Week#4 Q1:

Chapter Eight (8): Information Governance and Legal Functions: According to the authors, Smallwood, Kahn, and Murphy, IG is perhaps one of the functional areas that impact legal functions most. Failure to meet them could be literally put an organization out of business or land executives in prison. Privacy, security, records management, information technology (IT), and business management functions are very important. However, the most significant aspect of all of these functions relates to legality and regulatory compliance from a critical perspective.

Q1: When we take a close look at the author’s point of view, under the Federal Rules of Civil Procedures (FRCP) amendments dating back to 1938 there has been governance and the discovery of evidence in lawsuits and other civil cases. Please name and briefly discuss the three (3) reasons why corporations must proactively manage the e-discovery process?

A) Preceding 1938, government courts had separate standards for common cases in suits in value and suits at law. (For a clarification of the contrast among value and law, this article might be of assistance). In 1938, the Supreme Court issued the present current standards of common technique, nullifying separate principles for value. The guidelines have kept on being corrected after some time, with the most recent rework, to improve style and consistency, in 2007. This online release of the Federal Rules of Civil Procedure is intended for convenience and functions admirably both on the work area program and on cell phones. Principles are cross-connected for simple access and the notes on each standard's history incorporate connects to referred to cases and rules. This site is refreshed yearly as the standards are changed and altered, so you can make sure you're generally forward-thinking.

This site has been refreshed with all revisions to the guidelines for 2019.The Federal Rules of Civil Procedure (authoritatively truncated Fed. R. Civ. P.; conversationally FRCP) administer common technique in United States region courts. The FRCP are proclaimed by the United States Supreme Court according to the Rules Enabling Act, and after that the United States Congress has seven months to veto the principles declared or they become some portion of the FRCP. The Court's changes to the principles are generally founded on proposals from the Judicial Conference of the United States, the government legal executive's inner approach making body. Albeit government courts are required to apply the substantive law of the states as guidelines of choice in situations where state law is being referred to, the administrative courts quite often utilize the FRCP as their standards of common technique. (States may decide their very own guidelines, which apply in state courts, despite the fact that 35 of the 50 states have embraced decides that depend on the FRCP.) The Rules, set up in 1938, supplanted the previous methodology under the Federal Equity Rules and the Conformity Act (28 USC 724 (1934)) combining the strategy for cases, in law and value.

The Conformity Act necessitated that methods in suits at law comply with state practice as a rule the Field Code and precedent-based law arguing frameworks. Noteworthy corrections have been made to the FRCP in 1948, 1963, 1966, 1970, 1980, 1983, 1987, 1993, 2000, and 2006. (The FRCP contains a notes segment that subtleties the progressions of every modification since 1938, clarifying the method of reasoning behind the language.) The amendments that produced results in December 2006 rolled out functional improvements to disclosure principles to make it simpler for courts and contesting gatherings to oversee electronic records. The Federal Rules of Civil Procedure were altered in 1966 to bind together the common and office of the chief naval officer strategy, and included the Supplemental Rules for Certain Admiralty and Maritime Claims (presently Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions). The FRCP were totally modified, powerful December 1, 2007, under the initiative of a board of trustees headed by law teacher and proofreader of Black's Law Dictionary, Bryan A. Accumulate, for the admitted reason for making them more clear. The style alterations were not planned to roll out substantive improvements in the principles.

References:

Staff, LII (30 November 2011). "Rule 1. Scope and Purpose". LII / Legal Information Institute.

"Employee Locks Up Computer and Unlocks a Court's Sanctioning Power - Zapproved". 4 May 2016.

Week#4 Q2):

Chapter Nine (9): Information Governance (IG) and Records and Information Management Functions. From the Chapter, we have learned from that Records Management (RM) is a key impact area of IG – so much that in the RM space, IG is often thought of as synonymous with or a single superset of RM. From that perspective, the International Organization for Standardization (ISO) defined business records as “information created, received, and maintained as evidence and information by an organization or person, in pursuance of legal obligations or in the transaction in the form of records.”

Q1: To further enhance our knowledge and understanding of RM, ISO provided a more refined definition of RM to a granular level as “[the] field of management responsible for the efficient and systematic control of what...? Identify and complete the missing phrase to directly complete the granular definition?

A)

Records Management Applications are considered to be software used by an organization to manage its records. The RM primary management functions are categorizing and locating records and identifying records that are due for disposition. RMA software also locates, retrieves, and disposes of the electronic records that are stored in a repository through integration with relevant core EDMS functions. Any RMA must have at least one core EDMS component. Without at least one core component the RMA would only be able to manage the policies and not the electronic (or digital) records.

The “field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records”.

Records management is also called “records and information management” or “recorded information management” (RIM)—is the systematic application of management principles are chiefly control to the recorded information needed and used in the normal course of an organization’s business. Records document transactions and, in some cases, may be legally required as evidence of each transaction.

On records management, the term ‘record’ carries far heavier weight. The International Organization for Standardization defines a record as ‘information created, received and maintained as evidence and information by an organization or person.

Records and information management also brings significant classification benefits to an organization. Properly applied, records and information generated by the organization is classified, or organized, in such a way that it can be found quickly and used successfully to aid in decision processes undertaken by workers and management. This is particularly true in the area of digital information creation since employees may combine poor organizational skills with the capability of creating volumes of new business information independently of each other.

Reference:

https://archives.un.org/content/understanding-records-management

https://nobelcert.org/records-management-iso-15489.html