



## PRE SUMMIT WORKSHOP

# INFORMATION GOVERNANCE & COMPLIANCE: OPPORTUNITIES TO MITIGATE RISK

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# TODAY'S SESSION

- Identify scope of Information Governance (IG) program
  - What
  - Where
  - Who
  - How
- Risks & Roadblocks
- Table exercise - case study review
- Recap table work & take away lessons
- Valuable resources, including IG session highlights over next few days

# KEY QUESTIONS FOR INFO GOV PROGRAM

- What (data)
  - *do* you store?
  - *should* you store?
  - should you *not* store?
- Where and how is it stored?
- Who
  - *is* involved in storage/handling decisions?
  - *should* be involved?

# DATA STORAGE CONSIDERATIONS - IT'S ALL ABOUT THE INVENTORY

- How do I know what I have?
  - *Data* inventory
    - Govt, PHI, PII, PCI, IP,
    - Sensitive, confidential, privileged
- How do I know where it is?
  - *Location* inventory
    - DMS, network drives, local drives
    - Mobile devices
    - Removable media
    - Cloud (e.g. DropBox, Facebook, Google, Siri)
    - Backup tapes
    - Paper

# IG PROGRAM PARTICIPANTS - THOSE WHO...

- Practice area & departmental representatives  
> those who *know the content*
- Lawyer SMEs & Office of General Counsel  
>those who *know the laws*
- Firm leadership/management  
>those who *have the power* to enforce the rules
- IT  
>those who *know the storage & security* options

# REQUIREMENTS & GUIDELINES - SO MANY DIRECTIONS & ACRONYMS....

## REQUIREMENTS

- **GDPR: General Data Protection Regulation**
  - Data protection for EU individuals, including export of personal data outside EU.
  - April 2016 approved - May 2018 enforcement
- **New York Cybersecurity Rules**
  - Regulation for banks & insurers to meet min cyber-security standards & breach reporting.
  - Feb 2017 announced > at least 18 months to implement
- **NIST NICE: National Initiative for Cybersecurity Education**
  - Presidential order to strengthen cybersecurity of federal networks & critical infrastructure
  - May 2017 (nist.gov)

## GUIDELINES/REFERENCES

- ACC (Asso of Corp Counsel)
- Sedona Conference working groups (WG11 - Data Security & Privacy Liability)
- ABA (American Bar Asso)
- CLOC (Corporate Legal Office Consortium)
- ARMA (American Records Mgmt Asso)

# OPPORTUNITIES FOR CLIENT SATISFACTION

## *What our clients tell us*

- ‘...focus on process and outcomes (rather than a continued focus on lawyers just performing tasks), and more attention to client goals and results.’
- Define [the client’s] objectives in the engagement and advise [the client] if they change
- Build in common benchmarks to track progress as well as warning signals and establish cycle time expectations jointly with clients for phases of matters and processes
- Never ‘reinvent the wheel’...encourage efficiency and continuous improvement
- Sign up for electronic news alerts on the firm’s top clients and report to client teams
- What could the company do differently to make sure the good things are not just happenstance, and change the bad things to avoid similar problems in the future?
- Make continuous improvement a built-in process...Have a feedback loop – where performance data is discussed..

ACC Value challenge > connecting the value of legal services to the cost

# CLIENT REQUIREMENTS

## *What we experience in our audits & OCGs*

### \*IG areas

- \*Policies
- Awareness training
- \*Data handling (least privilege)
- \*Retention policies (data, backup)
- Encryption (motion, rest, TLS, removable media)
- BC/DR plans
- Right to audit (on-site, data center)
- Patching
- Testing (pen, internal, external)
- Insurance (cyber)
- Incident management



# CHALLENGES TO IG PROGRAM- RISKS & ROADBLOCKS

- Lack of communication & clear expectations
  - From firm leadership
  - From matter team
- Lack of clear workflow > who 'owns' the process?
- No centralized handling
- No centralized documentation (or any documentation)
- Short deadlines > rushing to handle
  - ‘Your lack of planning now constitutes an emergency for me’
- Lack of staff and/or expertise
- Applies to everyone EXCEPT...
- Fear of being open with client > appear unknowledgeable, unprepared

S000000.....

Let's tackle some of these challenges

What  
Where  
Who  
How

*And turn them into opportunities!!!*

# BREAKOUT DISCUSSIONS

- Case study review (12 minutes)
- Discuss & be prepared to share at end:
  - Critical points
  - Biggest challenges
  - Next steps
  - Client collaboration opportunities

# CASE STUDY DETAILS

## 12 MINUTES

Discuss & be prepared to share at end:

- Critical points
- Biggest challenges
- Next steps
- Client collaboration opportunities

- Your table has been tasked as your firm's IG group. Firm facts:
  - 600 users
  - 5 offices (NY, LA, DC, KC & UK)
  - Core practice groups/clients services: Govt contracts, financial, healthcare, trusts & estates
  - No formal retention policy in place
  - No written security / risk policies
  - Data stored in optimistic DMS as well as shared drives across offices, 3 Lit sppt systems, local workstations (no local save restrictions)
  - USB drives not locked down (except for two matter teams in NY due to ABC bank requirements)
  - Cloud storage blocked (no written policy)
  - Two IT security people who also oversee governance function (1 technical, 1 transferred from library)

# MERGER DISCUSSIONS

## 8 MINUTES

Discuss & be prepared to share at end:

- Critical points
- Biggest challenges
- Next steps
- Client collaboration opportunities

### Back ½ of Room

100 person Chicago office w/written retention policy (retain all data for 7 years)

Box (client) used for cloud storage needs in Denver & SanFran offices of 50 people each

### Front ½ of Room

100 person firm with pessimistic DMS in UK - part of ISO compliance

75 person FF office being brought on to support international ABC banking work. USB drives can't be locked down due to office privacy policy.

# BREAKOUT RECAP

- Share:
  - Critical points
  - Biggest challenges
  - Next steps
  - Client collaboration opportunities

# SESSIONS WITH IG FOCUS OVER NEXT TWO DAYS

- Closing the Barn Door: Is It Too Late To Mitigate the Risk of Mobile Lawyers?
- Tues 1:30pm
  
- Real-World Data Loss Prevention for Your Organization
- Tuesday 3pm
  
- Optimistic DMS: New Mandates and Drivers Forcing Changes to Firm Security Practices
- Wednesday 1pm

# ADDITIONAL REFERENCES

- ARMA Info Gov Benchmarking Survey:
  - <http://www.arma.org/docs/default-source/research/cohasset-survey-ig-2017-final.pdf?sfvrsn=2>
- Gartner Strategic Roadmap for Info Gov
  - <https://www.gartner.com/doc/3645361?refval=&pcp=mpe>
- Sherpa - Understanding your data
  - <http://hsinfo.sherpasoftware.com/hubfs/Headers/the-value-of-reporting-and-analytics-to-your-business.pdf?hsCtaTracking=b137f30e-4755-4d80-9292-86a94573aaa3%7C430bf050-c6ef-471e-a81f-13493345285c>