



ORACLE

Legal Issues and Retention Management

Reducing Risk by Leveraging Your IT Investment

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About your Presenter

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- ✓ A Technology Specialist, not a legal advisor
- ✓ 20+ years in Information Management
- ✓ 4 years at Oracle
- ✓ ARMA and AIIM Member
- ✓ Experience across various customer segments
- ✓ Coded one of the first Electronic Records Management Systems for the Quebec National Archives



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About Oracle Corporation

Scale

- \$36.5B in revenue on a trailing twelve-month basis*
- #1 in 50 product or industry categories
- 380,000 customers in 145 countries
- 20,000 partners / 108,000 employees / 14 million developers in Oracle online communities
- Leading provider of enterprise business and infrastructure software and enterprise hardware to the Travel and Transportation Industry



Innovation and Investment

- 32,000 developers and engineers
- 18,000 customer support specialists, speaking 27 languages
- 17,000 implementation consultants
- 1.5 million students supported annually
- 850 independent Oracle user groups with 800,000 members

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Terminology Alignment



- **Records management**, or RM, is the practice of maintaining the records of an organization from the time they are created up to their eventual disposal. This may include classifying, storing, securing, and destruction (or in some cases, archival preservation) of records.
- The **retention period** of a document is an aspect of records management. It represents the period of time a document should be kept or "retained" both electronically and in paper format. At the termination of the retention period, the document is usually destroyed
- **Electronic discovery** (or e-discovery or eDiscovery) refers to discovery in civil litigation which deals with the exchange of information in electronic format (often referred to as electronically stored information or ESI)

Source: Wikipedia

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Why E-Discovery ?

A Climate of Change...



- **General Recognition of “Digital Birth”**

- “Today it is black letter law that computerized data is discoverable if relevant.”

Anti-Monopoly, Inc. v. Hasbro, Inc., No. 94CIV2120, 1995 U.S. Dist. LEXIS 16355 (S.D.N.Y. 1995)

- **Difficulty in Discovering?**

- Electronic Storage = Electronic Retrieval

Kaufman v. Kinko’s Inc., 2002 WL 32123851 (Del. Ch. 2002)

- **Expense in Producing?**

- Millions Mean Nothing!

Toshiba v. Lexar, Superior Court of Santa Clara County, 124 Cal. App. 4th 72 (Cal App. 2004).

- **Spoliation of Evidence Is a Fatal Mistake!**

- That’s *Billions* with a “B”

*Coleman Holdings v. Morgan Stanley & Co., No. CA 003-5045AI, 2005 WL 674885, at *9-10 (Fla. Cir. Ct. March 23, 2005).*

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So, what's the problem with searching?

Content Volume Issues

Audience	Issues
USERS	<ul style="list-style-type: none">• Amount of time searching for content• Outdated / uncontrolled content, leading to poor decisions
IT	<ul style="list-style-type: none">• Cost of finding & implementing technologies to cope (search, multiple devices, storage, content management, archiving / backup)• Labor costs - implementation and maintenance• IT often designing content retention policies• Touches critical systems such as emails and Enterprise applications
LEGAL	<ul style="list-style-type: none">• Discovery extremely costly• Discovery cost (roughly) proportional to volume of content• Risky to keep information that should be eliminated (issue during discovery)

What can we do about it ?

3 Practical Requirements

- Complete Enterprise Search or Awareness
- Even & Demonstrable Retention
- Demonstrable Freeze/Hold Capability

3 Practical Approaches

- ✓ Policy
- ✓ Procedure
- ✓ Technology

What's needed

Policy

- 1st Thing Auditors/Counsel Request
- Public Records Commission Consideration
- General Counsel/Legal Relevance

Procedure

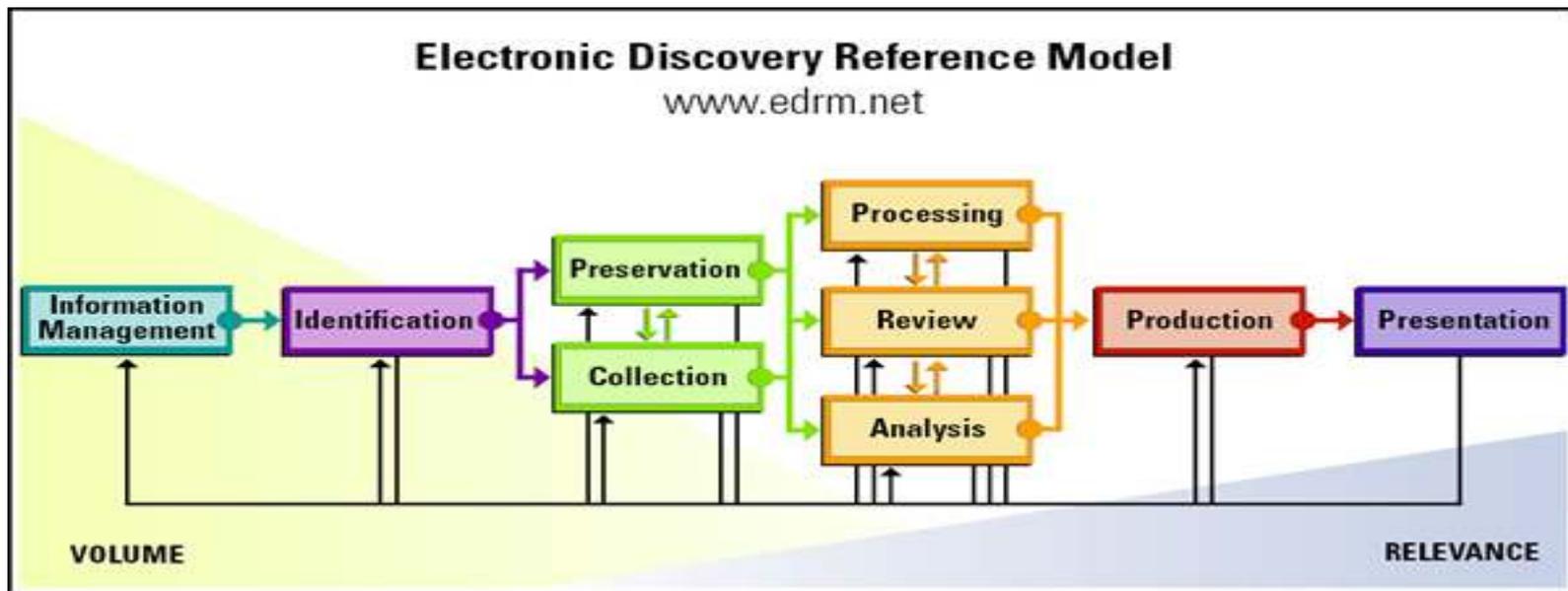
- Data and Content Audit
- Taxonomy/Classification Schema
- File Plan/Retention

Technology

- Provide an enterprise content management (ECM) infrastructure for content and applications
- Manage all content stores, including legacy systems

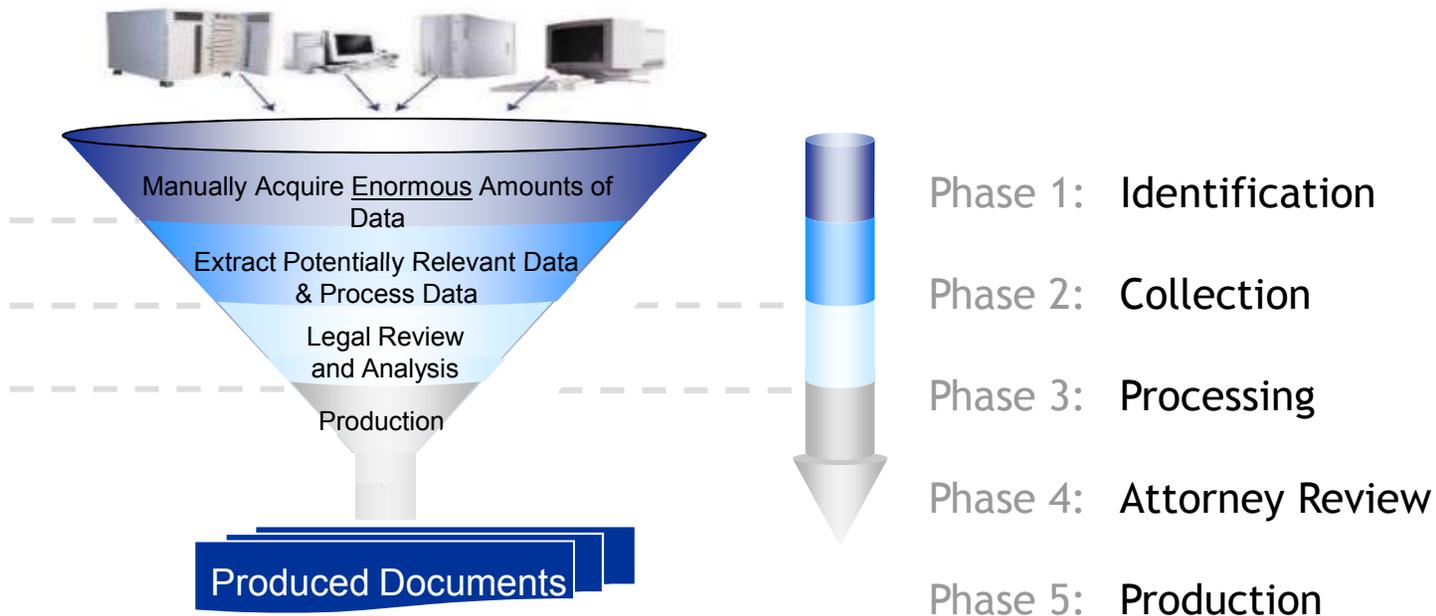
Formulating a Strategy

Best Practices Resources



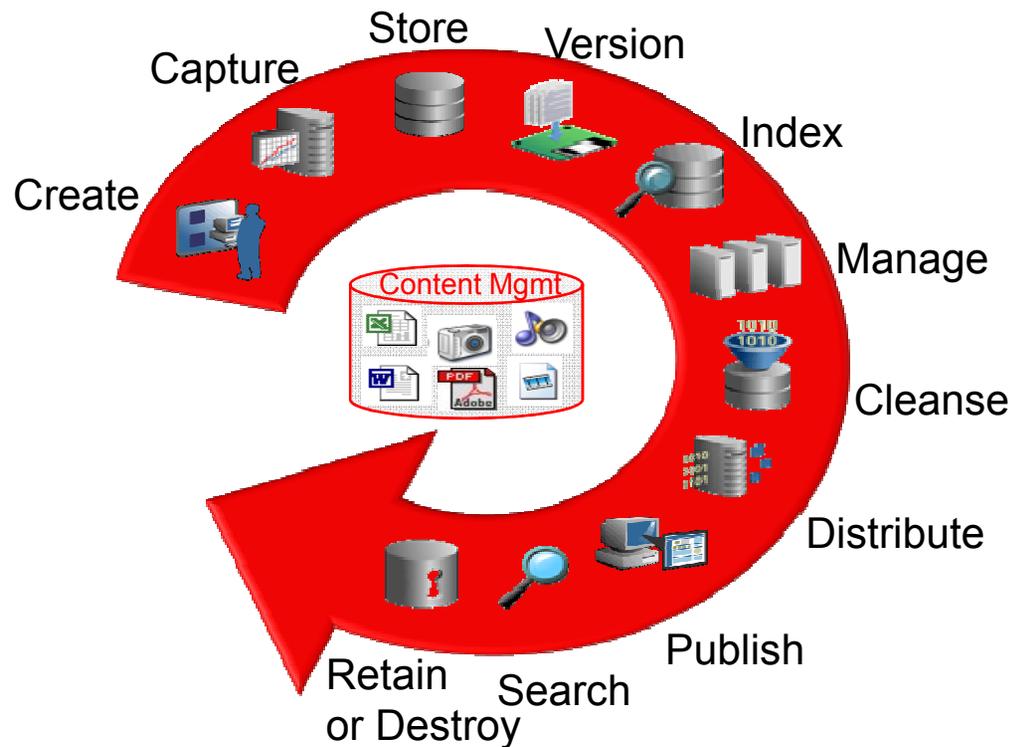
Formulating a Strategy:

Reduce The Pool Quickly & Efficiently



Consolidation

Bring Critical Content into a Managed Environment

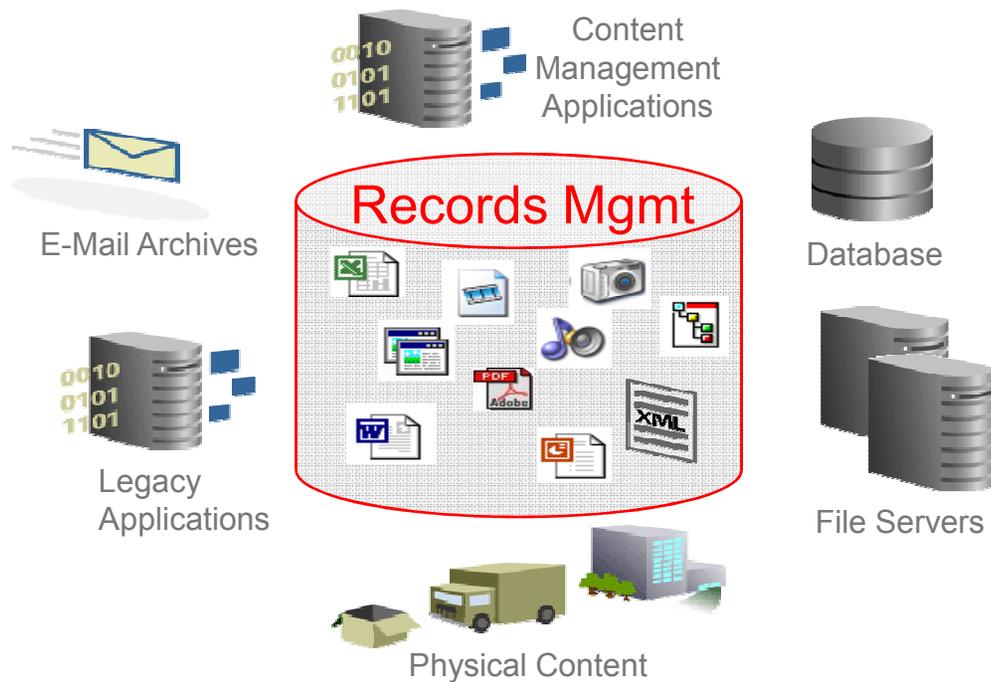


Why?

- **Developing an ECM standard...**
 - Reduces integration and administration costs
 - Minimizes risk
 - Eliminate redundant steps
 - Enables content to be shared more efficiently

Federation

Management Across All Content Stores, Including Legacy Applications

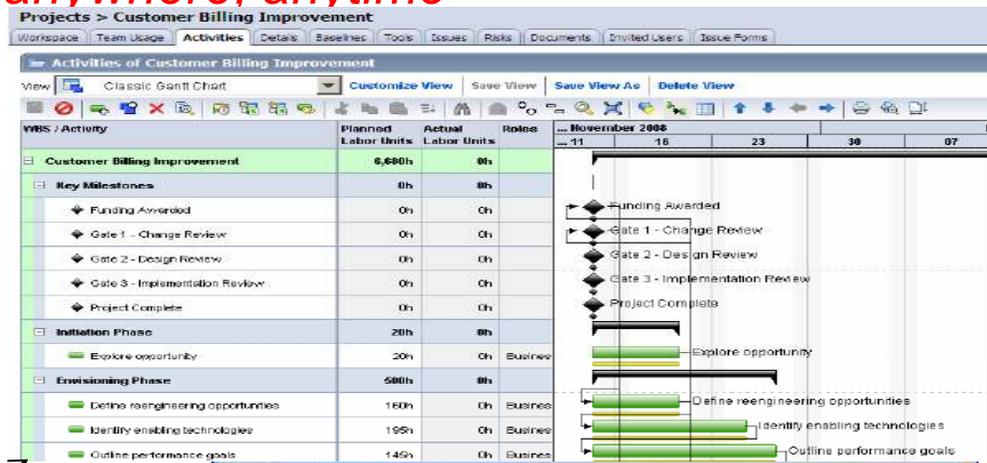
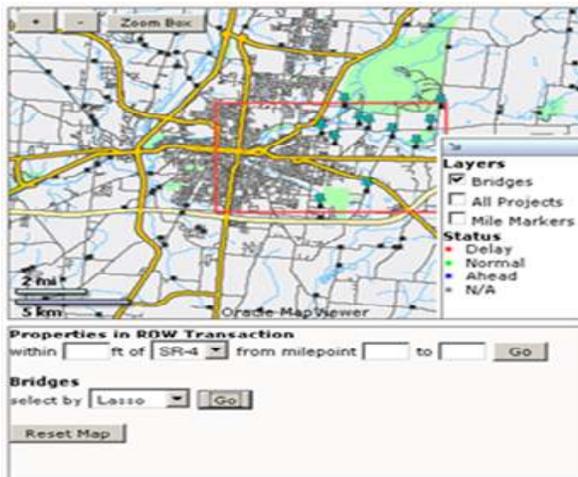


Why?

- **Reality: mixed environments**
- **Not all content will move to strategic ECM infrastructure**
 - Resource constraints
 - ROI of the move
 - Existing integrations in place
 - Critical business needs

Connect with your Applications

Secure access to content anywhere, anytime



The screenshot shows the 'ORACLE Managed Attachments' interface. It displays a table of managed attachments for a specific project:

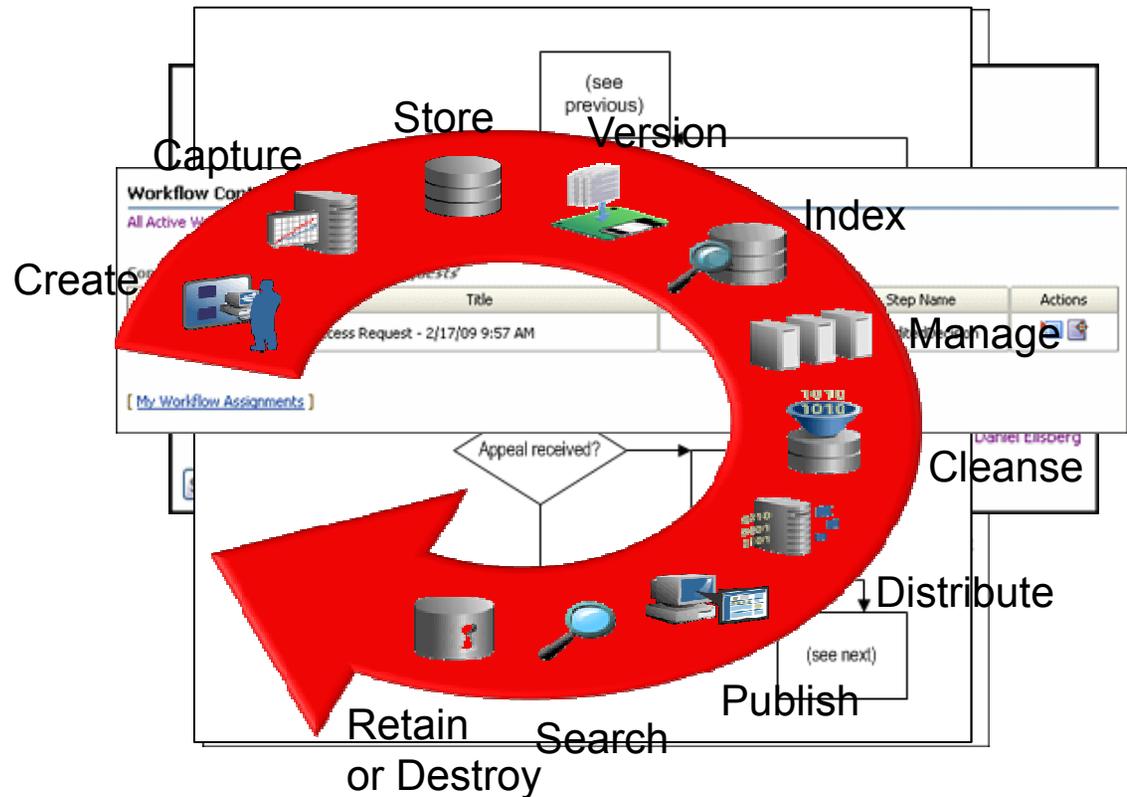
Name	Title	Author	Size	Date	Info	Full	Properties
...	SELECTING DEVICES SAFETY BULLETIN	...	21 KB	10/21/09			
...	Plan of Broken ceiling panel	operations	11 KB	10/21/09			
...	GUIDANCE INSTRUCTIONS - ELEVATOR	operations	31 KB	10/21/09			
...	Schedule for Building 100 elevator inspection	operations	16 KB	10/21/09			
...	Maintenance Dept. Elevator Safety Policy	operations	28 KB	10/21/09			

The screenshot shows a document viewer interface for a document titled 'construction Environment Documents'. It includes the following information and options:

- Bridge: 1074
- Title: construction Environment Documents
- Author: sysadmin
- View Document
- Check Out and Open
- Launch AutoVue
- View Content Information
- Primavera

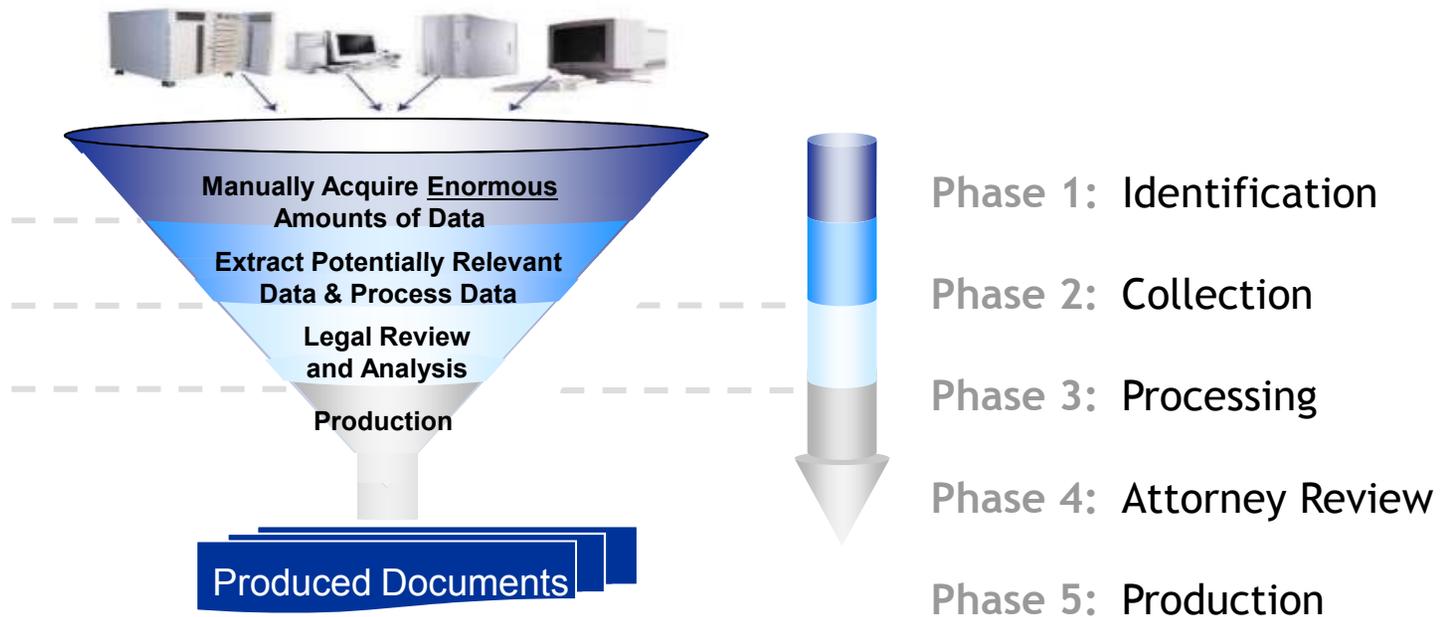
Handling FOIA Requests

- Forms
- Workflow
- Approval / Denial
- Bundle packaging
- Records Management



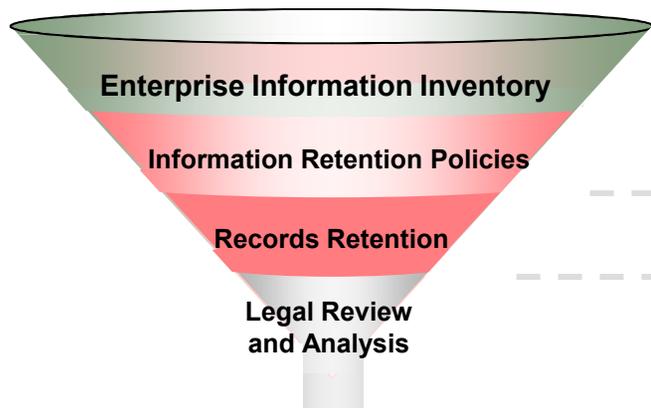
Back to “The Funnel”:

Reduce The Pool Quickly & Efficiently



The End Goal:

Combine Policies and Procedures with Technology Solutions



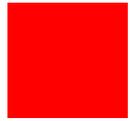
**Broader, Consistent,
Enforced Policies
Combined with
Technology Reduce
Exposure**

Knowing What You Have

Keeping What You Want

Keeping What You Need

Reducing the eDiscovery
burden



Questions...



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