## Why Information Governance is Eclipsing eDiscovery

Everywhere you look right now, Information Governance, "IG," has taken center stage. I have had the pleasure of speaking twice in a week on the topic - once to records managers at ARMA's Northeast Regional Conference and once to litigators at McDermott's Technology in the Law Symposium. Why is IG so hot and why is it overtaking the discussion on eDiscovery?

## IG is hot, hot, hot

IG is the Next Big Thing because it is a catch-all concept that covers a lot of currently important ground: compliance, data ethics and breaches, data management and intelligence, workflow, visualization and analytics. All of these elements play a key part in IG, and always have. So, why is it hot now? The biggest factor is the Target data breach of over 70 million customers' personal data. The scope of the breach (nearly 25% of all American citizens were affected) and the wall-to-wall media coverage has helped propel responsible data management into the forefront of society's concerns. In fact, <u>a Pew Research study</u> in January found that over 50% of Americans are "worried about the amount of personal information available about them..." The IG train of responsible data management has left the proverbial station and is speeding its way through the legal system, through Wall St., and through consumers' concerns and buying behavior. Nothing speaks louder than consumers and their wallets. For Target, "<u>Satisfaction with the overall shopping experience was down almost 2 percentage points in March, with declines "most acute" among middle-and-upper-income shoppers</u>" as late as April, 2014 -four months after the breach was announced.



## Why is the IG discussion eclipsing the eDiscovery discussion?

For starters, eDiscovery is old news. The earliest uses of the phrase stem from 2004, nearly a decade ago, and well before the FRCP changes in late 2006. Today most litigants, and certainly their outside counsel & advisors are very familiar with its concepts. In fact, most service providers in legal, lit support or eDiscovery already have a wealth of tools and solutions to choose from. Need Early Case Assessment? ESI Processing? Predictive Coding for Doc Review? There are a plethora of solutions, all heavily vying for your attention. The truth is, it's just not that complicated anymore and the solutions have decreased so much in cost that almost all solutions are accessible to almost all matters. In short, eDiscovery has become as exciting as word processing or scanning.

But the eDiscovery blahs are only half the reason for the decline in discussion. The other half is that intelligent IG encompasses eDiscovery. eDiscovery is subsumed by smart DDC (data, document & content) management, right along with litigation holds, retention policies, workflow routing, exception handling, data breach response and investigations. Today, eDiscovery is but one of any number of critical activities undergone by major corporations all the time. It's just not the fire drill it used to be, and those implementing IG will see to eDiscovery's needs along the way.

## So, where does that leave us?

Unfortunately, this leaves us woefully and inadequately prepared to handle IG. The passel of eDiscovery tools do little to solve problems that are much larger than typical litigation matters every imagined. The the records management side of the house is of little help with their diminished budgets, and dearth of tools available for large-scale data mining and management. Thus there is promising opportunity for IG-oriented solutions that take the best of both worlds, with an eye towards intelligent DDC management from the outset. Stay tuned, blog readers, and see where Valora heads next...