



## Plucking the Right Email from the Corporate Email Haystack

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*Data Protection Made Simple*

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## Staying on the Right Side of the Law

Staying on the right side of the law these days can easily boil down to plucking a single message from the corporate email haystack. To make this task even harder, the size of the haystack keeps growing. Today the average corporate email user adds 10MB daily, growing to 15MB daily in 2008. The sheer quantity of emails has grown 250 percent over the past five years and is expected to double every three years in the future.

A single employee can easily send and receive a hundred emails a day with over half being business critical. Although the average email size is 20KB, large image content or video attachments can reach several megabytes.

Emails are legal business records and producing the desired archived email reliably and securely enables companies to meet legal and self-imposed requirements for retention and management.

## Regulations Every Where You Look

The number of regulations (some 5,000 now estimated in the U.S. alone) requiring retention and rapid availability of these "e-records" has been growing steadily, placing a heavy burden of compliance on literally hundreds of thousands of firms — many of whom remain dangerously unprepared. Media reports have been rampant about the cost burdens of legal "e-discovery," as well as the stiff fines and penalties for non-compliance to these regulations,. These regulations even apply to the White House, as seen the clip on the right from the *Wall Street Journal*:

The very strict requirements of the SEC, NYSE, and NASD regulations for retaining electronic communications in the financial industry are considered to be "the gold standard." And these are now regarded as best practices in other industries as well — in particular, relating to the archiving of all electronic messages onto unalterable media. SEC-regulated firms must maintain a secure, non-alterable, and searchable archive of all such messages for as long as seven years in some instances.

But many firms have not yet been able to comply with regulations for email retention, due to the *complexity and high cost* of previous archiving solutions. Designed for large enterprises they require specialized IT expertise, and go well beyond many IT budgets. The IntraDyn powered OrcaArchiver™ solves this problem.



**WSJ.com** THE WALL STREET JOURNAL ONLINE  
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### Legal Worries Over Missing Emails Grow

White House May Face Questions Over Past Probes

By JOHN D. MCKINNON  
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WASHINGTON -- The revelation of missing emails at the White House and Republican National Committee could become a legal headache as well as a political problem for President Bush.

The clock already is ticking on the administration's promise to Congress to find out what Committee leaders plan to meet with White House Counsel Fred Fielding today to "get forward...so that we can figure out whether anything wrong was done," Sen. Arlen Specter said "This Week."

Critics say the White House has violated the Presidential Records Act, a 1978 law that requires the president to maintain an adequate record of its deliberations. White House spokeswoman Dana Perino said the act does not apply to the president's personal communications.

## What Employees and Businesses Should Know About Email

According to The Journal of Business Law email has played a key role in destroying an individual employee's or a corporation's reputation in several instances, in many cases doing both. "What right to privacy does an employee have in the workplace?" states one article. Although most electronic communications are protected by the Electronic Communications Privacy Act of 1986, communications in the workplace are commonly held to fall under the ECPA's exceptions....business e-mail is considered exempt from the privacy safeguards of the Act." There is little legal regulation on an employer's ability to monitor e-mail, giving employers much freedom to intrude on workers' privacy," says the article.

Many employers now have their own detailed policies regarding employee use of email, and they make sure there is no expectation of privacy regarding email in the workplace. The Journal of Business Law suggests in the side bar on the right guidelines for instituting and managing a business email policy.

- Establish a corporate e-mail "Acceptable Usage Policy" including a code of conduct stating what is prohibited (threatening or harassing other employees, obscene or offensive language, sending confidential materials outside of company or to unauthorized personnel)
- Require training sessions to raise awareness of rules and policies concerning electronic communications and remind employees frequently of the usage policy
- Inform employees that their email is regularly monitored
- Educate employees that monitoring of all email through the corporation is for their own legal liability protection as well as for the company
- Designate email and other electronic communications as a corporate asset
- Utilize filters to automatically monitor and block content bared under the "Acceptable Usage policy"
- Attach a legal corporate disclaimer to every email sent from the business email account

### An Email Is Forever

Once a user sends an email, he or she has virtually no control over what happens to it. That email can be printed, forwarded to others, edited, and changed dramatically, all without the knowledge or consent of the sender. But by establishing policies that capture inbound and outbound email messages as business records, companies can protect themselves against unwarranted claims by providing "digital originals."

Because regulators and the courts treat email messages the same as written documents, managing those email messages as records assures that they meet the burden of proof of such regulations as Sarbanes Oxley (SOX).

Regulators are not just concerned with email messages. Instant messaging (IM) is also considered part of the business document trail, and these written communications, with all their electronic shorthand, must also be stored as business records in order to adhere to regulations.

### Email As "Corporate Memory"

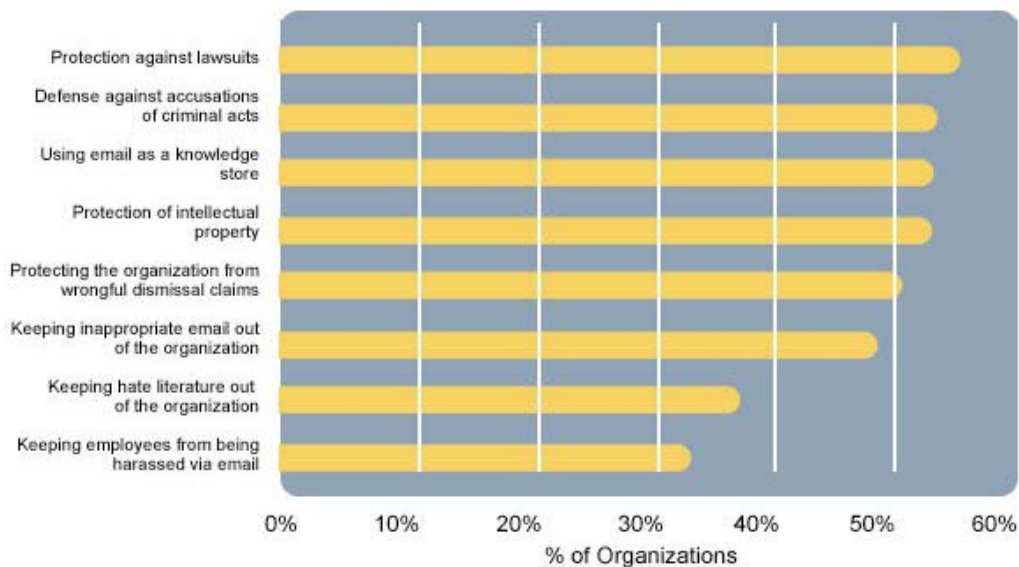
Because companies were facing regulatory pressures and court orders to produce emails very quickly, or risk huge fines and penalties they created repositories of stored email, instant messages, and digital faxes. Companies are seeing the value of stored electronic

records for the knowledge they contain and many of them are mining it. These companies are using the advanced search techniques provided by email archiving solutions like the simple, plug-and-play OrcaArchiver™.

## Email Archiving/Retrieval As the “Corporate Memory” Enabler

"We estimate that, at one time or another, 70% of an organization's intellectual property is transmitted through email," says Brian Babineau, senior analyst at Enterprise Strategy Group. "We expect this to continue as email remains the collaboration application of choice.

### Reasons to Preserve and Manage Email (% responding a 'strong' or 'very strong' reason)



Data: Osterman Research, "Critical Decision Factors for Messaging Management," 2005.

Another expert is Michael Osterman, president of messaging and collaboration research firm Osterman Research. "There are a number of benefits from a knowledge management focus for archiving, including bringing new employees up to speed on what their predecessors told clients, allowing individual users to see what they or others told customers or prospects, informal reviews for policy compliance even where there is no formal requirement for such reviews, and so forth," he says.

"In a typical company today, I would be surprised if the percentage of unstructured data represented by email wasn't at least 60-70%," he notes. "I think companies will see the value of email as a source of knowledge increasing, primarily because this will be one of the key secondary benefits that organizations derive after they have deployed an archiving solution. Email is increasingly being used as a source for legal discovery, so email is being taken more seriously as a source of discoverable content."

Email is simply a communication mechanism, which does provide some structure to data that allows it to be more useful. More importantly, email archiving solutions collect meta-data from messages that enable organizations to intelligently store the emails.

Parsing/indexing email providing intelligent metadata, including sender/recipient/keywords, is the key to allowing other applications, like data warehousing or CRM tools, to leverage the data. Without the meta-data, email would be just another data transport mechanism.

## The Automated Appliance Solution

The OrcaArchiver™ Email Archiving & Retrieval Appliance is a completely integrated hardware/software solution that captures all of a small enterprise's email on a continuous basis, from a virtually unlimited number of mailboxes. It can be put into use immediately, requires no

integration time or expense, and has extensive search and auditing capabilities. The device is available in standalone (desktop) models or in 1U rack mounts models.



**Orca**



**Orca Blackfish**

Each model archives email onto non-alterable “WORM” (write-once, read-many) tape, via an internal tape drive in the desktop models, or an external tape library bundled with the rack mount models. OrcaArchiver™ appliances utilize Sony®AIT™ tape technology for archiving data up to 30 years.

In addition, the device has a full audit capability, which tracks all access to the system (required by some regulations). Specific emails can be retrieved in seconds or minutes - in stark contrast to the hours, days, or weeks that many companies have needed to meet the demands of courts or regulatory agencies in the past, searching through disaster recovery backup tapes. Because companies could not retrieve requested email records within the timeframes ordered, the resulting lack of responsiveness resulted in large fines and penalties.

## Easy to Install

Email archiving is not a do-it-yourself project unless a plug-and-play appliance like OrcaArchiver™ is used. It provides a ready-to-use, fully featured, “drop-in” compliance solution, which does not disrupt IT infrastructure:

- The device automatically processes, indexes, and archives all email from multiple locations
- Email search and discovery is effortless—the device does fast searching, with a wide variety of search criteria
- Sets up in minutes and starts working immediately; can be placed anywhere on the Internet
- The administrator can access the device from anywhere on the Internet
- Email attachment management ensures no duplicates— the system retains only one original

- A daily email status report clearly verifies which emails are being archived
- Complete tape information is available at your fingertips
- Convenient online documentation is provided
- No ongoing monthly charges, unlike high-priced outsourced email archiving services—resulting in unmatched low total cost of ownership (TCO), and fast return on investment (ROI)

This appliance seamlessly plugs into an email server and manages a company's electronic business records with the same scrutiny as paper records, archiving to an unalterable medium, indexing metadata such as sender, receiver, time, date, etc., and providing the ability to journal, search, and set life cycle and security policies.

The OrcaArchiver™ captures all of a user company's email on a continuous basis. There's a model that's right sized for any small enterprise. It also captures digital faxes. And, when used in conjunction with enterprise instant messaging (IM) management solutions such as those from Akonix or Facetime, it archives, and makes available for rapid search and retrieval, all of a company's IM messages as well.

### **Works with Email Servers**

The OrcaArchiver™ works with Microsoft Exchange, Lotus Notes, Novell Groupwise, Mirapoint Message Server, or virtually any IMAP or POP3 email system. When attached to your network, all emails are immediately and continuously saved and indexed to disk, plus archived and indexed to tape at intervals the user specifies — making them available for retrieval in a manner compliant with corporate policies and industry regulations.

### **Compliance Met**

The device allows companies to meet a variety of electronic messaging retention needs, whether related to regulatory compliance (SEC 17a-3 and 17a-4, NASD 3110, FDA 21 CFR Part 11, HIPAA, etc), or simply for good business practice in electronic records management — as relates the requirements of the Sarbanes Oxley Act (SOX), for example.

### **Auditable Secure Storage**

Another important feature of the device is that it provides the customer with the choice of encrypting storage tapes on which the emails are stored, providing highly secure protection of the data in the event of tape loss or theft. OrcaArchiver uses the Advanced Encryption Standard (AES 256-bit - "strong" encryption) used by the U.S. federal government.

Every single access to email on the system is tracked by date, time, and user, providing a full audit log.

### **Enterprise Content Management**

Beyond regulatory compliance and discovery lie very positive reasons for a company to make email management a part of its records management procedures. The content captured in corporate email can be used as part of what some companies call their enterprise content management (ECM) system. A wealth of business intelligence is contained in corporate email systems, intelligence that can be put to use in business

processes like adding prospects to a CRM database, updating customer records, or signing up prospects for online training.

When an organization's email messages are archived, metadata is captured to enable searches, which can be conducted by keyword, sender, or receiver, using such advanced search methods as proximity searches, fuzzy searches, range searches wildcard searches, and the ability to save searches.

## **Exporting Search Results**

OrcaArchiver delivers the ability to easily export any email search results, directly from the search results screen to a file, to a CD, to an email, or to a printed hardcopy. This feature greatly facilitates use of the system for response to SEC auditors, for legal discovery, or for review by a company's legal counsel.

## **Summary**

OrcaArchiver are rapidly being adopted today in organizations of all sizes for:

- Regulatory compliance
- Legal discovery (e-discovery)
- Knowledge management, or "email mining"
- Or simply good business practice

The OrcaArchiver is affordable and extremely simple to use, requiring no integration of hardware and software, and *no disruption to a company's existing IT infrastructure*. It's a complete, drop-in solution: a plug-and-play, purpose-built network appliance ready to run right out of the box.

With OrcaArchiver IT managers can comply with the ever increasing requirements to archive and retrieve email. In addition, IT managers provide tools for good for electronic records management practices. Most important, companies and IT managers can stay on the right side of the law.