



Keeping Storage Legal

Far-reaching effects of regulation compliance mean changing the way information is stored

The Health Insurance Portability and Accountability Act (HIPAA) regulations have changed healthcare documentation and storage requirements. The Sarbanes-Oxley (Sarb-Ox) Act of 2002 is all about financial controls. The bottom line: Effectively archiving e-mail and other data plays a vital role in keeping a company compliant with these types of legislation.

For IT managers, this calls for additional focus on storage management processes surrounding data security and access, as well as archiving, backup, recovery and replication. Given the current criteria, it's no surprise that storage issues — from what to keep to how to keep it and for how long — have become major concerns.

A recent survey conducted by Enterprise Strategy Group (ESG) of Milford, Massachusetts, found that due to regulatory compliance, corporate governance, litigation support, records management and data management, total worldwide digital archive capacity in the commercial and government sectors will grow to more than 27,000 petabytes by 2010.

By contrast, in 2005, 2,800 petabytes of digital archives were stored in all companies worldwide. “The market drivers for e-mail archiving specifically are clearly regulatory compliance-related,” says Brian Babineau, analyst for ESG. “At a 60 percent compounded annual growth rate, by 2010, 3,553 petabytes of e-mail digital archives will be stored.”

Those staggering numbers mean only one

thing: Companies will be relying on storage and archiving solutions to support the ongoing need for records management. While HIPAA and Sarb-Ox are ultimately laws that mandate healthcare documentation and financial accountability, they translate into requirements to store all relevant records — and in most cases, that includes the semi-structured data we know as e-mail.

Wanted: Storage Capacity

“Given that most companies are already storing and archiving e-mails and files to cover the requirements of HIPAA and Sarb-Ox, there are likely to be spikes in storage capacity,” says Gregg Strydom, channel marketing manager for Sony's storage products. Many companies have primary data stored on disk — and the more you store, the more capacity you require.

If you're using storage disks, they fill up quickly. You'll have to purchase more to accommodate the volumes of data you're storing. That starts to become costly unless you can develop a strategy that satisfies the need to store that information while keeping an eye on your budget.

In addition, the growing amount of information companies are storing means that there will always be issues around accessibility from an auditing perspective. The speed of retrieval and the ability to reproduce or retrieve that information (within 24 hours in most cases) is key to avoiding fines and penalties for legislation noncompliance. “If you've ▶

been storing a gigabyte or more of data, you need quick access to that data. If you're storing on tape, it's the most cost-effective option, but there are also issues surrounding how quickly you can access that data," Strydom says.

The technology aspect of regulation compliance is vital to making it work. Although IT is not likely to determine what will be kept, IT managers do need to understand what is being kept and why — along with how to keep it and for how long. Capacity and retrieval will always be major concerns.



The Sony-Intradyn Solution

One e-mail archiving solution comes as the result of a partnership between Sony and Intradyn. Called the ComplianceVault, it's a plug-and-play appliance that's configured to work with Sony AIT (Advanced Intelligent Tape) libraries. The appliance bundle is aimed at companies of all sizes who need to archive data to meet compliance goals, even small businesses.

ComplianceVault is a rack-mounted, disk and tape system with a 320GB to 1TB hard disk array. The disk system is partnered with a tape library unit with capacities that range from 400GB to 3.2TB. It enables customers to store e-mails onto a disk for online speed and retrieval. E-mails are eventually archive to the tape library for longer term storage.

The system includes comprehensive search capabilities, a full audit system and saves space by not duplicating attachments. "This archiving solution has extensive search capabilities, so users can store huge volumes of data and retrieve anything in that archive rapidly," says Strydom. "Multiple search criteria include key word searches, wild-card searches, proximity searches, fuzzy searches and complete Boolean searches. You can even save searches for performing them on a regular basis."

Gaining in popularity, disk-to-disk-to-tape (D2D2T) offers the benefits of both media — the speed of disk combined with the portability and cost-effectiveness of tape, using WORM (write once-read many) technology. With this solution, you can build

the foundations of e-mail archiving compliance at an affordable price, since WORM tape is much more cost-effective than other WORM media such as optical or disk. Also, there's no per-user or per-mailbox software license fees.

The Sony-Intradyn ComplianceVault solution typically covers server environments of two to 15 servers or up to 1,000 e-mail boxes. "Archiving e-mail onto unalterable data with AIT WORM tape technology enables you to search archived e-mails and stay within compliance guidelines, and also helps when you need to show evidence in the event of litigation," says Strydom.

In a recent survey, ESG asked 485 companies to respond to queries regarding digital archiving and the driving factors behind it. Of those 485 companies, 22 percent of respondents reported that they deployed an e-mail archiving application that drives the total digital archive capacity. Of that 22 percent, 61 percent did so to comply with regulations, and 49 percent of respondents have been subjected to electronic discovery requests and are already involved in litigation.

According to ESG's Babineau, who covers the intelligent information management market and regulatory compliance, Sarb-Ox has no specific storage requirements outside of auditors keeping the audit records for four years after final date of audit. "However, companies are required to store specific documents that state any financial transactions," he says. And while HIPAA doesn't mandate what type of technology is used to store health records, it does require that records for adult patients be kept for up to two years after a patient's death.

Developing a Storage Strategy for Compliance

"Most public companies already have to be Sarb-Ox compliant because they had to file with auditors last October," says ESG's Babineau. It's likely that many of these organizations began working on methodologies to become compliant a year or two ago. Private companies are also adhering to Sarb-Ox guidelines, especially those looking to go public or be acquired by a public firm, or just for good business practice.

However, the process is subjective. "It's the auditor's opinion if you're compliant or not. It's based on whether or not you meet the requirements outlined by the regulation," Babineau says.

For hospitals and healthcare providers, IT departments are doubly challenged since they have to figure out where to store all the various records that pertain to a patient's care. For the most part, it comes down to cost and accessibility.

In order to get compliant, it's vital to develop a solid plan for records management. To get things started, you need to get the right stakeholders in the room, says Babineau. That includes the records management team (if there is one) and the general counsel's office, which is usually responsible for what to keep and how to keep it.

In addition you need someone from the compliance group (if that's a separate group) and the IT manager as well. "The IT organization needs to be involved in this process and it's important to include those responsible for both e-mail and storage systems," says Nick Mehta, senior director, product management, Symantec.

"The majority of companies in America have a records retention policy that assigns retention periods to each category," he says. Some companies have a third party build a records plan, but many do it in-house. Some of these companies are now looking at electronic records management.

“The process of developing a records management policy is daunting for some companies,” says Mehta. “It can take a year or more just to develop the policy and implement it.”

According to ESG’s survey, e-mail is more often than not the first application that comes to mind when users are asked about what is driving digital archiving activity. In addition, respondents stated that e-mail is the record type most commonly requested by courts and regulators.

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— Brian Babineau, Analyst, ESG (Enterprise Strategy Group).

Creating a standardized messaging policy is key to remaining compliant. While many companies are simply keeping everything, that may not be the best approach in the long run, according to Symantec’s Mehta.

Using the Symantec Enterprise Vault Discovery Accelerator, companies that retain both internal and external e-mails and attachments have the capability to do rapid search and discovery of e-mail for litigation support. “Often you wind up with duplicate data,” says Mehta. “If you send an e-mail out to 30


people, it will be captured 30 times, so it’s important to compress data and to tier archives and eventually move archives to tape.”

Symantec’s Enterprise Vault software offers a flexible archiving framework to allow for fast recovery of content held within e-mail. “In the future, companies will need to develop ways to have better control over messaging systems,” says Mehta. It’s all about understanding what’s critical to your business. According to Sony’s Strydom, “Put quite simply, it’s a cost issue. You can easily move toward a solution that helps with obtaining compliance goals — it won’t make them compliant on its own.”

Total Tech Systems’ TrustWorthy Appliance is built on Symantec Enterprise Vault software and allows businesses to archive instant messages along with file server content. It comes in three models, including an entry-level version, which provides basic e-mail archiving.

The more powerful TrustWorthy Sarbanes-Oxley/HIPAA/FDA Appliance comes equipped with the Symantec Discovery Accelerator and Compliance Accelerator modules, and is useful to auditors and legal teams trying to gather data for a case. The higher-end appliances come with a Sony AIT autoloader that provides 3.2TB of WORM storage.

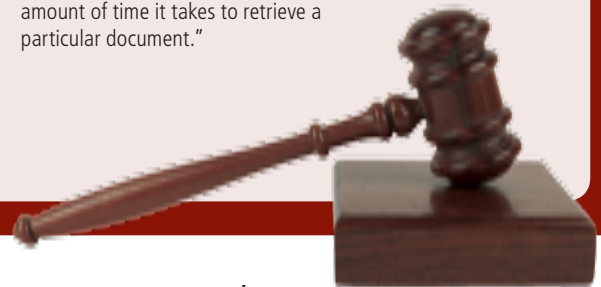
Certainly lawyers and courts realize that e-mails and business records are subject to review should the concept of regulation compliance be called into question. Keeping yourself out of trouble is not hard. In fact, it is often the easy things that can effectively maintain data security.

Businesses that go the extra mile and take proactive steps now will enhance their credibility with stakeholders, auditors, regulators and litigators. The other more dangerous option is to wait until events force your hand on these issues. 

Retaining Messaging and Collaborative Data Action Plans

There seem to be three types of action plans regarding retention and collaborative data for auditing purposes, notes Nick Mehta, senior director, product management, Symantec.

1. “There are those companies that simply keep everything forever,” he says. “They typically don’t know all the different regulations and what needs to be kept.” These companies are the most heavily regulated and use an archiving system to capture e-mail, spend a lot of money and end up with a huge repository that you have to wade through at some point.
2. Some companies don’t implement any process to archive information and rely on employees to put e-mails and relevant files into a document management system. While some smaller companies are operating this way, they’re in the minority. It’s also a risk since many documents can get lost or destroyed — and that affects compliance.
3. The third group is the intelligent archiving customers. “These companies aim to implement rules where content is analyzed and based on certain criteria, it’s determined if content will be retained or not,” says Mehta. Many medium- to large-sized businesses seem to be trending in this direction. “In this scenario, content is indexed, so it’s searchable — and since with this approach the content has already been filtered, it reduces the amount of time it takes to retrieve a particular document.”



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