# Information Governance: An Ethics Perspective

ARMA has identified information governance as an umbrella concept that encompasses a wide range of competences, capacities, and roles of records managers, along with a vision for the transformation and expansion of these capacities and roles in the future.

The “Information Maturity Model” (ARMA 2013) quotes in part Gartner’s definition of information governance, which in full is:

> . . . the specification of decision rights and an accountability framework to ensure appropriate behavior in the valuation, creation, storage, use, archiving and deletion of information. It includes the processes, roles and policies, standards and metrics that ensure the effective and efficient use of information in enabling an organization to achieve its goals. (http://www.gartner.com/it-glossary/information-governance/ )

This definition has the merit of placing a focus on “appropriate behavior” at the center of information governance and of recognizing the importance of policies, standards, roles and processes. However, it does not really tell us what information governance is. Governance is surely more than the specification of “decision rights” and a “framework for accountability”. Further, while “appropriate behavior” places normative expectations at the heart of governance, behavior is appropriate relative to a context and background expectations. What are the expectations in question? Are they managerial; risk-based; related to compliance? Are they all of these and more? (I suspect they are.)

As a more direct and general characterization I would offer the following:

*Information governance is the management of information for the purpose of advancing the mission of organizations in a manner consistent with and supportive of existing legal rules and ethical norms*.

This definition captures the active aspect of information governance; that it is something that is done. It also gives substance to the concept of appropriate behavior. Appropriate behavior is (a) beneficial to the organization, (b) legal, and (c) ethical. The definition can be summarized further by characterizing information governance as *Normative Information Management*.

This definition is not meant to replace the one above, but to supplement and give expression to the core idea of governance. People, processes, standards, metrics, etc. are critical to information governance, but they do not distinguish it from information management. Without a strong legal and ethical core, the idea of governance reduces to a hyped version of management. If information governance is more than information management, it must include some sense of political authority. This, in turn, can only come from a strong legal and ethical core. It does not come from commercial business objectives alone.

## The Principles and Information Governance

ARMA's Generally Accepted Principles provide a framework for advancing information governance objectives. A number of them have strong normative connotations, suggesting a connection with legal rules and ethics. Among these are the Principle of Accountability, the Principle of Transparency, and, most obviously, the Principle of Compliance. (Of course, the other Principles can serve to advance the legal/ethical goals of the organization as well.) The Principle of Compliance states that:

> "An information governance program shall be constructed to comply with applicable laws and other binding authorities, as well as with the organization's policies.

In elaborating the different levels of maturity, the focal point is legal compliance (regulatory and statutory), and responsiveness to legal processes such as discovery. The description of levels of maturity for the Transparency principle also focuses on legal requirements, especially legal requests for information from the public (FOIA and FOIL) or stakeholders (e.g., investors).

Compliance with statutes, regulations, legal decisions, and legal processes should be at the heart of information governance. Without this centrality, information governance reduces to information management. But compliance is not sufficient to provide a normative core to information governance. A focus on ethics needs to take center stage as well. The next section of this article compares and contrasts a compliance approach to information governance with an ethics-based approach and explains why both are essential to organizations that aspire to be good stewards of information assets.

## Compliance versus Ethics

For most organizations, compliance with legal rules is usually the starting point on the normative path of governance. For many, it is the end point as well. This is understandable. Often, laws encapsulate some of our most serious moral norms. Also, they come with real and tangible penalties for individuals and organizations that violate them. Organizational policies normally reflect and focus on the legal requirements for the organization. In the end, compliance for most organizations comes to mean legal compliance, even if that includes following a code of conduct.

But legal compliance, by itself, is not sufficient if an organization really aspires to be a good steward of information. To achieve an adequate level of corporate responsibility and stewardship, an organization needs to incorporate deeper ethical norms and values into its information governance framework. The comparison below between law and ethics helps make clear the reasons why:

| COMPLIANCE | ETHICS |
|---|---|
| A compliance approach to the governance focuses on **specific laws, regulations and standards**. It also focuses on sanctions and punishments. | An ethics approach focuses on our **common morality** and its application to issues of information management. |
| Laws and regulations set down **explicit rules**. The rules must be enforceable by the power of the state or relevant authority. This means that there must be means to enforce the law (police, courts, etc.), consensus about penalizing certain kinds of behavior, and due process. Laws must be cognizable in advance of any action. Laws therefore must be **explicit**, **published and enforced.** | Morality is more **comprehensive**. It regulates behavior, but it consists in principles, rules and values that are more general and not always codified in explicit and referencible form. Moral transgressions are viewed negatively, but it is not always possible to enforce the moral rule and there is not always a consensus supporting social punishment (especially criminal punishment). |

Given their differences, law and morality intersect but do not entirely overlap. Many laws reflect our common morality, but they are limited to those that meet the conditions of explicitness, enforceability, and sanction.  Laws and regulations, when they express ethical values, represent a narrower set of ethical rules than those that comprise our common morality. Also, many laws and regulations serve social and practical purposes that may not be required by morality or even reflective of morality. Some may even transgress principles of morality (human rights).

For the reasons above, and based on the characteristics of law and morality, we can understand why compliance should be at the heart of information governance, but why a focus on ethics should also sit next to it. Compliance is necessary, but not sufficient. This can be seen by focusing on two topics important to organizational culture: Legalism and Training.

### *Legalism*

At best, laws reflect a moral minimum. For reasons just mentioned, laws leave a great deal of our morality untouched, or lag behind our common morality. Sometimes powerful interests might keep them that way. So laws are often morally "gappy". Focusing only on laws and regulations is minimalistic. Organizations that stick to the moral minimum can open themselves up to mistakes that harm their reputation and demoralize their stakeholders. At worst, legalism means focusing on the letter of the law only and not the spirit of the law. When legalism characterizes the culture, the focus is on avoiding punishment and negative consequences. The spirit of the law is missed. Ethical objectives may even be absent.

### *Training*

Laws are very specific and procedural (especially regulations). They are subject to emendation. Training on a long list of legal rules can be mind-numbing. It can also seem disconnected with our common sense and common morality. But laws often have a normative framework. That is, they are based on accepted ethical principles. The Federal Privacy Act of 1974 is an example. It was preceded by a report which enunciated a set of “fair information practices.” These practices summarize the normative core of the law’s many provisions. A training and education approach that looks at the operative moral principles and values that undergird laws and regulations can make complex laws more understandable.

By incorporating ethical norms into policies and training, information professionals can create a robust information governance framework that supports an ethical organizational culture. Without a strong ethical core, it is hard to see how information governance, conceived as something transformational for organizations and the records profession itself, can be realized and sustained.

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