Trends in Information Governance 2018-2019

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Who am I?

• Lawyer
• Schlumberger, Amoco, and BP
• Private practice – Compliance and Information
• 20+ years in Knowledge Management, Records Management, Ediscovery, Compliance, Crisis Management
• Formerly Programme Director for BP’s Global Information and Records
• Write a chapter *Corporate Legal Compliance Handbook* about the nature and duty of compliance, with law and with company policies and procedures
• Huge interest in Compliance and Governance
Intro to Blog

• Started August 2013
• *The Wall Street Journal* (paywall)
• Archive
• Subscribe
Once you decide to remove someone, who do you decide to remove and why? Are there any other factors that control your decision?


As the platform owner, you can either open your site to all comers, or establish objective standards to limit who may and may not use your platform. Are there risks if your standards aren’t sufficiently objective, and a tinge of subjectivity creeps in?

Governance (to the extent you establish objective standards, and decide who you let “in”), and Information, and Compliance (to the extent you kick people off). But are there
How do I sort?

- **Information**
  - What is it?
  - Who owns it?
  - What’s it worth?
  - Why do we have it?

- **Governance**
  - Who is in charge?
  - Who makes the rules?
  - What policies do you have?
  - Who controls access?

- **Compliance**
  - Compliance with law
  - Privacy
  - Protection/Cybersecurity
  - Investigations
  - Compliance with policy/procedure
  - Freedom of speech/Press
  - Compliance with duty

- **Use/non-use**
Major themes

• Compliance
  • Bad actors (cheaters, liars, thieves, leakers, fakers, fraudsters, hackers)
  • Breaches
  • Privacy
  • Employees

• Use/Failure to use
  • History
  • Technology

• Governance
  • Governments and private companies filtering and regulating
Headlines
April 25, 2018 – March 31, 2019

~ 100 Headlines from The Wall Street Journal
CFPB Considers Ending Public Access to Complaints About Banks
Leader of Consumer Financial Protection Bureau says he doesn’t have to ‘run a Yelp for financial services’

EU Presses Tech Firms on Search Results, Fake News
Europe proposes legislation requiring platforms to be more transparent with search results; threatens new rules on ‘fake news’

Use of Genealogy Data to Track Golden State Killer Raises Privacy Questions
Posting genetic data on genealogy websites also reveals genetic information about relatives, who may not have given their consent

Malaysia Wields Law Against ‘Fake News’ for First Time
Foreign visitor sentenced to jail after criticizing the police response to the slaying of a Palestinian engineer in Kuala Lumpur
U.S. Jury Convicts Former Autonomy CFO of Fraud in H-P Deal
Sushovan Hussain is found guilty of falsifying financial statements ahead of Hewlett-Packard’s $11 billion acquisition

Facebook Fires Employee Who Bragged on Tinder About His Access to User Data
Alleged remarks highlight the potential for certain Facebook employees to abuse their access to the private information of the social network’s users

Volkswagen Ex-CEO Martin Winterkorn Indicted in Emissions Probe
He is highest-ranking VW official charged in the emissions-cheating scandal

Texas Church Shooter Was Ticking Time Bomb
Military records show Devin Patrick Kelley’s abuse of family members was known to the Air Force
Judge Rules Trump May Not Block Critics on Twitter
President’s social-media feed, which he often uses to address a variety of issues, is found to be a ‘designated public forum’

Hawaii Homes in Lava’s Path Were Built Decades Ago Despite Geologic Threat
Lower Puna is one of the most affordable places to live in the Aloha State, but its subdivisions were built on an area known to be a hazard zone

One of the World’s Safest Places for Banking Is Rocked by Scandals
Australia’s financial intelligence agency levels $530 million fine against Commonwealth Bank
Facebook Gave Some Companies Special Access to Additional Data About Users’ Friends
Small number of companies had deals that gave them access to data after others were cut off

Vietnam Tightens Grip on Internet With Data-Storage Law
New cybersecurity law requires internet companies to store Vietnam-based users’ data on servers in the country

Volkswagen Fined $1.17 Billion in Germany in Emissions-Cheating Scandal
The auto maker said it wouldn’t appeal the penalty

DOJ Clinton Report Blasts Comey, Agents, but Finds No Bias in Conclusion
Then-director deviated from policies and separate texts cast cloud over entire FBI investigations

McKinsey Investments Weren’t Disclosed in Bankruptcy Cases
Retirement fund invested in hedge funds with financial interests in six bankrupt companies the consulting firm was advising
Keg Trackers Keep Your Ale From Going AWOL
Breweries lose as many as 10% of their steel kegs a year; new startups are hoping to stop that

Facebook’s Latest Problem: It Can’t Track Where Much of the Data Went
Company’s internal probe finds that some developers who scooped up data are now out of business, and others won’t cooperate.

California Passes Sweeping Data-Privacy Bill
By passing bill, legislature headed off a more restrictive ballot initiative that recently qualified to appear before voters in November.

Capital Gazette Shooting Puts Spotlight on Facial-Recognition Technology
Maryland’s database of mug shots and driver’s license photos revealed suspect’s identity.

Tech’s ‘Dirty Secret’: The App Developers Sifting Through Your Gmail
Software developers scan hundreds of millions of emails of users who sign up for email-based services.
Barnes & Noble Fires CEO Without Severance Over Policy Violations

Bookseller didn’t elaborate on Demos Parneros’s termination other than to say it wasn’t tied to any disagreement over financial reporting or fraud

Lawmakers Press Alphabet and Apple on Smartphone Users’ Privacy

Letters seek more information on how smartphones collect user location and other data
Michael Cohen Taped Conversation With Trump About Buying Rights to Playmate’s Story
Conversation occurred in September 2016, after American Media Inc. had purchased Karen McDougal’s story that she had affair with Trump

Russian Hackers Reach U.S. Utility Control Rooms, Homeland Security Officials Say
Blackouts could have been caused after the networks of trusted vendors were easily penetrated

Facebook’s Next Privacy Challenge: Less Data to Target Ads
Advertisers warn of impact from closure of Facebook ad tool that integrates personal data from outside brokers

Past Social-Media Posts Upend Hiring
Employers grapple with screening job applicants’ online personas, including years-old tweets
Facebook to Banks: Give Us Your Data, We’ll Give You Our Users
Facebook has asked large U.S. banks to share detailed financial information about customers as it seeks to boost user engagement.

SEC Probes Tesla CEO Musk’s Tweets
The regulator is examining whether Musk’s statement was truthful and why the disclosure was made on Twitter.

Ex-NSA Contractor Reality Winner Sentenced to 63 Months for Leak
Sentence is longest ever for a leak of defense information to the media, Justice Department says.
How a Banker’s Message to a Client Spelled Trouble for UBS
Breach of client confidentiality in Hong Kong sparked internal probe and a senior employee’s suspension

Naomi Osaka Gets the Last Word
A controversial penalty for Serena Williams grabs the conversation—but the new U.S. Open champion is the story

States Loom as a Regulatory Threat to Tech Giants
Attorneys general weigh confronting internet companies over antitrust, privacy issues

Ohio State Football Probe Didn’t Attempt to Recover Deleted Texts
Law firm investigators did not use forensic analysis of coach Urban Meyer’s phone; AD Gene Smith told investigators he routinely deleted texts
Facebook Fined Over Cambridge Analytica Case, but U.K. Wishes for Bigger Penalty
Fine was the maximum allowed under the old U.K. privacy law, but it could have reached $1.6 billion under GDPR

Tesla Faces Deepening Criminal Probe Over Whether It Misstated Production Figures
FBI investigation follows company’s settlement of separate civil charges with SEC
Finra Arbitrators Let Thousands of Brokers Purge Infraction Records

Brokers with scrubbed records are more likely to generate complaints, two academics found

Fake Signals and Illegal Flags: How North Korea Uses Clandestine Shipping to Fund Regime

Freighters loaded with coal and oil use an array of tactics to keep trade flowing and dodge U.S. pressure

New Parents Complain Amazon Baby-Registry Ads Are Deceptive

Unwanted gifts arrive after friends click on promotions tucked into wish lists

Marriott Says Starwood Data Breach Affects Up to 500 Million People

Hacked information includes passport numbers, payment-card numbers in addition to addresses, travel details
U.S. Prosecutors Charge Four People in Panama Papers Probe
Unsealed indictment includes charges of wire and tax fraud and money laundering

China Maneuvers to Snag Top-Secret Boeing Satellite Technology
The founders of a small Los Angeles firm, which ordered a satellite from Boeing, say it was financed and is now controlled by Beijing
U.S. Alleges Huawei CFO Hid Ties to Telecom With Iran Business
As a result, banks cleared transactions that risked violating international sanctions, prosecutor says

Amazon, Amid Crackdown on Seller Scams, Fires Employees Over Data Leak
Merchants find new ways to sabotage rivals during the all-important holiday shopping season

U.S. Investigating Fake Comments on ‘Net Neutrality’
Criminal probe looks at comments posted to FCC from people who say their names were used without permission
New Report Shows Olympics Executives Concealed Knowledge of Nassar Allegations
Scathing report places particular blame on Scott Blackmun, former chief executive of U.S. Olympic Committee, and on culture at USA Gymnastics

Facebook Bug Potentially Exposed Unshared Photos of Up 6.8 Million Users
The social-network company says apps may have had improper access to photos

PG&E Falsified Gas Safety Records, California Claims
State’s largest utility, dealing with fallout from wildfires, accused of submitting fake records between 2012 and 2017

Chinese Hackers Breach U.S. Navy Contractors
Review of cyber vulnerability is ordered after intruders gain access to information about military technology

The ‘Fortnite’ Dance Move That Spawned a Lawsuit
The blockbuster videogame sells popular dance moves that add to its appeal. Should their originators get a cut?
Illinois Dioceses Withheld Names of Accused Priests, Report Says
Catholic church received abuse allegations against 690 priests but publicly identified 185, report finds

Is It Really Five Stars? How to Spot Fake Amazon Reviews
It’s on us to understand how Amazon reviews really work before we buy, and it’s on Amazon to start rethinking the star system entirely

Acting Attorney General Matthew Whitaker Incorrectly Claims Academic All-American Honors
Claim from Whitaker’s University of Iowa football days listed on résumé and government documents
Elon Musk Says Pedophile Accusation Against British Man Was Protected Speech

Tesla CEO files motion to dismiss defamation lawsuit, arguing his insults on Twitter couldn't be interpreted as facts

Popular Weather App Collects Too Much User Data, Security Experts Say

China-based app asked for more data than the usual location request, including email addresses

Blood Pressure, Baby’s Pulse, Sperm Potency: Home Health Devices Are Tracking More Than Ever

Wearables and other inexpensive products and services can now extract detailed information about our bodies—so how will their makers handle all that data?

Facebook, Twitter Turn to Right-Leaning Groups to Help Referee Political Speech

Advisers on touchy issues include Tony Perkins’ Family Research Council, Grover Norquist’s Americans for Tax Reform and, on the left, the Southern Poverty Law Center
American Express Suspends a Director in Foreign-Exchange Pricing Probe
Employees were informed that Taylor Simonin was suspended last month

Temple University Settles Suit Over Fudged Data on M.B.A. Ranking
University agrees to pay nearly $5.5 million to current and former business-school students

Google Nears Win in Europe Over ‘Right to Be Forgotten’
Recommendation largely backs Google, which appealed a French order to apply the EU right to searches globally

How to Make Money Trading: Hack Into SEC, Peek at 157 Secret Earnings Reports
According to a government complaint filed Tuesday, a hacker and his associates spent six months rooting around the SEC’s corporate-filing system

India Wants Access to Encrypted WhatsApp Messages
Country makes a new attempt to constrain global tech giants

PPG Says U.S. Attorney’s Office Investigating Paint Giant’s Accounting Practices
SEC opened a probe in connection to the same irregularities last year
Cohen Hired IT Firm to Rig Early CNBC, Drudge Polls to Favor Trump

Behind the scenes, Michael Cohen hired Red Finch Solutions, then allegedly stiffed it—and his boss

Special Counsel Disputes BuzzFeed Report That Alleged Trump Directed Cohen to Lie to Congress

House Democrats said earlier they would probe the allegations in the report

Google Fined $57 Million in Biggest Penalty Yet Under New European Law

The fine is one of the highest profile regulatory actions stemming from the European Union’s new GDPR rules

Colleges Mine Data on Their Applicants

To determine ‘demonstrated interest,’ some schools are tracking how quickly prospective students open email and whether they click links
HIV Status of More Than 14,000 People Leaked in Singapore Data Breach
Health ministry says American who previously worked in Singapore leaked the records

‘I Was Young’ Isn’t an Excuse: Business Leaders Need to Revisit Yearbooks
High-profile executives and business owners should conduct ‘opposition analysis’ on themselves to see if damaging pre-digital images could come to light

Caught on Tape: Herbalife Executive Told Colleague to Ignore Expense Limits
Richard Goudis’s comments, made a decade ago, were recorded and recently reached U.S. officials investigating the nutritional supplement seller
Your Company Wants to Know if You’ve Lost Weight
As more employers launch high-tech wellness programs that keep tabs on workers’ exercise, sleep and nutrition, employees worry about privacy and the consequences of opting out

Shooter at Illinois Factory Lied on Application for Gun Owner Card
Background check failed to find old felony conviction until a later application for concealed carry permit

Pinterest Blocks Vaccination Searches in Move to Control the Conversation
Social-media company stops showing results on the topic as it looks to censor unsubstantiated health claims

IRS Analyst Charged With Illegally Leaking Michael Cohen’s Bank Records
Former Trump lawyer’s records showed financial transactions that were flagged as suspicious

Federal Prosecutors Broke the Law in Jeffrey Epstein Case, Judge Rules
Justice Department violated 2004 law by making a plea deal with Florida financier and not conferring with alleged victims
You Give Apps Sensitive Personal Information. Then They Tell Facebook.
Wall Street Journal testing reveals how the social-media giant collects a wide range of private data from developers; ‘This is a big mess’

New York Requests Documents from Facebook, Apps on Data Sharing
Apps shared an array of the user’s personal, medical information
Vatican to Open Archives on World War II Pope Pius XII

Critics including Jewish groups have said Pope Pius XII didn’t do enough to oppose the Holocaust

Chinese Hackers Target Universities in Pursuit of Maritime Military Secrets

University of Hawaii, University of Washington and MIT are among schools hit by cyberattacks

Trump Administration Weighs Publicizing Secret Rates Hospitals and Doctors Negotiate With Insurers

Requirement to release secret prices of health care would put more decision-making power in hands of patients, possibly lowering copays or deductibles.
Hackers Breach College-Applicant Databases, Seek Ransom
Emails offer prospective students at Oberlin, Grinnell and Hamilton the chance to buy data in their files

Jussie Smollett Indicted by Grand Jury on 16 Counts for Filing False Report
‘Empire’ actor told police he was a victim of a racist, antigay attack

KPMG Ex-Partner Convicted In ‘Steal the Exam’ Scandal
Ex-employee of Public Company Accounting Oversight Board also convicted
Federal Prosecutors Charge Dozens in College Admissions Cheating Scheme
Charges involve cheating on college entrance exams, efforts to bribe coaches; actresses Felicity Huffman, Lori Loughlin among those indicted

Facebook, YouTube, Twitter Scramble to Remove Video of New Zealand Mosque Shooting
Social-media companies have struggled to block violent content despite public outcry and political pressure

How the National Enquirer Got Bezos’ Texts: It Paid $200,000 to His Lover’s Brother
Michael Sanchez sold the billionaire’s secrets to American Media, the Enquirer’s publisher, said people familiar with the matter

Publishers Sue Peloton for Use of Songs From Drake, Lady Gaga
Downtown Music, Pulse Music, Ole and others say the company has failed to license with them for use of their songwriters’ compositions, resulting in lost income
Google Fined $1.7 Billion in EU for Restricting Rivals’ Ads

Decision is last among three sets of formal charges that European Commission has so far filed against the tech giant

Hundreds of Millions of User Passwords Exposed to Facebook Employees

Security lapse the latest privacy issue for the social-media giant

FEMA Officials Accidentally Released Private Data From 2.3 Million Disaster Victims

Agency says it gave too much personal information to a contractor, says the incident wasn’t a data breach

Key Takeaways From Attorney General’s Summary of Mueller Report

No proof of campaign conspiracy, clear case of Russian interference—and continued secrecy shrouding full investigation

Duke University Agrees to Pay $112.5 Million in Whistleblower Suit Over Grants

School said it uncovered falsified data after internal review that began in 2013
Journalists Face Prison Over Reporting George Pell Sex-Abuse Conviction
Dozens of Australian reporters and media organizations are accused of breaching a judge’s order to suppress coverage of the Cardinal’s case.

Workers Push Back as Companies Gather Fingerprint and Retina Scans
Lawsuits challenge firms over how biometric data gets collected and stored.

HUD Action Against Facebook Signals Trouble for Other Platforms
Department accuses social-media firm of fostering discrimination in advertising based on race, national origin, religion and more.

Facebook Removes Accounts Linked to Duterte’s Former Social-Media Manager
Takedown includes 175 Facebook accounts, groups and pages, as well as 25 Instagram accounts.
Deep cleansing breath
Trends
Trends

• Technology
• Information
• Governance
• Compliance
Technology

• More apps
• Move to Cloud, Office365
• ECM consolidation continues
• Quest for Autoclassification
• Tweets
Information

- Less and less paper
- More types, storage, and locations
- More fakes
- More non-use
- Return of the Living Dead
- Managing organization in the Cloud
Governance

- No C-suite owner
- Disconnected policies
- More government regulation
- Less security, more breaches
- Little *Infonomics* influence
- RM takes a lower profile
- ARMA merges with Information Coalition
- IG merges with RM, eDiscovery, IT, Security, HR, Finance, Privacy, ...
Compliance

• More records cases
• Fewer eDiscovery cases
• Privacy
• Expense reports
• Use/non-use
• Employees breach policies
• Tweets
Questions?
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