

What is a Record?

How State and Local Governments are
Managing Social Apps and Collaboration



Introduction

Today, many state and local governments rely on technology to help employees work efficiently and find new ways to connect with the public. Whether it's a government official engaging with constituents on social media or campaign workers using Slack to discuss canvassing plans, countless daily exchanges occur. This proliferation of mobile, social and collaborative content creates new debate about what constitutes a business record.

Records management is a complex topic that many state and local government agencies have cited as a critical concern. As collaborative technology and apps are constantly evolving, organizations and governments must ensure they are prepared to meet their FOIA obligations.

The benefits of using such technology to connect with audiences and colleagues are undeniable. There is direct value to agencies utilizing these powerful tools. However, they also pose unique risks, increasing the potential for policy violations and data privacy breaches.

Below, we take a closer look at changes in records management and how state and local governments can safeguard themselves against potential risks that today's modern communication technologies pose.



In this brief, you'll learn:

- **The unique records management challenges raised by text messaging, social media, voice, video, and other modern communication channels**
- **Why a strong records management program is crucial to protect the privacy and security of government records**
- **How organizations, including state and county agencies, can produce records with minimal time, effort, and expense**

The new reality of information governance

Technology makes it easier for everyone to communicate. Officials can now connect more easily with constituents over social media, meeting voters where they spend their time and opening new pathways to reach new audiences. They can run virtual meetings or town halls, opening these meetings to more attendees than could ever attend in person. Internal employees, now more dispersed than ever due to remote work accommodations, lean on tools like Zoom, Slack and Microsoft Teams to stay connected and work efficiently. This landscape is the new reality that information governance and records management teams must contend with.

In practice, 64% of U.S. counties and 51% of U.S. cities are active on LinkedIn, including 73% of top elected officials. An agency's presence on these channels provides more opportunities to engage with citizens and collaborate to get work done. However, the more ways agencies have to connect, the more opportunities there are for information risk to surface.

Each government agency faces the challenges of identifying records from these platforms. Robert Smallwood, CEO of Information Governance World Magazine, noted three general guidelines his team provides for what constitutes a business record:

- The content deals with regulatory, compliance or legal issues
- The content is related to a business transaction
- The content is something someone could dispute in the future

Beyond this, government agencies must decide how they define records internally. State laws require them to capture and store all business records and be able to access records to produce them for FOIA and other public records requests. However, many agencies do not agree on what constitutes a public record.



“You’ve now got many more ways that individuals can generate business value, but a lot of additional ways that information risk can surface, and all of those areas factor in information security and data privacy and whether or not to support these platforms.”

– Robert Smallwood

At the same time, a general lack of data privacy standards in the U.S., including how data is used and the repercussions if it is misused, puts the onus in the hands of governance teams to tackle the unique recordkeeping challenges posed by technology today.

Benefits of communication tools

The benefits of boosted connectivity due to communications tools are multifaceted. It's easier than ever for companies and state and local governments to meet their voters where they are. Social media has become a cornerstone of every campaign team's strategy. It supports organizations as they build a recognizable reputation with their constituents.

Employees in remote-first workplaces rely on instant messaging and video conferencing tools to work effectively. These tools mean employees can work from the comfort of their homes and still be just as, or in many cases more, productive than if they still commuted into an office. They can solve problems and get answers faster using these collaboration tools, while maintaining a work-life balance.

The unique record management challenges

Messaging over Slack, Microsoft Teams or any other collaboration platform often includes ongoing discussions that can last hours or even weeks. As a result, every message must be assessed and taken in context when determining if it's a record worth storing.

An individual message might not mean anything, but its meaning could change when put in the context of a larger conversation.



“We see firms struggling dramatically with this because they are still leveraging governance, risk, compliance and discovery tools primarily designed for email. So, a fundamental disconnect exists in understanding that conversational context and questions of how firms can best create and preserve that historical record.”

– Robert Cruz, VP of Information Governance at Smarsh

The sheer size of today's communication files poses another challenge. A one-hour video call with ten participants is a massive file to move and expensive to store. AI technology can support this by providing written material to capture the core moments of the meeting, but it adds another layer to communication that must also be assessed. As a rule, the more technology you add, the more complex records management becomes.

Think of how often you send a file over an instant messaging tool. That file arrives at its recipient as a link. If that link changes, how that record is classified and stored also changes. At the same time, APIs are constantly shifting, making it difficult for agencies to have reliable methods of capturing and producing records. Similarly, the tools organizations use update regularly. While excellent for the tool's functionality, these updates force records management teams to adjust their records management and information governance policies and procedures.

Some of the unique challenges facing information governance include:

- **Ongoing conversations on Slack, Microsoft Teams, etc.**
- **File attachments with links that change**
- **Features without reliable methods of capture**
- **Changing technology that can abruptly alter records management processes**
- **Large data items like long Zoom calls or webinars**
- **Outdated records management procedures in place**

Key things to consider

Adoption of these collaboration and communication tools isn't slowing down. An increasing number of state and local government agencies experience benefits that are too huge for them to forgo using these tools entirely. However, this makes risk mitigation even more critical.

The role of AI

While an asset in many ways, AI technology will dramatically impact records management policies. AI can offer suggestions based on conversations in meetings or create a meeting transcript. AI-generated transcripts are smaller files to store and easier to search for within a database. It removes manual processing for information but adds another layer of communication risk.

AI can improve information management, automate governance processes, improve compliance, and increase efficiency. Those benefits all come with their fair share of risks, making it even more important to have robust policies and procedures for recordkeeping. Agencies must understand the level of transparency the host companies of their tools offer regarding how data is stored and then make a judgment call.

What agencies are doing to mitigate risk

The proliferation of communications technologies available means government agencies are growing more selective with the tools they use. They must ensure they understand each new tool's benefits and risks. The more tools used, the more complex record identification and management becomes.

"It's generating the ROI. The business is saying I need to be on these tools because this is where my market is, where growth is, where I'm going to expand my organization," Cruz said. "We have seen firms become more selective in choosing tool A versus tool B because they feel they've got better control."

This control occurs granularly; agencies are staying ahead by maintaining up-to-date employee training around records management and the tools they use. They drill down further by creating training that is team- and role-specific. Regulatory bodies like the SEC in the financial services industry can provide guidance that's also relevant for state and local governments in terms of how to define a record. Still, it's up to each agency to set the guardrails for handling records management and information governance.

Strong governance programs support records management

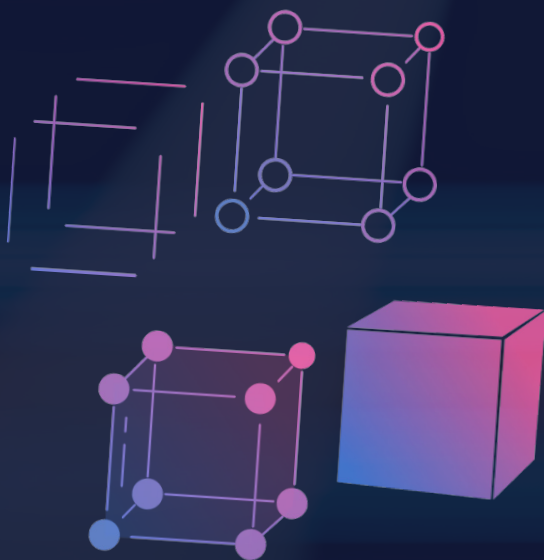
With a robust information governance program, state and local government agencies should be able to use the tools that benefit their organizations and ensure risks have been mitigated. They must ask themselves what level of risk they're comfortable with. Creating a strong governance program means having a reliable tool to capture, retain and produce mobile and collaboration communications data.

What comes next?

Every new communication tool brings enhanced capabilities that can dramatically alter how agencies work. With each new advancement comes risk. Each government entity must assess its unique risk factors and create policies to help mitigate them.

Technology will always fall into the hands of employees, so consider what guardrails should be in place to protect the employee and the agency. Create policies that accommodate what employees need to do their jobs well.

Seek ways for technology to enable the business instead of inhibiting it. If you turn down one tool, offer an alternative. Organizations must remain proactive as technology changes.



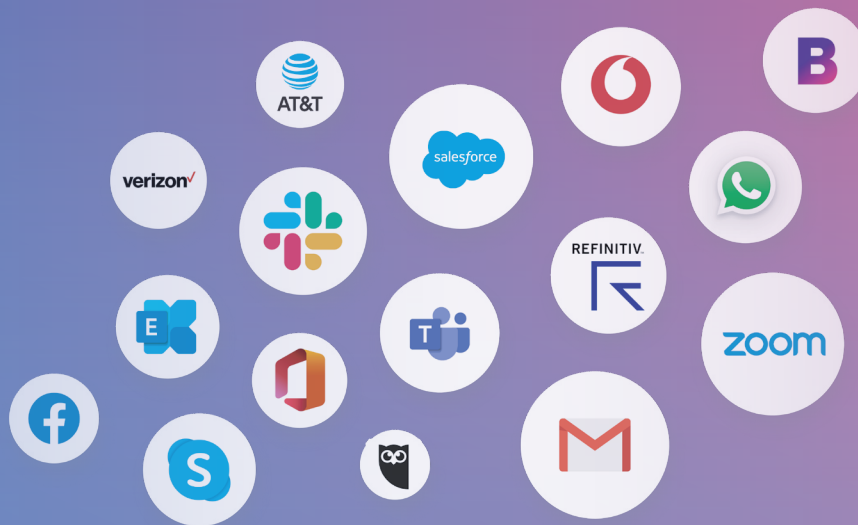
“

“The technology’s not going to stop. And I think what firms hopefully can think about here is just the need to be proactive. Tools are always changing, so it’s good to stay in step with technologies.”

– Robert Cruz, VP of Information Governance at Smarsh

How Smarsh Can Help

Smarsh simplifies the capture and storing process of more than 100+ channels of communications data, including text messaging and other mobile applications. This means agencies can meet recordkeeping obligations, manage risk and reduce the time and cost of responding to public records requests from a single, comprehensive solution.



Smarsh enables companies to transform oversight into foresight by surfacing business-critical signals in more than 100 digital communications channels. Regulated organizations of all sizes rely upon the Smarsh portfolio of cloud-native digital communications capture, retention and oversight solutions to help them identify regulatory and reputational risks within their communications data before those risks become fines or headlines.

Smarsh serves a global client base spanning the top banks in North America, Europe and Asia, along with leading brokerage firms, insurers, and registered investment advisors and U.S. state and local government agencies. To discover more about the future of communications capture, archiving and oversight, visit www.smarsh.com

Smarsh provides marketing materials for informational purposes only. Smarsh does not provide legal advice or opinions. You must consult your attorney regarding your compliance with applicable laws and regulations.

Brief - 04/23



© 2023 Smarsh, Inc. All rights reserved