

iapp

Creating a data retention policy for personal information and AI

Thursday, 4 June

09:00–10:00 PDT

12:00–13:00 EDT

18:00–19:00 CEST

contoural 

READY. COMPLIANT. IN CONTROL.



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Welcomes and Introductions



**Kerry Childe, Esq.,
CIPP/US, CIPM**
Senior Consultant



Tom Mighell, Esq.
Chief Operating Officer



Mark Diamond
President and CEO

Contoural Independence

Contoural is an independent provider.

We do not sell any products, provide any “reactive” eDiscovery services, store any documents, or take any referral fees. We generate our revenue from strategic consulting fees, enabling us to develop and recommend strategies that are driven not by a product or eDiscovery agenda, but rather by an approach based exclusively on the needs of our clients.

Privacy Data Minimization Rules Conflict with Record Retention Requirements

New Data Retention Policy

- Legal and Regulatory Retention and Disposition Requirements
- Business Value
- Personal Information

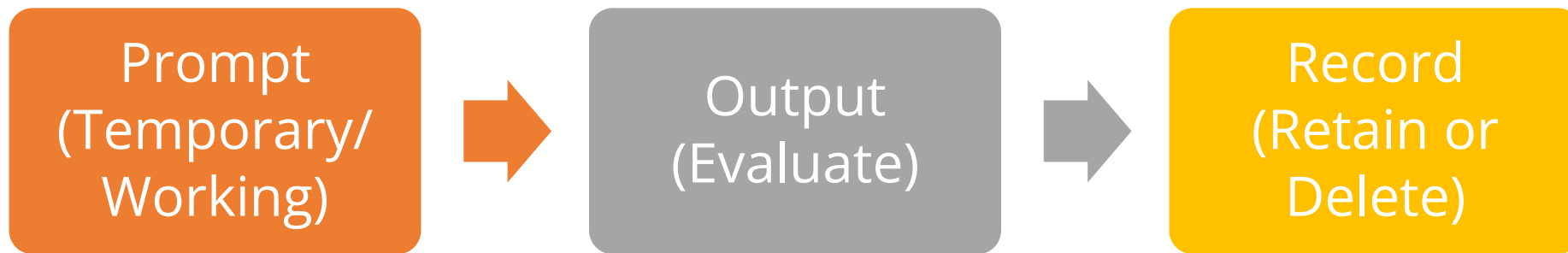
vs.

Record Retention Policy and Schedule

- Legal and Regulatory Retention Requirements
- Business Value

Generative AI: The New Information Frontier

- Prompts are becoming parts of (regulated) business processes
 - Temporary or Working Documents?
- Reusable or Template Prompts (Prompt Library)
- Output
 - Used in business decisions (Record)
 - Used to create records (Working)
- AI model or training data documentation



File and Email Hoarding Problems

Non-Compliance with Record Policies



Over-Retention of Sensitive Information, Increased Risk of Data Breaches



Increased Discovery Costs and Risks



Decrease in Employee Productivity & Collaboration



Old-fashioned Records Schedules

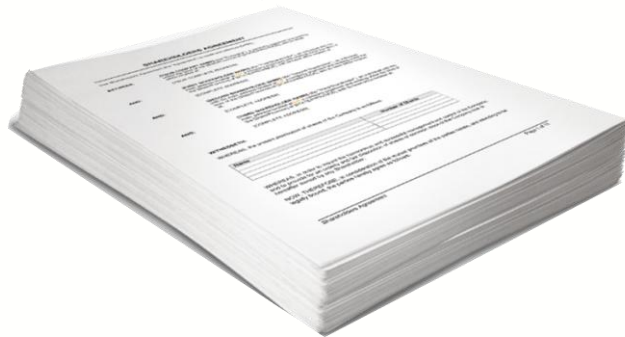
Paper-centric Schedule



"Big R" Record Focused Schedule

ITEM NUMBER	RECORDS SERIES TITLE & DESCRIPTION	APPROVED RETENTION PERIOD			NOTES & CITATIONS
		Office (A)	Off-site (B)	Total (A + B)	
A. COLLECTIONS AND ENFORCEMENT RECORDS					
1.	Delinquent Taxpayer Statistics Consists of delinquent state taxes, including the names, addresses, tax type, and amount due (tax, interest, and penalties).	Continuously updated	- 0 -	Continuously updated	Some data is published to the Department of Revenue Services Web site.
2.	Payment Plans Consists of payment plans for collections and enforcement of taxes.	3 years from date of last payment	- 0 -	3 years from date of last payment	
3.	Sales Statistics Consists of retail sales and tax receipts by town.	Continuously updated	- 0 -	Continuously updated	Data becomes part of the annual report.
4.	Special Investigation Cases - Closed with Arrest	10 years from date case closed	- 0 -	10 years from date case closed	
5.	Special Investigation Cases - Closed without Arrest	7 years from date case closed	- 0 -	7 years from date case closed	
6.	Uniform Commercial Code Lien Statements	5 years from date of statement	- 0 -	5 years from date of statement	
B. TAX AUDIT RECORDS					
7.	Appellate Case Files Including but not limited to case files, briefs, opinions, and final orders.	5 years from date case closed	- 0 -	5 years from date case closed	

Overly Long and Detailed Schedule



Lack of Consensus with the Business

"Yes, I read the Policy when I started work here, but I don't remember much."

"Much too confusing."

"We pretty much ignored the schedule when configuring the archive."

Where are Records Created and Received?

Paper



Applications



Electronic Files



Email



Wikis, Videos, Social, Physical Objects, etc.



Identify records across all media

Common Record Types vs. Company Specific

70% Common or Typical Records

**Accessed less often.
Easy to include in schedule.**

- Finance
- HR
- Administration
- Regulatory

30% Company-Specific Records

**Accessed more often.
More relevant in litigation or
regulatory inquiry.**

- Operations
- Processes
- Programs
- Intellectual property
- Trade secrets
- Business value

Identify both common and company-specific records

Validating Legal and Regulatory Requirements



CODE OF FEDERAL REGULATIONS

Requirement Published in Third-Party Product

Who	What
Corporation	Information relating to records of account books

Retention	Citation
From the date of final dissolution of the company.	16.U.S.C. § 831g(b)

Actual Detail in the Regulation

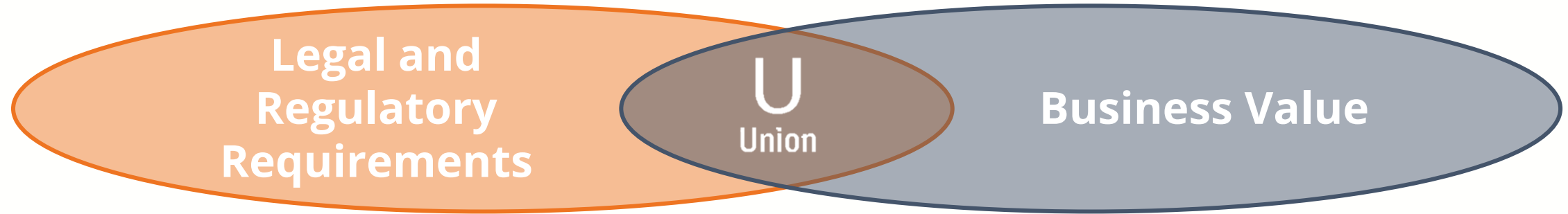
§ 831g. Principal office of Corporation; books; directors; oath

 (b) The Corporation shall at all times maintain complete and accurate books of accounts.

§ 831. Creation; short title
 For the purpose of maintaining and operating properties now owned by the United States in the vicinity of Muscle Shoals, Alabama...there is created a body corporate by the name of the "Tennessee Valley Authority" (hereafter referred to as the "Corporation")...

Contoural attorneys validate legal and regulatory requirements

Records Can Be Defined Based on Business Value



- Identify high-value information
- Apply reasonableness
- Use policy and schedule development as a consensus-building exercise
- Organizations with schedules that include business value have less over-retention

Records can be defined based on business value

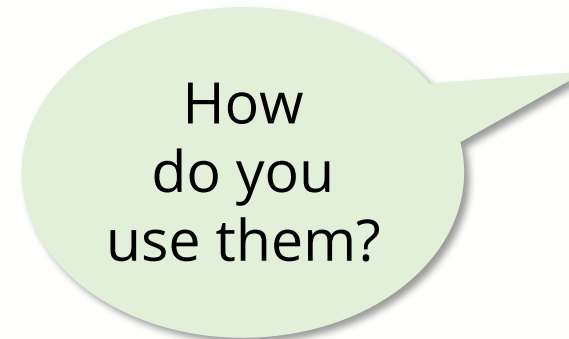
Negotiating Business with Business Units

Business units want overly long retention for a particular record



I need these marketing project plans for 10 years.

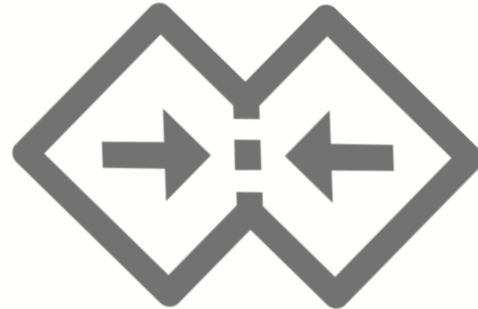
A longer retention period on a single record type may free up employees to “let go” of their other unneeded information



Compromising for low-volume records may drive lower overall retention

Privacy Data Retention Policy vs. Records Retention Policy and Schedule

Privacy Data
Retention Policy

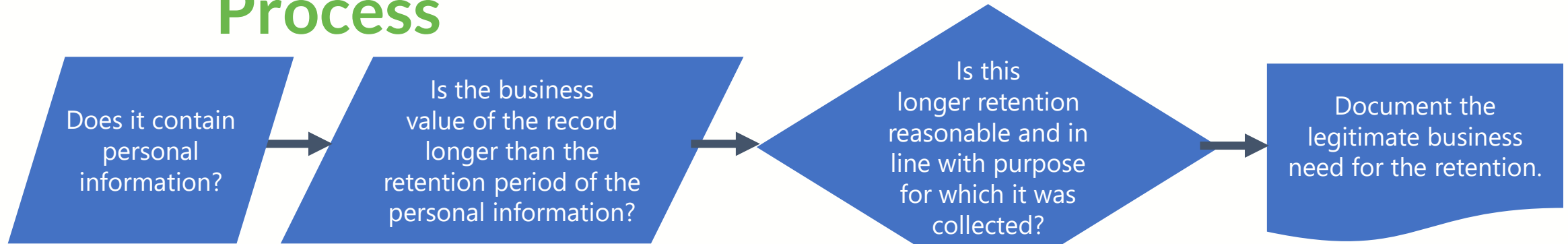


Record Retention
Policy and Schedule

- Legal and Regulatory Retention Requirements
- Business Value
- *Detail which records contain personal information*
- *Document legitimate business purpose*

Combine privacy data retention policy and record retention schedule

Personal Information Business Justification Process



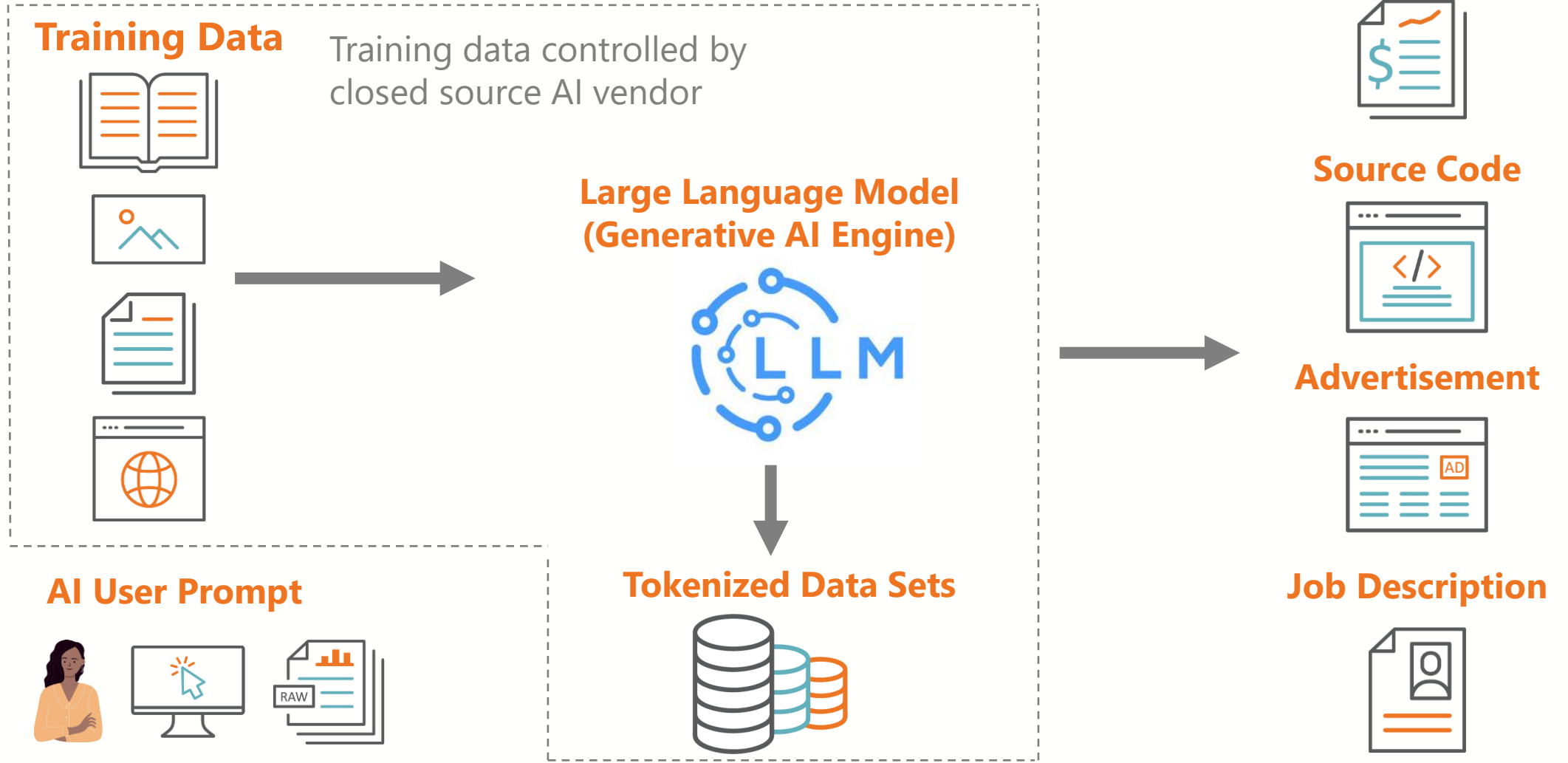
Code	Category	Description	Examples	Retention	Personal Information	Retention Justification
CRP1000	Business Organization	Formal corporate and board of director documentation of the company, as well as records related to shareholder activity and stock ownership in the company.	Includes Articles of Incorporation, Amendments, Bylaws, Corporate Charter, Corporate Meeting Minute Books and Resolutions, Board Meeting Minutes and Materials, Board Committee Meeting Minutes and Materials, Board Dockets, Board of Director Conflict of Interest Records, Annual Reports, Stock Transfer Records, Shareholder Records, Shareholder Meetings, Shareholder Proxies, Shareholder Dividends	Permanent	<ul style="list-style-type: none"> Conflict of Interest Forms (contains Board Member and employee names, and may contain names of other relations as part of the disclosure) Shareholder Records (contains names of individual shareholders and shares held) Corporate Minutes (may contain personnel names and other employment information) Corporate Resolutions (may contain personnel names) 	Laws in Q state, where we are headquartered, require that we keep formal corporate information permanently. Laws in X and Y countries, where we have substantial operations, require that we keep formal corporate information permanently. As a corporation, having a historical record of all decisions made by the Board of Directors is important to our ongoing business.

Address Records Containing Personal Information ↑

Identify Legitimate Business Need for the Retention Period ↑

Document which records contain personal information and legitimate business need in the schedule

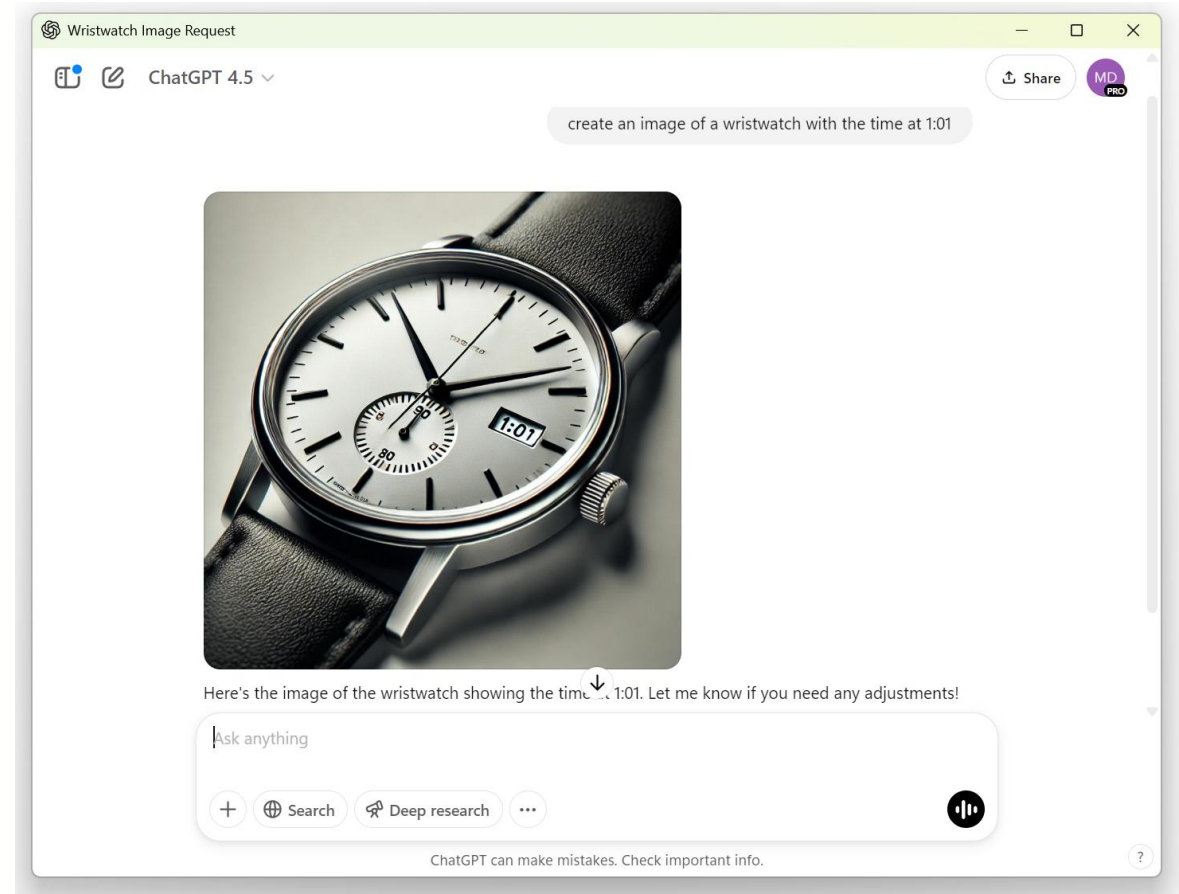
Modern Records Management Drives More Compliant AI



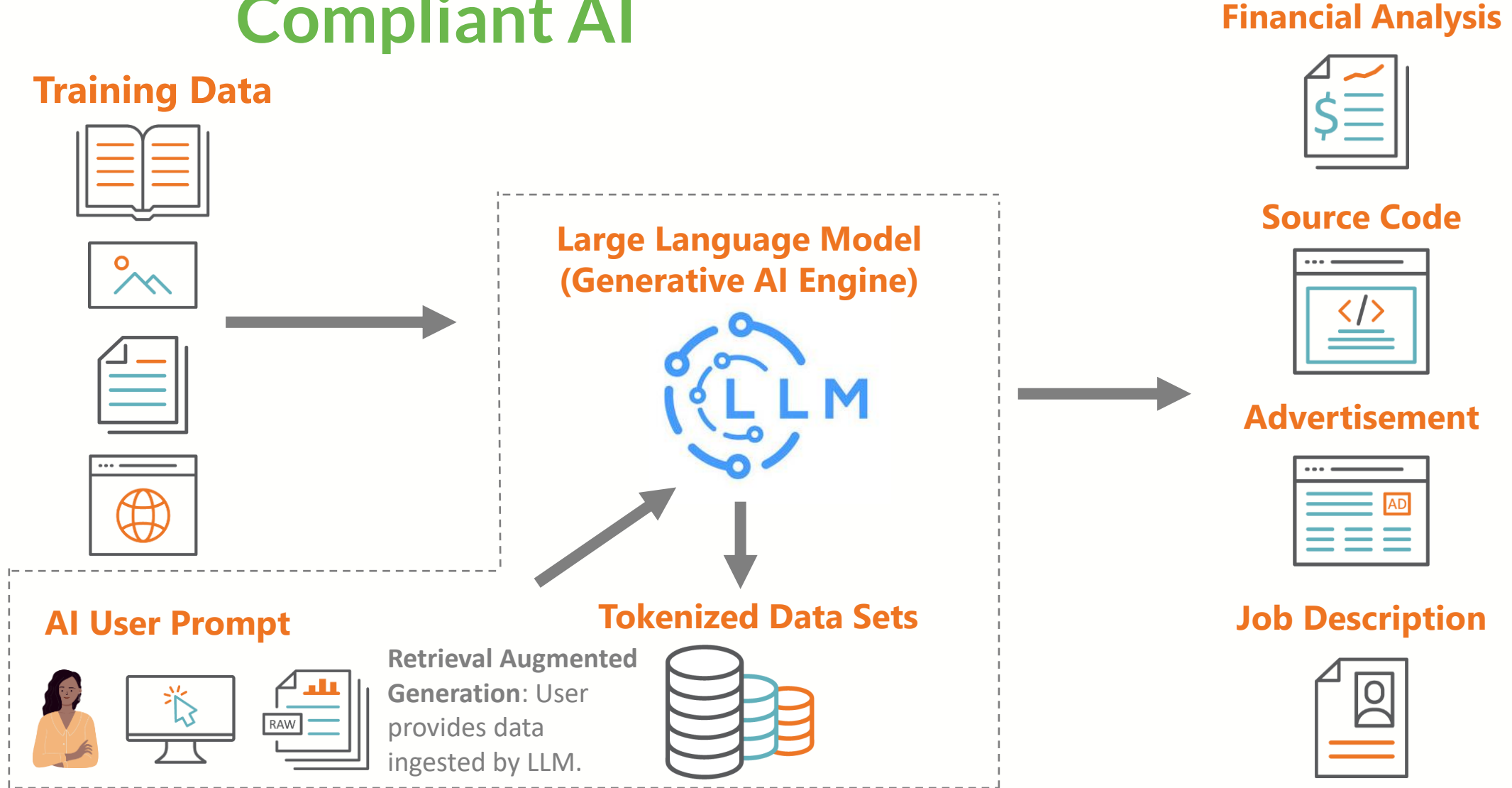
ChatGPT> Create an image of a wristwatch with the time at 1:01.

...

Here's the image of the wristwatch showing the time at 1:01.



Modern Records Management Drives More Compliant AI



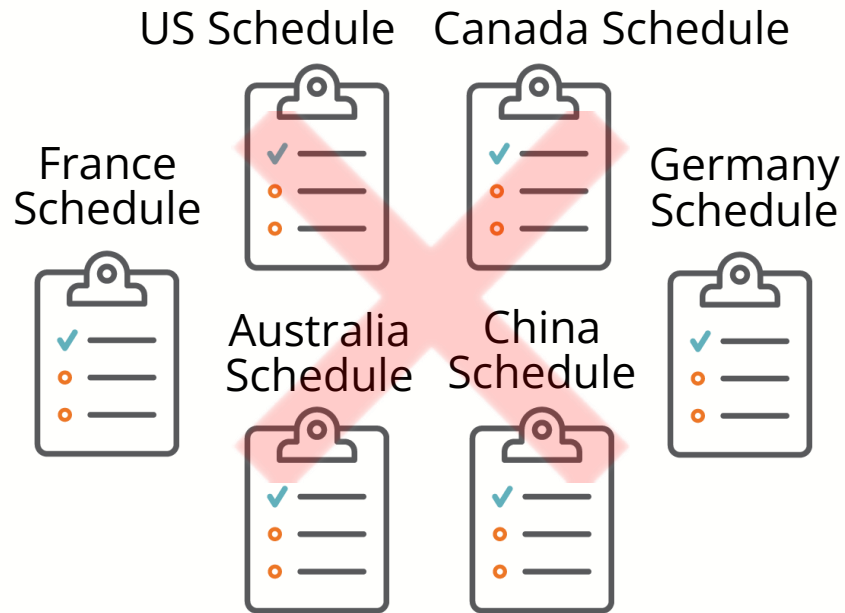
Chats, Messages, Prompts, and Other Odds & Ends

Format	Short-Term	Working	Records
Chats/DMs/Texts	90 Days	--	--
Posts/Messages	--	No Longer Needed	--
Ephemeral	Per App	--	Archive Tool
Meetings/Recordings	90-120 Days	--	System of Record
Transcripts/Notes	90 Days	--	System of Record
Generative AI	90 Days (Prompts)	No Longer Needed	System of Record
Email	90-180 Days	2-3 Years	System of Record

Consistent Application of Retention Principles

Creating a Global Schedule

Country or Region-specific Schedules



Global Schedule with Local Exceptions

Category	Global Baseline	Exceptions	Retention
Accounting	10 Years	China	30 Years
Information Technology, Application Development and Management	Until Retired + 3 Years	Belgium	Until Retired + 7 Years
Human Resources, Personnel Records	Termination of Employment + 7 Years	Ireland/ United Kingdom	Termination of Employment + 12 Years

A large green checkmark is overlaid on the table, indicating that this approach is recommended.

Create a global schedule with local exceptions, as necessary

Schedules Should Be Clear and Plainspoken

Avoid unclear acronyms

Instead of....

ACT + 7

Say

Termination of Contract + 7 Years

Or....

Until Superseded + 7 Years

Avoid esoteric policy language

"Records are defined as any type of written, recorded, electronic or graphic matter used or useful in the Company's business, including, but not limited to, contracts, letters, correspondence, e-mails, memoranda, studies, reports, minutes, diaries, ledgers, journals, books, records (including, without limitation, telephone records and logs), invoices, speeches, presentations, receipts, checks, statements, labels, sound recordings, photographs, x-rays, notes, charts, maps,"

Name records on what company calls them, not generic names

What business units call information:

- BME variance reports
- Cost roll summaries
- Count and destroy instructions
- Crosscheck asset documentation
- S&P weekly surveillance

It's OK to list non-records in the schedule

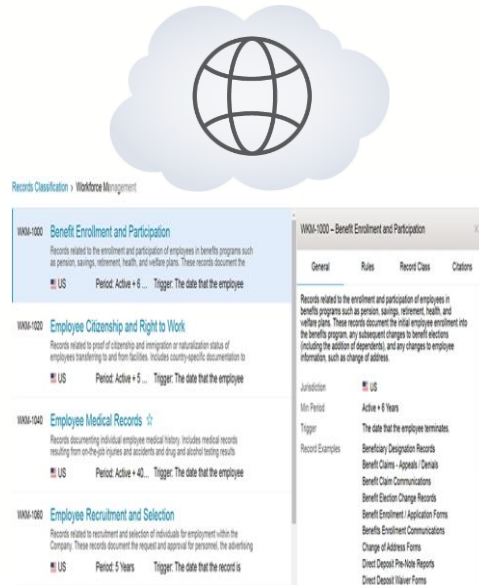
Transitory or non-records that do not need to be retained:

- Reference materials
- Unofficial copies of records
- Drafts
- Transitory Communications
- Backup copies

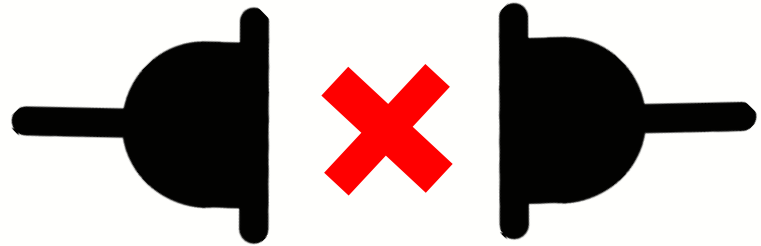
One of the main purposes of a schedule is to clearly communicate

The Risks of Disconnected Retention Schedules

Always-Updating Third-Party Retention Schedule



Compliance Gap
Automatically updated
Schedule changes not
propagated to
implementation



Schedule Execution

Training Materials

Content Management Systems Configurations

Conflicts with Privacy Requirements

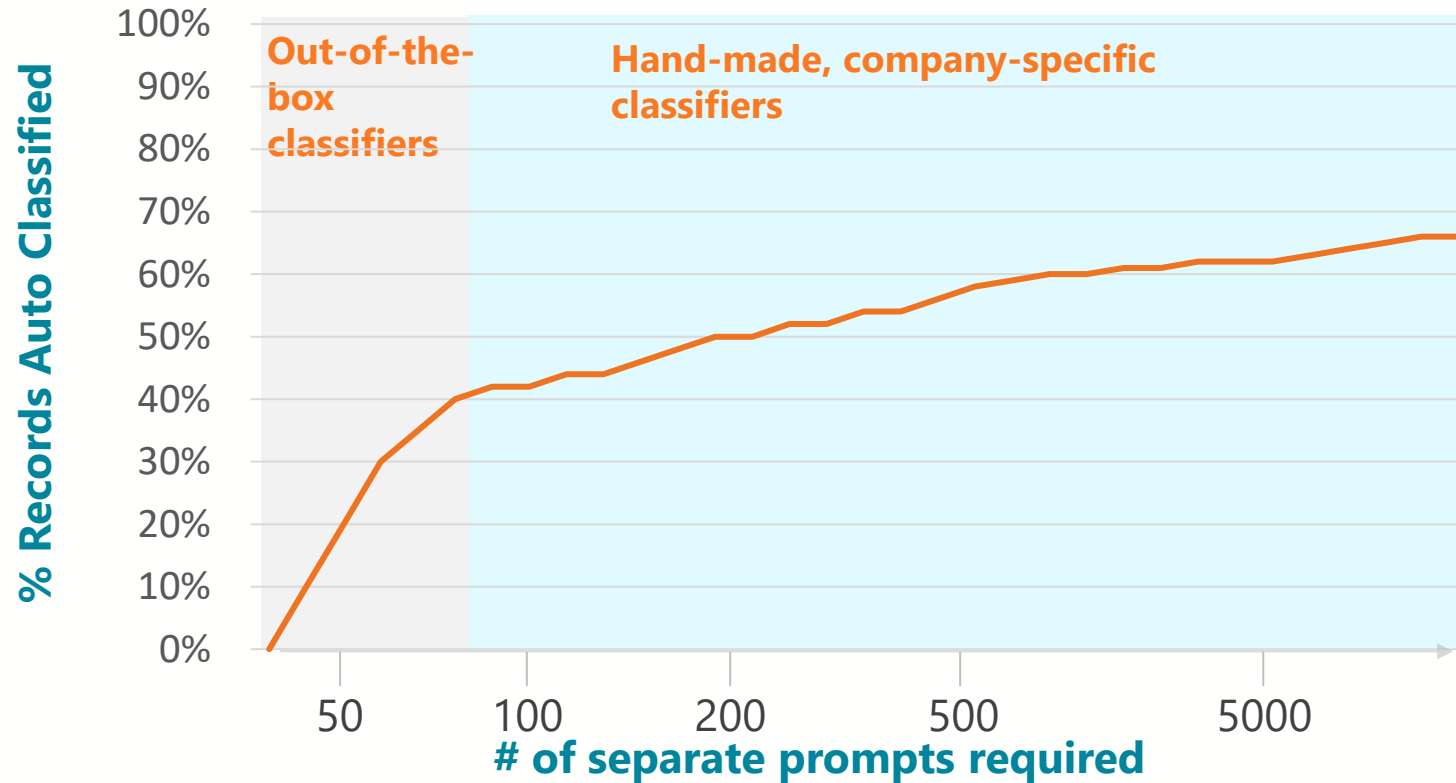
With third-party schedules, opponents in litigation may exploit differences between what is stated in your schedule vs. actual practices

Unintended Consequences of Aggressive Deletion



Aggressive deletion drives “underground archiving”

Data Loss Prevention and Machine Learning Cannot Identify All the Records



M365 Purview
Trainable Classifiers



BigID

onetrust

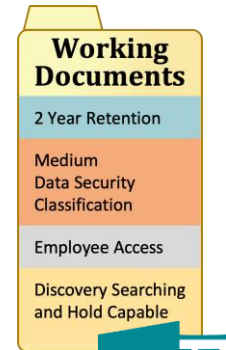
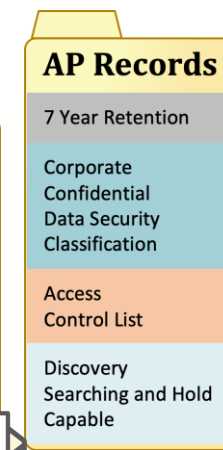
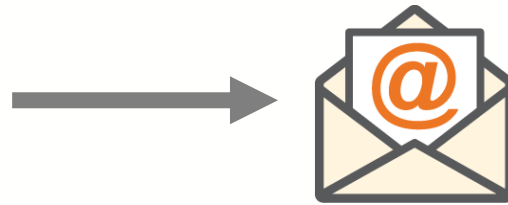


valora

Automate Classification by Combining Policies and Technology



Drag and Drop Inheritance for Classification



Finance employee drags and drops email records from inbox into appropriate Microsoft 365 Managed Email Folder

When email is placed in a folder, Microsoft 365 automatically tags it with a retention label

Automation enables the “five second rule”

Don't Rent Your Records Schedule, Own It

Renting a Schedule

Pros

- ✓ Initially, faster development time

Cons

- ✗ More expensive
- ✗ Still requires citations to be validated
- ✗ More difficult to automate
- ✗ Difficult to customize
- ✗ Ongoing subscription

Owning a Schedule

Pros

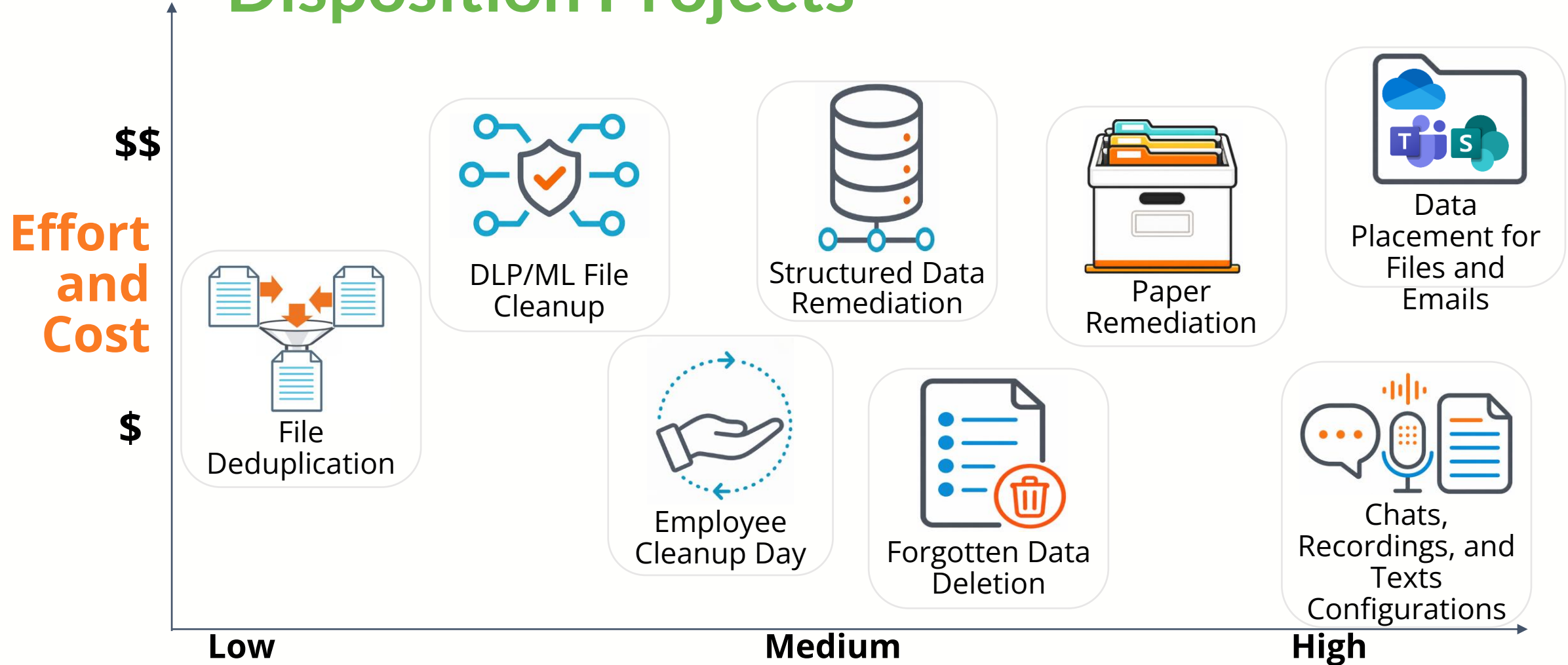
- ✓ Easier to automate
- ✓ Easier to integrate with privacy, eDiscovery, etc.
- ✓ Easier to follow
- ✓ Less expensive

Cons

- ✗ Initially, more effort to develop

Owning your schedule makes it easier to adapt it to your organization

Disposition Projects



Project Deletion Effectiveness

Achieving Compliance and Legal Defensibility

What did you say you were going to do?

- Data Retention Policy/ Records Schedule
- Privacy Policy
- AI Governance Policy

How did you do it?

- Technology
- Processes
- Training Programs
- Data Placement
- Automation
- Processes
- File Plans
- Training

How did you check you did it?

- Audits
- Surveillance
- Reporting
- Remediation
- Updates

Compliance and defensibility comes from executing your policies

Largest independent provider of Information Governance, AI Readiness and Privacy consulting services including records and information management, litigation readiness and control of sensitive information consulting services.

Independent Contoural does not sell any products, provide document storage services or offer “reactive”, matter-specific discovery services.

Cross Functional Our engagements incorporate a combination of legal, compliance, records management, information technology, security and change management best practices.

Flexible Contoural services can be tailored either for some part of a specific project or an entire enterprise-wide program.

Experienced Contoural has served more than 30% of the Fortune 500, numerous mid-sized companies, non-profits, Federal agencies, as well as public sector entities. Our consultants average more than 24 years of experience in their respective field.

Real Impact Contoural services provide measurable impact on real-world business need.

Consulting Services Include

- Records Retention
Schedule/Data Retention
Policy Development
- Assessment and Roadmap
- Privacy Program
Development
- AI Readiness
- Data Placement Strategy and
Rollout Structured Data
Retention and Remediation
Strategy
- Employee Behavior Change
Management and Training
- Fractional Privacy Manager

Virtual In-House Information Governance Seminar

60 minutes, including interactive discussion



This seminar is purely informational and is not a “marketing” presentation for Contoural or its services.

Grappling with how to compliantly retain, manage, and delete e-mail, files, other electronic information, or large stores of paper records? **Learn best practices and strategies for helping your organization manage information—live—from an industry expert.**

- Presented by nationally recognized industry thought leader Mark Diamond, CEO of Contoural, the largest independent provider of strategic information governance services.
- Recommended for those in legal, privacy, IT, risk and audit, compliance, records management, finance, HR, and other business units.
- Complimentary. **CLE Credit Available**

Upcoming Contoural Webinars



We're Using AI for Everything. What Are the Steps to Get Ready?

June 11, 2026, 1:00 PM – 2:00 PM EST

Focus on the most important measures to implement now while building a strong foundation for broader AI use over time.



A Dozen Ways to Save Money on your Records Program

July 15, 2026, 1:00 PM – 2:00 PM EST

With the right approach, executing your records policy and schedule is not only doable, but it also brings new value to the organization.

Visit www.contoural.com to register.

Contoural Information Governance Peer Exchange



Typical Attendees

- Legal: General Counsels, AGCs
- Privacy: CPOs
- InfoSec: CISOs
- IT: CIOs, VPs
- Data Gov.: CDOs
- Info. Gov.: Dir. of Info. Governance
- Compliance: CCOs, Dir. of Compliance

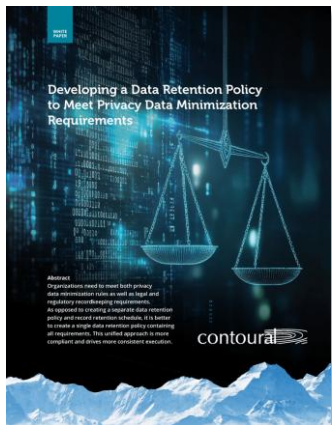
Quarterly 60-minute virtual exchange brings together senior information governance leaders at Contoural clients within a particular industry for candid discussion with peers in a private group setting.

Exchange Industry Breakouts	P&C Insurance Carriers	Financial Services
	Health Plans & Administrators	Banking
	Global Manufacturing	Pharma and Biotech
	Consumer Packaged Goods	High Tech
	Oil, Gas and Chemical	Life Sciences
	Real Estate and Construction	Non-Profits
	Retail and Distribution	Utilities

White Papers

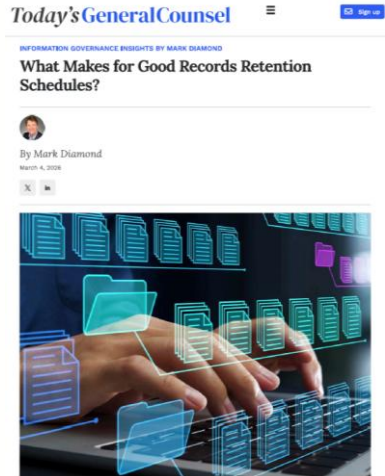


White Paper:
Creating a Modern, Compliant, and Easier-to-Execute Records Retention Schedule



White Paper:
Developing a Data Retention Policy to Meet Privacy Data Minimization Requirements

Featured Article



[“What Makes for Good Records Retention Schedules?”](#) *Today’s General Counsel*, March 4, 2026.

Additional Content

- Creating and executing a records retention policy and schedule
 - AI Governance
 - Meeting Privacy Data Minimization Requirements
 - Deleting Emails and Files Quickly and Defensibly
 - Utilizing Microsoft 365 for information governance
- ... *and more.*

Questions and Answers



Kerry Childe
Senior Consultant



Mark Diamond
President and CEO



Tom Mighell
Chief Operating Officer

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Click here: <https://iappwf.questionpro.com/t/AbBPvZ8qN1>

Thank you in advance!

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