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Federal Government's Call to Action on Records and Information Management in the Digital Age Should Spur Similar Efforts in the Private Sector

President Obama's November 28, 2011 memorandum to Agency and Department Heads in the Executive Branch is a clarion call regarding the long term importance of improving records and information management practices in the digital age for both compliance and efficiency purposes. Indeed, the memorandum noted that "proper records management is the backbone of open Government."

Among other mandates and requirements, the Memorandum requires the Agency and Department heads to, within 120 days,

...submit a report to the Archivist and the Director of the Office of Management and Budget (OMB) that:

- (i) describes the agency's current plans for improving or maintaining its records management program, particularly with respect to managing electronic records, including email and social media, deploying cloud-based services or storage solutions, and meeting other records challenges;
- (ii) identifies any provisions, or omissions, in relevant statutes, regulations, or official NARA guidance that currently pose an obstacle to the agency's adoption of sound, cost-effective records management policies and practices; and
- (iii) identifies policies or programs that...would assist the agency's efforts to improve records management.

Memorandum at 2.

The blueprint for action in the November 28 memorandum reflects a substantial understanding of the challenges to handling records and information in a "business as usual" fashion. The volumes of electronically stored information generated and received by government and business today cannot be handled in the same way paper files were handled years ago. In addition, the creeping accumulation of discarded or abandoned electronic data in organizations threatens regulatory and legal compliance objectives as well as causes excessive and increasing Information Technology costs.

Corporations should similarly step back now to analyze how to best manage the exploding amounts of data in their organizations. Each organization faces the same array of compliance and costs concerns



faced by the federal government. These problems will not be remediated without recognizing the scope of the challenges and then undertaking a fundamental reassessment of legal obligations, compliance objectives and business needs. It may well be that one or more industries will also need to approach regulators and legislators to revise the way in which we, as a society, expect organizations to cull and protect “records” for long term retention from among the universe of data that is virtually unbounded at this point.

Now is indeed the time for action. A copy of the White House memorandum is available at the following link: <http://www.redgravellp.com/userfiles/files/PresidentialMemo.PDF>.

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