

GUIDE

Seize the strategic initiative with a **proactive** **compliance program**

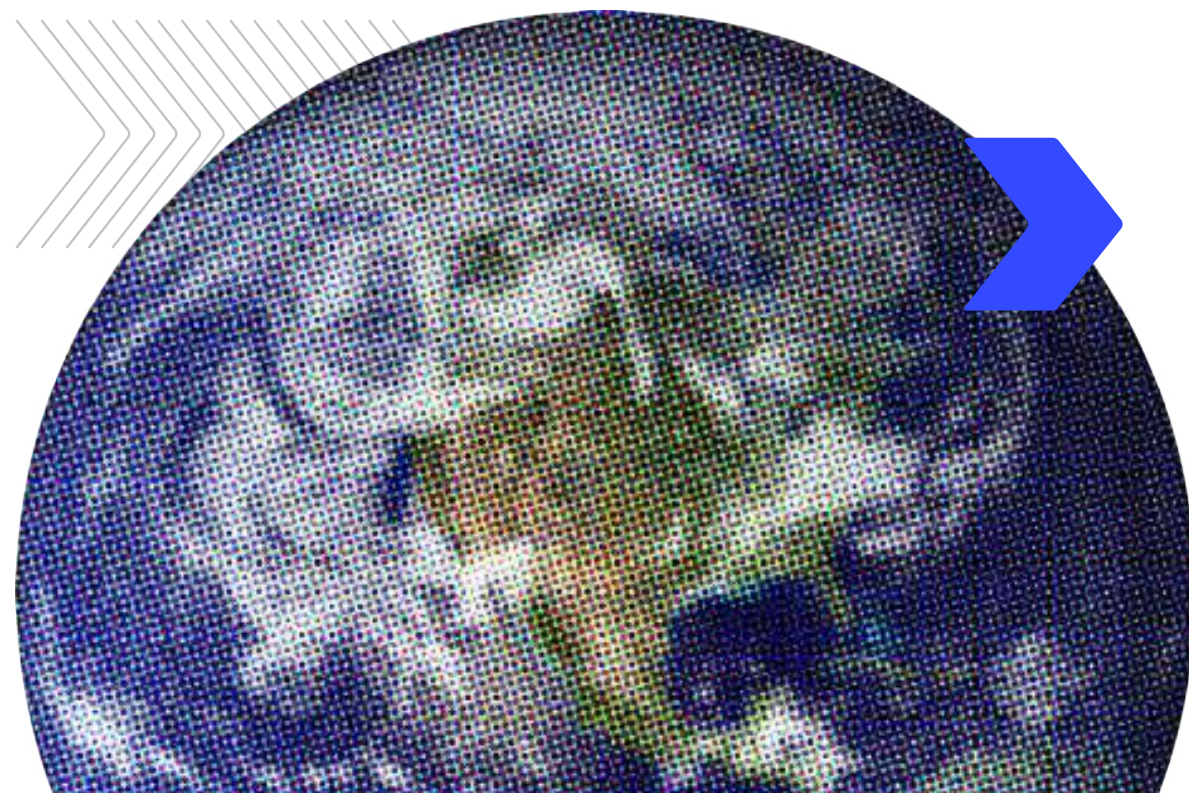
 **briteCITY**
Your Technology Department



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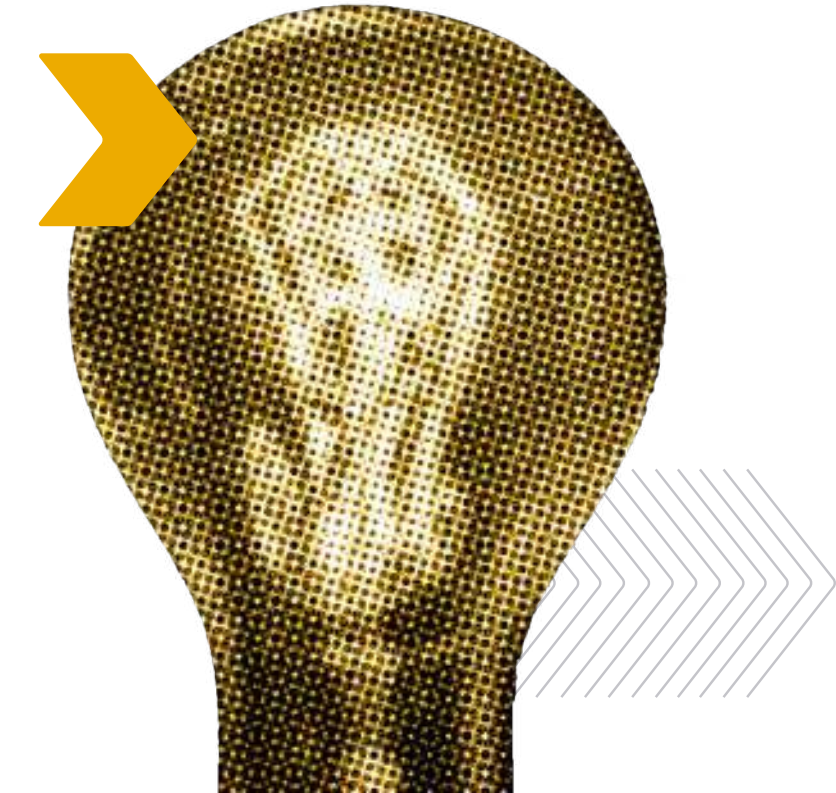
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01 The Shifting Landscape

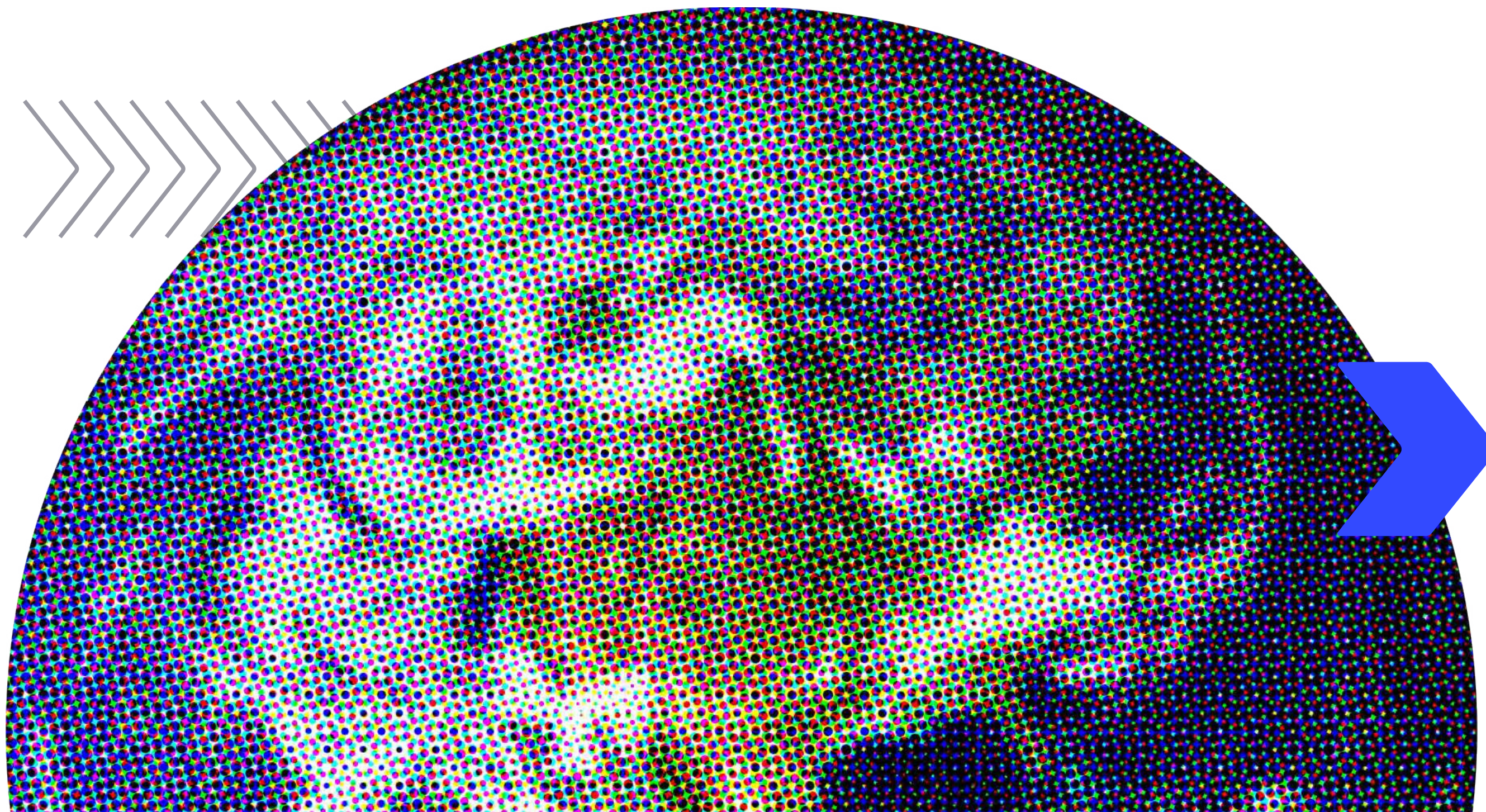
Over the past decade we've seen a seismic shift in corporate compliance. Governments have launched new and unprecedented regulations—witness the proliferation of data privacy laws—and enforced old rules with renewed vigor. Meanwhile, an explosion of communications channels from social media to instant messaging to collaboration platforms like Teams and Slack means there are many more ways rules can be violated.

These trends are overwhelming traditional compliance technologies and processes. Legacy tools are difficult to update, making it increasingly time-consuming and expensive to keep up. Many older email capture systems, for instance, can't handle social media and SMS texts.

There's a better way to maintain high levels of ongoing communication compliance



By combining Email Encryption and Unified Information Archiving, we provide customers with an end-to-end solution for establishing external and internal trust by enforcing regulatory requirements and internal policies. We can help you protect customer, partner, and employee data in business communications, and help the right people access it quickly when needed.



It seems daunting. But as organizations adapt to the new world of compliance, they have a rare opportunity to approach things differently, in a way that streamlines the business and creates a competitive advantage. With the right tools and processes, forward-looking companies can not only improve compliance and internal governance but also leverage those systems and data to:

- **Improve response times and lower the cost of storing, locating, searching, and documenting information.** This enables companies to avoid litigation and better defend themselves when sued. It also speeds up information requests from customers, partners, and stakeholders.
- **Inspire, grow, and maintain trust. In an era of heightened skepticism, the value of demonstrable integrity has risen.** A company perceived as trustworthy attracts and keeps more customers and business partners. In an Edelman survey, customers ranked brand trust as a top consideration when making a purchase, with 81% of customers saying they “must be able to trust the brand to do what is right.” Some 40% said they would stop doing business with a brand if it lost their trust. And organizations that promote digital trust are able to participate in 20% more digital ecosystems, according to Gartner.
- **Attract and retain top talent.** Companies that emphasize an ethical corporate culture that values integrity are better able to recruit and retain employees. What’s more, an environment of trust increases morale and employee loyalty as well as builds a healthy work environment that encourages honesty and openness.

Employees who trust the company are more likely to advocate for it.

-Edelman

- **Create business intelligence.** Improvements in collecting, organizing, and analyzing data produce insights that lead to better business decisions.
- **Improve financial performance.** A well-implemented compliance operation reduces costs and improves efficiency, which bolsters the bottom line. An organization that’s seen as high “trust” tends to have higher financial returns, reports the [Harvard Business Review](#).
- **Attract buyers and cement deals.** In today’s hot M&A market, buyers are performing deeper due diligence. A company’s ability to demonstrate its financial performance, reputation, and integrity can speed up a transaction.
- **Enhance relationships with regulators, auditors, and stakeholders.** More transparency paired with an ability to produce information quickly makes auditors’ and lawyers’ jobs easier.

The reality is that smart companies can both upgrade compliance and improve their business if they invest in the right tools and processes. With the right approach, you can use compliance as a tool for enhancing and growing your business.



02 New Challenges in the Compliance Lifecycle

The compliance lifecycle consists of four phases:

4. Drive

Operate and continue to improve.

Ongoing compliance risk: Data must be kept private, confidential, and privileged.



88% of organizations aren't confident they can detect and prevent the loss of sensitive data.



New regulation: Since California passed CCPA, 13 more states have announced regulation, **covering 40% of Americans.**



3. Deploy:

Implement the design.

Surprise audits: Unscheduled audits and surprise litigation occupy precious time.



The typical audit takes **roughly three months.**



Can't access data: When auditors and lawyers can't access data themselves, they rely on IT and InfoSec teams.



1. Determine:

Decide what needs to be covered.



Can't discover data: It's difficult to know what data should be exposed or what data will be relevant under a growing patchwork of regulatory and governance requirements.



55% of business data is dark data. - Splunk



Personal liability: 75% of chief compliance officers worry about personal liability.

2. Design:

Choose the tools, processes and people required and how they will work together

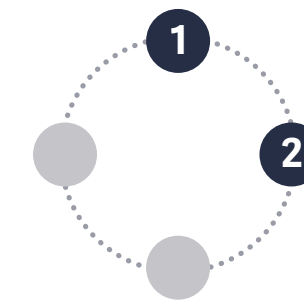


Implementation hurdles: Evaluations are time-consuming and implementations are complex.



77% of buyers say their last software evaluation was complex or difficult. - [Gartner](#)

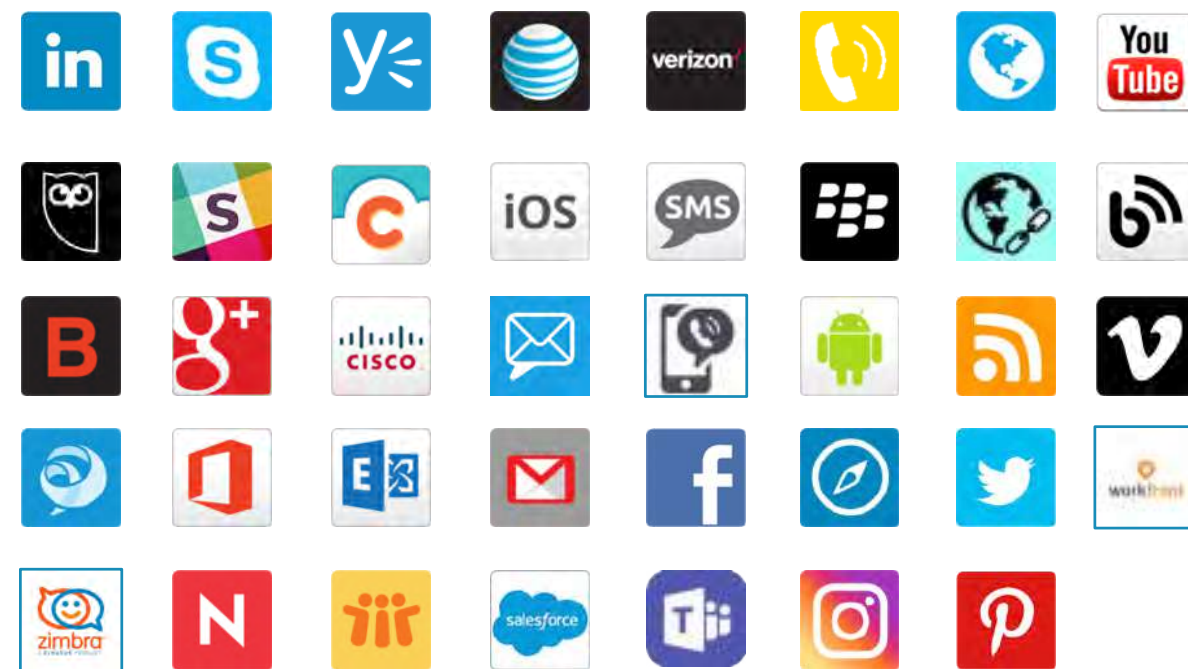
The trends described above—regulation, new media, and more data—complicate this lifecycle at every stage.



1. Determine and 2. Design

The changing compliance landscape creates new risks and demands more flexibility.

Before a company can comply with anything, whether a regulation, a legal hold, or a customer query, it needs to know what data it has, where it's located, and how to search it. In the days of on-premise email servers, that was straightforward. But as employees communicate through new media, the web of responsibility is growing tangled. Tools like Slack are often adopted ad hoc without IT supervision. Departments involved in compliance—IT, legal, HR—may never even know it's in use.



This puts your company in a precarious position. Under the Federal Rules of Civil Procedure (FRCP), for example, if you're sued or have a reasonable expectation of being sued, you are required to take demonstrable measures to identify relevant data, preserve it, and ensure that it is neither deleted nor changed. With more and more communications happening through social media and cloud-based systems deployed without IT's knowledge, known as shadow IT platforms, that obligation can become impossible.

Communication through new media is increasingly cited in lawsuits. In a recent survey, 52% of attorneys said they expect an increase in lawsuits related to social media.

New media makes it harder to meet existing and changing regulatory requirements as well. For example, FINRA rules preclude the use of communications channels that can't be monitored for compliance. As more investment advisers talk with GenX clients, who want to communicate through texts and tweets, finance companies need to be able to capture and archive those conversations.

Email Encryption and Unified Information Archiving help you maintain a high level of ongoing, passive compliance through:

- Pre-enabled six-year retention policies that can be extended to meet any compliance requirement
- Automated tagging, indexing, and out-of-the-box search templates for automated noncompliance alerts
- Litigation hold enforcement and secure large data set sharing via
- SimplyShare expedites e-Discovery
- Universal governance and enterprise information archiving of all business communications with one tool, enforcing one policy consistently across all media, including email, Facebook, Twitter, LinkedIn, Pinterest, YouTube, Vimeo, Instagram, RSS feeds, blogs, Slack, Workfront, Yammer, Salesforce Chatter, and more
- Flexible enforcement of Data Loss Prevention (DLP) regulatory violations DLP incident remediation workflow
- Automatic and continuous updates of pre-configured DLP policies via in house lexicography experts

Together with our partners, we help you adapt quickly to changes in the regulatory landscape and ensure you're automatically protected with the latest efficiencies and updates. This lets you capitalize on new business opportunities and accelerate growth.

By 2023, privacy regulations will cover 65% of the world population. - Gartner

Meanwhile, old compliance regimes are rigid, making it difficult, time-consuming, and expensive to adapt to new regulations and changing requirements. The lack of flexibility makes it difficult to adjust and increases the level of risk.

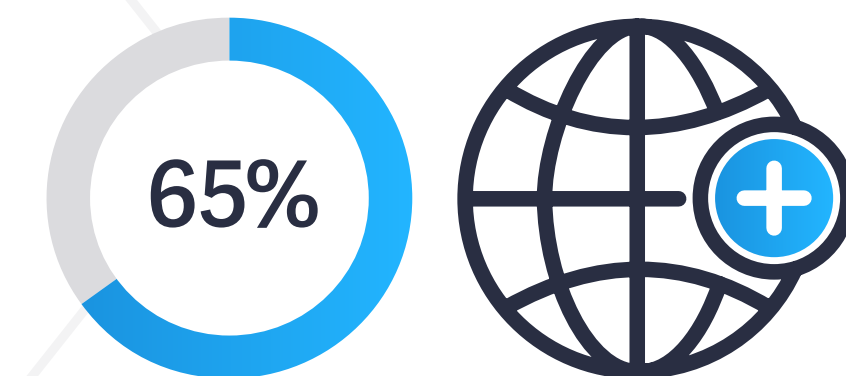
The evolving landscape of data privacy regulations, and a steady drumbeat of headlines about breaches and security incidents, is a top concern of executives. Since the implementation of the EU's General Data Protection Regulation (GDPR), a patchwork of even more data privacy regulations have passed across the world and in the United States. California's Consumer Privacy Act (CCPA), modeled on GDPR, took effect in January 2020.

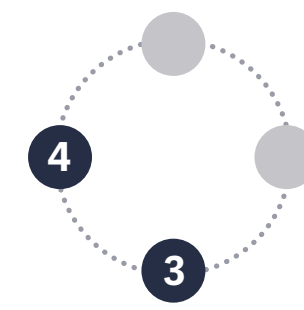
At least 13 other states have passed similar laws impacting nearly 40% of the U.S. population, according to Gartner. **By 2023, Gartner says privacy regulations will cover 65% of the world population.**

New data analytics and the advantages they confer is a double-edged sword. Companies are collecting and storing more information than ever, with the

goal of gleaning insights to better serve customers and improve their bottom lines. They build data warehouses with multi-terabyte capacity. But that data adds risk. Gartner reports that archived personal data represents the largest privacy risk for most organizations.

Although compliance is an organization-level process, today's executives are personally at risk as well. Many are being held responsible for violations, sometimes, financially. To protect them, companies must ensure document compliance with tools to set specific retention rights, create granular policies for determining what data to archive, and for how long. Flexibility is important. Gone is the once-and-done compliance of determining exactly what to cover and designing exactly how to cover it. Today's compliance processes are continuous, and teams must change them practically on-the-fly.





3. Deploy and 4. Drive

Implementation hurdles and the need to anticipate the unexpected

As the volume and velocity of business communications has increased, most organizations have moved at least some of their applications to the cloud. The first application to go is usually email.

The cloud is attractive because it lowers capital costs and reduces the workload on IT—no more upgrades or on-premise storage. But it also carries some non-obvious costs and pitfalls. If companies ever decide to switch cloud providers, they often face hefty fees to export their own data, as well as fees to import it to a new provider. And the more data, the higher the expense.

57% of CIOs in a Pulse Q&A survey rated “simple and low-touch administration” as the number one attribute they look for in a software provider.

As anyone who’s been through a migration will tell you, it’s rarely as simple as advertised. It can require a substantial amount of time and budget. That’s probably why 57% of CIOs in a Pulse Q&A rated “simple and low-touch administration” as the number one attribute they look for in a software provider.

Once implemented, search capabilities become critically important. When a legal department is notified of litigation, it conducts an early case assessment in-house to identify relevant communications. Often, an outside third party is hired to perform a legal review, determining what data might be relevant so the company can make sure the information is retained and preserved under a financial reporting process known as FRCP. This review process can cost hundreds of thousands of dollars. With powerful and flexible search capabilities in your archive, you can conduct preliminary searches and outsource less of the review, reducing costs.

Rapid deployment, flexible searching

We have partnered with AppRiver to offer unified information archiving with no import and export data costs. This solution features, a simple but powerful interface that helps you deploy quickly, reduces the burden on end-users, and integrates with your existing environment. It’s cloud-native and exhibits an unusually quick time-to-value.

- Fast provisioning and migration
- No-cost data migration
- Expert phenomenal care with migration support

Implementing an information archive gives you the tools to be prepared for unexpected requests, from open records requests to auditor queries or litigation holds. The archive indexes all data for quick searching. You can query terabytes of data in seconds, scanning for specific words or phrases, to produce the right data for auditors and you can securely share this data internally or externally without IT help. It’s so simple, teams can run their own preliminary searches, reducing eDiscovery costs.

Data that seems insignificant at first can sometimes become important during the course of an investigation or litigation. And regulation and public expectations on privacy are still evolving. Now you can classify and tag data both proactively—flagging data for future review—and retroactively, tagging messages during audits. That helps with early case assessments, regulatory reviews, and compliance with new rules:

- Supervision
- eDiscovery
- SimplyShare
- Legal holds
- Message classification

How does your system prevent individuals from deleting incriminating communications?

Even more important, a good archival system with the right retention policies may help you defend your company and executives in litigation. Courts look not only at a company's retention policies but also at whether the company uses a legally defensible process. If your policy is to retain all communications for 10 years, you must prove that policy can be relied upon. How does your system prevent individuals from deleting incriminating communications, for example? A good archive serves as an inviolable single source of truth. It's harder to win a lawsuit against a company that can demonstrate a defensible process and this alone can eliminate unnecessary settlements and divert litigation.

Easy search also makes the archive a flexible business tool that can be used by other teams for data analytics or simply to retrieve information. Human resources, for example, can query the data themselves rather than send requests through IT.

These capabilities translate into hard, documentable savings, a fact sure to catch executive attention. A savings of millions of dollars in legal fees a year could be spent elsewhere—on research, on new equipment, or even on a bigger compliance budget—or could be paid out in stockholder dividends.



03 Compliance is an opportunity

Today's businesses face a barrage of new and changing regulations, communications methods, and evolving consumer expectations. To meet their compliance requirements, companies need one single centralized system of record where all business communications can be stored and sorted quickly and efficiently. Storage and search need not be burdensome. With the right compliance systems and processes, organizations can not only improve compliance but leverage the system for a competitive advantage. Compliance and internal governance become a strategic enabler, helping companies recognize and exploit new opportunities.

If you protect business communications, keep up with changing regulations and legal requests, and establish strong culture, you build digital trust. And digital trust is the key to staying competitive in a landscape that will only continue to change even faster.

Powered by
appriver
a zix company

AppRiver confidently protects your organization from data loss and cyber risk by deploying the leading cloud email productivity, security, and compliance platform. AppRiver also helps you minimize the burden on your team and business stakeholders with an easy-to-administer platform that's backed by a Phenomenal Experience.

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