

# *What to Shred and How to Archive*

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# *How and Where to Dispose of Hardware*

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There is no “Magic” solution to your records

- The ability to Organize, Maintain, & Access needed Information, and then properly Disposing of the rest pays off, giving you:
  - Costs Savings
  - Efficiency
  - Regulatory Compliance
  - Reduced Litigation Risk

# Repository Concepts

- Where Records are filed
- Have as few as possible
- In General, there are two types of records
  - Physical Records (in a file folder)
  - Electronic Records (on a file server)
- Two places never used for Records Repository
  - Back-up Tapes
    - Disaster recovery only
  - E-mail
    - Communications

## Two Types of Records Systems

- Document Management Systems (DMS)
  - Electronic Records, to include email
- Records Management Systems (RMS)
  - Index of Files and Folders for hard copy records

# Law Firm Records Management is Unique

- Two “Big Buckets” of Records in a Law Firm
  - Administrative
    - Having to do with the Business of law
  - Representative
    - Having to do with the Practice of Law

Types Accounting Of Records	Retention Period (Years)
Auditor's Reports	P
Budgets	7
Cancelled Checks	3
Depreciation Records	P
Officer, Director, & Employee Expense Reports	3
Employee Payroll (W2; W4; Annual Earnings; Payroll Journals)	3
Invoices, Accounts Payable & Accounts Receivable Ledgers	7
Petty Cash Vouchers	3

Types of Corporate Records	Retention Period (Years)
Annual Reports	P
Contracts	Expiration +7
Internal Reports & Memos	3
Correspondence: General & Routine	3
Insurance/Policies (General)	P
Accident Reports	7
Legal – Claims & Litigation Files	P
Professional Liability Policies	P

Types of Personnel Records	Retention Period (Years)
Applications	1
Interview Notes	1
I-9's	3 years after hire 1 year after termination
Employee Files	3
Garnishments	7
Employee Contracts	Expiration + 3
Pension Documents Profit Sharing Plans	6
Pension Plan Documents	P
Time Cards/Sheets	3
Medical or Exposure to Toxic Substances	30



Types of Business Records	Retention Period (Years)
Real Estate - Leases	Expiration + 7
Real Estate – Deeds	P
Real Estate – Mortgages	P
Income Tax Returns	6
Payroll Tax Returns	4
Property Tax Returns	P
Sales & Use Tax Returns	4

# Representative: The Practice of Law

## ISBA Opinion 08-02 (File Storage & Retention Policy)

- Create a Written File Destruction Policy
- Retention period can not be shorter than six (6) years
- File Destruction Policy should be clearly communicated in your engagement letters to clients

# When a File is Complete

- Return as much material to the client as possible
  - Without compromising the concerns of the attorney
  - Without compromising the concerns of the Law Firm
- Purge duplicative information in the file
- Send a closing letter to the client
  - Clearly state your File destruction policy
- Store file in an organized & easily retrievable fashion

## When a File has reached its Destruction Date

- Decide if the file can be destroyed
- Deliver a final notice to the client
- Ensure that all records have been destroyed in all forms
  - Do NOT just allow employees drop them in the waste basket

# The Ten Year Rule

- In the Absence of a Destruction policy and/or and inability to contact the client
  - File record can be destroyed after 10 years from date of conclusion
- Before the rule is put into motion
  - Review contents & make a determination as to the Statute of Limitations that may apply
  - Review contents to determine if its destruction would adversely affect the rights of any third parties
  - Review contents to determine if it contains any documents, papers, or other articles that cannot be replaced from other sources
    - If so, these items should be removed prior to destruction

# Document the Disposition

- Documentation should indicate
  - Who approved and performed the disposition
  - Date of the disposition
  - What records were disposed of
  - How much material and what date range was disposed of (Administrative Files)

## Be Consistent with your Policy

- Consistent cradle to grave application of a good Records Keeping Practice
  - Enhances attorney & staff productivity
  - Manages firm risks
  - Manages firm costs

# Records Management is a solvable problem

- Be Realistic about:
  - The Time it will take
  - The Resources it will require
  - The Cultural Challenges it will create
    - For you & your client



# Questions or Comments?



# Electronic Data:

When can it be destroyed and How do we destroy it?

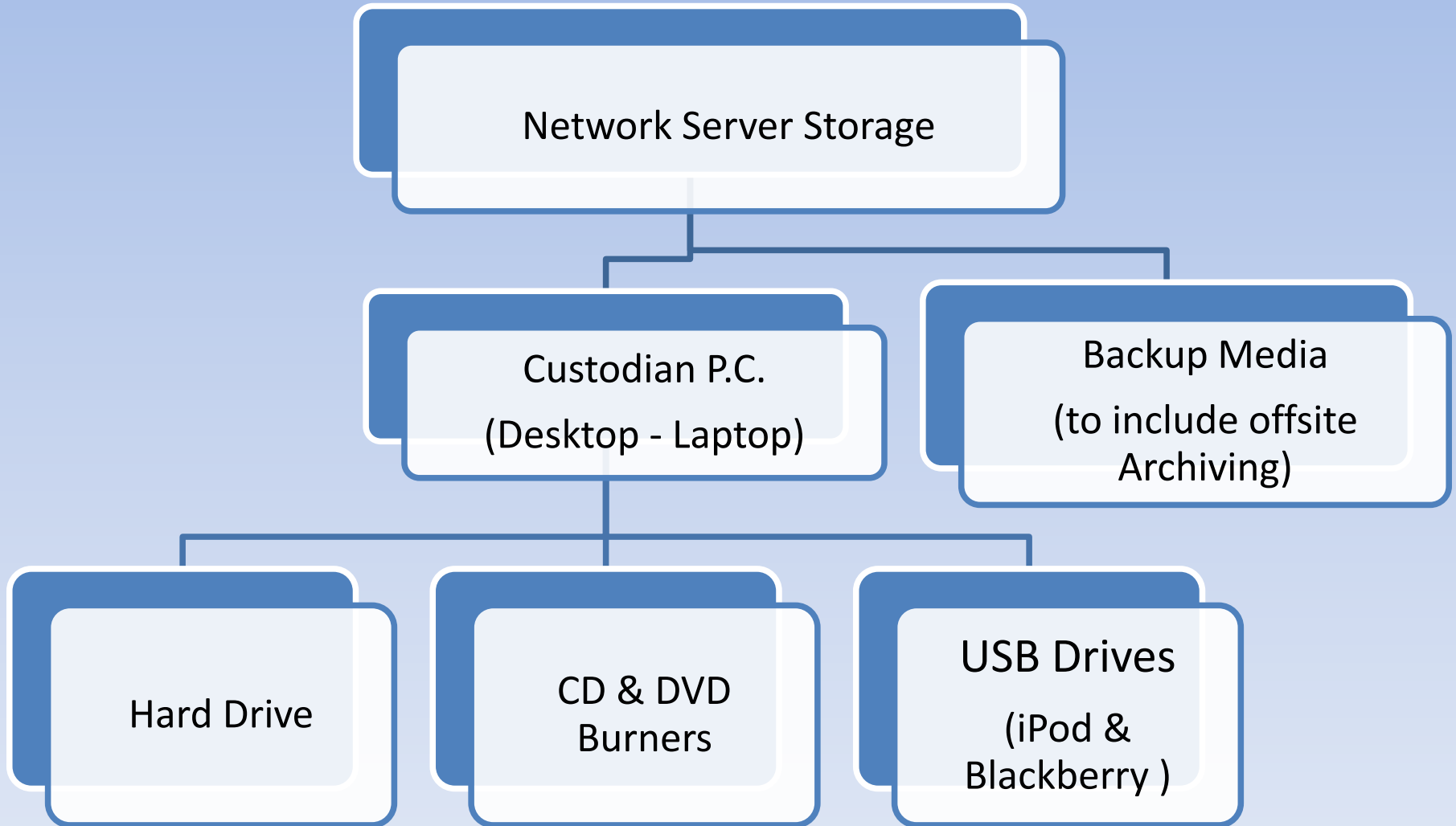


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# Identifying Data:

Who are the Custodians & Where is it stored?



# Lifecycles (Desktops):

<b>Hardware Limitations</b> (Normal operation)	<b>Policy</b> ( Suggested Average )
Hard Drive : 3 – 5 years	CPU Replacement: 3 – 5 Years
CDROM / DVDROM: 10+ Years	
USB Drive: (Use & type)	
Flash Drive Device	1 – ? Years (Depending on Use)
Blackberry Smartphone	2 - 4 Years (Depending on Use)
iPod / iTouch / iPhone	2 - 4 Years (Depending on Use)

# Lifecycles (Network):

<b>Hardware Limitations</b> (Normal operation)	<b>Policy</b> (Suggested Average )
Hard Drive : 3 – 5 years	SAN/Server Drive Replacement: 3 – 5 Years
Network Server: 5 (+) years	Server Replacement: EOML (End of Manufacturer Lifecycle)
Re-writable Tape: 2 - 4 Years (with proper storage)	Single Usage Tapes: Indefinitely (with proper storage)
	Rotational Tapes: 2 years
Optical Backup: 5 – 10 years (with proper storage)	Optical:

# Backup Software

Tape, Optical, and other media capable

- Commvault Galaxy.  
(<http://www.commvault.com/>)
- Symantec / Veritas Backup Exec.  
(<http://www.Symantec.com/>)
- Tapeware
- Microsoft backup  
(Inherent to the Operating System)
- Nero backup, burn to a CD  
(<http://www.Nero.com/>)

# Are External Hard Drives Safe for Backups?

- Dangerous:
  - Too mobile, with no encryption installed.
  - If stolen, data is easy to get to.
  - Like a PDA, if it's not password protected, the information on it is very easily accessible for anyone to use.

# Online Backup Solutions

- Check with your ISP.
- LiveVault -  
[http://www.livevault.com/solutions/smb/smb\\_overview.aspx](http://www.livevault.com/solutions/smb/smb_overview.aspx)
- Novastor - <http://www.online-backup.com/index.asp>
- Mozy pro Remote backup - <http://mozy.com/>
- Esilo - [www.esilo.com](http://www.esilo.com)
- Ibackup – [www.ibackup.com](http://www.ibackup.com)
- BitLeap - <http://www.bitleap.com/leapserv/>
- BackupRight (IASB Approved) – <http://www.backupright.com>
- LiveVault Online Backup Service - <http://www.usdatatrust.com/>



# What to Consider Prior to Data Destruction: E-Discovery & Critical Data



**Litigation Holds**

**Employee Terminations**

**Custodians of Critical Data**

**Department Specific Data**

# Can I just throw my old computer away? (Do so at your own risk)

The person buying the machine will have access to your passwords, cookies, sites that have been surfed through the internet.

Any information saved to the drive may be accessible.

Breach of confidentiality if client information is on those computers.

# Data Destruction:

Inexpensive (or free) tools to help destroy your data

- Desktop or Laptop computers: FDISK will NOT be enough
  - Darik's Boot & Nuke - (<http://www.dban.org/>)
  - Active@ KillDisk - (<http://www.killdisk.com/eraser.htm>)
  - Acronis Drive Cleanser 6.0 - (<http://www.acronis.com/enterprise/products/drivecleanser>)
  - Paragon Disk Wiper 7.0 - (<http://www.diskwiper.com>)
  - WipeDrive PRO v4 - (<http://www.whitecanyon.com/wipedrive-pro-erase-harddrive.php>)
  - Active@ ERASER - (<http://www.active-eraser.com/>)
  - Datasure Erase-IT - ([http://www.redemtech.com/erase\\_it.aspx](http://www.redemtech.com/erase_it.aspx))
  - CopyWipe for Windows - (<http://www.terabyteunlimited.com/copywipe.htm>)

# Getting Rid of Old Computers: Disposal

- Anything deleted is possible to get back.
- Make sure you run a scrubber on the hard drive of a computer before you get rid of it.
- Have a company recycle it for you for a fee.
  - <http://www.redemtech.com>
  - <http://www.electronicrecycling.net/>
- You can also recycle your machines through Dell Computer or HP. Both charge small fees. The National Safety Council also maintains a list of recyclers.
- How to Recycle E-Waste  
(<http://www.iowadnr.gov/waste/recycling/howto.htm>)

# Getting Rid of Old Computers: Selling

- You might get between \$50.00 - \$200.00 a machine used.
- Have a disclaimer that there are no warranties and are no guarantees on the machine.
- Documentation of when the computer was sold, to whom, date, and serial number of the machine along with what scrubber was used to clean up the computer.

# Questions or Comments?



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