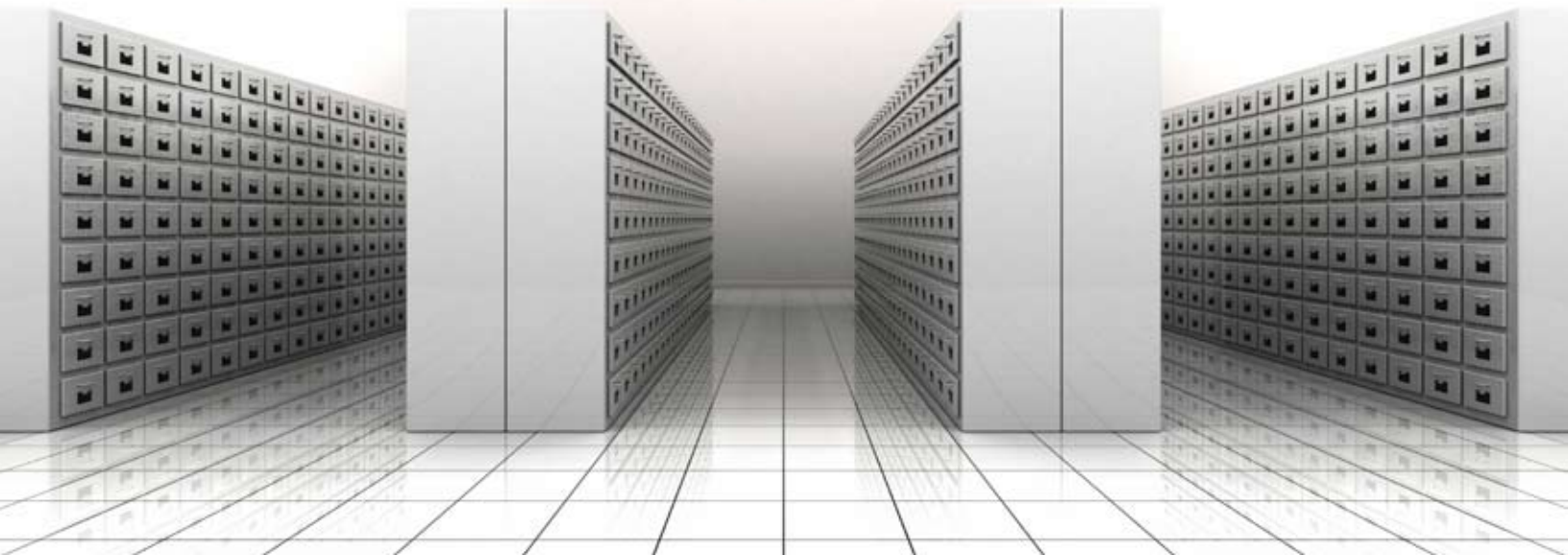


# ILTA Data Retention Survey Results



**T**he recently completed Data Retention Survey examined how firms are handling the management and retention of electronic data. Initially sent to the Records Management E-Group and later the General Membership E-Group, the survey was open for about three weeks in April 2009 and, during that time, 65 firms responded.

This brief analysis looks at what firms are doing for data retention practices, and it examines the results based on firm size. For this survey's purposes, a small firm is 100 attorneys or fewer, a medium firm is 101 to 300 attorneys, and a large firm is 301 or more attorneys.

The results include responses from 29 small firms, 22 medium firms, and 14 large firms.

## **DO YOU ARCHIVE? DO YOU DELETE?**

The survey asked about a firm's archival and deletion policies. Archiving was defined as the process of relocating data to lower-cost storage (e.g., moving Summation data from an expensive SAN to a low cost server). Deletion was defined as purging data.

The standard question was: "When do you archive/delete [content/area] data?" [Content/area] included

department-specific areas such as accounting, conflicts and more general areas such as litigation, voicemail, e-mail and external media. Possible answers included: after two years, after four years, after seven years, after 10 years, never, ad hoc/no defined policy and not applicable. A number of respondents indicated that "within 2 years" may have been more appropriate in their cases.

A majority of the firms fell under the "ad hoc/no defined policy" category, with "never" as the second most popular choice. In total, 45 respondents classified themselves in one of these two categories.

## **ARCHIVING SUSPICIONS CONFIRMED**

While nearly 70% of firms fell under either the "ad hoc/no defined policy" or "never" categories, there were some responses which illustrated a "mixed bag" of archival policies and depended on varying circumstances and the type of data being managed. For example, in the case of e-mail, while 42 respondents indicated they have no policy or never archive data, 10 firms archive data after two years.

And in the case of departed users, 12 respondents do archive data after two years.

## DELETION NOT A PRIORITY EITHER

Similar to responses about archiving, most firms responded that there is no deletion policy or that it is done on an ad hoc basis. As with archiving, the next most common response was that the firms never delete their data.

The only exception to this general trend would be management of departed users' data. While 35 respondents have no policy or never delete data, 16 respondents delete departed users' data after (if not before) two years.

## BEHAVIORS INFLUENCED BY FIRM SIZE

Clearly, a majority of firms have either no policy or never archive or delete data, but we wanted to take a look at what may set the small, medium and large firms apart. While the number of respondents does not make this conclusive, we did notice some general patterns:

### Archive Policies:

- **Accounting and HR data:** Medium and large firms tend to be grouped under the "no policy" or "never" category, while smaller firms are more evenly split. In other words, smaller firms are more likely to have formal archive policies for this data.
- **Conflicts data:** Large firms tend to be more diverse in this regard, meaning that a large firm is more likely to have a policy. Small and medium firms tend to be grouped under the "no policy" or "never" categories.

### Delete Policies:

- **Accounting data:** Smaller firms are more likely to have defined policies, while medium and large firms are less likely.
- **HR data:** The survey results showed that small and medium firms are more likely to have defined policies.
- **DMS:** On the whole, few firms apply any deletion policies to their DMS documents.
- **Voicemail:** A large firm is more likely to have a deletion policy applied to voicemail.
- **Departed users:** As noted earlier, about 25% of the total respondents have a defined policy.

## SO, HOW DO WE HANDLE OUR E-MAIL?

The survey also asked more detailed questions about e-mail and DMS systems. This survey only captured a

quick snapshot of high-level data retention information. (A more comprehensive look at e-mail retention can be found in the annual Technology Survey published by ILTA.) Of the 65 respondents, 31 respondents have an e-mail archiving system (e.g., Autonomy Zantaz) in place.

According to the survey, larger firms tend to lead the pack as far as having established inbox, sent items and deleted items retention policies. In addition, large firms are significantly more likely to apply retention rules to deleted items via their e-mail archival system than to any other area (e.g., inbox or sent items).

Of the 65 respondents, 34 respondents do not have an e-mail archiving system. And of those 34 respondents, 12 apply deletion rules to the inbox, 16 to the sent items and 26 to deleted items.

Further, of those 34 respondents without an e-mail archiving system, large and medium firms are more likely to have retention policies applied to inbox and sent items. However, small firms are more likely to have retention policies applied to deleted items.

## MCC AND DOCUMENT MANAGEMENT SYSTEMS?

Of the 65 respondents, approximately 34% do not use matter centric collaboration (MCC) and 62% do use MCC in their document management system. Small firms are more likely to have MCC implemented, followed by medium firms and then large firms.

Of the 62% that do use MCC, when asked if they apply archive or deletion policies to closed cases/workspaces, approximately 14% responded that they do and 45% said they do not. In addition, a smaller firm is more likely to have these policies in place, followed by medium firms and then large firms.

## THE PRESSURE TO CHANGE

The survey concluded with a space for comments, and it turns out that many respondents say they are actively working on establishing data retention policies. Given that the majority of firms either have no policy in place or never delete data, this is not surprising.

As noted earlier, the total number of respondents was 65. Though the data gathered is still valuable, it would be worthwhile to gather more respondents, particularly where results show an insignificant difference between behaviors.

Finally, this survey seems to confirm what many of us already suspected: Firms tend either to not delete data or they have no formal policies. Given the mixture of federal compliancy rules for data disposition, the need to more easily facilitate litigation holds and the budgetary need to cut back or consolidate on hardware, we will be watching to see if the current numbers change significantly under these pressures. **ILTA**