



Data is the New Global Love Language!

Kahn Consulting, Inc. Insights

Information Management Insights from Kahn Consulting's Team

We are excited to bring you the latest insights and updates from Kahn Consulting, Inc., your partner in information governance. In this edition of our newsletter, we delve into third-party risk management related to data ownership and management, lessons learned from Google's most recent hiccup with its email auto-delete function, usage-based telematics in the Insurance Industry, and why data is the new love language.

Navigating Third-Party Risk Management

In the interconnected business world, it's common for companies to rely on third-party vendors to store and manage their data. While outsourcing certain business activities, such as data storage and management, can bring efficiency and expertise, it may also introduce some risks, such as data ownership. To protect data custodianship, effective management of third-party risks is crucial. In this article, we'll explore essential considerations and contractual elements that companies should address when engaging third parties to manage their data.

Clear Ownership and Disposal Rules

Contracts should clearly define data ownership and establish rules for its disposal. Specifying authorized parties responsible for data disposal and outlining secure methods and timelines for data disposition is essential.

Retention Policies

Contracts must address data retention and data backups. This includes defining the frequency and scope of data backups, establishing retention periods to comply with legal and regulatory requirements, and outlining protocols for secure management and storage of backup data.

Retention Schedule and Approval for Data Disposal

It's important to specify which party's retention schedule governs data retention. Additionally, establish whether approval is required for data disposal and define the process for obtaining such authorization to ensure compliance with legal and regulatory obligations.

Responsibilities During Litigation, Audit or Investigation

Address the responsibilities of third parties during litigation, audit, or investigation to collect and preserve data. Define obligations for data preservation, including measures to prevent data alteration or destruction.

End of Contract and Data Transition

Discuss how data will be transitioned back to the company or transferred to another third-party vendor at the end of the contract. Clearly define the process, timeline, and required data formats to ensure smooth data management continuity.

Recoverability of Disposed Data

Consider whether disposed of data should be recoverable. Define the conditions and procedures for data recovery, considering associated costs and feasibility.

Access to Data and Security Measures

Address access controls and security measures for data handled by third parties. Clearly define who has access to the data, establish data segregation protocols to prevent

unauthorized access, and require the implementation of appropriate security measures to protect against breaches.

Incident Reporting and Data Breach Management

Contracts should include provisions for incident reporting and data breach management. Establish clear procedures for promptly reporting incidents or breaches and the necessary notifications to affected parties and regulatory authorities.

Compliance with Laws and Regulations

Ensure third parties manage data in compliance with specific industry-related laws and regulations. Contracts should outline compliance obligations and require third parties to demonstrate adherence to applicable legal requirements.

Conclusion

Effectively managing third-party risks is vital for organizations to maintain control over their data. By addressing key contract considerations, such as ownership, disposal, backup, retention, litigation, audit and investigation responsibilities, and compliance with laws and regulations, companies can establish clear guidelines and mitigate potential risks. Additionally, it's important to remain vigilant and proactively monitor data custodianship throughout the engagement with third-party vendors.

Google's Failure to Suspend Auto-Delete

A Lesson in eCommunications Technology Policies and Practices

In the digital age, communication within businesses has shifted significantly. Companies now rely heavily on electronic communication technologies, such as chat platforms, to facilitate quick and efficient employee discussions. However, as demonstrated by the recent case of Google Play Store Antitrust Litigation, eCommunications technology comes with its own challenges. This blog post identifies lessons learned from Google's current situation as it relates to litigation and eCommunications technology.

During the litigation process, the plaintiffs in the Google Play Store Antitrust case raised concerns about the absence of Google Chat messages in document production. In response, Google said that its chats were typically deleted after 24 hours and were not

suspended even after this litigation began. Google let employees make their own personal choices about preserving chats.

Although a Google information governance employee testified that Google Chat was typically used for quick, one-off conversations like an invitation to grab a coffee or for "sensitive," personal topics like birth announcements or promotions}, an abundance of evidence suggested that employees routinely discussed substantive business matters using this platform. Some of the chats were deemed relevant to the litigation at hand. As a result, the court found that Google's failure to preserve this electronically stored information (ESI) was unacceptable.

The court ultimately granted the plaintiff's motion for e-discovery sanctions against Google. While Google was ordered to cover the plaintiff's legal fees, non-monetary sanctions were not imposed at that stage. The court ruled that the Google Chat evidence could not be restored by conducting more discovery as the messages had been deleted. Google did not take reasonable steps to ensure custodians complied with data preservation requests. Some employees failed to comply, leading to the deletion of potentially relevant data.

This case serves as a cautionary tale for companies utilizing communication technology. It highlights the importance of establishing robust policies and procedures surrounding data preservation and retention. Some key lessons to be learned include:

- **Auto-Delete Policies:** Companies should carefully assess the impact of auto-delete policies on relevant ESI and consider suspending or modifying them when litigation becomes reasonably foreseeable. This means you need a proactive plan and process to suspend auto-delete functionality when necessary.
- **Employee Preservation:** If companies rely on employees to preserve information (which may no longer be advisable given today's technology), they must provide specific rules on how and where to preserve potentially responsive ESI.
- **Employee Compliance:** Businesses must educate employees on their responsibilities regarding data preservation and ensure they comply with legal holds and preservation requests.
- **Proper Communication Tools:** Companies should evaluate the suitability of their communication platforms for different types of conversations. Suppose substantive business discussions occur on a particular platform. In that case, steps must be taken to retain that data in compliance with laws and regulations and preserve that data appropriately when litigation, audit, or investigation happens.
- **eDiscovery Preparedness:** Proactive planning for eDiscovery is crucial. Companies should establish mechanisms to perform effective eDiscovery, even in the face of challenges like auto-delete policies.

Google's failure to suspend its auto-delete policy and adequately address the use of its eCommunication technology led to sanctions in the Google Play Store Antitrust Litigation. This case underscores the importance of companies establishing clear policies, educating employees, and proactively preserving relevant data. By doing so, businesses can mitigate risks, uphold their legal obligations, and avoid the consequences associated with data loss during litigation.

Read more in the [order](#).

[#informationgovernance](#) [#infogov](#) [#legal](#) [#eCommunication](#) [#Google](#) [#eDiscovery](#)

Usage-Based Telematics in the Insurance Industry

Let's explore the exciting world of usage-based telematics in the insurance industry. This emerging technology could revolutionize risk assessment and personalize insurance coverage. However, as with most innovative solutions, it also brings attention to records management and privacy challenges. This article will discuss the importance of addressing risks associated with usage-based telematics.

Usage-based telematics is a powerful tool that gathers and analyzes data about an individual's driving habits and behaviors. By utilizing telematic devices installed in vehicles or smartphone applications, insurers access valuable information such as speed, distance traveled, acceleration patterns, and more. This data allows insurers to customize policies based on each policyholder's specific needs and risks, moving away from the traditional one-size-fits-all approach.

With usage-based telematics, insurers can offer personalized insurance plans that incentivize safe driving habits. Policyholders can enjoy reduced premiums and tailored coverage options based on their unique driving behaviors. By accurately assessing individual risk profiles, insurers can align premiums with actual risk exposure, promoting fairness in insurance pricing and helping policyholders avoid overpaying. Moreover, usage-based telematics encourages safer driving practices by providing feedback and rewards for good behavior. Policyholders can monitor their driving habits, identify areas for improvement, and strive for safer road experiences.

While the benefits of usage-based telematics are numerous, addressing concerns regarding information management and privacy is crucial. Here are some key challenges to consider:

Data Security: Insurers must prioritize robust data security measures to safeguard the sensitive information collected through telematics devices. Protecting data from unauthorized access, implementing encryption protocols, and adhering to industry standards become vital considerations.

Consent and Transparency: Policyholders should be fully informed about the data collection process, its purpose, and how it will be used. Transparent communication and obtaining informed consent are essential to maintain trust and comply with privacy regulations.

Data Retention and Storage: Effectively managing the vast amount of telematics data poses a challenge for insurers. Developing efficient records management systems, including secure storage, retention policies, and data anonymization when necessary, is critical.

Regulatory Compliance: Insurance companies must navigate the ever-changing laws and regulations to ensure compliance and protect the insurer and policyholder.

As usage-based telematics continues to evolve, insurance companies must balance leveraging data for innovation and respecting policyholders' privacy. By implementing privacy-focused practices, robust security measures, and transparent communication, trust can be fostered, and the responsible use of telematics data can be ensured.

In conclusion, usage-based telematics holds immense potential to transform the insurance industry by enabling personalized coverage and promoting safer driving habits. However, addressing information management and privacy challenges is crucial for a successful and ethical implementation. By embracing these challenges head-on, insurers can create a harmonious future where technology and privacy coexist.

***Data:* The Universal Love Language of our Global Economy**

At Kahn Consulting, we understand the critical importance of data as the universal love language of success. Our team of experts is committed to guiding your organization toward a future that harnesses the full potential of your data assets while ensuring robust protection against threats.

Data has become the currency that fuels innovation and drives competitive advantage in today's digital landscape. Just as love language enables meaningful connections, data enables businesses to understand their customers, adapt to evolving market trends, and make informed decisions that propel growth. Embracing data as a love language empowers organizations to unlock the hidden potential within their data assets.

Data, when harnessed effectively, acts as a catalyst for operational excellence. It holds the key to making organizations faster, better, and more cost-efficient. By leveraging advanced analytics, artificial intelligence, and machine learning, businesses can extract valuable insights from their data, optimize processes, enhance decision-making, and gain a competitive edge in their respective industries. To harness the full potential of data, a cultural shift must occur, starting from the top of the organization and permeating down to every level. We all need to learn a new love language - Data!

Leadership plays a crucial role in establishing a data-driven culture within an organization. When executives prioritize data as a strategic asset, it sets the tone for the entire company. By fostering a mindset that embraces data as a proactive tool for innovation and improvement, organizations can stay ahead of the curve and avoid being left behind.

The journey towards a proactive data culture requires a comprehensive approach. It involves investing in advanced technologies such as predictive analytics, machine learning, and artificial intelligence to extract meaningful insights from data. Additionally, organizations need to empower employees with the necessary skills and knowledge to analyze and interpret data effectively. Training programs, data literacy initiatives, and cross-functional collaboration can bridge the gap and create a data-savvy workforce. Companies need to have policy directives on how to manage data to ensure it is protected and it managed in compliance with laws, regulations, and business needs.

Treating data reactively is no longer sufficient in today's competitive landscape. Organizations that understand the true power of data and embrace it as a proactive love language will be positioned for success.

[#dataprotection](#) [#datacollection](#) [#datalovelanguage](#) [#digitaleconomy](#) [#cyberattacks](#) [#cybersecurity](#) [#informationgovernance](#) [#infogov](#) [#databreaches](#) [#privacy](#) [#compliance](#)

Complimentary Mini-Assessment

Kahn Consulting understands the importance of staying up-to-date with the latest laws and regulations that impact your organization's information governance programs. With over 25 years in the industry, we are dedicated to helping our clients navigate today's information landscape. We invite you to assess your IG programs with a [mini-assessment](#) designed to help you determine if your current information governance policies and directives need updating. The assessment uses a quick and easy survey to complete; you can use it privately/internally without submitting it. However, if you choose to submit your responses to the Kahn, we will provide you with a complimentary personalized verbal consultation on the results.

If you take the assessment yourself and want to learn more about Kahn's Assessment services, check out this [fact sheet](#) and/or contact us at (989) 763 - 6611 or awcollison@kahnconsultinginc.com.

Contact Us

You can schedule a time to discuss information management topics with a subject expert on the Kahn [here](#) or by emailing awcollison@kahnconsultinginc.com or calling (989) 763 - 6611. We enjoy sharing industry knowledge and learning from others, so please feel free to reach out to us.

Follow Us

<https://www.linkedin.com/company/kahn-consulting-inc/>