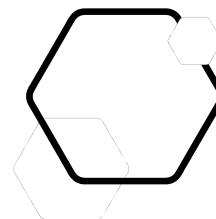




## **RIM: IT'S NOT JUST ABOUT THE RECORDS**

### **JACKI CHESLOW, CCEP, CCEP-I, CRM DIRECTOR BUSINESS ETHICS & COMPLIANCE**



Responsible for overseeing Avis Budget Group's global Business Ethics & Compliance and Record & Information Management Programs in more than 25 countries. More than 20 years experience in assessing risk, remediating and monitoring of risks associated with business activities, process and systems, as well as policy management, training and program measurement.

Member of SCCE, NJ Corporate Compliance Roundtable, ARMA International.

<https://www.icrm.org/about>

## RECORD PROBLEMS = COMPLIANCE PROBLEMS

### Costco to Pay \$12 Million Penalty for Poor Pharmacy Controls

Justice Department cites improperly filled prescriptions, poor record-keeping, and inadequate inventory monitoring

Associated Press  
Jan. 19, 2017 2:34 p.m. ET

**Investigators: Interior's poor record-keeping makes it impossible to tell if mass employee transfer was legal**

✍ Author: Dino Grandoni, The Washington Post  
🕒 Updated: April 11 📅 Published April 11

**PG&E recommended for huge fine for poor record keeping**

By Bob Egelko Updated 6:08 pm PDT, Wednesday, June 1, 2016

**The ATF's Record-Keeping Issues Extend to Its Confidential Informant Program**



3

## RECORD PROBLEMS = COMPLIANCE PROBLEMS

FCPA Pilot Program  
failure of which ca

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
UNITED STATES OF AMERICA  
- against -  
OCH-ZIFF CAPITAL MANAGEMENT  
GROUP LLC,  
Defendant.



**DON'T LET  
THIS  
HAPPEN TO  
YOU**

UNITED STATES OF AMERICA  
v.  
TEVA LLC (RUSSIA)

VIOLATION:  
18 U.S.C. § 371

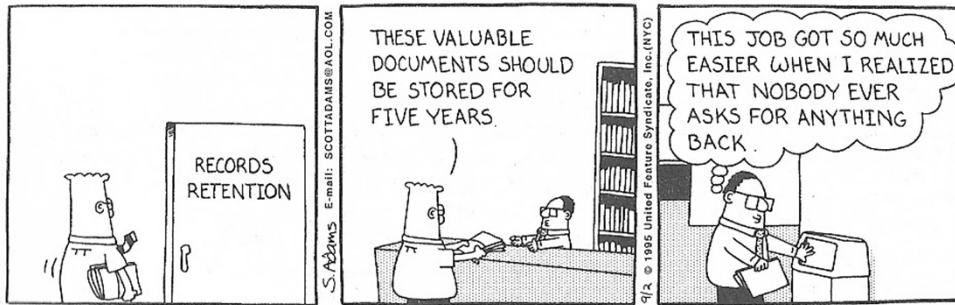
During the investigation, the

cause of issues that resulted in a  
ing **failures to produce important**,  
the instances producing documents  
the documents existed and should  
ense counsel prior to their

at resulted in delays to the early  
id assertions of attorney-client  
**basis** in response to certain Fraud

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## RECORD PROBLEMS = COMPLIANCE PROBLEMS



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## RECORD PROBLEMS = COMPLIANCE PROBLEMS



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## RECORD PROBLEMS = COMPLIANCE PROBLEMS

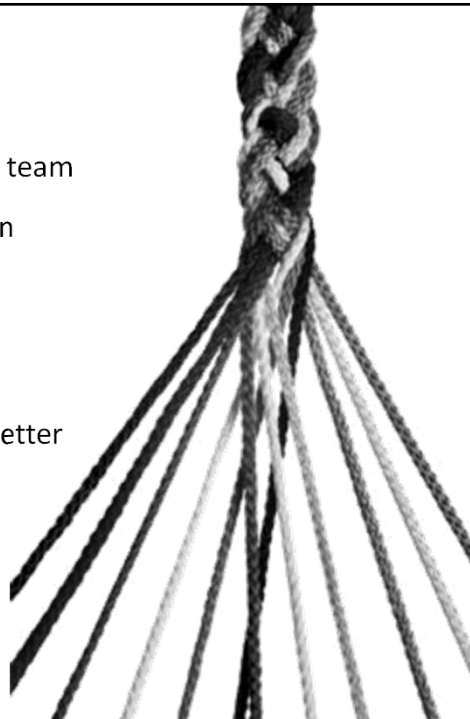


- | Affect risk assessments and investigations
- | Affect the organizations ability to respond promptly
- | Affect the ability to self-report, correct
- | Affect resulting enforcement action: strategy/cost

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## 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



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- A2** 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"

Author, 8/24/2018

# WHAT IF IT GETS LEFT TO YOU?

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## 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



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## MERGING PROGRAMS



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## 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



- | Paper or digital doesn't matter
- | You are already doing it – your program is being documented / recorded
- | The goal of any RIM program is to ensure you have what you need when you need and that you get rid of it when it's no longer needed

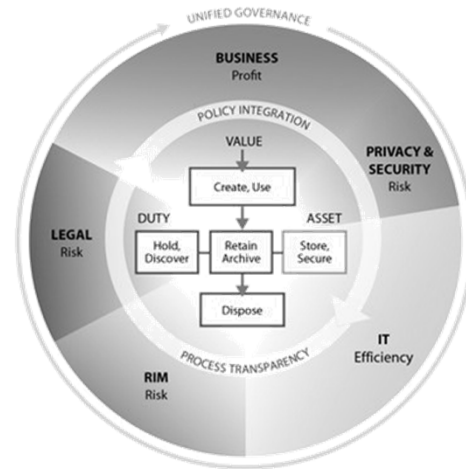
# YOU CAN DO THIS

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# 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



Information Governance Reference Model / ©2012 / v. 3.0 / edrm.net

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# 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

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# THE MERGING OF RIM AND COMPLIANCE

## CROSS POLLINATE

Never miss an opportunity to talk about the RIM Program

**GOLDEN RULES FOR HANDLING PERSONAL DATA**

 <p>Use only the ABG networks or approved remote access portals to access your emails and documents</p>	 <p>Dispose of personal data with care – record how and when</p>	 <p>Incidents happen! Tell us when things are lost, stolen or shared by mistake. Using the reporting procedure means we can help you take the right action.</p>
 <p>Lock away your papers when you are away from your desk</p>	 <p>Lock your laptop / tablet whenever you leave it</p>	 <p>Don't share your passwords</p>
 <p>Do not keep personal data longer than you need it – follow the ABG Record &amp; Information Management Policy</p>	 <p>Be aware when sharing personal data – ask what, why and how</p>	 <p>Don't work with personal data on your own devices or store data USBs, external hard drives, etc. unless these have been approved by or provided by the Company</p>

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# THE MERGING OF RIM AND COMPLIANCE

## CROSS POLLINATE

Never miss the chance to take advantage of a legal crisis

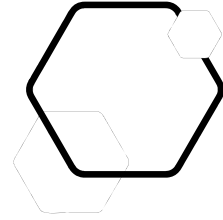


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# THE MERGING OF RIM AND COMPLIANCE

## MAKE IT EASY

- | 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



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Commitment  
Integrity  
Responsibility

### Record Management Policy Highlights

**EMPLOYEE'S RESPONSIBILITIES**

- Treat all Business Records properly in accordance with the Avis Budget Record Management Policy
- Exercise due care to ensure that Business Records can be found when needed
- Prepare inactive Business Records for storage, retention and disposition
- Carry out the regular disposition of Business Records
- Maintain records subject to Legal Hold in an orderly and accessible manner

**HOW TO IDENTIFY BUSINESS RECORDS**

If you answer "yes" to any of these questions, you may have a business record:

- Was it created in the course of business? e.g., correspondence, agreements
- Was it received for action? e.g., correspondence
- Does it document the Company's activities or actions? e.g., calendars, meeting minutes, project reports
- Is it mandated by statute or regulation? e.g., tax returns, public filings
- Does it support financial obligations or legal claims? e.g., contracts, litigation case files
- Does it communicate the Company's requirements? e.g., policies, procedures, standards

**WHY DO WE HAVE DISPOSITION EVENTS?**

Disposition refers to the final stage of "active" record management. At this point, we evaluate the documents and information we hold and determine which are Business Records, and which are not. Inactive Business Records are moved into archive or offsite storage for the length of their required retention period. Documents, which are determined not to be Business Records, are appropriately destroyed.

**WHEN IS A BUSINESS RECORD INACTIVE?**

Business Records where employees do not need regular access but the company must keep them to fulfill legal or business requirements are considered inactive.

Examples of inactive Business Records might include:

- Closed or completed business such as expired, or terminated contracts
- Separated employee files or financial records of previous years
- Completed project documents

**ELECTRONIC DOCUMENTS & EMAIL**

The same requirements that apply to all Business Records apply to electronic documents and email as well.

- Every month or so review your electronic documents; identify Business Records; and dispose of anything else you no longer need. Move Inactive Business Records to a different folder – name it "Inactive" or "Archive"
- Each Disposition Event, review your Inactive Business Records against the Retention Schedule to confirm that the applicable retention period has expired. Confirm that the documents are not subject to litigation hold. Delete files as appropriate.

**What is a Record?**

A record is a record regardless of its format. The value and purpose of the record is what determines whether it is a business record or not. The physical form, media or format is irrelevant.

**Need more?** Visit the Business Ethics & Compliance page on the Avis Budget Group Neighborhood & Open Road.

**What is a Legal Hold?**

A Legal Hold refers to the Company's procedure for identifying and suspending the disposition of all documents in response to a litigation, audit or governmental inquiry.

The Hold instructions you receive will include instructions on what types of information are to be preserved, for what time frame and perhaps how to maintain them.

Once a hold has been issued none of the affected information may be destroyed, altered, concealed or discarded until the Legal Hold is lifted.

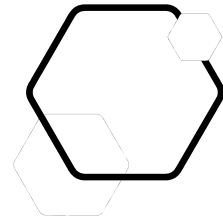
**Records Retention Schedule**

Once a business record is no longer useful for performing current activities, it becomes inactive. But it must be kept, or "retained," as long as it is needed to meet the organization's administrative, fiscal, legal or historical requirements.

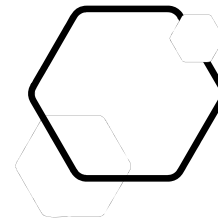
The length of time the record must be kept to meet those requirements is referred to as its retention period. These retention periods are set out on the Retention Schedule which lists the most common record types and specify how long these records must be maintained before they can be destroyed.

Questions?  
corporate.compliance@avisbudget.com

avis budget group



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## THE TIME IS NOW TO ORGANIZE YOUR PAPER AND ELECTRONIC FILES!

Get rid of  
unnecessary  
office records

Reduce your paper files  
on-site and archive  
inactive business records

Review electronic records and emails.

Delete unnecessary emails and  
archive inactive business records



avis budget group

Questions? Contact [Corporate.Records@avisbudget.com](mailto:Corporate.Records@avisbudget.com)

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### TIPS FOR ORGANIZING PAPER

Ever feel like you're buried under a ton of paper and email. That there is just too much coming at you ... so much so that begin to feel like your drowning in a sea of paper. The Record & Information Management Team here at Avis Budget Group wants to help. If you haven't already done so, we recommend that you visit ABG U and check out the Record Management training available by following these links: [Compliance, Record and Information Management](#) or [Records Disposition for Employees](#).

One of the greatest time savers you'll ever learn is to make sure you handle each document the first time you touch it. Of course, not all of us are in a position to take action on every document, piece of mail or email that comes our way but you can reduce the amount of time and energy you spend managing them.

#### ACT ON IT

Does this sound familiar? You come into your office and have 15 new e-mails. On your desk are three folders and two letters that you must respond to. You start with the letter and read a few sentences, but realize it is going to take more time than you thought. You get that advice and start another task. You handle that task and your phone rings. You answer the phone and get pulled in a new direction for 10-15 minutes. You pick up one folder, but just as you do that an email comes in. You stop to read the email which takes more time than you have right now, but it must be dealt with right away.

Our advice? Don't open that email, letter or file until you are ready to deal with it. Use the "Touch It Once Rule". Prioritize those items that require action. If you can't do them now, either refer them to someone else or place them in your "To Do" or "Action" pile until you have time to address them. Think about identifying "handle by dates" so you don't miss an important deadline.

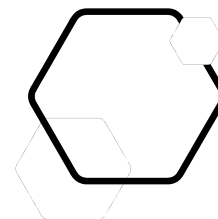
If you want to refer an action to someone else but want to ensure it doesn't get overlooked, track the more important items to follow up on. You can do this by dropping a note into a folder marked with the person's name to which you referred the item.

#### FILE IT

Once the item has been acted upon, it is time to file or toss it. Can you identify a specific use for this document or information? Is it a duplicate or convenience copy? Are there legal considerations? Is there a hold in place? If the answer to all of these questions is "no", ask yourself one final question: What is the worst possible thing that could happen if I didn't have this information? If you can live with your answer, then toss it.

However, if the item is a business record or a temporarily useful item that you would feel more comfortable holding onto, file it. Be sure to mark those items with a date to be discarded—three months, six months, or a year.

At minimum, you should set aside time once a week to do your filing. The larger the pile grows, the less you are going to want to tackle it. There will also be a greater chance that you'll be unable to locate what you need when you need it.



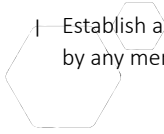
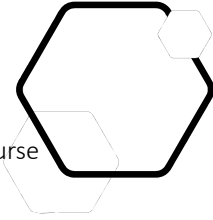
FOR MORE INFO: Contact [corporate.records@avisbudget.com](mailto:corporate.records@avisbudget.com)

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# THE MERGING OF RIM AND COMPLIANCE

## DON'T TRY TO DO IT ALL YOURSELF

- | Each member of our Compliance team has completed a basic records management course
  - | Records Management University provided by Feith Systems & Software, Inc.  
<https://www.feith.com/records-management-university-webinar-course/>
  - | National Archives provides a Certificate Course in Records Management  
<https://www.archives.gov/records-mgmt/training>
  - | 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](http://www.arma.org)
  - | 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/page/LocalChapters>
- | Establish a group mailbox so that inquiries can be addressed on a timely basis at [corporate.records@avisbudget.com](mailto:corporate.records@avisbudget.com) by any member of the team

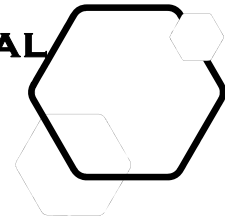


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# RIM AND THE COMPLIANCE PROFESSIONAL

## 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



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# Got Questions

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## THANK YOU

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