

## Information Lifecycle Management (ILM) Strategies Need to Be Developed with Compliance in Mind

***Information Lifecycle Management (ILM) has emerged as an approach to enterprise storage that is designed to align business needs and storage practices by basing storage infrastructure decisions largely on the value of information. For example, by storing less valuable information on less expensive storage infrastructure, ILM promises economic benefits while maintaining sufficient access to information and acceptable service levels for enterprise applications. As organizations move forward with ILM, it is critical that compliance considerations play a large part in ILM strategy, particularly when it comes to data classification standards and policies. Moreover, enterprises should leverage expertise found within the records and information management community, which has long understood that all information has a “lifecycle.”***

*“My concern was that if I was ever asked to produce these thousands of back-up tapes, regardless of what they concerned—they did not just contain e-mail, they contained everything—that it would be a task that would be beyond the human endurance to try to figure out what was on those things.”*

*Rambus, Inc. v. Infineon  
Techs. AG, 220 F.R.D.  
264*

ILM has its origin in a concept that has long been central to the records and information management community. Namely, that information has a “lifecycle” with a beginning, middle, and end. Although there are many competing terms used to define each stage in the information lifecycle, the basic elements are the same, and focus on challenges unique to each stage. These stages typically include:

- Capture
- Store
- Manage
- Deliver
- Dispose

The need to properly classify information cuts across each of these information lifecycle stages. Without a strategy for classifying information it will be difficult, for example, to determine what needs to be captured; how it needs to be retained; how often it will be accessed and used; who should have access to it; and when it may be disposed of. Proper classification requires a clear understanding of the value that a given piece of information has to the organization.

The value of information created and received throughout an organization can derive from a variety of business, operational, financial, legal, compliance, regulatory, historical, and other requirements. When developing information classification standards and making storage decisions, organizations should ensure that they are considering the full range of requirements that drive the information lifecycle.

Some sectors may have requirements for information – even information that is months or years old - to be “readily accessible.” In such sectors, making ILM storage decisions based solely on the frequency with which a given piece of information is accessed by users may lead to disaster. In such cases, regulators may expect an email message, for example, to be produced within a few hours or days, even if the message has not been accessed

*"In many instances, BAS missed the deadlines set by the staff for responding to its requests. BAS also frequently failed to contact the staff to request extensions of time, failed to alert the staff that it would only be providing partial responses to pending requests, failed accurately to explain the reasons for the firm's production delays and, in certain instances, failed to disclose promptly that responsive documents had been destroyed or rendered unavailable for inspection by the staff."*

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by anyone in the organization for many months. Retrieving such a message from tape or other "offline" storage infrastructure in accordance with such demands could be a challenge, to say the least. In 2004, an organization was fined \$10 million by the SEC, because, among other things, they "failed in a timely manner to produce electronic mail, including a particular e-mail exchange . . ." Much of the difficulty in producing the information required in this case related to the difficulty of restoring information stored on backup tapes. Storage devices like EMC's Centera, which are designed to offer expeditious access to data, should be evaluated by organizations implementing ILM strategies, particularly those organizations facing the challenge of responding quickly to regulators and the courts.

The courts have begun to look closely at the way that organizations retain, manage, and dispose of information. In a recent case, the court examined the true intent of a company's information management policies, and found that it had "implemented, a 'document retention policy,' in part, for the purpose of getting rid of documents that might be harmful in litigation." Such disposition in the context of ongoing or pending litigation, audits, or investigations is illegal. However, without a clear strategy for classifying and managing such information, even inadvertent – but nonetheless illegal – destruction or alteration may be inevitable. Policies regarding the storage and management of information must be designed and implemented in a manner designed to support such legal requirements.

At a minimum, information classification practices should identify and address:

- Information needed to run the day-to-day business operations and manage the business now and into the future.
- Information required for business continuance and disaster recovery, including business, operational, and financial information.
- Information with special security, confidentiality, and privacy considerations, such as trade secrets and customer information.
- Information potentially relevant to pending or ongoing litigation, audits, and investigations. This includes information that might normally not be retained by an organization.
- Information required for complying with regulations.

In addition, organizations should ensure that the movement of information between various components of the storage infrastructure is done in a manner that does not compromise its reliability and trustworthiness. For example, organizations should generate and retain logs or other evidence demonstrating that copying data from one type of storage device to another was error free and did not materially change the data.

*The ability to properly classify information is at the heart of any ILM strategy. Only by knowing what data is, and why it is valuable to the organization, can good decisions be made about where and how it should be stored. Moreover, when making determinations about the value of information, organizations must consider not only typical ILM concerns such as levels of service and business continuity, but also legal and regulatory requirements. In addition, when making ILM infrastructure decisions, organizations should consider devices such as EMC's Centera, which utilize Content Addressed Storage and other strategies that were designed to enable content to be stored in a trustworthy, secure, and efficient manner.*