IALS INSTITUTE OF ADVANCED LEGAL STUDIES | SCHOOL OF ADVANCED STUDY UNIVERSITY OF LONDON

THE LEGAL RECORDS AT RISK (LRAR) PROJECT

Project patrons: William Twining, Professor of Jurisprudence Emeritus, UCL and Avrom Sherr, Emeritus Professor, IALS

Project Director: Clare.cowling@sas.ac.uk

http://ials.sas.ac.uk/research/areas-research/legal-records-risk-lrar-project

Legal Records at Risk Guideline 6: advice to legal institutions on the business benefits of an information and records management programme

Contents

What is the issue and why should institutions specialised to law care?

The international standard on records management (ISO 15489) defines records management as a "field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records". Historically records have been managed within organisations as follows:

- When paper records were the primary format, most organisations recognised the need for centralised registration and management of records, including enforcement of rules for their creation, filing, retrieval and disposal followed by all staff.
- As electronic records began to be created, "hybrid" management systems were developed, usually on an ad hoc basis, with paper still being seen as the primary, managed, "record" and electronic records somehow "belonging" to their individual creators, meaning that it was not seen as necessary to have rules for their management.
- Now that records are principally maintained in born-digital format this historic lack of management has led to chaos in most organisations. Most digital records are still held

in unstructured systems (ie in Microsoft Office folders or email) with little guidance to staff on how to manage them.   Where there has been a recognition of the need for better management IT systems are procured at high expense and configured or customised to suit the requirements of individual departments rather than the overall needs of the organisation. And there is rarely a central department or even an individual responsible for ensuring the appropriate management of *all* information held in *all* IT and paper systems and creating the rules for doing so.

- Organisations quite rightly pay for qualified and experienced legal practitioners, IT professionals, auditors, accountants, knowledge managers and so on, yet only exceptionally do they invest in professional records management practitioners. Even where some rules and guidance have been created[1], the day to day management of information is still left to individuals, who may or may not have some basic records management training but do not see this function as part of their core work.

There is one simple fact which has to be recognised if organisations are to fulfil their obligations to stakeholders and work efficiently: *information does not manage itself*.

What is an information and records management (IRM) programme?

In practical terms an IRM programme means:
- The creation, implementation and application of rules for the day to day creation and filing of information.
- Efficiency and economy in the management of information and records by facilitating cost-effective space and storage of both physical and digital records.
- The regular, orderly elimination of large amounts of records that have no value once their administrative usefulness has expired.
- The preservation of records of permanent value as part of the corporate history.
- The recognition of information as an asset rather than an overhead.
- All the above controlled and monitored via organisation-wide IRM rules and policies which are fully supported by senior management.

What are the objectives of an IRM programme?

 Implementing a programme will result in:

- Cost effective management of records stores for physical records.
- A "less-paper" office.
- Assured control of electronic records.
- A central function to offer advice and manage records/archiving/disposal processes.
- Clear guidance on how to file and retrieve records, what to keep and what to dispose of to meet business and stakeholders' requirements.

---

[1] Some organisations may, for example, have guidance on document naming, version control or email management

What does an IRM programme cost?

The only significant cost is the employment of a records management professional or professionals to a) establish and b) run the programme. It cannot be emphasised too strongly that this kind of programme requires professionally qualified people in just the same way as managing IT systems or providing legal services to clients.

What are the business benefits of an IRM programme[2]?

Quick wins: a records manager (RM) should be able to almost immediately reduce storage costs by disposing of obsolete paper records. With the co-operation of IT the RM should also be able to supervise the deletion of redundant digital records and backup tapes and the decommissioning of obsolete IT systems. The RM should also be able to reduce duplication and confusion over versions by setting rules for storage of digital records.

Long-term gains: a professional RM will, in consultation with stakeholders, develop consistent rules and guidelines on:
- document and folder naming
- version control
- records classification
- security classification
- email management
- social media management
- scanning
- retention and disposal
- archiving

And advise on:
- Facilitation of a "less-paper" and eventually paper-free office
- IRM requirements for IT systems
- IRM contractual requirements (eg for external records stores; cloud storage)
- IRM and regulatory recordkeeping requirements
- Staff training in best practice

The long term nature of a programme of this kind is not to be underestimated but significant cost savings and improvements to processes and staff awareness should be possible quite quickly, *provided the programme has the full support of senior management*. This last is crucial as there will be considerable staff resistance to new ways of working corporately rather than as individuals. There may also be resistance on the part of administrative support areas such as IT, Audit, HR and Facilities to what could be seen as

---

[2] See the case study of how instituting an IRM programme benefitted Chadwick Lawrence LLP at http://ials.sas.ac.uk/research/areas-research/legal-records-risk-lrar-project/lrar-case-studies

interference in "their" way of doing things.   If senior management is not fully on board with the IRM programme there is little point in setting one up in the first place.

What part does disposing of records play?

Destroying redundant information and archiving the remainder (in the true sense of preserving a significantly small proportion of records of permanent value in an archive repository for long-term business use and public research) is the end-product of IRM. Neither destruction nor archiving is possible to carry out efficiently unless an IRM programme is in place to ensure continuity and consistency of the necessary processes.

The business benefits of destroying redundant material are obvious: they include
- Storage cost savings
- Reduced duplication
- Faster retrieval of important records
- Less wastage of staff time
- Reduction of risk and a better service to clients through legislative compliance and improved information security.

The business benefits of preserving legal records of permanent value (and making them available for research once all confidentiality requirements have expired) include:
- Re-use of records by the legal body for strategic planning, corporate branding, community engagement, speedy service to clients, better compliance with regulatory and legal requirements (especially around the management of client files) and an improved understanding of historical context, including the potential for publishing a history of the organisation.
- The business seen as caring about/part of the community, not removed from it.
- Good PR – a reputation for transparency, honesty, learning from mistakes etc.
- Better understanding by the public of the value of legal services.
- Removal of on-going management costs where records are deposited in an external archive repository.

Conclusion

There is a cost to managing information and records properly but:
- Institutions specialised to law should be doing this work anyway as part of best practice and regulatory requirements.
- The initial set-up costs will speedily be outweighed by streamlined business processes, increased staff efficiency, storage savings and better assurances on legal and general information compliance to protect the interests of staff and stakeholders.
- Clear business ownership of certain records and data will be established which will be advantageous in the event of a future split or merger.
- The historical archives documenting the history of the organisation will be protected even in the event of a merger or split.