RIM: It's Not Just About the Records

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https://www.icrm.org/about

Record Problems = Compliance Problems

Costco to Pay $12 Million Penalty for Poor Pharmacy Controls

Investigations: Interior’s poor record keeping makes it impossible to tell if
such employee transfers were legal

The ATF’s Record-Keeping Issues Extend to Its Confidential Informant Program
Record Problems = Compliance Problems

DON'T LET THIS HAPPEN TO YOU

During the investigation, the company faced issues that resulted in delays in producing important documents. The failure to produce timely documents could lead to diminished cooperation credit.

“...the company did not receive additional credit because of issues that resulted in delays to the early stages of the investigation, including failures to produce important documents on a timely basis, and in some instances producing documents only after the Offices flagged for the company that the documents existed and should be produced...”

Teva did not receive full credit because of issues that resulted in delays to the early stages of the investigation, including vast overbroad assertions of attorney-client privilege and not producing documents on a timely basis in response to certain Fraud Section document requests.

Och-Ziff and Teva both received a 20% credit instead of a possible 25% because, at least in part, they failed to "timely" produce materials to DOJ.

Record Problems = Compliance Problems
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- Affect risk assessments and investigations
- Affect the organization's ability to respond promptly
- Affect the ability to self-report, correct
- Affect resulting enforcement action: strategy/cost

Existing RIM Program

- If you haven’t already done so partner with the RIM team
- Get familiar with the requirements – you’ll get buy in quicker if you speak their language
- Work together to identify synergies between their program and yours
- The more attention the RIM program gets and the better it is enforced – the more prepared you’ll be

What If It Gets Left to YOU?
maybe illustrate that records mgmt provides a foundation for being able to properly carry out compliance functions. Without that foundation, it's like a "leaning tower" or "house of cards"
So Many Hats and Only One Head

- Policy Management
- Risk Assessment and Mitigation
- Training
- Allegations and Investigations
- Multiple Risk Areas
- RIM Policy and Retention Schedule
- RIM subject matter expert on IT projects
- Litigation Hold Management
- Oversee Record Coordinator Network
- Manage offsite storage accounts
- Oversee shred program

Merging Programs

Business Ethics & Compliance Program

Record & Information Management Program

Merging Programs

- You need to understand it before you can do it
- You don't need to be an expert overnight
- RIM requires on-the-job learning
- RIM doesn't just focus on business records – the focus is on all of the organization's information

YOU CAN DO THIS
**The Merging of RIM and Compliance**

**Build a Support Network**
- Partner with IT, Legal, Information Security and Privacy – their goals are your goals.
- GDPR requires local data protection officers – use your record coordinator network - dual roles ensure that the Privacy Office shares responsibility for managing the network.
- Dual messaging, i.e. “The best way to protect your data is to delete” “Ensure GDPR compliance by following the Company's Retention Schedules”
- In person compliance workshops and training are a great place to build support for your RIM program.

**The Merging of RIM and Compliance**

**Cross Pollinate**
- Incorporate clauses related to recordkeeping in all of your policies referencing the RIM Policy and Retention Schedules and providing direction on where to get more help – i.e., intranet, etc.
- Update your Training.
  - RIM In addition to litigation hold, discuss the impact of recordkeeping on a bribery investigation or antitrust action – bring compliance into your RIM training.
  - ABAC: Talk about how over and under retention impacts the accuracy and completeness of your records and prevents violations of SEC regulations.
  - Competition: When discussing what to do in the event of a Dawn Raid talk about in how proper RIM practices make it easier to ensure the regulators get only what they are asking for and no more.
- Incorporate RIM into your Risk Assessment – we do a combined Global Privacy and Data Protection section which discusses RIM requirements in some detail.

**The Merging of RIM and Compliance**

**Never miss an opportunity to talk about the RIM Program**

*GOLDEN RULES FOR HANDLING PERSONAL DATA*
- Do not share your passwords
- Do not use the same password across different accounts
- Do not store sensitive data on user devices
- Do not store important documents on cloud storage
- Do not use public Wi-Fi
- Do not leave personal devices unattended
- Do not store sensitive data on mobile devices
- Do not use public Wi-Fi
- Do not leave personal devices unattended
- Do not store sensitive data on mobile devices
The Merging of RIM and Compliance

Cross Pollinate

Never miss the chance to take advantage of a legal crisis.

In addition to developing training for all employees as well as one specifically directed at Record Coordinators to build their subject matter expertise, there is a dedicated section of the Business Ethics & Compliance website for RIM:

- Automated decision tree to determine what is a "business record"
- Training module on sending and retrieving records to and from offsite storage which demonstrates how to pack boxes, label and arrange shipment
- Record Coordinator directory by location/department so that employees can get their inquiries addressed by the local SME.

Make It Easy

Self help
The Merging of RIM and Compliance

Don’t Try to Do It All Yourself

1. Each member of our Compliance team has completed a basic records management course.
2. Records Management University provided by Feith Systems & Software, Inc.
   https://www.feith.com/records-management-university-webinar-course/
3. National Archives provides a Certificate Course in Records Management
   https://www.archives.gov/records-mgmt/training
4. ARMA International is the world's leading information management membership organization - Membership is $175 and gives you access to free and paid training, resources and much, much more – www.arma.org
5. Local ARMA chapters hold regularly educational sessions and you do not need to be a member to attend. Find the chapter in your area and see what they are offering - https://www arma.org/blogs/cochapters
6. Establish a group mailbox so that inquiries can be addressed on a timely basis at corporate.records@avisbudget.com by any member of the team
RIM and the Compliance Professional

Takeaways
- Consider records retention as critical to your compliance program
- Build a Support Network
- Cross Pollinate
- Make It Easy
- Don’t Try to Do It All Yourself

Got Questions

Thank You
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