

Business Case #109**(50 Points)****FOSSIL PIPELINE, INC.**

Topic: Comprehensive Records Management

Subtopics: Accountability, Communication, Compliance, Creating Policy, Litigation, Staffing

ANSWER:**GENERAL GUIDANCE:****Please read the business case that was given to the candidate.**

The goal of this business case is to evaluate the candidate's proficiency in developing a business case. The candidate is asked to write a clear, well-organized business case using a narrative format appropriate for the designated audience. The business case may contain lists, as often used in presentations to management. However, if lists are used, the candidate must devote a paragraph to explain why the actions are appropriate. The answer may not consist only of lists. The business case should explain the underlying problems found and recommend solutions to these problems. The candidate has been told penalty points may be levied by graders for incorrect format, poor grammar, poor spelling, and/or poor organization of the answer.

The candidate **MUST** introduce the report with an Executive Summary. The Executive Summary should contain 2-3 paragraphs explaining the basic overall problem(s) identified, the key issues or factors to be resolved in order to achieve the final result, and a high-level description of the recommended outcome. Following the Executive Summary, the business case analysis should describe the specific issues found and the suggested recommendations.

The candidate is expected to state any facts that are assumed in developing the business case and should logically support the answer. Topics not specifically mentioned may be included in the business case and are acceptable so long as they are considered relevant and well explained.

Specific Points:

The candidate is instructed to introduce the business case with an Executive Summary, followed by the Analysis section consisting of several specific sections. Each of the following parts should be graded and weighted as follows:

I. Executive Summary: 10 points maximum

This section serves as the introduction to the business case. The candidate has been instructed to identify key issues or factors to be resolved in order to achieve the final result, along with a high level description of the recommended outcome in no more than 2-3 paragraphs. Specific recommendations to resolve the problem should not be listed in this summary. No extra credit is awarded for this section. A sample Executive Summary for this Business Case would be:

“Fossil Pipeline recently lost a lawsuit and incurred a large fine because of poor recordkeeping. A RIM program has not been a priority for the company. The current records manager lacks resources to create and communicate RIM policies and practices to the regional and field offices. This has resulted in inconsistent RIM practices and an inability to respond to litigation requests.

Fossil would benefit from a well-developed RIM program that defines how to manage records and email, respond to legal holds, and train employees. Standardization of RIM practices across the company would help define roles and responsibilities and improve the company’s ability to locate records when needed. Additionally, Fossil should research investing in a company-wide content management system to enable the company to improve access to records and increase the ability to respond to litigation.”

II. Analysis: 40 points maximum

This section should deal with the specific problems and issues discovered during the review of the Findings. The proposal should include identification of the problems and recommendations.

A. Identification of Problems**15 points total**

Identify the various problems seen in the business case and why they are considered RIM issues. The candidate may include some of the following examples or think of others on their own. The grader has the flexibility to decide relevance on issues listed that do not appear as an example. Possible examples include:

- Lack of investment in the RIM program, which caused the inability to effectively disseminate information within the company, set RIM roles, create policy, conduct training, or prevent spoliation.
- Retention schedules are out of date and are not well disseminated. Employees do not understand how to determine whether and when they can destroy documents under normal business processes and during legal holds.
- The company has no central policies or procedures for RIM activities. Each regional and field office manages records differently, which causes problems when trying to identify offices with responsive records and locate responsive records within each office.
- Lack of a central repository for paper or electronic records. Field offices are retaining critical records on hard drives, removable drives, and in non-standardized paper filing systems.
- No formal process exists for issuing and managing legal holds. When the legal hold for the utilities commission was issued, regional and field offices did not know how to respond and did not have the resources to respond.
- Inconsistent email management. Employees make individual decisions on how long to retain email without a proper understanding of whether it contains record material. There is no formal repository or business rules for managing email records.
- Lack of employees in field offices trained on how to handle records management duties or conduct document searches during discovery.
- The headquarters records manager does not have the resources or authority to create policies, procedures, or a formal company-wide RIM program.

B. Recommendations for Solutions**25 points total**

- Conduct a ROI study to determine how and where to assign additional resources to the RIM program. This will help identify historic gaps in services and training and demonstrate to management and shareholders how a robust RIM program can help prevent large fines during lawsuits.
- Create formal RIM policies and procedures and ensure they are kept up to date. Periodically verify that all industry legal and jurisdictional requirements are being met.
- Provide a formal training program to employees on RIM policies and procedures, including how to comply with legal holds. This will assist in a universal understanding of roles, responsibilities, policies, and procedures and will increase the likelihood of compliance by individual employees and the company as a whole.
- Conduct records inventories and update the retention schedules. Ensure that the retention schedules are distributed and implemented throughout the company for consistency.
- Work with the Legal Department to create a litigation readiness program that includes a communications plan from the Legal Department to business units with responsive records. Train employees to understand what they must do during a legal hold for paper and electronic records, including email.
- Invest in company-wide electronic content management (ECM). Consider migrating electronic records and scanning paper records into the ECM, organized by a company-wide taxonomy. That will help to ensure that there is a central location for records storage that is accessible by appropriate parties, such as the Legal Department. A centralized electronic repository will assist in providing a more thorough search for responsive documents when using e-discovery software.
- Assign authority to the company's Records Manager through corporate policy to enact company-wide RIM policies and procedures. Hire and train additional staff to handle RIM tasks.
- Create a RIM audit program for headquarters, regional, and field offices to monitor compliance with RIM policies and practices.
- Investigate the use of e-discovery software to assist in the search for electronic records for future litigation. That may assist in finding all responsive records that are in electronic format.