

Open Text Email Management Solutions

Part 1: Taking the Cost and Risk Out of the Inbox

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Abstract

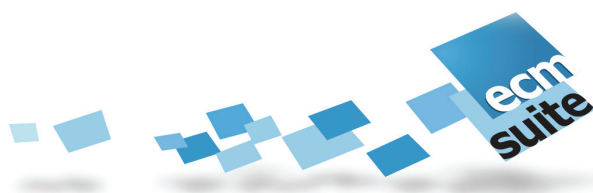
As the amount of electronically stored information continues to grow, businesses realize it needs to be brought under control. This explosion of email in particular puts pressure on IT, end users, and the legal department, each of which stands to gain significant benefits from a systematic approach to email management. IT can reduce costs by more efficiently managing and storing email messages. Users see the potential of greater productivity and collaboration with email management. But ultimately it's the legal department that has the biggest incentive. More than any other group, the legal department is responsible for reducing the risk and cost that mismanaged email represents for the business.

This whitepaper, the first part of a two-part series, examines the key issues that are driving organizations to consider an email management strategy and solution. It discusses the needs of each stakeholder (IT, the legal department, and end users) and the benefits each group can gain by a successful deployment. And it proposes a "three-zone" approach to classifying email, a philosophy that we believe is the basis of a successful email management strategy.



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Executive Summary

It's hard to imagine how we got by without email, especially in business. And yet, who among us hasn't at times cursed our inbox? We can't work without it, but it can also be a tremendous burden, in part because of the sheer volume of email we send and receive and, as a result, the difficulty in finding that one message we need right now, this moment.

However, as we'll see this is only a single aspect of a multi-faceted issue. IT organizations struggle under the weight of poorly managed emails, dealing with growth that continues to surprise even the most prepared organization. As a result, the IT department spends already tight and oftentimes dwindling budgets on storage systems and invests time and resources into managing policies and mailbox quotas in an ineffectual effort to slow down the growth or reduce storage costs. And even that's not the most important issue.

The real problem businesses face today with email is *risk*. Without a systematic, logical, business-based plan for storing legally required email and disposing of unnecessary email, an organization exposes itself to the likelihood of lawsuits, fines, sanctions, bad press, and more. Deleting email that should have been kept and keeping email that could have been deleted—both situations subject the business to unnecessary risk and staggering legal costs.

But how do you avoid these scenarios? How do you determine which email to keep and which to delete in a responsible way, based on business needs, legal requirements, and government regulations? How do you get a handle on the growing volumes of email that are clogging storage devices, causing performance degradation, and undermining productivity?

In this whitepaper, the first part of a two-part series, we'll focus on the three key stakeholders that should be involved in every email management initiative, the problems that each is compelled to solve, and how an email classification and management approach addresses an organization's key requirement: reducing cost and risk.

(In the second whitepaper of this two-part series, we'll talk specifically about approaches for implementing an email management methodology and system that accomplishes these goals.)



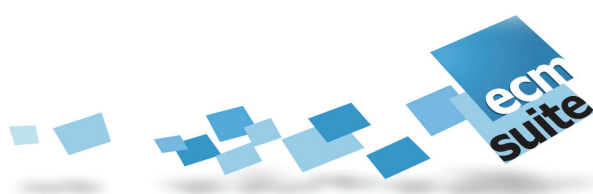
Why the Unchecked Growth of Email Is Unsustainable—And What to Do About It

Despite its unwavering value in the business world—helping employees to work together and processes to function smoothly across departments, companies, geographies, and time zones—email has become a burden on users and IT organizations. Worse, if improperly managed, stored, and disposed of, email puts businesses at risk. The risk—in legal liability, productivity, and cost—goes up with the volume of email sent and received. That’s the harsh reality organizations are dealing with today: the more email we save, the greater our corporate cost and risk.

Not surprising to most of us, companies generate a staggering volume of email every day. In its *2008-2012 Email Archiving Market* report, Radicati Group estimated that the typical corporate user now sends or receives 156 messages per day—nearly doubling the volume per day estimated in 2004. By such measures, an organization of 10,000 employees would generate approximately 400 million emails over the course of a single year. What’s the impact of that much information? From a storage perspective, that much email could consume roughly 20 terabytes of new storage space—every year! And yet the cost of storing it pales in comparison to the cost a company would likely incur in the event of a legal discovery request.

The solution, of course, is an email management policy, paired with a systematic practice—but not just any system. Some vendors offer an approach that moves data from the active mail environment into one better suited for cost-effective, long-term storage; but while this approach addresses the IT cost issue, it does nothing to reduce the legal risk and cost that accompanies misguided email retention. Understanding what makes some approaches better than others requires that we understand the problems we’re solving and the stakeholders who are impacted by those issues. We’ll also look at how an investment in an Open Text Email Management solution uniquely addresses the needs of each of these constituents in a way that absolves the organization of as much risk as possible.

Let’s start by looking at who is impacted the most by unmanaged email and how we got into this situation to begin with.



Three Stakeholders for Email Management: Users, IT, and General Counsel

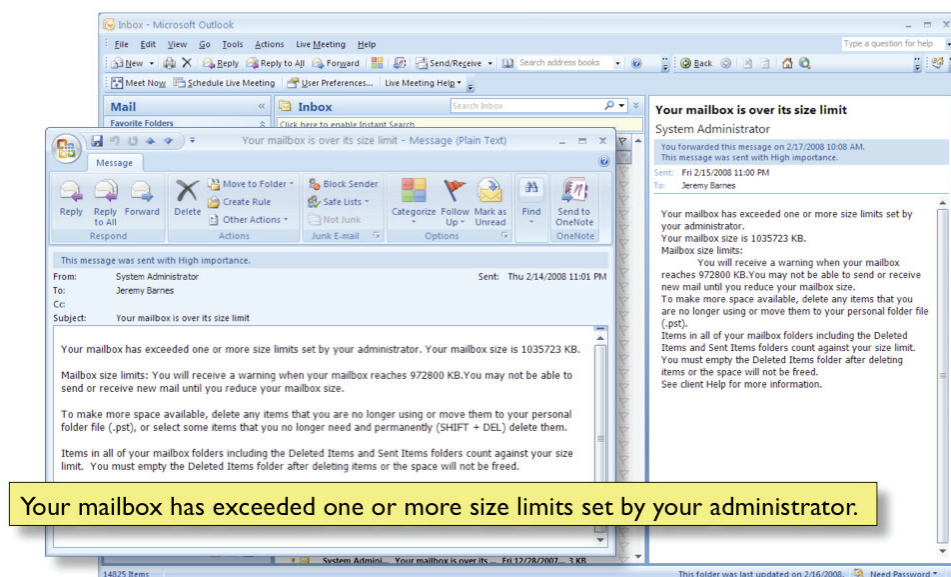
How did we get into this state?

IT feels the heat first.

Email piles up. Attachments especially consume enormous amounts of disk space on dedicated email servers. Server space is devoured and system performance degrades. That's why IT is typically the first organization within the enterprise to be impacted by the email issue.

In an attempt to reign in this volume, email administrators often start by setting a limit on how much email each user can keep in his or her inbox, which leads to frustration on the part of users and animosity between users and IT.

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Worse, it sets up a risky practice. If users are limited in the amount of email they can keep in their inbox, they'll typically respond in one of two ways: 1) they'll move email into a personal archive on their local workstation (such as a PST file), or 2) they'll start deleting messages to make room for more. In the first instance, they make it much more difficult and expensive for the company to reliably search through their messages in the event they are deemed potentially relevant to a legal exercise. In the second, they're deleting messages that could have legal significance, thus potentially exposing the company to liability, fines, and sanctions.

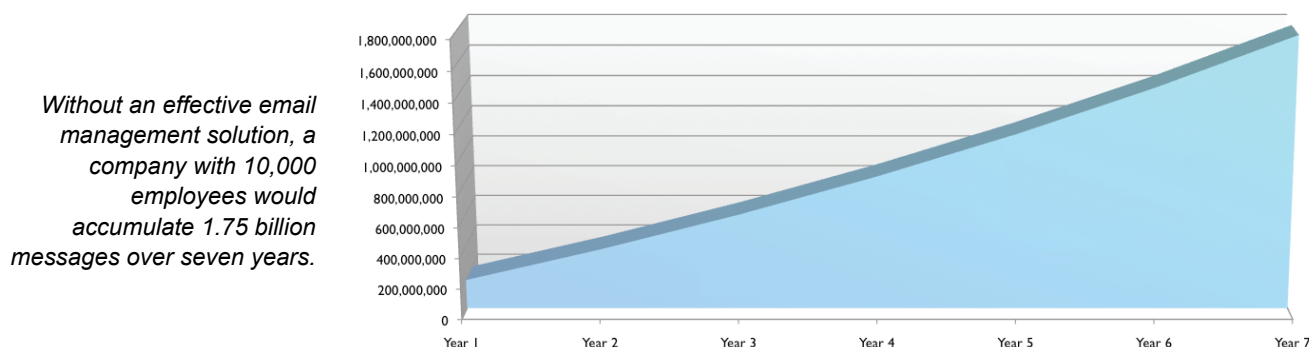


Meanwhile, IT is throwing more and more money at servers and disk space to store and back up the increasing volumes of data. And when management decides to err on the side of caution and simply save everything (to avoid the risk of deleting messages that have legal significance) and users are reluctant to go through their inboxes and dispose of accumulated email messages anyway (no matter how old), IT must constantly seek budget to acquire storage for data that is growing without end.

Competing interests between IT and legal

At this point for IT, it has become an archiving issue. The thinking goes something like this: we'll move all email data off our email servers to low-cost disks after it reaches a certain age, say 90 days; and then at another point, perhaps seven years, we'll delete it altogether. That's our plan to control growth and reduce costs.

But how effective is it? Using the example above of an organization of just 10,000 employees, over the course of seven years the company could expect to accumulate 1.75 billion messages, consuming as much as 80 TB of storage space. Even if those messages are all stored on low-cost arrays, it's still a significant amount of storage.



Worse, the email archiving system that was implemented to solve IT's storage problem creates a new problem for the legal department. Terabytes upon terabytes of content have been accumulating arbitrarily, and no one has any real sense of what business relevance that information actually represents. For the legal department, there are two problems with this indiscriminate archiving approach: 1) the company may be keeping information it could have responsibly deleted, and 2) if the organization is deleting information on a fixed schedule (say, when it's seven years old) outside the context of what it actually represents from a business perspective, it could be erasing information it's legally required to keep. (Patient medical records, for example, may need to be kept for upwards of 50 years.)



Spoliation vs. the smoking gun

The practice of deleting email can lead to *spoliation*, meaning the destruction of evidence, whether willful or inadvertent. Consider, for instance, the highly publicized and precedent-setting *Zubulake* case. Here, the defendant was asked to produce email relating to a discrimination and unlawful dismissal matter, and when the company tried to find that information it discovered that it had been written over, lost, or simply deleted by users to free up space in their inboxes. The result was an “adverse inference” ruling, in which the judge instructed the jury they could assume the missing emails contained the worst possible information. The claimant was initially awarded \$29 million. Cases like this one clearly demonstrate that courts have little tolerance for organizations that have disposed of electronically stored information in an irresponsible manner.

That doesn’t mean the legal department should be in favor of saving everything forever. For one thing, such practices can lead to *the smoking gun*, the opposite of spoliation. The most frustrating element of a “smoking gun” email is knowing that it could have been destroyed. The CEO of a well-known manufacturer of commercial jetliners and military aircraft, for example, was ousted by the company’s Board of Directors in 2005 after an ill-advised email was discovered depicting an affair he had with a co-worker. Ethics notwithstanding, there was little reason why this email needed to remain on the mail server as long as it did. On this issue, IT and legal are aligned.

Legal’s bigger concern: The high cost of eDiscovery

While it’s certainly true that the legal department wants to avoid the possibility of a smoking gun, it’s primarily interested in deleting irrelevant email for another reason: the high cost of sifting through information in the case of a legal discovery request. The costs incurred throughout the eDiscovery processes can often be directly correlated to the volume of information in an organization. In fact, according to Gartner¹ one GB of data can result in \$18,750 in legal review fees, or nearly \$20 million per terabyte.

In a recent case involving chip maker AMD, for example, projections estimated that six to eight terabytes of subpoenaed content would require 100 lawyers working for several months just to go through it all. Undoubtedly, a great deal of that content was not just irrelevant but also bore no real business value and could easily have been disposed of without legal impact—saving untold sums of money in attorney and other fees.

¹ Gartner, “E-Discovery: Project Planning and Budgeting, 2008–2011,” February 2008.



And what about end users?

In the balancing act between the needs of IT to minimize storage costs and those of legal to ensure that the right emails are being kept for the right length of time, the needs of end users can get overlooked. But as the general user population has proven over and over, any solution to a business problem (including email mismanagement) that doesn't account for how they prefer to work will meet with resistance and ultimately be much less likely to succeed.

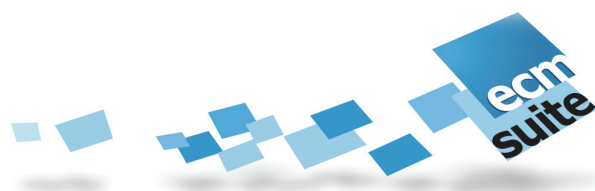
What end users need is the least obtrusive approach possible. They see email as a productivity tool and will resist any top-down "solution" that they perceive as diminishing their ability to work quickly, efficiently, and (most importantly) without interrupting their established behaviors and processes. A successful implementation of email management will treat these demands with the deference they deserve.

At the same time, users do recognize that email could be more efficient. Just as IT does, many users feel overwhelmed by the volume of email they deal with and do not have a good system for organizing or managing it. They spend too much time searching through emails to find information relevant to a task at hand or to meet a request from a manager. They would like a better search engine. They would like to collaborate more efficiently with colleagues through email, which could mean the ability to access, search through, and act on emails stored centrally, rather than in a thousand different individuals' inboxes.

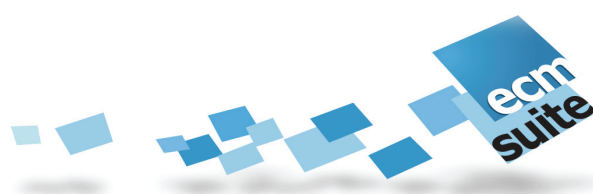
Different stakeholders, different needs

In short, a successful email management system must balance competing needs of the three key stakeholders: IT, legal, and users themselves. The table below summarizes their requirements when it comes to email management:

Stakeholders	Perceived problem
IT Organization	<p>Volumes of data growing at an unsustainable rate</p> <p>Insufficient storage space for all the email that's accumulating</p> <p>Insufficient manpower (staff? resources?) to manage, maintain, and replace email servers</p> <p>Tight budgets, which forces IT to continuously request more money or find more cost-effective ways to store the growing volumes of email</p>



Stakeholders	Perceived problem
Legal Department	<p>Unacceptable risk of violating legal, industry, or regulatory requirements as a result of deleting emails that should have been kept</p> <p>High cost of finding, preserving, and reviewing emails throughout the litigation process</p> <p>Unacceptable risk of inappropriately storing emails that could be damaging to the company if uncovered during a legal discovery</p> <p>Difficulty establishing a reliable and consistent litigation hold process against the fast moving target that is user mailboxes</p>
End Users	<p>Limits on inbox capacity, forcing users to delete messages or preventing them from accepting or sending new email</p> <p>No formal process for managing or organizing email</p> <p>Difficulty locating email messages quickly or leveraging emails managed by other users</p> <p>Suboptimal processes for collaborating with colleagues via email</p>



The Solution: Identifying the Business Value of Email Messages in a “Three-Zone” Model

So far, we’ve determined that there are three main stakeholders that must be accounted for when implementing an email management solution. We’ve also established that it is neither responsible nor defensible to delete information without clear cause and in accordance with policy. At the same time, there is substantial cost and risk associated with a “keep everything” mentality—and fortunately, we’re not legally obligated to. The Federal Rules of Civil Procedure (FRCP) in the United States, for example, as well as evolving guidance worldwide, have clearly established that it is not necessary to keep every email message ever sent or received:

Absent exceptional circumstances, a court may not impose sanctions under these rules on a party for failing to provide electronically stored information lost as a result of the routine, good-faith operation of an electronic information system. (FRCP Rule 37(e))

Many organizations interpret this guidance to mean that courts provide for the right of companies to dispose of transitory and unimportant information—provided it’s done according to a documented and systematic process (“routine, good-faith operation”). To meet that requirement, though, companies must be able to demonstrate that they’re following an established, well-documented, and systematic email management process.

Classifying email provides guidelines for archiving

To manage email in a responsible and legally defensible way—while meeting the competing interests of the three key stakeholders—we must start with the premise that not all email is created equal and that different types of email must be managed differently. At Open Text, we find it’s helpful to start by thinking about email in terms of three types: email that must be saved because it is a business record of the company, email that has business value but is perhaps not *legally* required to be saved, and email that has no long-term business or legal value. We call these categories *intended records*, *reference*, and *transitory*:

- **Intended records**—These email messages should be captured and retained in accordance with corporate policy and as such are identified as *intended records of the company*. Discussions around potential acquisitions, patent information, contract-related correspondence, and employee records: messages such as these can contain important and sensitive content that companies may be compelled to produce at a later date.
- **Reference**—Some messages sent and received by employees are not formal records of the company but have value to the user. For example, project-related messages containing information such as due dates, expected deliverables and outcomes, and contact information of other project members help employees do their jobs on a daily basis are typically used as reference materials throughout the lifespan of the project. These messages may not



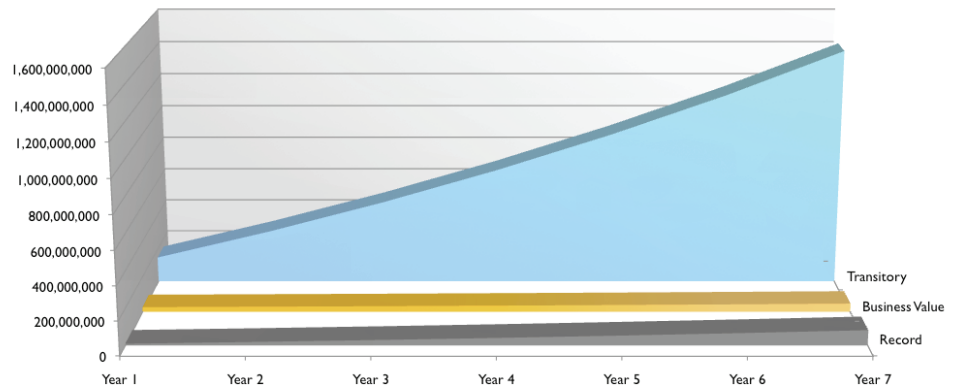
have implicit legal value, but keeping them around helps the business run smoothly.

- **Transitory**—The majority of email sent and received falls into this category. These messages have no long-term value to the company, and some are not related to business activities at all. Emails such as out-of-office replies, reminders to attend social gatherings, brief thank-you notes, unnecessary CCs, and so on: such emails clutter our inboxes and create noise that makes it difficult to find and work with the information that actually has value.

Once these types are identified, companies typically establish guidelines around how each category is managed:

- Intended records are retained wholly in accordance with what policy dictates. For example, content related to HR matters may need to be saved for seven years following the termination of the associated employee. During that time it can't be deleted, but at the end of that period it should be removed from the managed repository.
- Business value content (reference email) is typically retained for a shorter period of time, such as two or three years, during which ongoing retention or deletion is typically left to user discretion.
- Transitory information is retained only for a relatively short time frame; many companies feel comfortable with a 90- or 180-day timeframe. Without a compelling business or legal reason to keep these messages, they should be eliminated to keep them from taking up space and resources unnecessarily (and as discussed, driving up legal costs unnecessarily in the future), especially when you consider that for most companies, some 70 to 80 percent of all email often falls into this group.

Deleting transitory messages after a short period removes 70 to 80 percent of email from long-term storage. For an organization with 10,000 mailboxes, this approach could reduce total volume over seven years from 1.75 billion messages to a mere 250 million, an 85 percent reduction.



We call this systematic approach the “three-zone” system. It allows you establish disposition requirements for email based on which category each message belongs in. We’ll return to why this so important and how it enables users to easily and seamlessly manage email without adding unnecessary burden.



Benefits of classifying: Who gains?

The benefits of this approach for the legal department and IT are clear. Archiving intended messages for a legally mandated period and removing transitory messages after a brief period will reduce the total quantity of email that would need to be sifted through in the case of an eDiscovery request, while also enabling legal teams to focus on specific types of messages, making their searches more targeted and organized. This approach also addresses IT’s need to keep long-term storage to a bare minimum, reducing hardware requirements as well as administrative time.

Users benefit from an email management system primarily because it allows them to work more efficiently and collaborate more easily and because it eliminates inbox restrictions. It also encourages better information management practices and gives users common-sense ways to start establishing some consistency around what messages they are keeping and why. The table below summarizes what each stakeholder gains from an email management system.

Stakeholders	Value of a Successful Email Management Solution
IT Organization	<ul style="list-style-type: none"> Reduces storage costs associated with the messaging environment Improves backup and restore processes Minimizes IT overhead associated with maintaining email system
Legal Department	<ul style="list-style-type: none"> Reduces legal costs by minimizing the total volume of information retained within the company subject to legal discovery and review Reduces risk by ensuring that important messages are demonstrably retained in accordance with policy
End Users	<ul style="list-style-type: none"> Eliminates mailbox size restrictions—giving users more flexibility to keep the email that is important to them Provides much more robust search tools, enabling users to quickly locate messages and attachments Enables business users to collaborate and share email information between groups



Why End User Involvement Is Critical

If the primary drivers for an email management system are cost and risk, it follows that the stakeholders most concerned about these two issues are IT and the legal department. Nevertheless, it's important not to overlook the needs of end users who are critical to the success of any email management project.

And yet, some organizations balk at the notion of user-driven email management. Given the sheer volume of messages, they ask whether it's realistic—or even possible—for users to make classification decisions about each of their email messages. Some organizations are swayed by automated systems that promise to classify emails without user input.

These are legitimate concerns, and at Open Text we believe that an email management system must not only enable users to participate but do so with minimal impact to the way they currently work.

It's for that reason that we subscribe to the “three-zone” approach to email management. What we've learned—and what most organizations quickly discover—is that only a very small portion of email messages actually constitute *intended records* of the company; and it is only these messages that a user makes a measured decision about in the three-zone approach. *Transitory* messages are purged automatically, without requiring any action on the part of users. And *reference* messages are handled no differently than the way they're currently managed by users—many users, for instance, are accustomed already to organizing messages they need to keep into local .PST archives. How the Open Text Email Management solution enables this to happen is the focus of the second part in this two-part whitepaper.

Why not a completely automated approach?

In Part 2, we'll also we explain why we don't recommend an automated-only approach. The primary reason lies in the fact that email is notoriously contextual and, at times, surprisingly vague. Automated systems may be pretty good (if rarely perfect) at identifying *intended* record messages. Where a wholly automated approach is much less effective is in differentiating between *reference* messages and *transitory* messages.

This becomes a problem when the system categorizes messages incorrectly and deletes messages that users want to keep. The result is that users find other ways to save their messages outside the email management system, which ultimately defeats the purpose of having an email management.

Making email management matter to end users

Finally, in the second part of this whitepaper, we'll look at ways to engage end users. We'll examine how a successful email management system adjusts to the way users work, reducing barriers to adoption while supporting the business's need to reduce cost and risk. For more information, please see Part 2 of this whitepaper: *End Users – The Key to Successful Email Management*.



About Open Text

Open Text is a leader in Enterprise Content Management (ECM). With two decades of experience helping organizations overcome the challenges associated with managing and gaining the true value of their business content, Open Text stands unmatched in the market.

Together with our customers and partners, we are truly The Content Experts,[™] supporting 46,000 organizations and millions of users in 114 countries around the globe. We know how organizations work. We have a keen understanding of how content flows throughout an enterprise, and of the business challenges that organizations face today.

It is this knowledge that gives us our unique ability to develop the richest array of tailored content management applications and solutions in the industry. Our unique and collaborative approach helps us provide guidance so that our customers can effectively address business challenges and leverage content to drive growth, mitigate risk, increase brand equity, automate processes, manage compliance, and generate competitive advantage. Organizations can trust the management of their vital business content to Open Text, The Content Experts.

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