

CREATIVE SOURCING FOR LAW FIRM INFORMATION GOVERNANCE



CONTENTS

- 06 EXECUTIVE SUMMARY
- 07 INTRODUCTION
- 09 PART ONE| The IG Roadmap
- 11 PART TWO | Creatively Sourcing Personnel Support
- 16 PART THREE | Leveraging Existing Technologies and Processes
- 19 PART 4 | Case Studies
- 23 CONCLUSION
- 24 APPENDIX

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EXECUTIVE SUMMARY

As has been pointed out in an earlier LFIGs publication, law firm executive leaders are under significant pressure to reduce cost, increase lawyer productivity and expand market share.^{III} At the same time, the executive leader juggles a variety of competing projects in which the firm must invest in order to achieve long-term cost savings, or to comply with a steadily increasing number of regulations either pointed directly at law firms or imposed on the firm by highly regulated clients. Information security is the best example of this: the firm holds certain types of information that makes it directly subject to specific international, federal or state privacy laws, but it also holds information on behalf of highly-regulated clients who impose their legal requirements on outside counsel as a requirement for their continued business. Investing in a robust information security environment is no longer an option, but a necessary element of law firm operations. In addition, managing the firm's compliance with its portfolio of client-imposed information management parameters is itself a challenging endeavor, and no less important given the relationships at stake.

Executive leaders focus on several areas of the firm to provide the cost savings needed to fund critical projects and reduce the firm's operating costs. These include staff compensation, real estate and other capital expenses, contracts for the purchases of goods and services, and unnecessary internal programs. In addition, executive leaders also look for innovative solutions to manage costs in two areas that have a direct impact on Information Governance (IG) and the effort to implement an IG program.

PROCESSES AND SYSTEMS

Streamlined business processes and the efficient use of technology are two ways that firms can lower cost and enhance lawyer productivity. Many have recently engaged in a variety of efforts, such as Six Sigma and other similar concepts, to re-engineer the ways in which lawyers and staff work. At the same time, firms are reluctant to invest in new systems unless they are absolutely necessary. Instead, executive leaders challenge staff to find creative ways to use systems already in place to achieve necessary goals.

From an Information Governance perspective, many firms' executive leaders understand that the tipping point whereby lawyers and staff rely almost exclusively on electronic information, including documents and email, has arrived. They know that the lawyer's ability to quickly create, store and find critical digital content is essential to lawyer productivity and sustained client relationships. They realize that change is needed, involving new ways of using the firm's information management systems as well as refining the information management habits of lawyers and staff.

PEOPLE

In the wake of the technology transformation, many traditional support jobs have changed significantly, or have become obsolete. Law firms struggle to redefine the role of the legal secretary, and many back office jobs in technology, accounting and records management have drastically changed as a result of automation. Although firms have downsized, many still retain staff who have a deep understanding of the firm and its clients, but who are often underutilized. Their retention by the firm depends on their acquisition of new skills and tasks that allow them to continue adding value.

As will be seen in this report, the Information Governance leader can offer many creative and imaginative ways to leverage existing resources that help the executive leader achieve his or her goals of lowered cost, greater productivity, and compliance. Through the use of planning and a defined roadmap of projects, the IG leader can distinguish between projects that can be completed by using staff and systems in place, and those that will require an allocation of funding. The result will be a faster transition to IG, new skills for underutilized staff, and systems that are used to their fullest capacity.

INTRODUCTION

CREATIVITY...CONSISTS LARGELY OF REARRANGING WHAT WE KNOW IN ORDER TO FIND OUT WHAT WE DON'T KNOW. HENCE, TO THINK CREATIVELY, WE MUST BE ABLE TO LOOK AFRESH AS WHAT WE NORMALLY TAKE FOR GRANTED.

- George Kneller

The Law Firm Information Governance Symposium (LFIGS) has written extensively about various aspects of Information Governance (IG) within a law firm. These papers have ranged from conceptual subjects (e.g., IG as a business strategy) to tactical issues (e.g., papers on dark data, data preservation, cybersecurity, and matter mobility).^[2] These are important topics, and they were selected by LFIGS to give law firm IG professionals the awareness and practical knowledge necessary to advocate for and craft effective IG programs for their respective firms. None of these papers, however, have tackled the most difficult obstacle IG leaders encounter as they attempt to transform their firms into IGfocused environments: obtaining resources to accomplish specific IG initiatives.

The real work of IG occurs at the grass-roots-through the acquisition, implementation and integration of systems, with associated processes, that firms use every day to create, receive, store, protect, transmit and dispose of information. IG relies on long-term and cogent strategic planning, but in a very real sense IG is tactical; it cannot work without systems and processes for document management, records management, email management, security and access, governed share drives, imaging, mobile device management, and tools for reporting, data mining and auditing. Strategic thinking conceptualizes how these systems work together to support IG, but from a practical standpoint the IG leader^[3] needs the firm to invest in resources to either acquire and deploy them or enhance systems in place. Resources include hardware and software, as well as people to conduct business process evaluations, project and change management, and the heavy lifting related to implementation tasks.

The increasing crescendo of business pressures that justify IG, such as emerging ethical and regulatory requirements, matter mobility, device portability, client demands and increased data volume, is occurring at the same time as one of the most prolonged and economically challenging periods in law firm history. Firms struggle with decreased demand and increased cost, and many fund only a discrete number of change management initiatives each year. Some firms routinely de-prioritize projects related to records management, information security or IG. Even the most profitable or forward-thinking firms will likely balk at the price tag for a comprehensive IG solution.

^[2] Recent LFIGS titles dealing with IG as a strategy include: IG as a Management Strategy (2015), The ROI on Law Firm Information Governance: Measuring Success (2016) and A Profile of the Law Firm IG Professional (2013). Tactical titles include: Dark Data Task Force: Identification and Remediation of Dark Data in Law Firms (2015), Matter Mobility Task Force Report (2014), and HIPAA Breach Notification Rules and Law Firms (2014). All LFIGS reports can be found at http://www. ironmountain.com/Knowledge-Center/Topics/Law-Firm-Information-Governance.aspx.

^[3] This paper uses the term "IG leader" to refer to the individual, individuals, or firm committee responsible for the planning and execution for IG policy, processes, systems and training.



IG can be expensive and complicated, to and the IG leader must use a variety of strategies to obtain resources needed we to implement it. This includes effective sequencing of projects to spread the cost out, but it also includes making use of resources the firm already has. Sometimes the best way to get funding is to demonstrate a pattern of success. Delivering business value using resources the firm is already paying for may give the IG leader better leverage with management when external funding is definitely needed for future projects.

This report provides suggestions for how to creatively source certain IG initiatives. Although there are certain IG projects in every firm that require an outlay of hard dollars for systems or staff support, the report suggests that many resources already within the firm can be leveraged

to implement certain IG initiatives. The goal for the IG leader is to know what work needs to be done and then to strategically consider the appropriate allocation of resources, and where these can be found.

The report includes the following topics:

- A sample IG roadmap, illustrating various IG strategies, tactical initiatives, priorities and phasing
- How to creatively leverage people to staff IG projects and initiatives or to participate in IG operations
- How to use certain systems already deployed in the firm to implement specific IG projects
- Three sample IG projects that illustrate creative resourcing for IG

IG CAN BE EXPENSIVE AND COMPLICATED, AND THE IG LEADER MUST USE A VARIETY OF STRATEGIES TO OBTAIN RESOURCES NEEDED TO IMPLEMENT IT.

PART ONE| The IG Roadmap

The IG Framework developed by LFIGS in 2012 provides a good illustration of the functional areas that IG seeks to address. In most firms, one of the first planning steps for IG is to assess each of these areas and identify gaps that should be filled through specific IG initiatives. Once this is done, the IG leader begins to map out how these initiatives can be completed. This exercise should be approached with a long-term perspective; there is no need to "boil the ocean." In fact, by choosing projects that address the firm's most immediate needs, and by creatively leveraging in-place resources, the IG leader can achieve some early successes that will help gain support for more costly or sophisticated endeavors.



Figure 1 - LFIGS IG Framework^[4]

The blueprint for the tactical implementation of a firm's IG program is a roadmap created and maintained by the IG leader that sets forth specific IG-related process- or systemsbased initiatives. The roadmap is part of an overall strategic plan that describes the goals of the IG program, the long-term strategies used to implement it, and the specific tactical projects that support the strategies. Once created, it gives the IG leader visibility into what work must be done and what resources are needed to accomplish that work.

The roadmap is explicitly based on a firm's approved, over-arching IG policy. In addition, the roadmap should be aligned with its strategic business initiatives. This ensures that the strategies and initiatives set forth in the roadmap are "in scope" and reflect a firm's goals and objectives. This is particularly important when a project spans multiple areas of administrative responsibility, which is often the case.

[4] A Proposed Law Firm Information Governance Framework: Defining and Information Governance Framework (LFIGS, 2012). Appendix 1 is a simplistic example of an IG roadmap that consists of two parts. The first is a table that depicts sample IG strategies and strategy components. The second takes one of the strategies (Electronic Records) and defines projects for each of the strategy components. It shows priorities for each of the components and the sequenced execution of the projects. It also shows dependencies and impacts related to other projects. Finally, it shows when the IG leader needs to ask for explicit funding for external resources, but it also illustrates when the IG leader is able to leverage resources that already exist within the firm.

Each firm's IG roadmap will be different, reflecting the firm's goals, priorities and current IG systems and staffing infrastructure. A roadmap more sophisticated than *Appendix 1* contains many more projects and much more detailed project descriptions. In addition, although *Appendix 1* shows prioritization, sequencing and dependencies/impacts within a single strategy, a fully-developed IG roadmap integrates those attributes across all of the strategies. Thus it becomes a complex and intricate planning device the IG leader can use to see the entire scope of IG-related work and required resources.

Reasonably prioritizing IG initiatives is a key aspect to developing the roadmap. Here are some considerations:

What are the firm's current "pain points"? In most firms, IG prioritizes its work in direct response to those issues causing firm management or practicing lawyers the most immediate concern. For example, email has become a risk management problem for many firms as the amount of unmanaged email reaches critical mass and affects lawyer productivity, client service and system stability. Another example is compliance with client-driven information security demands. The IG leader needs to understand the firm's "pain points" to effectively stage IG projects.

- What needs to happen first? In the example above, > the firm is prioritizing email management as a critical issue. Most email management solutions seek to place declared email records in a Document Management System ("DMS") matter workspace. Depending on the stability of the DMS, whether there is integration between the DMS and the email management tool, and whether DMS workspaces have been configured to classify email so that it is easy accessed by end users, there may be other projects that must occur before tackling email management explicitly. The roadmap should reflect these dependencies so that projects or tasks within projects are sequenced logically and productively.
- What "hard dollars" are needed for the project? IG is competing with other administrative areas for budgeted funds, so it is important to thoughtfully designate those projects requiring hard funding. These projects should be strategically staged over a period of years, elevating those that solve immediate pain points and downgrading less critical (but potentially equally expensive) projects as lower priorities.
- What can we get done by using resources already in place? This is the heart of "creative sourcing." As will be seen throughout this report, most law firms contain a talent base and alreadydeployed systems that can be leveraged for IG. Creative use of these resources results in steady progress for the IG program.

The roadmap is an organic document that requires continual review and update. Given the complexities and breadth of IG, the roadmap should be subject to continual positioning and refinement. The firm's priorities will shift during the execution of the roadmap, new risk areas will emerge, and the teams working on IG may be forced to re-configure their plans. Nevertheless, the roadmap is a critical tool for implementing IG and identifying how to strategically and successfully leverage resources within the firm.

PARTTWO | Creatively Sourcing Personnel Support



Executing the projects on the IG roadmap and sustaining the daily work of operationalized IG requires people. Although it is true that much of the work associated with IG implementation requires subject matter knowledge rooted in various information management and technology disciplines, there is a surprising amount of IG work that is subject-matter neutral, and which instead requires skills such as leadership, management, project management and the ability to consistently perform highly technical and detailed tasks. Most law firms have these skills in abundance; they employ experienced professionals in a variety of roles who can add value to IG and who can also benefit from acquiring IG-related skills.

However, there are situations when a firm is better served to seek outside resources, such as consultants or outsourced support. This occurs when specialized knowledge or skills are needed, or when an outside objective perspective is useful, or most commonly, when there is a limit on the non-billable activities or time constraints for assigned roles. As noted above, it is the task of the IG leader to creatively source necessary skills and talent for each IG initiative and subsequent IG operation, leveraging internal opportunities when appropriate, but also knowing when to buy.

REASONS TO LEVERAGE EXISTING SKILLS AND STAFF

Leveraging in-place resources within a firm to work on IG projects maximizes efficiency, lowers cost and in many cases, speeds up the deployment of strategic and important initiatives. Simply put, using talent and skills already employed by a firm minimizes the need to hire outside resources. This in turn removes obstacles associated with applying for funding and waiting to see if funding is granted. The IG leader can move more quickly to get things done simply by strategically enlisting the help of colleagues within a firm. Beyond cost, however, leveraging internal resources adds value to IG effort in many other ways. These include:

MULTI-DISCIPLINARY TEAM

An IG team cross-pollinated with skills and perspectives from across the firm strengthens the entire program. People may view the same issue in multiple ways, providing valuable insight into how to accomplish IG goals. It also creates a diversified skill set the IG leader can call on when needed to solve specific problems. Consulting with and involving individuals with backgrounds in records and information management, technology, law, ethics, security, privacy, compliance, risk management, human resources, finance, marketing and other areas ensures that complex IG issues receive appropriate attention. For example, addressing technical concerns such as compliance with data privacy and security laws or the evolution to electronic records management cannot be accomplished without an interdisciplinary approach involving records management, information security, database administration, systems development, project management, legal and compliance. On the other hand, projects involving the professional development of IG staff require human resources advice, while efforts to communicate about IG within the firm benefit from assistance from marketing and communications experts.

REAL LIFE TESTING OF IG

Involving legal support staff such as secretaries or paralegals provides an opportunity to test IG processes in "real life" situations. These individuals are experts on the legal process; they know how information is created, organized, maintained and stored during the course of a legal matter. They know the types of information used in various areas of law, and they know how lawyers access that information and use it. They can make significant contributions to IG projects at a conceptual level and they can also play important roles in system testing and pilot projects. Additionally, as discussed below and illustrated in case studies in Part Four of this report, they can also be leveraged at a task level, providing ongoing support for operationalized IG tasks.

KNOWLEDGE OF FIRM CULTURE

Most firms employ individuals who have been with the firm for many years. They know the firm's history, and are intimately aware of its culture. They know what works and what will not; they know who the firm's "tough customers" are and how to sell new ideas to them; most important, they often directly experience many of the critical "pain points" discussed in Part One, and are eager to help address them.

SUPPORTING CHANGING ROLES

Lawyers are becoming increasingly adept at technology such as word processing, calendaring and email management, and are consequently less dependent on traditional forms of support from secretaries and other assistants. The roles of these individuals are changing rapidly, causing many firms to evaluate how much and what kind of technical and administrative assistance lawyers need. Exposing secretaries to IG and teaching them new technical skills gives new dimension to their role, allowing them to stretch into areas of contribution that can add greater value to attorneys and clients. The ownership of IG is a firm-wide responsibility belonging to all employees and a balance should be struck so as to not overburden high-value individuals.

ENHANCED CLIENT SUPPORT

Through their involvement in IG, employees across a firm gain a better understanding of client information management concerns. They are better able to identify legally protected information (i.e., PHI or PII),^[5] understand when information needs to be encrypted and help lawyers comply with agreed-upon information security protocols for specific clients.

IG TRANSFORMATION

Finally, a multi-disciplinary IG team helps a firm achieve the most significant goal of IG. IG seeks to affect the information management habits of everyone by making them aware of the risks associated with managing information in a firm, its ethical and legal obligations, and policies and processes. Although training is a key strategy on the IG roadmap, one of the most effective ways of changing behaviors and engaging the participation of individuals who are not IG professionals is by involving them directly in the implementation of IG.

SKILLS NEEDED FOR IG EFFORTS

As noted in the introduction to this section, IG requires a substantial number of skills and attributes that go beyond traditional information management subject area knowledge. This chart lists skills needed for effective IG, provides use case examples and suggests roles in a firm that can be leveraged for support.

Figure 2. Leveraging Skills for IG Related Activities

SKILL	SAMPLE IG USE CASE	ROLE
Leadership Experience, influence and authority to help drive change.	IG wants to recruit support staff to assist with the clean-up and classification of shared drives. Paralegals and secretaries are ideal resources because they worked on the matters, and understand the documents.	Enlist the help of the Paralegal and Secretarial Managers. Explain the importance of this project and ask them to apply their leadership skills to recruit support staff to assist. See Case Study 1
Management Managing groups of people to do work in consistent and repeatable ways.	IG relies on the firm's Mail Room and Duplicating Department to create scanned images of incoming mail and route them to the intended recipients for inclusion in the electronic file.	The managers of the Mail Room and Duplicating Departments manage their teams to ensure that incoming mail is scanned in accordance with IG goals, policies and practices. See Case Study 3
Strategic Thinking Long-term planning to support tactical goals.	IG wants to embed governance principles into the legal support team to ensure that information handled by lawyers, secretaries and paralegals is properly profiled, stored and protected.	Executive leaders of various support teams work together to develop a strategic approach to include IG duties into the roles of secretaries and paralegals. This team includes directors/ managers of secretarial services, paralegals, human resources, records management, and information security.
Critical Thinking Objective analysis and evaluation of an issue.	IG needs to define a methodology for the review and clean-up of distributed share drives.	Members of the technology department and various leaders from practice groups work together to study and analyze content, data volumes, and metadata to determine ways to identify drive owners, and client/matter numbers for documents on drives. See Case Study 1.
Project Management Defining project scope and goals, developing timelines, assigning tasks and ensuring the on- time completion of projects	IG is rolling out a platform for email management.	A member of a firm's Project Management Office (PMO) takes the lead involving resources from records management, the applications team and representatives from various practice areas. See all Case Studies
Subject Matter Expertise Detailed understanding of specific areas of work	IG leaders realize they need to transform the skills of the in-place records management team, but they are not sure how to effectively assess employees and develop effective counseling plans for staff that need to extend their skills.	A firm's human resources team has the subject matter expertise to help IG develop an assessment methodology and professional development plans.
Legal Knowledge of ethics, laws and regulations and how they apply to internal law firm policies and processes	IG wants to know when various laws and regulations require data in motion or at rest to be encrypted.	The General Counsel (GC) or lawyers designated by the GC become ongoing resources for IG to consult on legal issues.
Communication Oral and written communications that clearly and simply explain complex topics.	IG wants to come up with simple and easily digestible ways to disseminate IG education throughout the firm.	A firm's marketing or communications experts can help with the content and packaging of IG-related awareness communications.
<i>Detail Orientation</i> Ability to focus on repeatable tasks and ensure consistency and quality.	IG needs a team of individuals to prepare documents for scanning in lieu of sending them to offsite storage and to index them for inclusion in the DMS.	IG enlists the aid of under-utilized secretaries who have extensive understanding of various document types to provide metadata for DMS profiling. See Case Study 3
<i>Technical Skills</i> Detailed understanding of processes, tools and methodologies.	IG needs to build processes for internal litigation holds.	The firm's litigation support professionals can provide guidance, expertise, and methodologies. In addition, they can share licenses for litigation support tools.



TRAINING & DEVELOPMENT

Many law firms are in the process of building an IG team that is better equipped to carry out IG efforts after participating in on-point training and development opportunities. There are several options available. Certification programs are one way to supplement skills, including university and wellestablished industry led programs in information governance, information management, information systems security, information privacy, project management, human resource management and paralegal studies.

Firms can also devise their own programs, led by internal or external resources, covering set topics for a set number of hours. For example, internal information security and eDiscovery professionals can lead useful educational sessions. With this approach, firms can tailor training to fill specific gaps in knowledge.

After diversifying and refining their skills, IG teams can train targeted groups of colleagues (e.g., technologists, paralegals and secretaries) who can in turn educate customers about IG efforts. Typically, this endeavor is called train the trainer. Together, the IG team and its IG companions can educate and provide excellent service to attorneys and staff. For example, they can initiate a white glove educational campaign, going door-to-door to introduce themselves, educate and assist customers, and distribute helpful documentation describing IG services and responsibilities.

ENLISTING EXTERNAL RESOURCES

Despite the wide range of knowledge, skill and expertise already present in a firm, there are times when the IG leader needs to look for outside resources. This can occur for a variety of reasons. In some cases, an IG project requires a unique or specialized skill that a firm does not possess. Alternatively, a firm might decide to outsource specific IG-related jobs that are in transition or to lower overall cost. Finally, a firm might decide to hire an external consultant to provide an objective assessment about certain aspects of its information management environment. If the IG leader has been prudent and creative about using internal resources when appropriate, the likelihood of getting funding to purchase external resources becomes greater.

SPECIALIZED SKILLS

Certain IG projects require specialized knowledge or skill which a firm does not possess, or which is needed for a short time and is not practical to develop internally. An example is engaging a software vendor to assist with configuration, data conversion and implementation tasks. Presumably, the vendor understands the back-end data structure of the new system better than the firm does and their assistance can help achieve a successful result. Other examples include hiring training coaches to develop and deliver training for enterprise-wide systems rollouts, or enlisting ISO 27001 experts to assess a firm's security infrastructure against that standard.

Sometimes specialized skills are needed on a routine basis to provide ongoing services. Many firms hire external information security experts to do objectively-based penetration testing of a firm's firewall and security systems, or to develop internal security "scenarios" that test end users' abilities to discern potentially dangerous information.

OUTSOURCING

If used prudently, outsourcing can be an effective way of providing permanent, but lower cost staffing for specific IG resources. In some firms, outsourcing has been used as a way to gradually phase out teams devoted to routine physical records management processes, while the firm focuses its efforts on developing more technically trained IG staff. Other firms have outsourced their information security teams, their help desks or other routine areas of their technology department.

It is important to stress that outsourcing must be approach cautiously and with eyes wide open. Outsourcing can be used effectively and appropriately to achieve both IG and firm management goals, but the outsourced activities must still be monitored by firm leaders with expertise in the outsourced area.^[6]

CONSULTING

There are a variety of IG projects that can result in significant change for a firm, or which require an objective opinion from an outside source. Consultants with expertise in specific IG-related subject areas, such as records management or information security, or who have deep law firm industry experience, can be extremely valuable resources for the IG leader. Not only does the IG leader get the advantage of the consultant's wide range of experience applied to the firm's specific challenges, enlisting a consultant can also be a strategic ploy to get buy-in for certain IG change initiatives. Because the firm is paying premium rates for consulting expertise, management leaders may listen attentively to the consultant's recommendations where they might be less responsive to the opinions of internal IG team members.

SUMMARY

Implementing IG is a complicated and long-term process that requires varied skills, expertise and knowledge from a variety of disciplines. A creative IG leader knows how to source for each IG project and what types of staffing is needed as IG projects become operationalized. Many of the skills the IG leader requires can be found within a firm. Using these resources can hasten the introduction of critical IG processes gives the IG leader leverage to seek budgetary funding for those situations that require it.

^[6] Information Governance as a Management Strategy: Transforming Law Firm Operations to an Information Governance Platform(LFIGS, 2015).

PART THREE | Leveraging Existing Technologies and Processes

Most firms rely on a number of technologies and defined business processes to support the daily practice of law. While these systems may not have been implemented with IG in mind, many of them can be leveraged to solve specific IG problems. *Appendix 2* is a chart that lists the systems in place in most firms and how they can be integrated into the IG program. Below is a summary of the most significant examples.

TECHNOLOGIES TO SUPPORT INFORMATION MANAGEMENT

Managing information from cradle to grave is a key objective of IG. This includes governing the creation, organization, revision, storage, retention and destruction/deletion of information. Most firms already use tools that can support various information management activities.

DMS ENHANCEMENT TOOLS

Document Management Systems (DMS) enhancement tools support the use of the DMS as an electronic filing system. These tools can be used to auto-generate workspaces in the DMS, including the creation of classified filing spaces (i.e., "folders") on the workspace. In addition, DMS enhancement tools can manage security to the workspace or folder, or can be used for reporting program metrics in compliance with specific laws, firm policies or client mandates.

IMAGING CAPABILITIES ON MFDS

Multi-Function Devices (MFDs) are walk-up machines that permit photocopying, printing and scanning of hard copy documents. Many firms have integrated software with the MFD that lets users create a PDF of the document which can then be routed to a DMS workspace to be incorporated into the electronic file. Attorneys and support staff use the imaging functionality in the MFD to scan individual documents, but IG can use this technology to support full-scale imaging of physical files as part of its strategy to eliminate dependence on hardcopy recordkeeping. *See Case Study 3.*

DOCUMENT ASSEMBLY

Document assembly tools employ pre-designed language templates to generate logic-based documents, such as contracts, wills or trusts. For IG, document assembly can be leveraged to create engagement letters, retention notification letters to clients or file transfer inventory and acknowledgement letters.

PROOFREADING/REDACTION TOOLS

Legal teams often rely on proofreading tools to insure the accuracy and integrity of information in documents. Redaction tools are used to remove confidential or sensitive information from documents before re-use or transmission. These tools may also be used by IG to analyze documents to identify content that requires additional security, as well as to sanitize model documents that will be retained as precedents for future use.

MATTER MANAGEMENT

Matter management tools capture information related to all phases of a legal matter. Because they provide clues to the activity/inactivity of a matter, they can be used by IG as research tools to support the records retention and disposition process.

COLLABORATION TOOLS.

Extranets are typically used to share information and collaborate on matters during their active phase. However, IG can use them as tools for securely transferring or returning electronic files and data to the client (or other third parties) at client request or once the matter has been concluded.



TECHNOLOGIES TO SUPPORT COMPLIANCE

A significant part of IG's mission is to govern information in ways that comply with specific ethical or legal requirements, such as ensuring confidentiality, protecting private information such as PHI or PII, or preserving information subject to a litigation hold. Several systems exist within the firm that can support IG's compliance efforts and aid in client information audits.

ENCRYPTION

Specific data security and privacy laws require covered information to be encrypted before it can be transmitted to another party. Most firms have a variety of encryption tools IG can leverage to ensure appropriate encryption in transit.

DOCKET/CALENDARING

The functionality in docket/calendar systems can support IG compliance initiatives. Their ability to establish and automate reminders and notifications can be beneficial in a variety of ways, such as litigation hold follow up, monitoring deadlines for replying to client security and other routine audits, or following up on receipt of acknowledgement to client retention letters or transfer acknowledgements.

LITIGATION SUPPORT

Many large firms have highly technical and experienced in-house litigation support teams who use a variety of robust systems to manage the collection, review, culling and production of documents material to pending or potential litigation on behalf of clients. Because IG is often responsible for overseeing litigation holds that pertain to a firm's internal legal matters, the IG team can benefit from the clientfacing litigation support team's systems and expertise. In addition, litigation support tools can also help IG expedite the review of data prior to transfer, identify potentially sensitive data that requires heightened levels of security (PHI or PII), or review incoming data to remove duplicates, tag it with a client/matter number or identify information the firm does not have client consent to have.

LIBRARY RESEARCH SERVICES

The library uses multiple online research systems that can be of great benefit to IG. Most important, these systems can be used to remain current on the ethical and legal requirements supporting law firm IG. In addition, the library subscribes to a variety of directory tools which can be used to research client addresses when sending records retention notification letters.

PROCESS TOOLS

To be successful, IG relies on consistent and repeatable processes related to the management, security and disposition of client and firm information. Many of these processes are far too complex and burdensome to manage manually. Therefore IG benefits from tools that can automate or trigger specific processes.

AUTOMATED WORKFLOW TOOLS

Many firms have a development platform comprised of software, servers and/or IT developers (development resources) which supports the automation of key business processes. A completely automated process typically involves end-user facing input forms for the collection of data, business rules that route information for review and approval, databases to store associated information and reporting capability. Historically, the primary application of such by a firm has been the automation of the conflicts of interest and new business intake processes (see below), but IG can employ these tools for a variety of processes, including automating processes to review and approve eligible information for final disposition, file transfers, internal litigation holds or tracking offsite boxes that are in queue for imaging.

NEW BUSINESS INTAKE PROCESS

As noted above, the new business intake process is automated in most firms. IG can leverage this process to kick off the auto-creation of a workspace in the DMS when a client/matter number is assigned for a new matter.

REPORTING TOOLS - SSRS

SSRS is a server-based reporting tool that relies on SQL queries. IG can use SSRS to create, manage and publish reports on a variety of IG-related activities, including retention/disposition exercises and adoption of the firm's security measures.

PART 4 | Case Studies

The following case studies illustrate examples of firm IG leaders who achieved significant success using already existing resources to solve real IG problems. All of them met the following criteria:

- > They solved a problem that was a "pain point" for the firm. These projects have been recognized by firm leadership for their success in improving information security, normalizing processes, lowering cost and adding noticeable business value to the firm.
- > They did not require budgetary approval. The IG leaders in the respective firms completed these projects with internal resources.
- > The projects were easily consumable by affected users or constituents.
- > The projects had realistic and manageable timelines.

CASE STUDY 1 | CLEAN UP FILE SHARES

Most firms have a significant amount of "dark data" stored within the Distributed File Share ("DFS") environment. Although IG professionals urge end users to file all electronic records within the matter-centric DMS workspace, the flexibility inherent in the DFS makes it a better working alternative for certain practice areas, such as litigation or transactions. Unlike the DMS, there are no structural constraints in the DFS. This means that end users can devise an organization for documents that uniquely fits the matter; they can create an unlimited number of file folders with multiple levels, and they can name the folders and documents whatever they choose.

From an IG perspective, however, this flexibility is also the weakness of the DFS: individual file shares do not have client/matter numbers. This means that DFS content cannot be collected, along with DMS and physical file content, as a segment of the complete matter file, making it "dark" for purposes of file transfers, litigation holds, or records retention and disposition. Additionally, because the file share is created and managed by the end user, the firm cannot confirm that required ethical, legal or client-mandated security restrictions are applied to it.

PROJECT DESCRIPTION

The law firm was concerned that DFS content was not appropriately secured and that it could not be identified for litigation hold purposes. Therefore, IG pursued a project to apply a consistent naming convention to its DFS environment so that each file share would be identified with a specific client/matter number. The project evaluated security requirements for matters associated with file shares and ensured that DFS content was appropriately secured. The new standards were taught to all firm users with the result that the DFS environment was subject to defined IG standards for naming and security. At the conclusion of the project, DFS content was routinely audited to monitor content, ensure appropriate security and apply retention/disposition rules to content to closed matters.

The project is ongoing, but developing consistent DFS standards gives the firm the ability to ensure that DFS content could be captured for file transfer, litigation hold and records retention purposes.

CREATIVE RESOURCING SOLUTION

The project was managed by IG/Records Management staff. Key secretaries and paralegals from individual practice areas participated by researching content on individual file shares to determine client/matter numbers. Records Management staff used this information to

work with the associated legal teams to confirm the naming convention and security/access requirements. The Technology Department leveraged security and disposition tools in the DMS for use in the new, structured DFS environment, provided strategic guidance on workflow and conversion protocols, and oversaw the technical processes related to applying the naming conventions and required access/security.

The protocol involved making a read-only copy of DFS content so that project participants could review it without disrupting ongoing work. Once the naming conventions and security requirements were applied, the "copy" was moved to a new, structured, editable DFS replicating the existing folder structure in the new environment. Unidentified material, or material that had not been accessed within the past three years, was "parked" for subsequent classification or disposition.

HIGH-LEVEL PROJECT STEPS

- IG/Records Management identified "power users" to work on research activities.
- IG/Records Management and Technology developed protocols for DFS clean up, conversion and organization.
- IG and Technology reviewed and tested the DFS procedures.
- Risk Management and Firm Management signed off on the new procedures.
- > Technology set up the new DFS structure.

- Technology identified content not accessed within three years, and moved it to an archived drive for later research.
- IG/Records Management oversaw a pilot clean-up effort with a small group of end-user researchers.
- > IG/Records Management trained the rest of the end user researchers.
- > The project team analyzed results of pilot and incorporated them into clean-up project.
- IG/Records Management prepared training and CLE education on the new naming convention and security protocols for the DFS.

CASE STUDY 2 | UNMANAGED MAIL BOXES

For many firms, the proliferation of ungoverned email is a significant "pain point." From a records management perspective, email should be moved to the appropriate DMS workspace in order to capture a complete record of correspondence between the firm, clients and third parties. However, the Technology Department has a more fundamental concern: a failure to govern the size of individual email boxes can result in performance issues for the email system and in extreme cases can lead to a system crash with a loss of critical client and firm information.

PROJECT DESCRIPTION

Two firms merged, each with a separate policy governing mail boxes. One limited the mail box size through firm mandate. The other allowed unlimited mail boxes, which resulted in a significant increase in stored email in the Exchange™ environment, leading to system strain and compromised laptop stability. The IG team was particularly concerned that unclassified email was not available for litigation hold or file transfer purposes. The firm wanted to reconcile the two divergent approaches to solve these problems.

The project took 18 months to complete.

CREATIVE RESOURCING SOLUTION

Technology, Information Governance and Records Management team members worked together to oversee a project that would limit mail box size by routinely filing email records into DMS workspaces. The project enlisted secretaries and attorneys as part of the pilot and resource teams.

After attorneys and their legal assistants were trained, the Records Management team worked with them

to move email to client or administrative workspaces in the DMS. Once email was moved, if the matter associated with the workspace was eligible for disposition under firm records retention processes, third party tools were used to delete all content from the workspace and then to delete the workspace itself.

The firm now has established mail box limits that support effective client file management and email is routinely moved to the DMS, where it can be captured for file transfer, litigation hold or retention purposes.

HIGH-LEVEL PROJECT STEPS

- > IG enlisted the support of firm management to publish two policies. One policy stated that the firm's official client files would be maintained in electronic form and stored in the DMS. The second policy declared that email boxes size would be limited to 1 GB per user.
- Technology documented the size of the unlimited mailboxes and identified their owners.
- Technology selected a third party tool to move email from the email system to designated DMS workspaces.
- Technology and IG/Records Management reviewed the folder structures in the mailboxes to see how information was managed.
- Technology and IG/ Records Management defined email management rules: End users could retain 6 months of email in their inbox. If attorneys could not file legacy email into

specific DMS workspaces, they could move it to a private DMS workspace associated with the user's administrative number.

- Technology and IG/Records Management identified required secretaries and attorneys to participate in the pilot and other project activities.
- Technology staff coached pilot participants to move email to the DMS using designated third party tools.
- After a successful pilot, all attorneys and secretaries were trained on the email management policies, tools and processes. After 18 months, email boxes were reduced to the firm's approved size, and the email "philosophies" of the merged firms were reconciled.

CASE STUDY 3 | ENTERPRISE-WIDE IMAGING TO ELIMINATE OFFSITE STORAGE

Maintaining the firm's records in electronic form, rather than in print, is a critical goal of IG. Not only does electronic recordkeeping make information more accessible to end users, it eliminates the need to retain print copies throughout the records retention period. This means that the firm can eventually eliminate costs associated with the offsite storage of hard copy files, which is typically the largest expense item in the records management budget.

In order to achieve this, the firm must adopt a way to digitize hard copy records and route them to the matter centric workspace in the DMS. As noted in Part 3, many firms have already configured MFDs with imaging capability. This technology can be leveraged as part of an enterprise-wide imaging solution with two applications: first, print records associated with newly closed matters can be scanned and filed in the DMS instead of sending them offsite. Second, files retrieved from storage for reference purposes can be scanned and not returned to the warehouse. These two applications, combined with implemented retention and disposition processes, can combine over time to eliminate offsite storage costs.

PROJECT DESCRIPTION

At the beginning of this project the firm had over 400,000 boxes in offsite storage and was paying almost \$2 million per year for storage and associated services. In 2013, firm management sought a solution to reduce this cost. The firm had already operationalized its retention and disposition policies and was making some progress reducing the size of the offsite collection, but not enough to make a significant

impact on cost. The firm's IG leaders decided to implement scanning as a way to digitize records rather than sending them offsite. Once implemented, this strategy allowed the firm to stop sending new boxes to storage and to eliminate the return of checked out boxes. Today (four years later), the scanning solution, plus the routine destruction of records in accordance with the firm's retention and disposition policies, has resulted in a reduction of almost half of this firm's offsite collection.

CREATIVE RESOURCING SOLUTION

For technology, the IG team leveraged a scanning solution already in place, as well as a tool used by paralegals to organize images. For staff resources, it enlisted under-utilized secretaries and individuals in the Duplicating Department to handle tasks related to document preparation, scanning and guality assurance.

HIGH LEVEL PROJECT STEPS

- > The firm declared that its official records are maintained in digital form.
- > IG enlisted the help of the Associate Director of Secretarial > After a successful pilot, the program went Services to encourage participation from secretaries. This individual identified secretarial "superstars" eager to acquire new technical skills to help with a pilot.
- IG leveraged the firm's already adopted scanning solution as its imaging platform. This tool was already installed on firm MFDs, and included integration with the firm's DMS.
- > IG learned about a tool from firm paralegals to organize scanned images into electronic "redwelds," i.e., organizing documents into bookmarked categories similar to physical file classifications.
- > IG developed workflow, and tested the scanning solution integration to ensure that images would successfully import to designated DMS workspaces.
- > IG leveraged Technology Department development resources to create a workflow tool to track the assignment of files and boxes to the secretarial team.

- IG developed training materials for the pilot team, and trained the pilot participants.
- live in the firm's largest office.
- > The IG team then declared that it would no longer send new deposits to offsite storage.
- IG then nominated a records management employee in each of the firm's other offices to act as a "gatekeeper" to explain the scanning project to end users. In some offices, secretarial supervisors nominated secretaries to participate, and in others receptionists were leveraged to assist.
- Today, secretaries or receptionists continue to manage scanning for smaller projects (200 pages or less), but rely on the Duplicating Department to scan large collections of documents. Secretaries and receptionists continue to be responsible for document preparation, quality assurance of the electronic "redweld" and assignment of metadata for document profiling in the DMS.

CONCLUSION



IG leaders are challenged daily by the complexity, dependency and costs associated with the deployment of the numerous tactical projects that transform a law firm into an IG-aware and compliant environment. Although some of these projects require allocated funding for systems or support, a great deal of IG-related work can be done by leveraging resources already in place at a firm. Some of these resources can be found among the talented, skilled and experienced people who work in legal support and administrative areas. In addition, IG solutions can also be found by leveraging technology and systems that a firm has already deployed. By carefully defining IG strategies and tactical initiatives, and by plotting these on a roadmap that defines priorities and sequencing, the IG leader can identify which projects can be accomplished using existing resources, and which require external funding. In addition, using a firm's in-place talent and systems to introduce value-added solutions gives the IG leader additional credibility to influence management for those projects that require hard dollars.

PART 1: SUGGESTED STRATEGIES AND PROJECTS

IG STRATEGY	SAMPLE PROJECTS
Electronic Records	
Implement technologies and processes that enable the creation, access, use, storage, retention and disposition of records in a digital format	A strategy for retiring the firm's physical recordkeeping program in favor of an environment where the firm's official records are electronic is an essential element of an IG plan. In order to implement this strategy, most firms work on projects that leverage the Document Management System (DMS) as the official repository for electronic records. They also implement processes to scan hard copy records for storage on the DMS workspace. Other projects might include implementing systems to file email into the DMS and teaching records management staff how to consult on DMS and electronic records issues.
Information Protection	
Protect firm and client information in ways that comply with specific ethical and legal requirements to ensure confidentiality, privacy and proprietary information	The Information Protection Strategy ensures the implementation of policies, protocols, processes and systems that protect client confidential information and information covered by international, federal or state data security and privacy laws. Projects include: standards for the acquisition and release of client information; implementation of data loss protection or data loss management tools; disaster recovery and business continuity planning; implementation of data encryption tools, mobile device management software.
Access Management	
Allow appropriate access to Information based on firm access philosophy, and ethical, legal and contractual requirements	An access management strategy is a companion to the Information Protection Strategy. This includes the implementation of ethical wall software to appropriately restrict or permit access to clients or matters subject to ethical or confidential screens; protocols to identify and isolate PHI or PII; evaluating whether the DMS should be optimistic ("open") or pessimistic (closed) for general firm-wide access; developing governance standards for granting, restricting or monitoring access and implementing those standards strategically across the firm, including training and education of all employees
Storage Management	
Manage access and cost by designating official repositories for recordkeeping, controlling the proliferation of Information, and by disposing of Information in all media in accordance with Firm policy	The Storage Management Strategy defines the firm's policies, processes and systems for controlling the proliferation of information, both physical and electronic. It includes the firm's records retention policies and procedures, and processes to operationalize the assignment of retention periods and actions to dispose of records. It includes projects to eliminate, to the best of the firm's ability, its offsite storage collection. Other projects include the elimination of or governance of distributed file shares; the designation of the firm's official records repositories; and backup protocols for electronic information.
Compliance & Audit	
Support compliance with ethical, legal and contractual requirements for firm and client information and employing various protocols confirm compliance	The Compliance and Audit Strategy defines policies and procedures for ensuring compliance with ethical, legal and policy requirements and for measuring the success of IG. Projects include developing policies for data breach notification and incident response plans; systems and protocols to preserve, collect and produce information in the event of a subpoena, lawsuit, claim or investigation; evaluation and acquisition of cyber insurance; protocols for responding to client security questionnaires; evaluation and implementation of ISO 27001 certification; and various auditing protocols to measure compliance with specific procedures.
Training & Awareness	
Integrate IG into the firm's culture through training, measurement, and reinforcement of IG policies and procedures	Training and Awareness is essential to implementing the firm's IG strategy. It includes technical, hands on training on IG-related systems, as well as awareness training on phishing attacks, cybercrime, appropriate use of portable devices, password policies, information security and privacy laws, and daily information management tasks.

PART 2: DETAILED PLAN (EXAMPLE)

»: Concurrent efforts

Strategy - Electronic Records: Implement Technologies And Processes That Enable The Creation, Access, Use, Storage, Retention And Disposition Of Official Records In A Digital Format

Major	Discrete Projects	Priority	Sequencing	Dependencies And Impacts	Resources		
Components					Requires Budgeted Funds	Leverage Existing Staff Resources	Leverage Existing System Resources
DMS Workspaces as Electronic Filing System	Taxonomy for Electronic Records (Document Types)	Priority I Current Fiscal Year Critical to develop infrastructure for electronic filing by matter	1 »	Creating stable environment for electronic file is critical to entire effort for e-records and elimination of hard copy as Official Record. This must be done before email management or imaging solutions can be implemented		Records Managers (experts on development of classification and taxonomy)	File classification plan for physical records
	Foldering of Electronic Records (By Practice Group)						Practice group foldering standards for physical records
	Potential Modification to DMS UI		3		Funding for vendor modifications		
	Systems and Workflow for Creation and Modifications to Workspace		2			IT Developers to build integration between matter intake system and DMS to create workspace at matter opening	
	Pilot		4				Select team of secretaries and paralegals
	Implementation and Training		5			Records Managers as trainers	
Enterprise Wide Imaging Capability to Enable Electronic Versions as Official Records	Select imaging system	Priority IV Next Fiscal Year	1	Dependent on stable platform to incorporate images into electronic file - DMS			Leverage capabilities at Multi-Functional Devices
	Integration between selected system and DMS; define location of imaged records on DMS workspace		2 »		Potential \$\$ needed for system enhancements	Internal Development Team to create further needed integrations	Current MFD system integrates with DMS
	Define workflow including staging and quality assurance steps						
	Allocate resources for imaging activities		2 »			Duplication Department Under utilized secretaries?	
	Pilot and test		3			Secretaries and duplication staff	
	Communication plan to firm		4			Firm management - commitment to e-records as official records	

PART 2: DETAILED PLAN (EXAMPLE)

Strategy - Electronic Records: Implement Technologies And Processes That Enable The Creation, Access, Use, Storage, Retention And Disposition Of Official Records In A Digital Format

Major Components	Discrete Projects	Priority	Sequencing	Dependencies And Impacts	Resources		
					Requires Budgeted Funds	Leverage Existing Staff Resources	Leverage Existing System Resources
Email Management Protocol	Requirements for email management system	Priority III Current Fiscal Year Critical to begin developing email management solution. Will only be able to accomplish requirements and selection this year	1	Dependent on stable platform to incorporate email into electronic file - DMS		Internal IG and Technology team to conduct requirements study and document systems requirements	
	Select preferred system		guirements and		Licensing		
	Proof of concept	Priority III Next Fiscal Year Continued Complete email management project	4			IT and IG define and conduct proof of concept	Firm test environment
	Integration with DMS		3		\$\$ for potential system enhancements	Internal Development team to write integrations	
	Pilot		5			Test group of attorneys, secretaries and paralegals	Test environment
	Training & Implementation		6				
E-Records Consultative Skills for Records Management Team	Define consulting skills for Records Management Team	Priority II This Fiscal Year Develop these skills to help attorneys et al adapt to DMS as electronic file; increase skills with email filing and imaging projects	1				
	Provide consulting training for Records Management Team		2				

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