

## Records & Information Governance

# Helping clients manage & protect valuable business information



### Whether you are seeking to

- develop compliant, defensible records management programs
- navigate sensitive information governance issues
- integrate records management policies and programs with broader business strategies and objectives
- proactively manage information governance risks

our attorneys combine knowledge of strategic information governance, records management, and cybersecurity with judgment and experience to guide clients through an array of challenging situations.

### Using teamwork and technology to drive value tailored to your needs

- Service workflows to leverage in-house resources and technology to help achieve cost efficiencies
- Culture-based approach: fundamentally, information governance and records management are rooted in your organization's culture – there is no one size fits all
- Policies to fit business needs, large and small

### Our team leverages a wealth of experience to bring practical perspectives to your challenges

- Experienced team of attorneys with litigation and discovery backgrounds bring practical perspectives to the design and implementation of sound information governance policies
- Lawyers with broad experience working with legal, IT, information security, and business partners as a company to implement information governance and records management policies and practices
- Technology professionals possess a thorough understanding of system architecture and various data types that enable informed decision-making

### Related Capabilities

Cybersecurity & Data Breach Response

Data Collection, Processing & Production

E-Discovery & Review Counsel – Investigations

E-Discovery & Review Counsel – Litigation

Enterprise Data & Mobile Device

Enterprise E-Discovery Counsel

Hosting & Migration

Litigation Readiness

Predictive Coding & Analytics

Review

Second Requests

Strategic Advocacy

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## An approach embraced by a wide variety of clients from all areas of industry

We serve a broad range of clients, from those facing large complex cases, government investigations, and transactions to those just beginning to contemplate information governance challenges.

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## Our clients include

- Fortune 50 companies
  - Privately held companies
  - Businesses with global operations
  - Heavily regulated companies
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## Our experience starts from the ground up: minimizing risks and improving litigation readiness

As enterprise e-discovery counsel and global discovery and review counsel for Fortune 200 clients and clients in heavily regulated industries, we understand the importance of good information governance and preservation practices up front to help minimize risks and improve litigation readiness. Our team regularly reviews and analyzes large volumes of client business information, and advises clients on implementing defensible records management and information governance practices.

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## Collaborative and integrated approach helps clients with

- **Defensible disposal strategies** – business-based rationale for information governance and defensible disposal strategies
- **Strategic gap analysis** – strategic approach to information governance, including assessment of current programs to identify gaps and implement new strategies
- **Cybersecurity preparedness and response** – and related evidence preservation and law enforcement communications and coordination counseling
- **Preservation and legal hold policies and practices** – including lifting legal holds
- **Policies and training** – including policies for records management, electronic communications, use of company-owned devices, or bring-your-own-device (BYOD)
- **Interplay with e-discovery** – including integrated and defensible litigation readiness, data breach response, and e-discovery strategies
- **Playbooks** – for information governance lifecycle practices

## Why Nelson Mullins Encompass?

We leverage insights gained as discovery counsel to help clients “see around corners” and implement sustainable programs designed to integrate with broader information governance practices

- **Advocacy & Accountability** – As advocates in the discovery context, we utilize experience gained in litigation to help implement defensible information governance programs
- **Technology & Scalability** – Our client service model enables us to scale client service teams and workflow to meet client needs
- **Integrated and Holistic Approach** – We partner with clients and their business partners to consider legal, business, information technology, and security needs
- **Predictable Fee Structure** – Our practices enable sound schedule and budget management

## Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

### **Advised Fortune 200 Client on Email Preservation Strategies**

- When a Fortune 200 client needed help assessing its legal hold practices, it turned to our firm. Our client's objective was to develop automated processes for segregating email subject to legal hold and for enforcing its retention policy for email not subject to legal hold. Our approach included providing guidance on enforcing the retention policy, assessing legal holds inventory, developing search terms, conducting sampling, and performing due diligence and on the process for segregating email subject to legal holds. Through these efforts, our client was able to develop a framework to implement reasonable and defensible preservation practices as part of its enterprise information governance and litigation readiness strategies.

### **Crafted and Refined Defensible Information Disposal Processes for Fortune 100 Client**

- As part of our client's enterprise records management program, the client asked for advice on how to manage a significant amount of backup tape data. Working collaboratively with the client's legal, IT, and records management professionals, we developed a systematic approach to assess whether the tapes may be eligible for disposition. Our approach included identifying the team, assessing internal policies and practices, implementing project management practices to map workflow and assess information, and providing guidance and legal analysis on retention and disposal. Through these efforts, our client was able to reduce risks associated with maintaining information that is no longer needed for business or legal purposes, and to significantly reduce its records storage costs.

### **Designed and Implemented “Bring Your Own Device” Policy for Global Pharmaceutical Client**

- With a workforce that spans the globe and a forward-thinking approach to leveraging technology, our pharmaceutical client contacted us for advice on implementing a strategy for employees to use their own mobile devices for business purposes. We advised the client on developing user guidelines and integrating these with broader electronic communications policies, and on practices to roll-out and implement the new policy and approach. Benefits to the client include information governance practices that reflect the business realities and technology tools used by their workforce.

