Everyone is now cognizant of the importance of managing electronic records. As organizations have implemented RM to be compliant and manage risk, they also recognize the inherent value in managing enterprise content. Even though records management is the primary motivation, the real benefit comes from efficiency improvement and responding more effectively to customers. It is quite costly to put in a records solution, so they are leveraging their initial investment," says Pery. "This realization has led to a consolidation in the marketplace," he says. "Records management is no longer viewed as a stovepipe application. It's really in the context of a much broader set of requirements. That's why vendors offer records management as part of a suite, with a shared repository, a common framework for managing content and records and the ability to publish that content out. Only partly has this consolidation been driven by regulatory compliance; a much broader market driver has been efficiency and managing content as a critical corporate asset."

Mark Gilbert agrees: "If you think you can leave multiple systems in place, with sometimes redundant and contradictory data in them, there's a risk—and a cost associated with that risk. If you make a change in one system, and it's not mirrored over into other applications, there's a risk in that lack of integrity."

"Records management has gone from a departmental need, used in the financial and legal departments, to a facility that needs to be available to all the content in an organization," explains Oracle's Harald Collet. "That change needs to be reflected in how we vendors price our solutions. That's very important: In order to support broadbase deployment of RM, a few things need to happen. First of all, the average ECM project for 100 users costs \$500,000. If you're thinking of rolling out to, say, 10,000 users, very quickly the majority of your IT budget can be tied up in a records management deployment.

"The other thing that needs to happen," continues Collet, "is the ability to push it into the infrastructure. Don't look at it as a stovepipe application. Look at it as a data management problem and as a facility that's available as a service."

Michael Cliff, general manager of sales and marketing for TOWER Software, identifies a humanistic aspect: "Records

management is now more of a philosophy, as opposed to a functionality or product. There's a whole change-management happening within organizations regarding the practices and procedures they're putting in place to manage their information...whatever that information might be. In some cases, it's becoming as important as an HR or financial system. You could stop paying staff for about a month, and they would probably accept that until they couldn't pay

storm to the calm, where we can get clarity of decision. But we're still dealing with the colliding factors that have led to monumental shifts in records management. Two or three years ago, people didn't consider e-mail a corporate record. People are now asking 'What is it? How do I deal with it?' In a couple of years, we're going to have storage area networks (SANs) just handling corporate records which will dwarf the largest SANs we've seen for the last 10-15 years.

"Sarbanes is uncharted waters.

And records management is only one component of compliance."

their bills. But take away the information they need to do their jobs, and you're lucky if they last 24 hours before the business starts to be critically affected."

The "people theme" gets picked up by Jens Rabe, director of compliance solutions at Open Text. "Our customers are overwhelmed, and quite desperately looking for guidance. The highly regulated businesses have it pretty much under control; it's the general regulations that have emerged that are not understood. What really scares people are the unspecific regulations regarding 'communications' that—at the time of generation—make it very hard to tell where those communications need to be put. The documents generated by general business processes used day-by-day are making people nervous. I think it will be quite some time before companies are compliant with this documentation, because it demands so much interpretation, and demands so much change in the way people work," predicts Rabe.

What's the ROI?

"Customers are still in a quandary, still thinking of this as a 'spend,' versus trying to figure out how to get efficiencies," says Peter Mojica, VP product strategy and management for AXS-One. "And it's unfortunate, because they're in kind of a haze, deciding between what they *have* to do and what they *can* do from a bigger corporate perspective. We tell them there's a monumental paradigm shift, making things difficult not just for the customers, but for the vendors as well.

"We are in a 'storming phase,'" Mojica continues. "We're trying to get from the

It's just a matter of a couple years. It really is a tremendous shift for both the business side and the IT side," says Mojica.

"The big driver for records management is litigation...trying to find information that you know you have somewhere in the form of documents and e-mails and contracts and formal as well as informal communication, that's connected to the case," explains Open Text's Jens Rabe. But it's not all stick and no carrot. "What records management allows you to do is group information around certain classifications, while assigning a lifecycle to it. Twenty years ago, there were commonly plans in place to store paper documents for the right period of time, and for when you would bring them down to the basement and eventually destroy them at the proper time. But with the advent of e-mail, electronic document management and the growth of file systems and the like, suddenly that culture disappeared. Reintroducing that culture due to regulatory pressure is certainly a good thing."

"Records management needs to be defined as a comprehensive solution that includes document management capabilities as well as lifecycle capabilities—they go hand-in-hand," says Vignette's Mark Gilbert. "With this type of approach, the labor savings are huge, especially if you're automating a specific vertical process. For regulated environments—finance, insurance, banking—the labor savings are derived from the time it takes to locate a document, share the document with only the people who need to work on it, force versioning on the document. But it's not just the documents and lifecycles and versions, etc....it's the ability

THE CHILLING EFFECT *continues on page 27*

Content Volume and Records Management

More and Less

By Michele Kersey, Senior Product Marketing Manager, Hummingbird Ltd.

The volume of information entering, traveling within and leaving organizations has many IT, RM, legal counsel and compliance professionals seeking and debating best practices. Keep everything forever or purge everything as soon as possible? Both bring equal risks and can vex knowledge workers struggling to glean relevance and value out of the content chaos. Across industry sectors, consensus is building on consolidation, simplification and defining and adhering to processes surrounding records and information management.

Consolidation: Repositories, Technology and Metadata

Legacy networks and content silos designed and implemented a decade ago were built to service local users, resulting in local servers, local applications, local content stores and significant requirements for local administration. Advancements in performance and functionality that cost less are happily met by cost-conscious IT departments, as centralization of systems and content stores has improved performance for users while alleviating administrative burdens.

Complementing system consolidation in today's enterprise is technology convergence. Separate platforms and processes for document management, image processing, records management and workflow have coalesced into enterprise content management

(ECM), with vendor consolidation echoing the business demand for seamless integration with and merging of the core building blocks of knowledge commerce.

What's ensued is an explosion of content metadata tracked across these coalesced systems and processes. Frequently, metadata hasn't been rationalized to bring value to varying constituencies working in today's enterprise. IT seeks to avoid cost and performance issues in storing unnecessary data, while RM seeks data to classify information for business, legal and retention purposes. And business users simply want to find the information they need quickly, independent of lifecycle concerns.

Despite consolidated repositories, variances in departmental metadata can make cross-enterprise searching difficult, if not impossible. And monolithic records taxonomies originally built to find and manage physical records are not effective at managing electronic records. The consolidation of disparate systems and the evolution from physical to electronic records management is driving simplification in records categorization.

Simplification: Big Bucket vs. Little Bucket

The amount of metadata tags needed to find a piece of paper in a file in a drawer in a cabinet on a floor in the records center could result in a records file plan with thou-

"What's ensued is an explosion of content metadata across systems and processes."



Michele Kersey

Michele Kersey is a senior product marketing manager with Hummingbird Ltd. and represents Hummingbird's Enterprise Content Management offering in the areas of e-mail and records management, compliance and related solutions.

Kersey has worked in information management technologies for more than 17 years in marketing, technical pre-sales and customer support roles with clients across industry sectors. She is actively involved with key industry associations such as ARMA International, where she serves as the chair of the Technology Advisory Committee (TAC), on the 2005 Conference Program Committee, and speaks frequently at ARMA, AIIM and other industry events.

sands of elements. Granted, custodians of physical records were and are constrained by storage limitations that drive detailed container management and tracking. But does this translate to electronic records, where custodial functions have given way to risk management concerns?

Many managers of electronic records are finding that retention taxonomies of any size aren't used as a search tool to find information; they're used to appropriately identify information lifecycle properties—the rules defining content value and business, legal, or knowledge management reasons for retention.

Finding enterprise information is facilitated instead by tools for indexing, searching and presenting metadata and content, delivering on-demand access to users on an abundance of content channels (via the Web, from Windows desktops and e-mail applications and from mobile devices). As a result, records taxonomies are being flattened. Records managers are strategizing how to bring a thousand "buckets" down to a hundred (or fewer), separating what is valued from the operational, mission-critical perspective from the administrative one. Records and information management professionals are recognizing that little buckets are no longer effective, and even alienate an already overburdened user community in the capture, identification and use of content.

Records Categorization: Less User Involvement, More Automation?

So the good news is that users are seeing relevant record metadata based on their business function. The bad news is that users may not see the point. With the volume

of data they receive, search through and process every day, are users going to be expected to be trained and held accountable to recognize a “record-worthy” item and associate its appropriate record bucket? And if so, will the technology make it fast and easy for users to interact with the records process?

The debate of user-based versus automated records categorization continues in IT and RM circles, but leaders in both fields agree that information velocity and innovation tip the argument in favor of automation. So much is known about records from metadata and content alone—and even more metadata is made available from the business process flow of content—that at least some measure of automation is in widespread use today. This may be driven by user interaction at the core, but not as a discrete question posed to the user about retention. Rather, retention is determined by the values associated with the content—the business function, the type of document and the *context*—elements already exploited by simple usage, capture and process.

Improvements in user-independent methods for records capture and categorization continue to be deployed, from rules engines to knowledge management indexing and more. Increases in content volume are being met by the maturity of categorization technology, and trust in these methods is growing in the information management community. The simplification of retention taxonomies combined with the increasing automation of record capture results in more consistent application of record policies, optimizing organizational performance while minimizing risk. Successes have been realized and aren't just strategy for the future: examples of organizations that have used Hummingbird solutions to simplify their records taxonomies while minimizing user involvement in records identification include the General Accounting Office (GAO) and the Office of the Comptroller of the Currency (OCC), Department of Treasury.¹

Compliance: Process Adherence and ROI

Content volume and global compliance mandates illustrate the critical need for effective management of information capital, and increasing concerns for accountability and transparency are driving information management practices. Provisions related to the Freedom of Information Act, privacy acts, financial accounting practices, anti-money laundering legislation and others expand the context of what types of information need to be tracked, and at what point in time. Organizations need to meet governance requirements for making business content traceable, secure and auditable at the same time as they invest in aligning business processes and content to optimize performance and reduce risk exposure.

Business Process	ECM	+ ILM	= CLM
What content is captured?	•	•	•
What metadata is associated?	•		•
What business rules apply?	•	•	•
When is content captured?	•		•
When does content expire?	•	•	•
When is content a record?	•		•
When does content change locations?		•	•
Where is content stored?		•	•
Why is content captured?	•		•
Why does content expire?	•		•
Why is content a record?	•		•
How is content stored?		•	•

Content and records stakeholders champion the services available in enterprise content management (ECM) solutions to meet requirements to capture, manage and access knowledge assets throughout their lifecycle, with business-driven rules for records retention. At the same time, IT stakeholders laud the benefits of information lifecycle management (ILM) solutions to cope with content volume, relying on facilities for migrating data across storage platforms with care for preservation and availability. So ECM or ILM? RM or IT? The answer is both.

Enterprise content begins and ends with defined business processes. These business processes determine *what* content is managed, and *why, when* is it captured and for *how long* it is retained (mainly, aspects of ECM), combined with processes that determine *where* content is stored, for *how long* and *when* it may move to alternate storage locations (aspects of ILM).

Business processes also determine how knowledge users interact with and benefit from content solutions, including better searching, knowledge mining and content organization that improve efficiencies and customer service. These elements aren't in conflict—the organization must meet them in tandem to meet today's content compliance demands.

ECM and ILM have discrete benefits while missing key elements needed for a complete content lifecycle solution. ILM can regiment where content is stored, where it migrates over time and how it is stored (compression, encryption, security). And ILM is engineered to relieve the storage burden that e-business volume creates. But ILM is weak in business process integration, in the enforcement of legal holds during inquiries, in the administration of records disposition and in enterprise access across information and content stores.

The good news? ILM's weaknesses are ECM's strengths, and the two combine in the form of content lifecycle management

(CLM) to reduce risks, lower storage costs and improve organizational agility with regular, reliable lifecycle management and disposition processing of content assets. CLM enables processes for checks and balances to prevent tampering by internal or external parties as well as reductions in the costs of both ad hoc compliance and physical storage assets...all while improving access to information.

One Centralized System, Accessible, with Records for All?

The remaining debate on volume in information management circles concerns the concept of true “enterprise” records management. IT and RM solutions tend to focus on unstructured content, but structured data, legacy system data on mainframe systems and Web content (both static and transactional) all have governance applications. No one system can house these disparate types of records, but administrators can realize consistent use of records metadata, lifecycle processing and consolidated searching across these information stores using ECM technologies.

Managing content volume while adhering to information management compliance is a balancing act that IT and RM professionals will continue to perform. Success lies in these two functions collaborating to understand business requirements and the possibilities and innovations that technology blended with process can achieve. ■

Hummingbird Ltd. is a leading global provider of enterprise content management (ECM) solutions, enabling organizations to manage the lifecycle of enterprise content from creation to disposition. Hummingbird Enterprise™ solutions enable organizations to address critical business needs, such as information management, business continuity, compliance and risk mitigation. Please visit www.hummingbird.com.

¹ Case studies on these agency solutions are detailed in “Lifting the Burden,” an article by Timothy J. Sprehe and Charles R. McClure in ARMA's July/August 2005 issue of the Information Management Journal.

Managing Documents of Record in Information-driven Businesses



Dr. Mark Moerdler

Dr. Mark Moerdler, president of MDY, Inc., has guided organizations in a wide variety of industries to improve business and IT initiatives, including records management, document management, network and system management, disaster recovery and business continuity planning. Dr.

Moerdler speaks on many records management topics, such as e-mail records and physical records management.

By Mark L. Moerdler, Ph.D., MDY, Inc.

The recent and increasing drive of regulatory agencies and government legislation to mandate corporate compliance has generated substantial requirements for organizations to manage their records. Some of the records management mandates are directly defined in regulations (e.g. FDA 21 CFR Part 11, SEC 17(A)) and laws (e.g. Sarbanes-Oxley) while in other cases (e.g. communication with employees as defined in the Equal Employment Opportunity Act of 1972) the only way of meeting the regulations and laws is to implement some form of records management.

Records management attempts to assure that an organization manages its *documents of record*, whether physical or electronic, in accordance with business, regulatory and/or legal requirements. Specifically, the requirements include:

- ◆ Documents of record are maintained in a manner such that it can be proved that they were not modified;
- ◆ Documents are destroyed in accordance with the organization's retention schedule, which is mandated by a combination of laws, regulations and business practices;
- ◆ Documents can be found when requested by regulatory agencies, the courts or for business reasons; and
- ◆ Documents can be placed under disposition hold. As has been seen in numerous cases documented on the front page of almost any newspaper, organizations must have a mechanism to assure that if the potential of litigation or regulatory review exists, all documents must be placed under a hold.

Records management is not just a feature set or a technology. Rather, it is a combination of policies and procedures specifically tuned to the requirements of an organization, often best implemented in cooperation with software that is specifically designed to meet records management requirements. The software is often necessitated by the sheer volume of information that must be

managed and the complexity of the records management requirements.

This white paper will define records management best practices; how these relate to records management software requirements; and how this will aid an organization in meeting its corporate compliance requirements.

What is Records Management Best Practices?

At the heart of implementing any records management system, especially one specifically mandated by regulatory and/or legislative compliance, is records management best practices. This assures that any system, whether manual or electronic, encompasses those policies and procedures that assure that records are correctly managed. Unfortunately, some organizations are installing software products without sufficient best practices in place, leading to "check-box" implementations that will leave the organization open to substantive liability.

In order to understand what policies and procedures must be created, an organization must first define the "WWH" of records management ("what, when and how"):

WHAT

1. What legal and regulatory requirements are specifically applicable to the organization? One must not only look at the major regulatory agency for the industry in which the organization does business, but also all other federal, state and local agencies and any international laws and regulations that may be applicable. The requirements in some states or countries may be contradictory (e.g. US and UK privacy laws as they relate to e-mails are very different), therefore policies and procedures will be specific per locality or department.

2. What documents need to be managed as records for business or organizational efficiency reasons? It is very important to understand that an organization's documents

of record are generated by virtually every department within the organization and encompass a wide range of formats from physical documents (e.g. forms contracts, correspondence, plans, microfilm) to a diverse set of electronic documents (e.g. spreadsheets, graphics, voice mail) and electronic communications (e.g. e-mail, instant messaging, mobile text messages). Some of these may be a record in one department while constituting a communication or non-record in another (e.g. instant messaging of a broker/dealer is considered a record under NASD 3010 but instant messaging within IT may not be a record).

3. What defines a document of record as it specifically relates to the organization? An explicit definition of what constitutes a document of record within the organization is critical and must be communicated throughout the organization in order to assure compliance. This will, in fact, aid in any future regulatory review or litigation. The definition must relate to the information garnered in the two previous items (e.g. as stated earlier instant messaging may be a document of record in one organization or one department but not in another).

WHEN

1. When can documents of record be destroyed? Please note that keeping records for too long can be as damaging to an organization as destroying the documents before their time. Furthermore, the document destruction process must be sufficient to assure that "destroyed" documents are not recovered as part of discovery. Audit trails may also be required to prove that the document(s) existed and were destroyed based on the organization's retention schedule and not as a response to potential regulatory review or litigation, which could be damaging.

HOW

1. How are documents of record created and managed? Documents of record are created throughout the organization and must be managed throughout their lifecycle

within the organization. When documents of record leave the organization as part of the business process, records must be created and maintained to assure compliance. All of this must be charted and defined in order that the processes correlate to reality.

2. How will the organization easily find documents of record in order to meet discovery requirements? This is very important considering the cost of regulatory or legal discovery. If the organization needs to search separately in many different systems then the costs will increase, and furthermore the potentiality exists that documents will not be found by the organization leading to potential adverse claims against the organization (e.g. Zubalake v. UBS Warburg LLC). In the event that the discovery process is found to be inconsistent or inaccurate, the additional fines and liability could increase the costs many times over.

3. How will documents of record be placed under disposition hold? This is the corollary to item 2 above, since when there is the potential for regulatory or legal investigation an organization is bound by compliance requirements to assure that the documents under investigation are not modified or destroyed. Holds must be placed on all records relating to the subject matter under investigation.

Once an organization has researched these seven key points, the next step is to develop the policies and procedures to assure that all of the organization's documents of record are correctly managed throughout their lifecycle. The policies should be in written form and fully document the WHAT, WHEN and HOW of records management. A key component of this will be the organization's retention schedule which, depending on the industry, states and countries that the organization operates within, can be very complex.

Procedures can then be created to assure that the policies and retention schedule are implemented, maintained and enhanced based on changes in regulations and laws. Together this becomes the backbone of the organization's records initiative. For this initiative to be effective, management buy-in is a must, not only at the beginning, but throughout the project and beyond. Employees must understand that this is a critical organizational initiative and that following outlined procedures is mandatory.

On-going training is also required in order to ensure continued compliance. This is most evident in United States v. Arthur Andersen where training was a key element in the jury's verdict.

Best Practices and Software

Concurrently with determining its records management best practices policies and

procedures, one must consider how these will best be implemented. Since most organizations have substantial volumes of both electronic and physical documents of record, specialized software is virtually mandated. It is key that the software selected is powerful and flexible enough to meet the varied requirements that will be developed during the best practices process. Software must contain the following components:

- ◆ The software must be capable of managing **all** of the organization's documents of record. This includes physical files, mixed media, electronic documents, images, e-mails and any other form of record. Otherwise the organization will not consistently manage all records, leading to a lack of compliance and future liability for the organization. It is important to note that even though organizations are attempting to move to a paperless environment, paper records are going to exist and may in fact be mandated by regulations and laws.
- ◆ A wide range of information needs to be managed relating not only to the documents of record but also other related information pertinent to meeting the different regulatory requirements and laws. Therefore the system must be highly flexible and extensible to allow the easy addition of substantial data and metadata.
- ◆ Flexibility is key to a smooth implementation and meeting changing requirements. The software product must meet the organization's requirements rather than having the organization attempt to change its processes and procedures due to limitations in the software product.
- ◆ Retention requirements will be complex and will change over time. This necessitates a time and event based retention rules engine that encompasses the following requirements:
 - ◆ Rules can be tied to any date or event (e.g. employee retirement, contract completion, invoice date);
 - ◆ Rules must be easily modifiable and must scale across large volumes of records as applicable. Since there can be millions or billions of records, scalability is key; and
 - ◆ Rules should be created for all lifecycle actions (e.g. archive, review, destruction).
- ◆ Since organizations create and maintain records in multiple applications, or silos, of knowledge, the software product must be capable of managing records within the different silos. This means that the system must be tightly integrated or capable of integrating with the organization's e-mail system, existing document

management systems (DMS), potential DMS, archiving systems and anything else that the organization uses to create or manage future documents of record. Installing a records system that only manages the records within a single document management, content management or archiving system will not allow the organization to manage all of their records without substantial initial and on-going costs as well as productivity losses while systems are replaced, information is migrated or employees manually perform searches, etc.

With software in place, providing the appropriate functionality, records management best practices can be implemented to assure that an organization manages its assets in accordance with business, regulatory and/or legal demands.

Conclusion

Records management is not simply a set of features within a software product. Rather it is a combination of policies and procedures that assure that the organization meets its legal, regulatory and business requirements for managing documents of record. Software automates and assists in implementing these policies and procedures and for virtually any organization is going to be a mandatory component of implementing records management.

Since records management is key to meeting legal and regulatory compliance requirements, a careful and complete process must be used to assure that all requirements are defined and then implemented in conjunction with a sufficiently powerful and feature-rich records management product. Fully defined policies and procedures, combined with the appropriate technology, will assure that your organization is prepared for its compliance challenges of today, but just as important, well prepared for the ever-changing challenges of the future. ■

MDY, Inc. is the leading provider of records management innovation. MDY FileSurf® integrates all physical and electronic files—including e-mails—regardless of media type, source of origin or storage location, into a single, scalable and extensible enterprise-wide system. MDY FileSurf tightly integrates various repositories of content, including many e-mail and document management systems, and provides a server based rules engine, that combined with flexible schedule creation tools and powerful discovery and disposition hold capabilities, assures that all content is managed according to government regulations and organizational policies. MDY FileSurf is certified under the U.S. DoD 5015.2 Std. for records management applications (Ch. 2/4). The MDY Best Practices Consulting Group is comprised of former records managers from Corporations, Law Firms and Government agencies as well as numerous Certified Records Managers who are available to assist clients in Best Practices consulting on records policies, procedures and retention schedule development. For more info visit www.mdy.com.

Leveraging Compliance to Drive Company-wide Business Efficiencies

By Dean Berg, Director, Compliance Applications, Stellent



Dean Berg

Dean Berg has been in the content management industry for five years and has over nine years experience in the engineering software market. While at Stellent, the makers of the Stellent Content Management system, Berg has held the positions of director of product marketing, director of product management, and is currently Stellent's director of compliance applications.

From the Sarbanes-Oxley and USA PATRIOT Acts to US Food and Drug Administration (FDA) approvals and US Environmental Protection Agency (EPA) regulations, government is increasingly legislating how companies run their businesses. Complying with a broad spectrum of mandates can often be an overwhelming task companies simply want to “make it through.” Instead, organizations should look beyond merely surviving compliance and use it as a driver to improve company-wide business efficiencies.

While every regulation is unique and involves specific requirements, there are fundamental information technology (IT) capabilities and business processes that can be instituted to not only support each initial compliance initiative, but also generate cost savings and significant business efficiencies well into the future.

Building an Enterprise-wide Compliance Framework

The first step toward driving business efficiency through compliance processes is building an enterprise-wide compliance framework to tackle all relevant mandates. This framework compels organizations to inventory, align, develop and manage compliance content, processes and controls in a consistent and efficient fashion. As a result, companies save money, avoid operations headaches, optimize resources and implement a strong policy regarding ethical business practices.

An effective and comprehensive compliance framework should help an organization achieve the following objectives:

1. Support the overall compliance initiative along with individual or departmental compliance efforts;
2. Manage all compliance information in a centralized, enterprise-wide solution, while eliminating project-level silos of content;

3. Utilize the same business processes and information to support multiple compliance efforts;

4. Reduce risk by automating compliance processes and providing visibility into the results of those processes;

5. Mature its controls environment by automating controls through a business process management infrastructure;

6. Minimize the costs of legal discovery in the event of litigation or a legal investigation;

7. Avoid fines for violating laws and regulations;

8. Proactively manage emerging compliance requirements;

9. Migrate toward an enterprise risk management (ERM) environment; and

10. Ultimately create a competitive advantage and increased value for shareholders, customers and employees.

There are three primary components of a compliance framework that will help companies attain these objectives: people, process and technology. Companies must determine their organizational structures (i.e. which staff members report to what employees), and define their compliance processes for activities such as documentation, testing, remediation and reporting. Organizations should work with their audit or risk-management consulting firms to complete these tasks. And finally, companies must implement a technology architecture to help drive and support sustainable compliance processes.

Compliance From Content Management

After an organization has defined its overall compliance approach and methodology, a technology architecture can then be created.

Regardless of the regulatory requirements a company faces, there are certain fundamental, technology-based activities it will need to perform in order to best optimize

compliance processes and business efficiencies. These include:

1. Creating a framework for creating, sharing and distributing various types of compliance-related content, including e-mail and instant messaging;

2. Establishing a comprehensive approach for document retention and records management;

3. Developing an enterprise-wide security architecture to ensure only authorized individuals access certain compliance content;

4. Optimizing controls so they become part of business processes and are executed predictably and repeatedly;

5. Determining the scope of testing, including what types of control testing must be performed and which results must be tracked;

6. Automating compliance activities, such as self-assessment, testing and design review;

7. Keeping audit trails of the changes made to documentation;

8. Instituting a process to accommodate the needs of company executives and the compliance team for monitoring compliance and reporting activities or results; and

9. Identifying the potential requirements of new regulations.

Increasingly, companies are turning to enterprise content management (ECM) systems to support these activities and provide the technical capabilities necessary for optimizing compliance processes and business efficiencies.

Leveraging a Unified Compliance Platform to Increase Efficiencies

Companies can best drive company-wide business efficiencies by leveraging a unified content management platform to support all compliance initiatives. Rather than using disparate products from multiple vendors to manage various types of compliance mandates and their associated content—which often results in unnecessarily complex

Stellent for Compliance

The Stellent® Universal Content Management™ suite provides a wide range of core technologies along with specific applications that have helped numerous companies across a variety of industries comply with government and regulatory mandates. Stellent technology enables organizations to address documentation and identification of key processes and controls as required by various regulations, and automates testing processes to ease ongoing resource requirements. Its key technology components for supporting compliance initiatives include:

- ◆ **Stellent Document Management**—enables organizations to securely capture, share and distribute digital and paper-based documents and reports. It automatically converts native content (e.g. spreadsheets, word processing documents, etc.) into Web-viewable formats that can be easily accessed via a browser by members of the compliance team, as well as any other authorized user. Stellent Document Management also facilitates quick and easy access to retention policies, escalation flows and audit trails for individuals sanctioned to see them. Additionally, the technology provides version-control features that allow companies to save previous drafts of content for archiving and rollback purposes. Full-text and metadata search capabilities empower users to quickly retrieve critical business information.

Stellent Document Management's business process management capabilities connect all enterprise systems to efficiently manage entire, end-to-end business processes—from accounts payable to journal entries to capital expense requests. The system automates discreet control procedures, such as quarter-closing activities, and automatically routes and manages transaction information, such as purchase orders, claims, invoices and applications. It also facilitates process modeling and documentation, activity monitoring, and auditing and reporting.

- ◆ **Stellent Records Management**—allows users to control the creation, declaration, classification, retention and destruction of active electronic and physical business records. The Department of Defense (DoD) 5015.2 Chapter 2- and Chapter 4-certified solution enables companies to easily classify any piece of content as a record by simply assigning it to an appropriate record category or folder. It also generates sophisticated reports related to retention schedules and file plans. In addition, users can seamlessly declare e-mails and e-mail attachments as records. And, Stellent Records Management utilizes a common interface to reinforce business-user awareness and responsibility that their content and e-mails are considered records.

- ◆ **Stellent's workflow capabilities**—provide periodic “check-ups” on the progress toward compliance goals by automating assessment, audit, remediation, approval and review processes. The workflow function automatically triggers and sends e-mail notifications to appropriate compliance team members when they must be alerted to a specific issue, a report is required, or a concern or process must be escalated, among other things.

- ◆ **Stellent Digital Asset Management**—helps companies quickly and easily access, manage, share, optimize and re-use corporate digital assets, such as training videos, conference call recordings, videoconferences and depositions.

Stellent also offers applications built to support specific regulations. For example, the Stellent Sarbanes-Oxley Solution is a COSO-based application that enables chief financial officers (CFOs) and compliance teams to quickly deploy an intuitive, Web-based solution to manage and track their Sarbanes-Oxley compliance processes. The solution automates long-term Sarbanes-Oxley compliance methodologies, enabling companies to efficiently manage, approve and access documentation, including disclosure controls documents, internal controls matrices, testing procedures and results, and remedial actions. It is highly personalized for non-technical business users, allowing auditors, accountants and CFOs to easily create, manage, share, track, approve and archive information with minimal training, using only a Web browser.

implementations and high integration, support and maintenance costs—companies should implement an ECM suite with components that truly are unified, not simply integrated. A unified ECM architecture eliminates the issues described above and provides a single, standard platform and infrastructure for addressing a variety of compliance and content management needs across an enterprise.

An ECM architecture, such as Stellent Universal Content Management, provides the required functionality for compliance from one platform and eliminates the need for integrations between various ECM components. It can support any content management-based compliance application required by an organization. And, its unified architecture ensures all compliance applications can be deployed on the same platform, and specific components are interchangeable, extensible and complementary to each other. This single-architecture approach allows users to easily and efficiently access, share and leverage all content, applications, processes and content services from a common user interface.

Because an ECM suite reduces the number of separate applications needed for compliance, it decreases the total cost of ownership for organizations. And, by offering a single-user interface for business users and leveraging a common skill-set for administration across all compliance applications, an ECM suite minimizes training and administration costs.

Lastly, by improving business processes with consistent automatic routing and approval cycles and 24x7 self-service access to secured business content, ECM elevates efficiency and productivity across an enterprise.

Overall, a unified compliance platform can help organizations turn compliance tasks into ongoing processes conveniently and transparently carried out during the normal course of business. ■

Stellent, Inc.(www.stellent.com) is a global provider of content management software solutions that drive rapid success for customers by enabling fast implementations and generating quick, broad user adoption. With Stellent Universal Content Management, customers can easily deploy multiple line-of-business applications—such as compliance initiatives, public Web sites and secure intranets and extranets—and also scale the technology to support multi-site management and enterprise-wide content management needs.

More than 4,400 customers worldwide—including Procter & Gamble, Merrill Lynch, Los Angeles County, The Home Depot, British Red Cross, ING, Vodafone, Georgia Pacific, Bayer Corp., Coca-Cola FEMSA, Emerson Process Management and Genzyme Corp.—have selected Stellent solutions to power their content-centric business applications. Stellent is headquartered in Eden Prairie, Minn. and maintains offices throughout the United States, Europe, Asia-Pacific and Latin America.

From Records Management to Knowledge Management ...

Coupling Modularity and Compliance as Drivers for Improved Efficiency and Cost Savings

By Johannes C. Scholtes, President & CEO, ZylAB North America

New compliance drivers have prodded many firms into committing extensive resources to align their business processes with recommended transparency measures pertaining to financial, structural and procedural activities. Now that these activities have started to become integrated, in part or in full, by a large number of firms, a “second phase” of transparency-related issues has moved to the forefront. Firms should now evaluate the potential byproducts of their compliance-inspired initiatives—particularly in terms of whether they decrease long-term costs and increase overall efficiency, such as in the area of knowledge management—and adapt processes, tools and infrastructure to optimize performance within a compliant business context.

Capitalizing on the Byproducts of Compliance Drivers

One of the most beneficial byproducts of getting compliant with new transparency regulations is firms being forced to “get their house in order” in terms of improving processes, making operational activities more efficient and interconnected and creating an overall better organization. These improvements should position companies to be more cost-effective, competitive and responsive to customer and shareholder needs.

However, an area in which the push for better performance is compromised is the ability to accurately evaluate how any implemented information storage and retrieval system works in terms of meeting actual knowledge management needs, which leads firms to address how and why certain information should be stored and used in the first place. All forms of retained data, whether they are paper-based documents, e-mails and attachments, presentations or video conferences, are all parts of the larger, integrated content management arena and need to be addressed in that context. Because many firms were not sure about the exact scale and eventual effects of new regulations, the

tendency still existed to overcompensate and focus their compliance solution primarily on storage, on making sure that every piece of information was retained regardless of its actual importance or how much it would cost. But this approach begs the question: even if you are able to store everything, does that equate to actually being able to manage it?

Overshooting Need Fulfillment for Compliance Management

Aside from the huge expenditures required by storage upgrades, the “just storing everything” instinct increases the chance that information repositories become *liability vaults*: in other words, information is retained that doesn't, by law, need to be kept, which increases risk, and overall competitiveness diminishes in terms of search accuracy, retrieval efficiency and cost-effectiveness. This problem is compounded by the fact that compliance needs are not always readily apparent or static. Unfortunately, some firms became so intimidated by the imposing scope of compliance initiatives, and the perceived range of compliance tools needed to actually support these measures, that they just decided to take the “safe” route and sign off on costly reorganization of their IT infrastructure.

Specifically, where overcompensation of this sort can really cause problems is with records management (RMA). Even if a firm does have some type of RMA tools embedded in a huge storage solution, are the RM-related capabilities performing on a scale that is necessary and consistent with established processes, or has the “overcompensation” mentality become the *de facto* standard for RMA, too? Related questions arise: How comprehensive does the RMA capability actually need to be? What is the required breadth and scale of RMA functionality? What RMA-related tasks can staff reasonably be expected to perform, and how long will it take them to be trained to perform at this expected level? How easy and cost-effective is it to deploy and integrate this RMA



Dr. Johannes C. Scholtes

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1989, Scholtes was an officer in the Intelligence Department of the Royal Dutch Navy. Scholtes holds an M.S. degree in Computer Science from Delft University of Technology (NL) and a Ph.D. in Computational Linguistics from the University of Amsterdam (NL).

solution? Is the RMA solution opening up the company for unnecessary liability?

Given the impulse to overcompensate, some firms buy rigid and complex RMA systems that comply with the US Department of Defense's (DoD) 50125.2 standard for records management to ensure the high level of RMA security that a firm thinks is needed. But, many firms soon realize that their needs don't actually require this level of sophistication. For instance, staff who must actually use this type of solution need to be trained extensively on how to create and manage a file plan, a process which, again, can exceed a firm's realistic budgetary, manpower and accountability capabilities. Under a DoD-compliant RMA solution, every e-mail is a record, which can require additional attention in terms of maintenance, storage and accountability. Many firms simply want to file a full project folder as one record, which makes a DoD-compliant solution completely inappropriate for them.

Certainly, some firms actually do need the most comprehensive components of RMA functionality, but even in these cases, they may not need them right away. Firms may want the flexibility to address their RMA needs on an incremental level that they can control and feel confident about as it's slowly integrated into business processes and employees get acclimated to it. Bottom line: RMA can be one of the most complex business activities, and because it is embedded into key organizational processes, a complete RMA system cannot be integrated overnight. Integration is gradual, both in terms of matching technical capabilities to actual levels of need and in being able to effectively deploy and train people.

Taking these issues into consideration, firms need to be forthcoming in their ability to recognize, answer and address the following questions:

- ◆ What type of RMA capability is actually needed?
- ◆ What data is involved (paper, e-mail, electronic)?

Key Considerations for Evaluating Modular RMA Systems

For over 20 years, ZyLAB has worked alongside organizations with immense data repositories to develop the best information management solutions. This experience has shown that, although some RMA-related issues may ebb and flow, core concerns remain constant and need to be addressed:

- ◆ Just because e-mail is, according to a recent IDC report, the “elephant in the corner,” doesn’t mean managing it should be intimidating or viewed as exceptional within a larger RMA context. In fact, efficient and measured e-mail solutions that are consistent with internal processes and allow for automated filing and selective disposal of e-mails help optimize available storage, make business processes run smoother, and lessen overall organizational liability.
- ◆ The paperless office does not exist and won’t anytime soon. Paper still exists in mass quantities, which demonstrates that organizations still realize the multiple benefits offered by paper documents. ZyLAB has long specialized in retaining the benefits of paper while relieving the burden of paper (storage, transportation, accessibility and so on), as well as also allowing digitized paper to be searched in tandem with other archived data types, like e-mail.
- ◆ Open technology and open formats, like XML and TIFF, enable better data security and availability throughout document lifecycles, regardless of original file types. Organizations need assurance that their information is always accessible without having to worry about upgrading or continually revamping their systems.
- ◆ Expectations for efficiency and cost-effectiveness are as high as they are for system performance. Efficiency-focused organizations demand software that is easy to use, install, deploy, support and maintain. Solution deployment should take days, not weeks or months.
- ◆ Meeting compliance requirements is a cost factor, so RMA solutions must be flexible and integrateable, supported by fast and usable searching, retrieving and organizing capabilities. Being able to optimize records information makes organizations more competitive and cost effective, particularly in terms of secondary costs like legal fees and staffing.
- ◆ A key to effective and affordable solutions is being able to buy only what is needed. Vendors must respect an organization’s understanding of its RMA requirements and how to address them, particularly in terms of scale (i.e. lower upfront costs, quicker deployment and ROI and better positioning for incremental future growth).
- ◆ Integration with existing systems is preferable to comprehensive overhauls. Replacing significant parts of existing systems is costly and time-consuming. New RMA components should also seamlessly integrate into specialized tooling (such as case management tools for legal professionals).

- ◆ Is DoD-compliant RMA necessary?
- ◆ Can an RMA system realistically be implemented?
- ◆ Will users accept and use a new RMA system?
- ◆ Is there an RMA mindset?
- ◆ What is the real budget? and
- ◆ What is the implementation timeline?

Addressing RMA in a Compliance-influenced Business Climate

To answer these questions, it’s important to identify the organizational types concerned with these issues. Motives for embracing compliance initiatives may vary, but all these organizational types must honestly appraise actual RMA needs and the level at which the needs must be addressed. The types are:

- ◆ Those still evaluating their necessary levels of RMA capabilities so they can continue solidifying processes and building up IT infrastructure to meet expectations;
 - ◆ Those that installed processes and infrastructure to meet SOX requirements but have, in time, decided to reassess their approach’s effectiveness; and
 - ◆ Those not required to conform to compliance initiatives in particular but who are still committed, for efficiency and/or competitiveness, to adhering to its basic tenets; these firms have the “luxury” of taking incremental approaches to addressing the scale and scope of RMA they need.
- Given the level of need these firms have, three basic approaches to RMA exist, from the basic to complex:
- ◆ **Personal RMA**—individual responsibility for personal storage of key records;
 - ◆ **Departmental RMA**—medium to large scale retention of all records; and
 - ◆ **Corporate or Enterprise RMA (DoD, PRO/TNA or ISO compliant)**—the most extensive and rigorous RMA construct.

Making the Case for Modularity

Based on the predominance of firms overshooting or overcomplicating their approach to RMA (in the short or long term), a scaleable, incremental approach to RMA is preferable in nearly all instances because it anticipates the “organic” adjustments firms must routinely make as needs fluctuate. Firms and compliance regulations are so dynamic that change must be accommodated, so the structure of a selected RMA solution must take this reality into account. To help firms address variable RMA need levels, vendors such as ZyLAB offer a variety of modular, intuitive, and integrateable tools that enhance search and retrieval efficiency (fuzzy search, text mining, and so on) along with specialized tools for dedicated functions like redaction. All or some of these components

can be bundled into whatever configuration matches a firm’s needs.

Defining an RMA solution through this level of modularity means that users can control and operate RMA functions in the appropriate context, at the right scale. Empowering RMA in-house professionals is especially important now that firms are relying more on their own people to handle RMA tasks than on external personnel. Users can be trained to make proper decisions on what to keep and what to destroy, which optimizes the retention of records deemed relevant by internal, compliant processes. Simply put, a modular approach enables workers to benefit from scalability, integrateability and “learnability.”

These basic levels of control and flexibility are not always available in high-end, super-storage solutions that many firms purchase due to their “overcompensation” mindset. Firms can effectively perform all

of their content management tasks without purchasing monolithic, feature-heavy solutions that can adversely affect overall affordability and usability. Scaleable, flexible and open solutions offered by vendors such as ZyLAB enable firms to handle their records at whatever level of complexity is actually needed, whether those records are digitized paper, e-mail or other types of electronic documents. ■

ZyLAB is an innovative developer of affordable content management and compliance solutions for paper-intensive organizations. ZyIMAGE, ZyLAB’s flagship solution, helps small and medium-sized businesses (SMBs) and government organizations digitally file and manage millions of pages of paper, electronic documents and e-mail. High-quality search and retrieval features (which support over 200 languages) give users the ability to easily organize, investigate and distribute information.

With more than 7,000 installations worldwide and more than 300,000 users, ZyLAB has a wide breadth of experience and knowledge across a variety of different industries and business applications. For more information visit: www.zylab.com.

Retention, Records Management and Legal Compliance

By Jan Rosi, President, TOWER Software North America

Quality records management that includes document retention policies is essential in ensuring legal compliance and business efficiency. Having a system in place to execute and monitor compliance to those policies is vital to the long-term credibility of your organization.

A quality document and records management system that facilitates effective record keeping in an organization must have the capacity to design, apply and enact document retention policies. The best solution will enable an organization to seamlessly carry out retention and disposal activities for both paper and electronic documents in any format, in a planned and predictable way, and in accordance with legal requirements. It will provide the functionality and in-built business rules that make first-class records management easy.

Compliance with the legal and regulatory framework in which an organization operates is a vital part of doing business. This is not a new concept. What is new is the present level of non-compliance, often inadvertent, due to the current lack of control in the digital environment where most business documentation is being generated. There are numerous examples of mismanaged information in today's business world and it is not difficult for organizations to fall foul of the law, resulting in heavy fines and damaging publicity. Recent legislation mandates greater care of all business critical information.

Lawsuits involving business information are increasingly dominated by "digital fights" as opposed to paper fights, as lawyers find more and more of their useful evidence in digital form.¹ Organizations have frequently opted for purchasing inexpensive storage facilities for their digital output. This choice has encouraged a regime of "no policy" and the retention of potentially incriminating information. It is more and more apparent that all documents and records, both paper and digital, produced within an organization in the course of business must be managed within a framework that recognizes, amongst other things, the relevant legal requirements.

Some lawyers suggest as a solution more discrimination in the information committed to electronic memory. This may alleviate the problem, but it will not take care of the mass of possible digital evidence that organizations create. A philosophy of selective capture relies too heavily on individual judgment. An enterprise-wide policy for defining exactly which documents and records are to be kept, and for how long, is essential. And to enact the policy, an organization requires a records management system that facilitates effective application of these policies to business records.

What are Document Retention Policies?

From a legal perspective a document retention policy is "a set of guidelines that



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a company follows to determine how long it should keep certain records, including e-mail and Web pages. This is important for many reasons, including legal requirements that apply to some documents."²

Retention policies may be designed in-house to meet business needs, laws and regulations or, in the case of government agencies, they may be defined by an archival institution or a Public Records Office.

Applying the decisions concerning which records to keep, why and for how long has traditionally been the work of archivists and records managers and is referred to as "appraisal." Appraisal focuses on maintaining records to meet business needs, accountability requirements and community expectations. The appraisal process examines the interests of all stakeholders. With the advent of digital information, there are more players involved and the traditional structures for ensuring that appraisal takes place and that retention requirements are correctly defined and applied has been neglected. The retention policies of an organization must be systematically applied in the creation, maintenance and storage of records, in other words, as part of the recordkeeping system.

Items to consider when researching a document and records management system:

- 1. The ability to import, define and apply retention schedules.** Every organization has different records with differing retention requirements, depending on their content. Records management systems should provide for these different requirements. You will want to be able to specify the schedule according to administrative and regulatory (internal or external) conditions. The schedule can be defined to include the details of how long the record or file shall be retained, the source of the requirement, the unique number of the schedule and the retention or destruction trigger dates that control the operation of the schedule. The schedule may be automatically attached at the time of creation or

"Compliance with the legal and regulatory framework is a vital part of doing business. This is not a new concept."

later, when the decision about retention has been made.

2. Manage the legal requirements associated with court actions and can prevent “spoliation of evidence” charges. The policies and procedures which ensure that documents and records are managed according to organizational requirements prevents inadvertent destruction. The current widespread practice of managing e-mails in organizations by purging individual holdings on a routine basis takes little or no account of the actual requirements for evidence that may be stored in these holdings. This kind of action can have damaging legal repercussions. Appraisal of e-mail and the use of retention policies will prevent this. Documents can be inadvertently destroyed after the request from the court as been made. And this can result in prosecution. However, if documents can be seen to have been destroyed in accordance with a well-documented policy, the suspicion is removed that deliberate destruction has taken place in order to avoid possible legal consequences.

An essential feature of a retention policy is the ability to respond quickly and easily to an ad hoc request for preservation of documents. A feature called “litigation hold” is available in TOWER Software’s product, TRIM Context, which enables an immediate response to a court request by suspending the document retention policy for the duration of the hold. In this way documents cannot be inadvertently destroyed.

3. Retaining documents that are no longer needed may expose a company to unnecessary risk. Sometimes referred to as “removing smoking guns,”³ retention policies can control the existence of e-mails which turn out to be incriminating sources of evidence. Many of the cases that have come to court and caused embarrassment have been built on damaging e-mails.⁴ E-mail can easily escape the attention of record keepers and retention requirements. As a frequent and everyday occurrence (and one which contains evidence of business decision-making) it is vital that policies for e-mail are applied. Your system should provide a user-friendly in-built integration of e-mail with the records management system. Storing e-mail and applying document retention may be completely automated if required and important business e-mails can be immediately transferred to the records management system. At the same time appropriate document retention and disposal policies are applied.

4. The integration of classification and retention policies meets business needs and saves money. The application of document-retention policies can lower the costs of any litigation involvement. Policies are part of an enterprise-wide information and records management policy to ensure the proper administration of records. Only those documents that need to be kept are retained. Although the

TOWER’s TRIM

TRIM Context is an integrated electronic document and records management (EDRM) solution capable of managing and securing the full range of corporate information assets TRIM Context provides the total solution for any enterprise content management project. Integration to common desktop authoring applications is provided out-of-the-box, as is integration to common e-mail applications. Finally, the powerful SDK enables integration to other line of business and specialist applications, while the solid foundation of records management means you can be sure your project is built on a platform that is stable and solid enough to grow with you. TRIM Context is a proven solution used by hundreds of organizations, and thousands of people, around the world to manage and secure their vital information assets.

Quality records management has been the consistent aim of TOWER Software for the 20 years of its history and its product TRIM Context continues to evolve to meet the International Standards in the field. With more than 1,200 sites worldwide, TRIM Context is a dominant player in the government sectors of Australia, the US, the UK and Canada and is the preferred choice in a range of leading organizations in government, utilities, resource and pharmaceuticals sectors.

implementation of enterprise-wide document and records policies may initially increase costs, in the longer term there will be significant cost savings.

For fewer integration and license management issues plus faster user acceptance, use a system that provides document and records management in one system and through one interface. Classification tools such as the file plan and thesaurus and the facility to apply document retention schedules to the plan structure enable seamless application of retention controls. Using a classification plan means that documents are much easier to find and retrieve.

The application of retention policies to documentary evidence ensures that they are kept for the necessary period and not beyond their “use-by date.” This reduces the need for the costly “discovery” process. Discovery requires an organization to search all its files to provide necessary evidence in the event of litigation. This job frequently falls to the IT department to carry out and staff may not know what is required. “It is unrealistic to assume that IT professionals can pay attention to all the nuances of litigation, manage the life cycle responsibilities associated with e-mail, and enforce an overall e-mail archive policy. Companies will be caught off guard by assuming that IT can shoulder this burden alone” says Kevin Craine in his white paper *Here come the Lawyers. Is your IT Department Ready?* The discovery process itself can be a very costly exercise for a company. Trying to discover the evidence “can become an economic and operational nightmare,” according to Mr. Craine.

Conclusion

Software to manage records and information must provide in-built business

processes and tools to manage records in a fully accountable way. It must enable the routine application of document retention policies to records. While a lot of attention has been focused on the negative impact of not having a document and records management system in place, much more can be said about the benefits of having your organization’s information available at the click of a mouse. Decisions can be made faster and with more confidence because the information is available in your proven, well-tried and tested, fully integrated solution that also meets your organization’s legal compliance requirements. ■

TOWER Software, the leading enterprise content management (ECM) provider to the public sector, delivers electronic document and records management (EDRM) solutions. TOWER Software’s award-winning solutions empower organizations to manage and secure their vital information assets. By relying on its proven domain expertise, strong strategic partnerships and powerful solutions, TOWER Software enables organizations to improve the accuracy of information on which business decisions are made; maximize efficiency by finding business critical information more quickly and easily; and achieve and maintain standards compliance across industries, resulting in sustained competitive advantage. TOWER Software is a privately held company with operations in North America, Europe and Asia-Pacific.

¹ Jacobs, Jerald A. (May, 1999), “Legal: Reducing Risks Posed by Electronic Records.” Available online at <http://beta.asaenet.org/newsletters/display/0,1901,229,00.html>

² Weil Gall, Barbara (September, 2000), “Document Retention Policies: Legal Reasons to Keep E-mail, Web Pages and Other Records.” Accessed online March 31, 2003 at <http://www.gigalaw.com/articles/2000-all/gall-2000-09-all.html>

³ Bartlett, David F. (June, 2002), “Document Retention Policies in the Wake of Enron,” Illinois Bar Journal accessed online, <http://www.gouldratner.com/resources/articles/bartlettarticle.pdf>

⁴ Olsen, S. (May, 2002), “Email: When E stands for embarrassing.” Available online <http://news.com.com/2100-1023-916257.html?legacy=cnet>

The ABCs of Records Management

By Jens Rabe, Director of Compliance Solutions, Open Text



Jens Rabe

Jens Rabe joined Open Text in October 2004 when the company acquired IXOS. In his role as segment manager for Open Text's records management and e-mail archiving solutions, Rabe is also responsible for Open Text's lifecycle management solutions strategy and execution.

Maintaining impeccable records throughout their lifecycles can be a difficult task, especially in globally dispersed organizations that require files to be stored for decades. Organizations are increasingly challenged with finding new ways to effectively preserve valuable data and ensuring the destruction of obsolete records. Minimizing exposure to the risks associated with audit, regulatory compliance and litigation issues and enhancing corporate accountability are just a few of the many reasons to put an effective records management solution in place.

The integrity and security of information is open to considerable risk when files and documents that represent corporate records reside on local drives across heterogeneous computing environments and retention and deletion decisions are left to individuals. Loss of valuable information—which is potentially critical to an organization's defense—and the loss of vital corporate knowledge when people leave an organization can also significantly impact the bottom line.

In order to meet stringent regulatory standards, the tracking of content throughout its logical lifecycle is becoming an increasingly complex activity that requires the integration of records management practices and procedures with collaboration and content management. Information is a vital corporate resource, and, as such, organizations are demanding the ability to gather, view and analyze information through a common, user-friendly interface.

To act as the foundation for other document systems, records management solutions must be enterprise-worthy; that is, capable of running on a number of operating systems, open to integration, and allowing users access from desktop and Web-based environments.

Investing in an enterprise content management (ECM) solution that incorporates records management functionality will allow organizations to integrate sophisticated record classification and lifecycle management into their collaborative processes. Audits can be performed in an efficient and cost-effective manner, and information is destroyed on a consistent basis.

The ABCs of Records Management:

With the daily pressures to comply with regulations, changes to legislation and the pace of today's global market, managing the logical lifecycle of content has become a crucial component to ECM. When organizations utilize records management functionality to better manage and track the lifecycle of both their electronic and physical content, it can not only help achieve compliance, but boost productivity and create return on investment (ROI) as well.

Achieve Compliance and Reduce Business Risk

Compliance is an issue that spans across all industries and many countries, therefore organizations are increasingly challenged with finding solutions that can carefully track, manage and ensure that content complies with the growing number of regulations.

Records management enables organizations to manage content from initial creation through final archival and destruction stages. It also enables users to work collaboratively across the globe, to quickly find vital information, as well as audit and report on regulated activities. Without an effective records management solution, many organizations would simply collapse under the weight of their existing information and the risk associated with uncontrolled content.

Boost Productivity and Improve Operational Efficiency

Organizations that cannot efficiently manage their information not only risk losing new business, they may also fail to adequately support existing business operations. Effectively managing content empowers organizations to succeed by boosting productivity, improving operational efficiencies and reducing expenses.

Using a records management solution to manage a corporation's content also allows for better automation of business processes, providing greater efficiency and control over processes such as the electronic distribution of content. Through integration

with other systems, content can be included for review when collaborating on other documents. Information must be accessible enterprise-wide through secure desktop and Web-based interfaces by all business users, but the control of the information lifecycle is maintained by the records management system.

In order to succeed, companies need to know how to use the information and content that exists within and around their organizations to deliver better productivity and achieve competitive advantage. Simply creating a global network and gathering mountains of information is not enough. To make effective decisions, data must be put into context and turned into information. The contextual information is added through the regime of a fileplan, which ensures that the users of company records can appropriately make use of its state, context and lifecycle stage.

Create ROI and Optimize Existing Investments

Implementing a records management solution can deliver ROI by reducing the time it takes to locate vital information for corporate decision-making. A records management solution enforces the structuring of information and also provides the users of those records with important meta information around the content. This ensures that corporations base decisions on the right piece of information as opposed to a disorganized mix of shared files without structure sent over for decision-making via e-mail. With a comprehensive ECM platform that incorporates records management functionality, organizations can expand their opportunities and productivity, optimizing their existing investments and generating greater ROI.

The increase in ROI highlights the need for companies to invest in ECM solutions that deliver a variety of technologies to the organization through a standard platform. ROI, as opposed to simply perceived need, drives the spread of ECM solutions throughout the company. Senior management is able to deliver value to shareholders making each employee's day-to-day tasks simpler and more effective.

What is Records Management?

A record is any and all recorded information contained in any medium that belongs to an organization and may be used to arrive at a business decision. In the corporate environment, records are used to support the decision-making process, communicate information, ensure accountability, and document organizational memory.

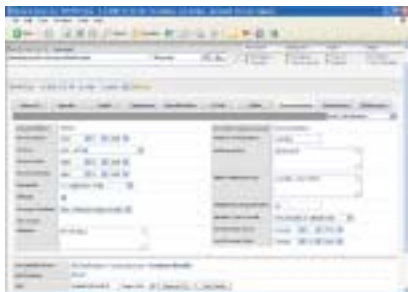
Records management is the discipline of managing records to meet operational needs, accountability requirements and community expectations. Records management solutions work by allowing you to attach logical rules to information. These rules tell the system when it is OK to delete documents or move them to a data archive, either physically in boxes or electronically on storage devices such as CD-ROMs.

The difference between a piece of content or information and a record is that the first is rather unspecified in its meaning, form and relevance whereas the latter is an important piece of information which is kept within an associated taxonomy (the fileplan) and lives along a specified lifecycle. In essence, all records are content or information, but not all information or content are records. A records management system as part of an ECM system therefore helps to gain control over the content created as part of daily business.

Records Management and ECM

When integrated as a core component to a comprehensive ECM solution, records management enables organizations to manage the complete logical lifecycle of all types of corporate records and information holdings, regardless of their media, physical or electronic.

ECM helps to take away the complexities of records management, as it integrates the classification process into the content creation process. An ECM system integrates search, e-mail and document management and presents users with a common interface to access all forms of information. This makes the records management



Open Text's Livelihood ECM—Records Management's system is functional, intuitive and simple for all levels of organization to use.

Open Text's Livelihood ECM—Records Management

Open Text delivers the business benefits associated with effective records management—compliance and risk reduction—through Livelihood ECM—Records Management™. At the same time, it provides the basis for a secure and scalable records management platform that is capable of integration into other document-related technologies.

Open Text provides a comprehensive, policy-based solution that enables you to manage the complete lifecycle of all of your corporate records and information holdings, whether they are documents in paper or electronic format, or physical objects such as CD-ROMs or videocassettes.

Livelihood ECM—Records Management is a Web-based optional module for Livelihood Enterprise Server that lets you to apply records management classifications to all objects in the Livelihood Enterprise Server repository, as well as to physical objects that are represented by records in the repository. Livelihood ECM—Records Management enables you to create and maintain classifications/file plans, records management database tables, retention and disposition schedules, as well as providing them with the ability to conduct and audit the circulation (check-in/check-out) of all physical objects, manage the cycle of vital records, generate color labels and barcodes and to run predefined reports, such as classification, recall listing and disposition reports. Livelihood ECM—Records Management also enables you to perform disposition searches and to place “holds” on items. Livelihood ECM—Records Management integrates into the leading groupware platforms to also manage e-mails and provides for intuitive classification methodologies for the end users, guaranteeing user adoption throughout the entire enterprise. Livelihood ECM—Records Management integrates with the Livelihood Enterprise Archive to map logical lifecycles onto connected storage platforms, which ties the concept of tiered storage to the importance and relevance of the underlying content.

Characteristics of Records Management

A records management solution must provide organizations with the ability to:

- ◆ Define corporate retention policies and schedules and the underlying legal and/or corporate justification for these policies;
- ◆ Apply these retention schedules to all relevant physical and electronic objects within their organization, without impacting business users;
- ◆ Create “holds” in the case of an existing or impending legal action or audit;
- ◆ Suspend the lifecycle of objects that are subject to a hold;
- ◆ Prepare all relevant materials for delivery to the requesting party (for example, an auditor);
- ◆ Find all objects that should and may be destroyed, and facilitate their approval and destruction;
- ◆ Keep an audit trail of all actions including destruction;
- ◆ Support the tracking and transfer of physical objects as they move from location to location;
- ◆ Support the management of physical storage space such as warehouses;
- ◆ Support the capture of e-mail as records; and
- ◆ Support the definition of different storage mediums based on an object's use and retention.

processes transparent and accessible to the end user and not just the records manager. Since electronic documents are created and used by a number of different applications, the records management platform must communicate with these applications in one form or another and become the foundation or common point of lifecycle control for all applicants.

ECM extends records management to other information management applications by offering solutions that are tightly integrated with groupware or other document management systems. This ensures content integrity, minimizes risk and helps to ensure compliance with varying regulations. Beyond regulatory issues, records management allows for the migration of content from high-cost disk storage to

low-cost storage devices when it reaches a certain point in its lifecycle, reducing operational costs. Because it can be extended to support full document lifecycle management, ECM improves total cost of ownership, eliminating the need to invest in new hardware to address content growth and lifecycle issues. ■

Open Text™ is a market leader providing enterprise content management (ECM) solutions that bring together people, processes and information in global organizations. Throughout its history, Open Text has matched its tradition of innovation with a track record of financial strength and growth. Today, the company supports more than 20 million seats across 13,000 deployments in 144 countries and 12 languages worldwide.

To learn more about Records Management and ECM, request a copy of our book—*Enterprise Content Management: Turning Content into Competitive Advantage* at www.opentext.com/kmworld/ecm-book.

Content Management for the Rest of Us

By Rich Buchheim, Senior Director,
Enterprise Content Management Strategy, Oracle Corporation

In the past few years, major changes have been taking place in the content management marketplace. Organizations that previously considered content management a niche application focused on workgroup or departmental deployments for meeting specialized publishing-oriented requirements are increasingly requesting true enterprise deployments that deliver content management capabilities to all their users. These changes have created a need for a scaleable, affordable and highly usable solution that bridges the huge gap between limited-capability file servers and specialized, expensive and complex content management and records management applications. Oracle refers to such a solution as *content management for the rest of us*. This article discusses the drivers of market evolution and identifies key solution requirements for the changing market.

Evolution of the Content Management Market

The products that most people think of when they hear the term “content management” began to emerge about 15 years ago to support the creation, management and publication of unstructured data (or content) for users who specialized in content production in highly regulated industries. However, the vast majority of content is actually used by those of us who are not content specialists (about 95% of all business users) and that content mostly resides on desktops and file servers—without any real management at all.

In the past few years, three conditions began driving major changes in the market and have given rise to a need for solutions that bridge the huge gap between limited-capability file servers and specialized, expensive and complex content management applications. First, the rapid and accelerating explosion of all types of content—documents, e-mails, instant messages, images, etc.—has driven a need for putting better content tools in front of all enterprise users to help them make sense of the flood of data...or at least keep them from drowning in it.

Second, a series of corporate scandals focusing on the discovery, alteration or

inappropriate destruction of documents and e-mails has dramatically increased awareness about the risks resulting from the proliferation of poorly managed content.

Finally, a plethora of government and industry regulations emerged—largely in response to these scandals—that dramatically increased the costs of compliance as well as the risks of non-compliance.

The net impact has been to transform content management from a niche market, catering to content specialists at the very top of the “user pyramid,” to a mainstream technology that serves virtually every user in an enterprise. The term “enterprise content management” (ECM) was, until now, a misnomer since it originally meant a solution specifically for content-production specialists that managed the different types of content in the enterprise—not one that met the needs of a broad range of users.

The capabilities required of a true enterprise-wide content management solution can be summarized into four categories as follows:

1. File and Document Management

To serve all knowledge workers in an enterprise, the solution must provide significant file and document management capabilities with rich user interfaces, flexible access control and user management and policy-based management behaviors.

The solution should deliver a rich and highly interactive experience for both Web and Windows desktop users. The user interface should appear instantly familiar, with a dynamic tree view, right-click and pull-down menus and other familiar desktop tools. Ideally, the solution should be integrated with popular navigation tools such as Windows Explorer, and provide seamless offline content management capabilities so that users can easily access and manage content when disconnected from the network.

A flexible security model is essential, with the ability to specify fine-grained permissions and access at the folder and document level. To support the needs of a broad range of participants and processes

in multiple lines of business, the solution also needs customizable, role-based access control that can be applied to individuals and groups of users.

Behaviors controlling management of the information lifecycle, such as versioning, attribution and records management, need to be specified through policies that can be established on a folder-by-folder basis. It should be possible for versioning to be disabled, applied to content manually by users or automatically applied based on the occurrence of a specific event such as check-in. Category attributes must similarly be manually or automatically applicable, with default values (set as user-editable or not) assignable to individual categories. Records management (detailed below) is also managed through policies on a folder-by-folder basis. While policies will normally be managed by a small subset of users with specific administrative permissions, the tools for setting up policies should be straightforward and consistent, allowing delegation of policy management appropriate to the needs of the business.

By utilizing automated policies instead of requiring users to remember to perform extra steps, these important lifecycle management capabilities become truly useful and the risk of user rejection often associated with content management deployments is minimized.

2. Web Services

To support cost-effective integration of content management capabilities within enterprise applications, the solution should be based on a service-oriented architecture (SOA) to provide programmatic access to application functionality via J2EE- and Microsoft.NET-compatible Web Services APIs. This facilitates automation of business processes (see below) and extension of application logic so that users can take advantage of content management functionality directly from their application environment rather than switching context to specific content management applications.

3. Business Process Automation

To provide maximum benefit in terms of improved productivity and business agility, an enterprise content management solution needs to provide business process management (BPM) capabilities to automate business processes through the use of workflows. Both standard workflow templates and customizable workflows are needed, so that organizations can continue to optimize processes to adapt to changing business requirements.

Content management solutions should provide the ability to use workflows to drive review and approval cycles, notify users that a new document version has been checked in, or prevent the deletion of a document without a manager’s permission. In addition, workflows can invoke Web services to

Mass Adoption at Oracle

While this market evolution and expansion was unfolding, Oracle was steadily becoming more interested in the opportunity. It was also steadily improving its ability to eliminate the arbitrary distinction between structured (transactional) data, and content. Unlike other content management products that use a complex conglomeration of database-managed metadata and a flat file-system for actual content storage, Oracle used the database to store all content-related information—metadata, relationships, indices, system state—and the content itself. As a result, the reliability, security and scalability of the Oracle database, together with its tools for business continuity, access control, search and query, auditing and tracking, etc. could be applied to content as well as transactional data. A new paradigm emerged where all information could be managed using the same tools and made available to all applications whenever and however needed.

Oracle's Internet File System (IFS), its successor the Content Management Software Developers Kit (CM SDK), and the Oracle Files component of Oracle Collaboration Suite were milestones during the paradigm shift.

By mid-2003, Oracle Files had become a robust and highly scalable solution for consolidated file management and sharing and lightweight document management. Oracle's own internal adoption of Files is a powerful example of the product's capabilities. One Files application running on a single Oracle Database instance meets virtually all the file management and sharing needs of Oracle's 55,000+ employees worldwide, managing over 22 million documents and 7 Tbytes of storage and growing at a rate of more than 30,000 new documents a day.

What the Market Needs

Experience with its successful internal implementation, coupled with reviews of the requirements of over 200 customers, gave Oracle an excellent perspective of what the market needs for a content management solution with true enterprise-wide adoption. This perspective has been valuable in building Oracle Content Services 10g, the next generation of Oracle Files.

A fundamental requirement for any content management solution to be successful is to provide a high level of functionality, usability and expandability. In order to be adopted by business users and knowledge workers throughout an enterprise, a content management solution must provide precisely the tools and facilities customers require, seamlessly surfaced in familiar environments when and where users need it and without negatively impacting the way they work. Such a solution must:

- ◆ Increase productivity by making information throughout the enterprise easier to find, manage and share;
- ◆ Reduce risk through better control of information and establishment of consistent information policies and processes;
- ◆ Facilitate compliance with government and industry regulations through records management; and
- ◆ Lower costs through consolidation of server hardware, software licenses and administrative support.

perform management actions, thus enabling the automation of business processes.

4. Records Management

With regulatory compliance issues becoming increasingly important, records management (RM) capabilities are essential in a successful enterprise content management solution. Records management provides the ability to specify that a document or other content entity is to be retained for a certain period of time, prevents or controls changes to the document during the retention period and disposes of the document in

a prescribed way once the retention period has expired.

Records management capabilities required as part of a content management solution include file plan-based record organization, record search and flexible classification and retention policy management. It must be possible for records to be declared manually by users or automatically through policy-based record declaration.

Today's technologies enable RM systems to be based on a SOA that leverages business process management standards like BPEL, incorporating RM into the infrastructure as a Web service consumable by any user or application in the context of

the business process. This addresses three major challenges for next-generation records management deployment:

- ◆ Capturing business-critical records enterprise-wide becomes possible when RM is incorporated as services in multiple environments and the records stored in a highly scalable and available repository;
- ◆ RM becomes accessible to knowledge workers in the context of their normal work without having to access specialized RM applications; and
- ◆ Records can be captured programmatically from business applications, portals, and ad-hoc data sources through RM Web services.

The market for content management and records management is evolving from specialized vertical applications to true enterprise deployments. These changes will expand the market substantially and require solutions that can bridge the huge gap between ubiquitous file servers and traditional high-end ECM products. Such solutions must provide horizontal functionality across the entire enterprise and complement existing departmental content management focused on specific vertical applications.

The requirement for enterprise-wide records management means organizations should view records management not as a monolithic stovepipe application, but as an extension of their information infrastructure built on a SOA. This new way of thinking about records management opens the way to actually provide records management for everyone and every process in an enterprise.

To meet the requirements for true enterprise deployments, a solution must deliver content management for all enterprise users, everywhere they want it, and for every business process that requires it. It must provide users precisely the functionality needed without changing the way they work, and it must scale to support the largest enterprise—at costs that finally make enterprise deployment affordable. ■

Rich Buchheim has more than 38 years of leadership experience in content management and related areas. His current role at Oracle focuses on leading product management and setting the overall strategic direction in the areas of enterprise content, records, and compliance management. Prior to Oracle he was president of LaunchWay Consulting, a consulting firm focusing on content management and enterprise computing strategies. He has previously served as president and chief executive officer of iHarvest Corporation, a provider of Web content capture and annotation technology (acquired by Interwoven) and Integrated Computing Engines, Inc. (ICE), which developed rich media production and management products.

For nearly three decades, Oracle, the world's largest enterprise software company, has provided the software and services that let organizations get the most up-to-date and accurate information from their business systems. Oracle Collaboration Suite brings together the essential components of collaborative productivity: Web conferencing, content management, e-mail, voice mail and an integrated calendar.

For more information, please visit www.oracle.com

From Compliance Chaos to Universal Governance Management

By Mark Gilbert, Scott Reed, Phil Ayres, Robert Hill, & Gay Thompson, Vignette Corp.

In the 1990s, the standards set out by the federal Clean Air Act were widely be-moaned by the auto industry; compliancy was sure to raise the retail cost of vehicles to unacceptable levels and make cars less safe on the road. Customers would be lost. Manufacturers would go out of business.

As of this date, none has closed its doors. Car sales continue to grow, even in California, the state with arguably the most stringent vehicle emissions laws. And, now, many believe that the new technologies the auto industry has been forced to develop are actually improving overall customer satisfaction, bolstering their corporate image and giving them a kick start in creating the next generation of products.

There's a lesson that can be learned from this. Compliance doesn't have to be a tremendous burden. Compliance can even bring about new and surprising profitability and customer satisfaction. And it can be a catalyst for positive changes across your organization.

Shifting How You Think About Compliance

In just the past five years, it is estimated that nearly 10,000 regulations have been created by federal and industry entities; all mandating the capture and control of electronically stored documents (which now make up 80% of all business information).

To service this sudden and growing need, a plethora of companies have sprung up offering products to solve every regulatory directive imaginable.

But these point solutions are quickly becoming a liability for companies with many silos of information spread across many departments. For example, the out-of-the-box document archiving system used in Finance may be working for them, but what about e-mails created in Sales? Another product has to be purchased to

cover that. And then what about archiving instant messaging generated by Customer Service? Yet another product to be installed. By acquiring these band-aids, the company is simply incurring a cost to comply rather than making an investment in creating new efficiencies.

AMR Research recently predicted that in 2005 alone \$15.5 billion will be spent on a wide range of compliance programs and \$80 billion over the next five years. Bear with the auto industry analogy for a bit longer: with that kind of money in the balance, companies must start seeing the need to comply as an opportunity to fine-tune and improve the *entire* engine under the hood. As AMR Research concludes in the same report, "...leading companies are connecting the dots between overall compliance requirements and their own enterprise performance management activities." (*John Hagerty, Fenella Scott, "Regulatory Compliance: An \$80B Opportunity," AMR Research, January 2005*)

Driving a Lower Total Cost of Governance

Notice that it is not called "total cost of compliance." Fine tuning the entire engine means we look at how compliance technologies—from documents and records

management to e-mail and Web page capture—can drive greater efficiencies and greater ROI across all areas of a company where electronic information is created, stored or exchanged.

We'll label this "universal governance management." It crosses typical departmental boundaries, combining strong compliance initiatives with overall strategic planning and goal setting. It creates better visibility into the state of the entire company, not just for risk mitigation, but to drive efficiency improvements department by department. It empowers not just the compliance team but every manager, putting them in the driver's seat to be more successful.

A Turbocharged Return on Investment

There's no doubt that your organization will be contributing a portion of the \$80 billion companies will spend on compliance over the next five years. The return on that investment when creating universal governance management can be augmented by considering several steps:

1. Look to the next generation of compliance solutions. Today's compliance applications tend to be implemented as standalone point solutions. This presents several limitations, such as the lack of robust integration capabilities, weak portal resources and the inability to manage data as an electronic record. A more forward-thinking approach is to look to a solution where all information, from a wide array of sources and in many formats, can be stored in a single secure repository, and then pulled together and personalized for the end user. Then the information can be tapped for far more than simply compliance needs.

2. Make it sustainable compliance. Compliance is an ongoing process, not a single event. To be more than just a quick fix, compliance solutions must also enhance business processes and readily adapt to change. This "sustainable compliance" solution must use a single infrastructure to satisfy multiple and converging compliance requirements (SOX, SEC, Basel II, HIPAA, etc.) to bring efficiency to the compliance

"Point solutions are quickly becoming a liability for companies with many silos of information."

problem and provide a single source of the truth for compliance information.

3. Consider the human side. One of the best ways to ensure success of any compliance initiative is to see that it is as user-friendly as possible. Any solution chosen should create a common user experience around risk and compliance, so that it can be extended quickly as the need arises. It should also provide enterprise-wide interfaces/portals for management to easily access.

4. Consider the technology side. First and foremost, find a provider who sees the same big picture potential. They should be presenting a group of solutions and technology partnerships which put all the puzzle pieces together, yet are flexible enough to meet your unique industry needs.

This provider should offer:

- ◆ **An open compliance architecture.** Compliance efforts will typically demand the integration of information from multiple enterprise systems. To do this most cost effectively, it is best to use a common architecture designed with interoperability in mind. For example, the J2EE architecture has been adopted by many vendors to achieve this goal. It eases integration efforts and enables application interoperability via Web services, which is essential to functioning within the service-oriented architecture (SOA) environments that customers are rapidly adopting.
- ◆ **A single source of the truth.** Many efforts to provide accountability in compliance suffer from a major flaw: the enterprise never establishes a single source of truth. The most fundamental way of achieving a clean audit trail for compliance information is to implement a records and document management layer as the foundation of the architecture. The benefits include detailed security at a document or object level. Time stamping, versioning and other basic library services establish what touched what document when, creating an unalterable audit trail. DOD standard 5015.2 sets a model that many enterprises have relied on in building their records management strategy.
- ◆ **Vast integration potential.** Think leveragability. Once the single records management system is implemented, the enterprise has a secure repository on which to build. Next, planners should examine the core systems that contain data that will need to be secured to provide a complete compliance snapshot. For example, a manufacturing company may find that its work-in-progress inventory levels will have a significant effect on the quarterly financials. They might integrate their ERP system into their records management repository so that relevant data is “locked down,” creating a single source of the truth for that point in time. As

Driving more efficiencies through compliance

EDS chose not to simply install a records and documents control software application for compliance. Instead, they looked for a wider-reaching multi-product solution that not only helped them meet regulations, but actually improved internal communications and operational efficiencies.

- ◆ Combined the power of more than 4,000 internal Web sites into one, easy-to-use employee information portal;
- ◆ Empowered employees with critical operational and governance information delivered through personalized dashboards; and
- ◆ Launched a new reorganization-focused internal portal from concept to launch in less than 90 days.

companies look to make their records management system the hub of their compliance architecture, they may have to integrate with many key applications.

- ◆ **Far-reaching visibility.** Another essential element of an effective compliance architecture is the insight and accessibility to information gained through portals and dashboards. A portal view into compliance information should be tailored to the needs of the individual knowledge worker and should be limited to the information they are allowed access to by the security dictates. A CFO dashboard might focus on high-level indicators of the status and risks associated with the financial close process. An internal auditor might have views into site-audit status. Finally, a worker might log in to see the list of tasks that they must complete and attest to in their daily work, plus e-learning modules available or required for their professional development.

5. Keep your eyes on the road ahead.

Where do you want your company to be next year, in five years, 10 years? Make sure your compliance solution can handle whatever change/growth comes your way. Remember that many of the regulations we must now meet are five years old or less. They are likely to evolve and grow, and the infrastructure you put into place must be adaptable. Find a solutions provider that can help you extend your investment beyond just compliance, to one that takes advantage of being able to lock down and manage data across disciplines, and can deliver that data in the very best way possible—from e-learning to employee and customer portal, to collaboration capabilities and expanded customer relationship management.

The Keys are in Your Hands

Federal and industry regulations are here to stay. How you approach complying with these mandates can mean the difference between simply meeting the bare minimum

and taking your organization to new levels of efficiency and productivity.

You must shift your compliance viewpoint to one of universal governance management, where solutions reach across departmental boundaries, combining strong compliance initiatives with overall strategic planning and goal setting.

Your compliance partners should hold the same vision. And they should have already assembled best-of-breed solutions and services from many sources to enable greater automation and tracking of all communications as well as delivery of individualized and prioritized information to the right people at the right time.

In other words, don't depend on a quick fix at the end of the tailpipe. Work on the entire engine to increase the overall performance, and while you're at it, improve the dashboard to let you see how far you've come. ■

Vignette's Compliance and Governance Solutions Unit delivers focused expertise to help their clients solve regulatory compliance business issues. The unit is comprised of five individuals representing core areas of expertise. Vice President and General Manager Mark Gilbert, drives the group's strategic vision and go-to-market leadership. Prior to joining Vignette, Gilbert spent 10 years as a highly respected analyst with Gartner.

Senior Account Executive Scott Reed is the primary conduit of information between clients and the team. His broad knowledge in enterprise solutions, business development, and global business strategies give him deep insight into how to best grow successful customer relationships.

Tapping years in the field as technical lead for a range of enterprise document management and workflow system implementations, Phil Ayres serves as principle solutions architect.

Business Analyst Robert Hill is responsible for product development, sales, and partner relations. Prior to this, he oversaw the development and execution of Vignette's Sarbanes-Oxley compliance initiative.

Senior Field Marketing Manager Gay Thompson provides worldwide marketing support to the team. She brings experience in program management, new product introduction, product marketing and customer support.

For more information about Vignette's Compliance and Governance Solutions Unit, e-mail Scott.Reed@Vignette.com.

Finally on the Front Burner

By Peter Mojica, Vice-President, Product Strategy and Management AXS-One Inc.



Peter Mojica

Peter Mojica is vice president of product strategy and management for New Jersey-based AXS-One, a leading provider of records compliance management software. Mojica is a thought leader in the fields of records management, corporate compliance and risk mitigation, and speaks at numerous industry events annually.

Mojica has more than 18 years of information technology experience, primarily in the financial industry. He brings a broad range of sales, technology marketing, and information technology management expertise to AXS-One.

At first glance, it's difficult to see how much has changed in records management and regulatory compliance in the past couple of years. Naturally, some new laws and regulations have been introduced and older ones have continued to evolve, particularly in the multinational context. More companies are putting compliance-related policies in place, and some are taking the trouble to enforce them. And while a few technologies have improved significantly, many still can't do what's needed. But without a close look, it might be hard to tell what's truly different and what's needed now.

In the real world, however, just about everything is different. There's a new urgency in the air, and they can feel it all the way to the boardroom.

Once confined to the back of the business section, issues related to records management and regulatory compliance now dominate the headlines. Either directly or indirectly, these issues have caused companies to be levied huge financial penalties, been the reason for executive turnover (even through prosecution and conviction), led companies to actively enforce policies that have long been in place, been the recipient of significant budgetary resources and, perhaps most importantly, become a companywide priority rather than one essentially relegated to the IT department.

Unfortunately, the stories are often negative. Earlier this year, a financial services conglomerate was hit with a huge fine, in part because it couldn't guarantee that it had turned over every relevant e-mail. In its own defense, the company clearly tried hard to track down all the relevant content. Yet backup tapes kept turning up in closets, yielding more e-mails that had to be combed through. Eventually, the judge lost patience.

Only a few months earlier, in another case involving a major financial services firm, it was found that despite counsel's instructions, employees had deleted some relevant e-mails while the defendant had withheld others. The judge subsequently instructed jurors to presume that the withheld information was prejudicial.

In that case, the jury awarded the plaintiff a total of \$29 million in damages—a staggering amount by any measure. In the

more recent example, which involved very different litigation, the fine reached \$1.45 billion.

It's important to remember that in both these cases, the companies caught in the court's headlights were hardly novices; they had billions in reserve, sophisticated executives in the boardroom, high-priced counsel on the payroll, stringent e-mail and content retention policies in place and an expensive technology infrastructure. It could almost be argued that these companies were doing everything *right*. Yet both were essentially caught flat-footed.

The judgments sent shock waves down Wall Street, and perhaps throughout corporate America, as many other enterprises came to the sobering realization that they, too, might be helpless to comply with the same directives.

So what's going on here? How did things go so wrong?

First, let's accept that the content universe looks very different than it did even five years ago. There's a lot more of it, and new mandates for having to keep and manage it over a long period—and destroy it at a precise time—have changed everything.

Take e-mail: No one could have predicted how this would become the cornerstone of business communication. IDC estimates the average number of e-mails sent *each day* will hit 36.2 billion next year. Then there's instant messaging. It's now on just about every business desktop, yet many public corporations have virtually no policies or means of IM retention. Overall, from an IT perspective, organizations don't have true archiving policies, while on the business side, companies can't figure out what they need to keep, for how long and in what ways.

Second, it's obvious that requirements such as Sarbanes-Oxley, the SEC, HIPAA and others are just the tip of the iceberg. The most sensible mandates—for example, that e-mail shouldn't be used for private communications—are also the least practical. What corporations need instead is a global hierarchical data archival and retention management system that governs both the technologies and the users involved. This should be done strictly according to regulatory requirements, risk measures and other corporate mandates that allow an organization to build

clear lines between risk, profit, systems and people. But in the real world it's never so neat. Just as government regulations continue to evolve and litigation tries to zero in on the "smoking gun," corporations work to implement policies and technologies that make sense, protect the corporation while maintaining investor confidence and manage it all without overwhelming those responsible for compliance, legal issues and information technology. That's a hard balance to find even at the best of times.

Third, it's vital to remember that no two industries are exactly alike. What do the regulations governing your particular business require relative to your corporation's information? That's not an easy question to answer, since many corporations have found a competitive advantage in developing complexity across their diverse systems: more integration, more customized applications, etc. However, with respect to compliance, this complexity creates challenges in audit ability and controls. Bottom line: simpler is better.

Finally, since technology is the foundation of many of these processes, don't forget what these systems can and can't do. Many of the technologies that now make up the IT infrastructure in corporate America were developed when compliance issues were not a top priority, and when content didn't come in as many types as it does now. This is a critical weak spot.

At the most basic level, many companies continue to back up content when they should be archiving, managing and destroying it. They surely learn the difference when there's a court order mandating a huge search at short notice. On a broader scale, the archival systems many companies have in place simply can't handle the kind of search and retrieve functionality needed to quickly respond to requirements that a judge might deem routine. Going further, even fewer technologies can deliver a comprehensive platform for address-

ing the global issues surrounding archival, compliance and legal discovery with the flexibility to address “what’s next.”

Best Practices

Of course, there are still plenty of things organizations can do. Despite the very different terrain, many of these best practices haven’t changed much. Maybe it’s because compliance is like old-fashioned investing: It’s all about the fundamentals.

Exhibit real leadership: Failure to ensure true and effective records management and regulatory compliance represents a failure of management. Even the best policies and technologies won’t work without companywide adoption and buy-in, and it is management’s job to get it.

Make compliance and governance a no-brainer: Wise companies will build and support a high-visibility compliance competency training program that has the authority and resources needed to develop, implement and enforce participation across all levels. Roles, responsibilities and accountability must be clearly defined.

Keep it transparent: Make it as easy as possible for employees to retain, preserve and archive all the necessary content, but also ensure that your company has the ability to detect policy violations and do what is legally required if and when that happens. The problem won’t go away if you don’t.

Prioritize the content, not the content type: The medium doesn’t matter; the fact that one relevant piece of content was in e-mail form while another was in an SAP report makes no difference in the final analysis.

Put the right tools in place: Conduct a thorough needs analysis and ensure that the technology can do the job. The infrastructure must be scalable; it must have the ability to handle multiple content types; and it must have the capacity to meet the records management and regulatory compliance tasks that come down the pike today, such as global risk and e-mail search-and-retrieve.

Stay ahead of the curve: Accept that we are in the midst of ongoing paradigm shifts in the way we perceive our technological infrastructures, as well as the applications and data they are designed to deliver. Technology evaluation is routine in most corporations, but balancing it with compliance needs is a new twist. That’s why many companies often believe that their backup processes are sufficient; measured against compliance directives, they’re usually not. For example, a compliance and archival strategy with data expiration policies is a huge waste of time if the expired data continues to exist on multiple back-up tapes, as well as at disaster recovery sites.

These processes have to be reviewed with an eye toward managing both the regulatory requirements and the risk associated with the

Testing the Limits

Measuring Your Company’s Compliance Readiness

Like most organizations, you take compliance seriously. The more complicated reality is that even with general policies and some technologies in place, many organizations aren’t doing enough or enough of the right things to protect themselves for the growing risks associated with managing electronic records.

Here’s a quick test to gauge your company’s compliance readiness. No one’s looking over your shoulder, so be honest. Score it any way you like, but we recommend a scale of 1 to 10 points on each answer, with a 25 for the bonus question.

1. Do you classify data contained within business systems in such a way that it is easily accessible—for example, by retention periods per data types?
2. Do you have compliant non-destructive media in place?
3. Does your electronic archiving policy include content generated via e-mail, IM and MS Office?
4. Are the archival policies explicit per groups?
5. Do you have a supervisory review process for e-mail/IM communications for some/all users?
6. Do you have checks and balances for all of the above?
7. Are you able to suspend retention cycles/put records on legal/litigation hold and electronically manage your legal case holds?
8. Do you run tests for records recovery, including audit logs?
9. Is all your data that needs to be compliant—for example, relating to financial transactions—readily accessible online for back-office reconciliation and other front-office business functions?
10. Is senior management (CEO, CIO, CFO, CCO, corporate counsel) actively involved in your company’s compliance and IT alignment strategies and operations?

And for the bonus question:

Does your company have the capability to rapidly develop value-added front office applications (for example, dynamic web publishing, portal integration, decision systems support) from its compliance data?

Compliance Readiness Scorecard:

- ◆ 80 Congratulations: Your company is a leader in the field
- ◆ 70 Very good: Your company has an excellent state of readiness
- ◆ 50 OK: Your company is toeing the line
- ◆ 30 Not good: Your company is at high risk for non-compliance
- ◆ 20 Bad: Your company needs to drastically overhaul its compliance practices

content. Similarly, the underlying operating systems might allow security breaches that, in addition to other problems, violate compliance policies. Bottom line: The entire technology infrastructure, from the smallest applet to the largest server, needs to be assessed along strict compliance metrics. At the same time, it’s vital that companies implement both continual process improvement and reliable audit capabilities. We’re long past the point where silos can continue to grow virtually unchecked, each with its own domain. Build a single platform that can be expanded, then evolve when necessary. This will allow technologies, processes and business needs to keep pace with incoming regulations and changing market conditions.

No company will ever say it *doesn’t* take records management and regulatory

compliance seriously. Now, most of them actually mean it. Still, there’s no absolute scale of corporate compliance, just as there’s no completely right or completely wrong way to do things. Far from being just another chore for the IT shop, compliance needs to be embedded in the corporate DNA. That’s when things happen the way they should. ■

AXS-One Inc. (AMEX:AXO) is a leading provider of high-performance records compliance management solutions. The award-winning AXS-One Compliance Platform enables organizations to implement secure, scalable and enforceable policies that address records management for corporate governance, legal discovery and industry regulations such as SEC17a-4, NASD 3010, Sarbanes-Oxley, HIPAA, USA PATRIOT Act and Gramm-Leach-Bliley. It delivers digital archiving, business process management, electronic document delivery and integrated records disposition and discovery for e-mail, instant messaging, images, SAP and other corporate records. Visit AXS-One at <http://www.axsone.com>.

Get Going with Electronic Records Management

Six steps to success

By Colman Murphy, DocuShare Product Manager, Xerox DocuShare Business Unit

Many regulations and guidelines are driving compliance initiatives in the enterprise, from Sarbanes-Oxley, to the FDA's 21 CFR Part 11, to the Freedom of Information Act (FOIA) and the Health Insurance Portability and Accountability Act (HIPAA). Senior management in corporations and institutions has spent a staggering amount on high-profile initiatives such as risk assessment, continuity planning and information cataloging via corporate taxonomies. By some estimates, the average corporation spent \$4.5 million to meet just one part of Sarbanes-Oxley (Section 404) in 2004. Amidst all this spending, funding for electronic records management (ERM) initiatives has lagged. In an ARMA survey published in 2004, 87% of respondents stated that Sarbanes-Oxley had NOT resulted in an increased budget for RM.

Even when funding is committed, there are still significant hurdles to overcome before benefits can be realized—hurdles that can sometimes cause the entire project to grind to a halt:

◆ **Too many stakeholders**—Conflicts of opinion and priority amongst IT, records

managers and C-level executives, as well as the departments generating the content can stall or kill deployments.

- ◆ **Time to deployment**—Promises of availability of the RM solution can often be wildly optimistic, resulting in disillusionment and loss of confidence.
- ◆ **Unforeseen costs**—Many activities, such as setting up automated rules and processes for getting content into the ERM system, can take a lot of time and require a lot of costly, outsourced services. This can put some initiatives on hold until additional funding has been secured.
- ◆ **Slow adoption**—Staff may be reluctant to learn radically new processes and can slow or halt implementation before it even gets started. In other instances, high-priority areas such as legal and finance have significantly influenced the overall requirements, resulting in other departments feeling like the company is covered and is therefore less interested in supporting an ERM deployment.
- ◆ **Balkanization**—IT often feels they own the solution's infrastructure and content but typically thinks of compliance as "someone else's job." RM teams might understand managing paper records for compliance, but may be uncomfortable taking the lead in shaping ERM technologies and processes.
- ◆ **No champion**—Upper-level management can buy into records management but not fully understand the complexity of an enterprise-wide ERM solution and fail to support and promote it when necessary.

Don't give up: regulatory compliance is not going away, and the pace at which organizations are generating documents and content requiring corporate control isn't slowing down either. You can break through the existing barriers that are undermining your success and you can do it now. The key to success is in starting small and systematically extending your deployment across your organization.

Six Steps to Success

You can avoid the difficulties of pleasing too many stakeholders and getting approvals for big ERM budgets by kicking off your solution as a pilot program. Start by understanding the capabilities and scope of today's ERM technologies, and specifically how ERM and enterprise content management (ECM) systems interact. Learn how the various components can work together to address document-centric business processes in your enterprise and feed content into your organization's RM system. Leverage the need for better content management in these areas to pilot your ERM solution without a large budget or waiting for buy-in from the entire company. Apply these six smart steps to piloting a successful ERM solution and you'll be enterprise-wide in no time.

STEP 1: Select an organizational partner that has funding available and is struggling with document-intensive processes. Finance and accounting groups are a good choice, as they are under particular pressure to ensure their internal procedures are compliant with various regulations. By showing them how they can automate one of their processes from start to finish with a content management solution that also enables electronic declaration of records, you should find it much easier to get the additional funding required to invest in your ERM solution.

Legal is another department that is often looking to control the cost and liability associated with documents. A content management solution that enables them to scan paper files and handle them electronically is an ideal project on which to "piggyback" your ERM initiative. Identify a key legal proceeding underway or an area of significant concern and offer to support the process. This will be much easier with a document management system that includes scanning hardware, indexing capabilities, document routing, review, electronic storage, retrieval and distribution—the underpinnings of an ERM program.

STEP 2: Perform an audit of your existing hard-copy records. Research indicates most organizations are storing content far longer than they need to, at significant cost and legal risk. If you can identify these kinds of inefficiencies, you may be able to justify your ERM initiative by demonstrating how electronic document management can lower the requirements (and the cost) for outsourced storage—and enable greater compliance with destruction policies.

STEP 3: Find out if your IT group is already looking at an ECM solution and help them understand how your pilot can be integrated into their plans. Offer to work with IT to identify costs for deployment and configuration and offer to share the

Six Steps to a Successful ERM Pilot

1. Zero-in on document-intensive processes in key departments;
2. Find cost-savings in replacing hard-copy storage with an ERM system;
3. Gain IT's support by including ERM with ECM deployments;
4. Select a solution that is easy to acquire, easy to deploy and easy to use;
5. Ensure pilot success before rolling out to a larger audience; and
6. Demo the pilot to other departments and invite participation.

Piloting ERM Solutions with Xerox DocuShare

expense of the pilot. Point out that good ECM solutions offer powerful records management modules, but great systems emphasize usability, especially for non-records managers.

One cautionary note: never sell the need for ERM by making claims to management about your projected compliance level once the software is in place. Records management is a corporate process, driven by regulatory requirements—a process that impacts almost every employee in the company. The scope is too broad and the variables too great for any one department to accurately measure compliance, let alone calculate projected gains. Focus your ROI message on the tangibles instead: steps removed from a process, minutes removed from retrieving a document, or dollars saved by reducing the need for hard-copy storage space.

STEP 4: Select an ERM solution that's easy to use. Almost every knowledge worker deals with corporate records on a daily basis. Even with automation, employee adoption will only be achieved if your ERM application is straightforward, easy to use, and ideally helps employees work faster overall. If your pilot requires workers to adopt new processes it's not likely to generate a high adoption rate.

Don't ask users to jump to a different application or interface to classify or declare records or make any significant changes to the way they are used to working. With this in mind, select a Web-based ERM application that doesn't require new software on the user's desktop. Keep training requirements to a minimum. If these criteria are present, users can more rapidly see how ERM can speed and simplify processes, and interest in adopting it will increase.

Also ensure your pilot solution can easily scale up to handle ERM needs corporate-wide and that employees can be "RM-enabled" quickly. Ideally users need only open a browser and log-in to benefit from a full range of capabilities: document management, collaboration, workflow, imaging AND electronic records management.

STEP 5: Keep a low profile during initial deployment. Focus the success of your pilot at a tactical level, rather than spending time on broad plans for an enterprise-wide rollout. Pilot expansion will depend on your demonstrating a flexible, streamlined solution that can be easily adopted for enterprise-wide use. Don't jump the gun and start showing the solution to other stakeholders until you have moved well past your beta-phase and can demonstrate real process improvements and increased productivity.

STEP 6: When the time is right, invite others to take a look. Encourage, rather than mandate, adoption and offer access on a "trial" basis to the key stakeholders

Renowned in the industry for its benchmark ease of acquisition, administration and use, DocuShare is a powerful Web-based enterprise content management (ECM) application that enables organizations of every size to rapidly deploy scalable ERM solutions. In fact, more than 4,000 organizations worldwide have purchased over a million DocuShare licenses to address their ECM challenges. DocuShare delivers value-rich functionality for document management, records management, collaboration, Web distribution, workflow, search and imaging, allowing customers to securely capture, manage, share and deliver critical information easily.

DocuShare Records Manager allows users to easily declare all types of electronic content as records, while still maintaining access for use in other business processes. Records are visible to permitted users within pre-determined contexts and security is simple to set up and maintain. Worker adoption is encouraged by offering a familiar user interface that maps to everyday applications like Microsoft Outlook, offering "drag and drop" functionality and intuitive file management. DocuShare is built on open industry standards such as XML, WebDAV, JDBC and HTTPS, and supports multiple platforms, making it ideal to deploy to a large number of users regardless of their computing environment.

DocuShare is highly flexible and doesn't require dedicated IT resources to manage and administer, so pilot deployments can be managed and controlled by key stakeholders for maximum success. Xerox provides a full range of easily integrated imaging and scanning hardware to bring hard copy documents into the repository, and advanced routing and handling options to support a wide range of business processes. Xerox and DocuShare offer a scalable, comprehensive solution that enables you to capture, manage, control, share and deliver critical content and documents at all points in your organization.

you identified in Step 1. Showcase the pilot by holding internal demos, and develop internal success stories to drive interest beyond the initial installation. In a modest amount of time, your pilot ERM project will help drive funding and deployment broadly in your organization—and your compliance system will have some real weight behind it.

Get Going

Above all, ensure success by selecting a vendor that provides the ease of acquisition, deployment, use and scalability you're looking for from day one. Xerox DocuShare with DocuShare Records Manager lets you deploy an ERM pilot that provides a full range of essential content and document management capabilities at an affordable price and with minimal IT or professional services overhead. You can

also add scanning applications and Xerox multifunction devices to capture and manage hard copy documents as part of your records management program. ■

Colman Murphy has more than 15 years of product management and marketing experience in imaging, document and content management. Currently Colman is responsible for the DocuShare product line, the ECM and compliance software offering from Xerox. Prior to joining Xerox, Colman worked at a number of Silicon Valley-based companies including Visioneer (developer of PaperPort) and Caere Corporation (developer of OmniPage OCR software).

DocuShare® is an intuitive, Web-based enterprise content management application designed for organizations, regardless of size, to collaboratively capture, manage, store and deliver information contained in documents, from creation through final disposition. An industry leader in ease-of-use, deployment and administration, DocuShare provides the essential functionality required to accelerate document-intensive business processes, meet regulatory compliance requirements and optimize information flow and productivity. Coupled with Xerox scan-enabled devices, DocuShare delivers an end-to-end document lifecycle solution from one trusted brand.

Automation + Best Business Practices = Minimized Risk

By Sharon Hoffman Avent, President and CEO, Smead Manufacturing Company

How many times have you heard “let the computer do the work?” When it comes to records management practices, this statement can be the exact mentality that could increase risk for your company.

In reality, we currently do not have the luxury of fully automatic computer solutions that truly manage all of the basic records management processes. In today’s increasing regulatory environment, the need for companies to be able to demonstrate compliance is escalating. CIOs and CFOs are under increased scrutiny to manage corporate risk. More often, IT departments are being pulled into projects with the objective of managing corporate records. The trouble lies with delegating the responsibility to a group that is not trained in records management and lacks the basic understanding of its philosophies. Is this truly the best solution to compliance and risk issues?

The Compliance Challenge

Regulatory compliance has joined the forefront of issues facing CEOs today. According to a recent survey by AIIM International, 11% of the top executive’s surveyed said managing information to meet regulatory compliance was one of the three biggest challenges businesses face today. We are seeing courts more serious about records management and compliance issues. Courts are demanding organizations to be in control of their records, and are showing signs of becoming intolerant of those organizations that are not attempting to comply. An example of non-compliance, from the courts’ perspectives, is the inability to produce records after being subpoenaed. Changes in legislation are underway to improve the way in which records are requested by, produced for and delivered to the court system. For many organizations, it’s no longer a question of

“do we need to be compliant?” or “do we need a records management program?” but a matter of “*how* do we do it?”

The fact is, today, a solution does not exist that takes out all human intervention, or automates completely, all aspects of records management. Remember, as we said above, IT is being held responsible for implementing records management solutions, and, traditionally, they are not versed in records management principles. Corporations are still responsible for having a reliable and compliant records management program. That’s the dilemma many organizations face today.

We have learned that it is difficult, at best, to expect employees to consistently classify records, if it is left as a manual process. The strength of records management comes when consistently applying its principles to business documents within the organization. This is how the risk is managed. Because employees do not consistently classify records within the records management system, automation must be considered whenever possible to maintain a trustworthy, reliable records management program. Technology, at the current time, does not ensure all record types within the organization will be automatically classified. Whenever possible, organizations need to carefully automate the records classification process. Manual classification should only be used where automation cannot be achieved today. Manual classification is the step an employee takes to formally declare business records into the organization. When documents are created or received, the employee must determine whether it is a business record, and then define its record type. In this case, when the employee is left to his or her own discretion, inconsistency and lack of reliability come into play with a manual process.



Sharon Hoffman Avent

Sharon Hoffman Avent is the owner, president and CEO of Smead Manufacturing Company, Hastings, MN. Avent joined the family-owned business in 1965 as an hourly employee, and was named president and CEO in 1998. Smead Manufacturing Company has been woman-run since 1955, and Avent, just as her mother before her, continues on with the company’s legacy of providing high-quality organizational products. Founded in 1906, Smead grosses over \$500 million annually and has 2,600 employees worldwide.

Auto or Manual?

So you may ask, “How should we deal with records management automation today?” Because full-scale automation (auto classification) is still a few years away, it is important to be able to live with a mix of automated and manual processes. At this time, applications will not successfully support automation for *all* record types. However, auto classification of certain types of records can be accomplished now. You can start using existing technology today, for:

- ◆ Incorporating records management procedures into existing business processes using tools, such as workflow; and
- ◆ Auto classifying records using metadata or user roles to apply retention rules.

To achieve best practices, you must combine the use of automation for records classification, with records management best practices:

1. Establish records management policies and procedures;
2. Conduct a records inventory (list of all electronic and paper records);
3. Determine a records retention schedule;
4. Define security to control user access to records;
5. Ensure preservation hold order capability to prevent the unauthorized or accidental destruction of records;
6. Train users on policies and procedures; and
7. Audit to ensure the organization is making a good faith effort to consistency apply records management policies and procedures to the organization. ■

Smead is uniquely positioned to apply over 98 years of records management experience into recordkeeping solutions. Committed to providing innovative solutions for the management of information, Smead has developed a comprehensive line of recordkeeping software.

Bringing Records Management to the Enterprise

By Bassam Zarkout, Director, Records Management Solutions, Mobius

A recent cartoon features an executive's office, in which the subordinate is saying, "Good news, chief, a computer virus has destroyed all our documents." What's not so funny is the realization that many executives would indeed consider it a boon to be relieved of the anxiety of figuring out which records to keep, for how long, where to keep them and who should have access. And how much time and money will it take to find the needle in the haystack when called upon to do so for legal discovery or to meet regulatory requirements?

While there is no magic bullet that will guarantee a good night's sleep, there are well-established guidelines that will mitigate risk and minimize costs. This article talks about two real-world considerations that are often overlooked:

(1) Legal discovery may affect *any* content whether declared as a business record or not; and

(2) While a scalable records management system is a must, migrating all content items that become records from their multiple, disparate repositories to a single, centralized repository isn't always necessary and may not be feasible.

Coping with Legal Discovery

In addition to managing the normal record lifecycle, most organizations will be required at some point to engage in discovery—the process of collecting, processing and reviewing information that might be pertinent to a regulatory request or litigation. And it is virtually certain that there will be a requirement during discovery for content that was *not* declared as a record and *not* housed in the records management system. The most famous example is the innocuous e-mail that says, "Let's have

lunch," which could potentially be evidence in a fraud or harassment case.

Legal discovery is expensive and time consuming. Years of e-mails and other documents are difficult to restore, filter and produce according to case or investigation criteria. Many organizations have been fined or forced to settle because they were not able to produce the records required for legal discovery, or because they could not find the key content that might have decided the case in their favor. The problem is compounded by the fact that the needed information is not just in the records management system, but in content management systems, databases, e-mail applications, file cabinets and scribbled notes.

Enterprise-wide Records Management

In a recent survey, 43% of companies had more than five content repositories and 25% had more than 15. Should you consolidate content in a single repository? Maybe. Robust, scalable repositories like Mobius's ViewDirect TCM can manage thousands of terabytes of diverse content. But there may be business advantages to keeping content in its current repository or it may simply not be practical to move it. For example, country jurisdictions may prohibit moving content across borders. Further, since there is no rule that mandates that all records must be stored in a single records management system, many organizations have multiple systems: a corporate system, usually controlled by a corporate records management group, and multiple operational records management systems used and controlled by departments or divisions.

With content and records dispersed throughout the global enterprise, it becomes clear that a single record repository

isn't always necessary or feasible. The ideal solution provides the best of both worlds:

1. A highly scalable repository that houses all records that can be moved; and
2. The ability to apply records management functionality to records in their original repositories while maintaining the ability to manage those records via a single system. This next-generation, enterprise-wide records management solution offers compelling advantages:

◆ Lifecycle management for all content:

Functionality for declaring, managing, retaining and disposing of records can be applied to a wide variety of content including application-generated content, desktop documents, e-mail and paper;

- ### ◆ "In-place" records management:
- Content can remain in its original repository or it can be migrated to an inactive phase of its lifecycle, while maintaining lifecycle management and user access; and

- ### ◆ Content and records integration:
- Advanced search and retrieval across all disparate repositories from a single point of entry facilitates legal discovery as well as business operations.

This vision for enterprise-wide records management is being realized by vendors who have a strong heritage in integrating and accessing diverse content and who have a clear understanding of the technology implications of legal and regulatory requirements. For example, Mobius's ViewDirect TCM offers maximum flexibility in deploying an enterprise-wide records management solution. ViewDirect TCM integrates all records and content across the enterprise in two ways: in the world's most scalable repository and/or by applying records management functionality to records in their original repositories and managing those disparate repositories through a single system. This solution breaks new ground in addressing real-world records management issues. ■

Bassam Zarkout has 15 years of professional experience in enterprise content management, specializing in records management, e-mail archiving, document imaging and document management. He has helped companies around the globe define and implement corporate file classifications and retention schedules. Bassam can be reached at bzarkout@mobius.com.

Mobius is the leading provider of software solutions for total content management. The ViewDirect® TCM suite includes integrated e-mail and records management as well as facilities for Web content management, business process management, and content integration across the enterprise. For more information, visit: www.mobius.com.

How to Address Content Compliance

By Adam Wilkins, Vice President, Business Development, Yaletown Technology Group



Adam Wilkins

Adam Wilkins is a senior partner with Yaletown Technology Group Inc., a provider of compliance solutions for content, policy and process management. Responsible for overseeing the company's product, sales and marketing initiatives, Wilkins provides guidance on

aligning existing and anticipated market and customer needs with strategic product direction and development.

With 25 years of experience in the IT industry, Wilkins consults, lectures and presents to organizations around the world, and has written extensively on how to apply technologies and best practices to comply with evolving regulatory and business challenges.

In today's hot real estate markets, many homeowners are remodeling their existing properties instead of moving. As a result, architects and builders are swamped in their efforts to meet the needs of many homeowners for "new" redesigned homes. Similarly, many organizations are faced with having to remodel their existing technology architecture to comply with the ever-increasing number of legal, privacy and regulatory requirements relating to the management of content. Because of pressing regulatory mandates such as Sarbanes-Oxley, HIPAA, The USA PATRIOT Act and the Gramm-Leach-Bliley Act, *content compliance*, or the management of various sources of unstructured content in a manner that meets both external and internal compliance requirements, is top of mind for many organizations.

In most organizations, information is stored on a variety of unconnected or only loosely connected systems such as accounting, enterprise resource planning, customer relationship management, supply chain management, legal, human resources, e-mail and engineering files, among others. Ideally, the systems should adhere to an overarching plan or design, like the blueprint for a house. The unfortunate reality is that such systems have been implemented over time to meet different business needs, so the challenge for organizations is to bring together content from these disparate systems and archives, and manage it intelligently from a compliance perspective.

One approach to content compliance is for an organization to use a "black box" approach and store everything, regardless of context. In terms of remodeling, this is akin to an architect incorporating everything that a homeowner wants in the design without regard to basic design principles. For an organization, such catch-all archives may actually become a source of risk and liability. The search and retrieval of relevant content for business purposes becomes difficult

and expensive—if not impossible—and the organization may end up storing content that should be destroyed under legal or records management principles.

A Smarter Approach

Effective content compliance first involves bringing together only content of business value into an enterprise content management and records management system. This approach establishes a content compliance foundation from which organizations can build out compliance tool layers and enforce various policies for compliance. For example, e-mail archiving is a critical compliance initiative for most organizations. However, most automated e-mail solutions tend to catch everything, and store it in a standalone information silo, isolated from other business content. A better approach is to automatically and selectively archive only relevant business records, then link the archive directly to a records management system for both compliance and business continuity requirements.

While the overall design or technology foundation is critical for content compliance, a culture of compliance also needs to be established, otherwise even the most sophisticated compliance strategy may fail, ultimately. Organizations must embed a philosophy of compliance into the fabric of their organizations by creating, communicating and enforcing compliance policies. In fact, according to the U.S. Sentencing Commission's Federal Sentencing Guidelines, stiff penalties may result if an organizational culture that conveys the adoption of effective compliance and ethics programs is not effectively promoted.

Technology Plus Training

To help promote and establish such cultural changes (in addition to ongoing

employee education), organizations should use a combination of technology and methodology to implement and automate processes, enforce policies and manage content. For instance, organizations can implement tools that automate the capture and declaration of corporate records, whether e-mail, documents or other content. Security tools can prevent noncompliant content from leaving the organization (or non-business content from being captured) and integrated workflow systems can simplify compliance monitoring of e-mail and instant messages. These tools can also be expanded to prevent the accidental or deliberate disclosure of corporate intellectual property to unauthorized external parties. By implementing such supportive compliance tools around a central enterprise content and records management system, organizations can ensure that both compliance and business requirements are effectively met.

Remodeling—whether a house or an organization—requires a balance between short-term necessities and long-term requirements. In terms of content compliance, organizations must strive for the right balance between meeting compliance requirements and managing their content in a business-effective manner. By keeping the overall compliance design in mind, an organization can achieve both compliance as well as operational improvements and create, ultimately, a more competitive business model, all under one "roof." ■

Yaletown Technology Group Inc. (YTG) provides content compliance infrastructure to ensure that e-mail, instant messages, intellectual property and documents are managed using records management best practices and tools. With fifteen years experience, and the most innovative approach anywhere, YTG has solutions deployed in companies worldwide.

to save the *process* that went into the creation and handling of that document. Should you be called up on a Sarbanes-Oxley issue, you can say *‘these were the controls in place at the time, this is the process we used, it was reviewed by these accountants and finance people at these different times, this is how it changed over time and the rationale behind improving the process...’* You can more accurately mitigate the risks that underlie the process surrounding each document. That’s where the benefit really pays off.

“Sure, there are substantial costs in implementing records and document management software,” Gilbert continues. “But 10 years ago they were three times that. So the market is asking the vendors to bring down costs to the point where they CAN have enterprise records management. Unlike 1995, when a records management system had eight seats, today it could have a thousand seats, or more.”

ZyLAB’s Johannes Scholtes puts it into another perspective: “The cost of a lawyer is infinite, so ROI calculation is really easy!” (*Laughter ensues.*) “As a manager under a legal discovery request, you cannot do anything else except focus on the lawsuit. You don’t stand for your business anymore...you spend more money and have less money coming in. I always say, if you find fraud before it finds you, that’s a great benefit.”

But What Will it Cost?

There are a number of ways to look at cost avoidance and value, as we’ve learned, but there are a few more we haven’t tackled yet: “Most content sits on hundreds of servers across enterprises,” reminds Collet. “That means records management allows for server consolidation, a benefit on the hardware side. You have the ability, with records management married with content management, to lower your storage costs.”

Galina Datskovsky from MDY agrees: “Absolutely—an optimized records program reduces storage costs, allows your users to get at records faster in a more efficient way, allows you to know that the record you have retrieved is the correct one and eliminates mistakes. Sarbanes, etc., may be making it more visible, but I’m finding that companies are embarking on records programs for those reasons and beyond purposes of regulation. Very seldom is the records program Sarbanes-driven. The example of Morgan Stanley, and the concern companies have around litigation, has done more for records management than Sarbanes-Oxley has,” she says.

Collet adds another aspect or two: “The cost for a legal discovery effort is around \$400,000 for each effort. But a harder number to pin down is ability to craft an effective legal strategy, based on your knowledge of

the information you have. If you know you’ve got something responsive to discovery ahead of time, you can review it early on and create a legal strategy to address it. Perhaps you can get a settlement, rather than go to court, where something inappropriate could be revealed.”

Hummingbird’s Pery adds “Section 404 (of the Sarbanes-Oxley Act) doesn’t necessarily mandate that you have an automated solution...just that you comply. But if you don’t have an effective system in place, estimates are that you’ll use 1,000 person-hours to create a 404-compliant environment and a minimum of \$100,000...probably much more. The costs of implementing are quite high, but the risks of NOT doing it makes it imperative.”

Open Text’s Rabe adds, “A law firm we work with estimates it costs \$2 to locate a *single* e-mail message in a legal discovery. With all the news surrounding Morgan Stanley, Philip Morris and the rest, you can imagine the costs of a legal discovery. Then, without rigor in the organization of information and records, your company may STILL not be able to find pertinent information, and face huge fines on top of the costs of discovery! So it’s obvious that putting rigor into your records plan will have a huge cost avoidance.”

Mojica concurs: “Legal discovery is one expensive proposition. Once a customer realizes they can use the same system for regulatory compliance AND to address a legal discovery, that’s where a lot of the ROI comes from. We have customers who have paid for their entire system by avoiding the costs from one legal discovery request. I wish we’d have charged more!”

The Chilling Effect

It’s tempting to look at the recent regulatory flurry as merely another pain in the ... pocketbook. But there have been subtler effects, not the least of which has been the shift in the relationship between corporate financial officers and their auditing firms. Formerly, a company and its auditors could be termed “partners” in the sense of an old-boy’s network of *you scratch my back and I’ll scratch yours*. But not anymore. Auditors are now as liable for financial misdoings as the CEOs who face the perp walk into a US District Court. And that has created a chilling effect between companies and auditors. “Yes, it’s become an arm’s-length relationship,” confirms MDY’s Datskovsky. “A lot of our customers have changed auditors, because they either felt uncomfortable with the new relationship forced onto them, or they felt there were too many internal loyalties. However, with the reduction of the number of auditing firms, it’s hard to change auditors...at least in the larger arena. An interesting side effect of Sarbanes is that the largest auditing

firms (*the “Big Five or So”*) have been seeking larger clients and telling smaller clients to go elsewhere. The audit companies are also hiring like crazy...it’s a great time to be an accountant,” Datskovsky says.

Hummingbird’s Pery adds, “Organizations are much more cautious recognizing revenue, and every time there’s even a small contentious issue, they have to go to the auditors for comment. And they (the auditors) in turn may need executive approval within the auditing firm to mitigate their own risks. And that costs money.”

“Companies are spending twice as much if not more to their audit firms post-Sarbanes, so that doesn’t sit well,” says Gilbert. “They used to send draft-work to their auditors, and ask for their thoughts. Now they want it to be locked down first. If they send something in draft form, the scrutiny they’ll be under later will be immense.”

Harald Collet puts another spin on it: “There is a much more aggressive auditing of IT controls, typically using COBIT (Control Objectives for IT). We see records management right up there at the top as a red flag, because once you start going through the 250 or so control objectives of COBIT, you often run into areas where you have to retain important information as part of the change-management process, for example. The change in the relationship between auditors and companies can be seen and is felt directly in the IT department, and that translates in how people look at these technologies. It’s all connected.”

“Every company that has been fined or investigated under the SEC and other regulators has had heavy-duty compliance officers and heavy-duty IT that were minding the store,” says Mojica. “They were trying their best to mitigate the very risk they got dinged for. And they don’t know what went wrong! It’s all about the changing of the business climate.”

It sure is. And that’s what the rest of this White Paper is all about. The good news: we’re all trying to sort it out together. ■

Andy Moore is a 25-year publishing professional, editor and writer who concentrates on business process improvement through document and content management. As a publication editor, Moore most recently was editor-in-chief and co-publisher of KMWorld Magazine. He is now publisher of KMWorld Magazine and its related online publications.

Moore acts as chair for the “KMWorld Best Practices White Papers,” overseeing editorial content, conducting market research and writing the opening essays for each of the white papers in the series.

He has been fortunate enough to cover emerging areas of applied technology for much of his career, ranging from telecom and networking through to information management. In this role, he has been pleased to witness first-hand the decade’s most significant business and organizational revolution: the drive to leverage organizational knowledge assets (documents, records, information and object repositories) to improve performance and improve lives.

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