

# ARMAil

Central New York

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February 2002

**Electronic  
Data**

vs.

**Freedom of Information  
and Open Government**

■ Excerpts from an article by Melissa Lee Sonne

The advent of computer technology, the Internet, and e-mail have revolutionized the ways in which people communicate with each other, and more importantly with their governments.

With this ease of communication, the amount of information available to the general public has increased exponentially. Enhanced access has made people wonder about what government is doing for them, and how government is spending their money. The public has a right to know the process of government decision making, and to review documents including e-mail. In 1966 this demand for government information caused the United States Congress to enact the **United States Freedom of Information Act (FOIA)**. The Act requires that agencies act affirmatively to publish certain information. It also imposes a duty upon agencies to release other information upon request, unless there is a legitimate interest in denying access to certain classes of information.

The act created a means through which any person can learn how the Federal Government operates, and has led to the discovery of waste, abuse, fraud, and health hazards. Our government's tech-

nology has come a long way since 1966 and these changes have necessarily broadened the way we have interpreted statutes from our past. There is a presumption in favor of disclosure and this is made apparent in the broad definition of a record in the United States Code "information that would be an agency record... when maintained by an agency in any format, including an electronic format." However, this federal law has exceptions which are construed strictly, requiring that the agencies resisting disclosure bear the burden of establishing that the information does not have to be disclosed.

Some of the exceptions to disclosure are:

- 1) Executive order to be kept secret in the interest of national defense or foreign policy.
- 2) Related solely to the internal personnel rules and practices of an agency.
- 3) Specifically exempted from disclosure by statute.

- 4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential
- 5) Inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency.
- 6) Personnel and medical files, the disclosure of which would constitute a clear unwarranted invasion of privacy.
- 7) Records or information compiled for law enforcement purposes

**NEW YORK STATE** has a similar version of the Federal FOIA called the Freedom of Information Law (FOIL). This law, enacted in 1974, puts great emphasis on open government and government responsiveness to its citizenry. Under the New York FOIL there is no requirement that those seeking access to government information must demonstrate a "legitimate" interest in order to access the information they seek. FOIL in New York State defines "agency" to include all state and local governments but does not include the State Legislature or the courts.

In New York each agency must make

*Continued on page 4*

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**Holly Murphy CRM**

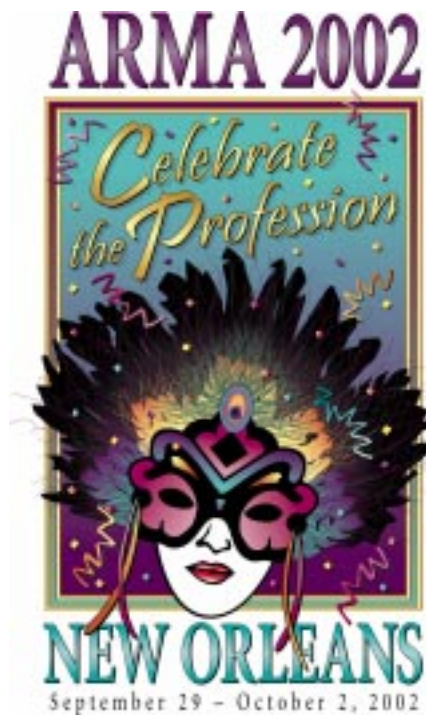
Holly Murphy, CRM, did not think about nor pursue a career in records management, but her life path, experiences and eclectic interests lead her — certainly not on a straight road — to this period in her work life. Born of a WWII bomber pilot who was a first-generation American of Canadian parents and a descendant of First Families (like pilgrims) of Canada and of an Alabama southern lady whose family dates back in America to the 1600s, Holly was raised with an exposure, a love and a respect for history. To this day, Holly wants to know the who, what, where, when, how and why to events and happenings. Today that would be defined as information acquisition, usage and knowledge management!

Holly graduated cum laude from State University College at Cortland in 1974, with a BS in Early Secondary Education with a Social Studies concentration and a minor in History. She was inducted into both the collegiate National Honor Societies for Education and History. Her

eclectic interests popped up on campus. She was a founding member of an all-women flag football league at Cortland, in which she played guard, tackle and defensive lineman. She was also a member of the American Ballroom Formation Team, placing second at the British Championships.

After graduation, pursuits of modeling, being a director of a modeling school and agency, and performing in theater took up many fun years; and then economic realities brought her to the business world. Before coming to Niagara Mohawk Power Corporation, Holly was a loan closing officer with a secondary mortgage company. Being responsible for, among other things, a \$6.5 million credit line and selling the loans in the secondary market honed skills that would become very beneficial in her future records management career.

Holly joined the records management department at Niagara Mohawk in 1985 and found that her love of history was a perfect fit. She joined CNY ARMA shortly after, and earned her Certified Records Manager designation in 1994. Holly is currently the Past President of CNY ARMA, and has been President, Vice President of Programs, Treasurer, Newsletter Editor and today writes the newsletter CRM Corner article. Holly has been an officer or a member of the Board of Directors for her entire membership. She still has eclectic interests and activities including being a Diversity Facilitator at Niagara Mohawk, singing with NM's Power Connection, volunteering with NM's community activities, and being an avid sports fan.



**Looking for a new records management job in the area?**

Check out job postings on the CNY ARMA web site  
<http://sumweb.syr.edu/archives/cnyarma/>



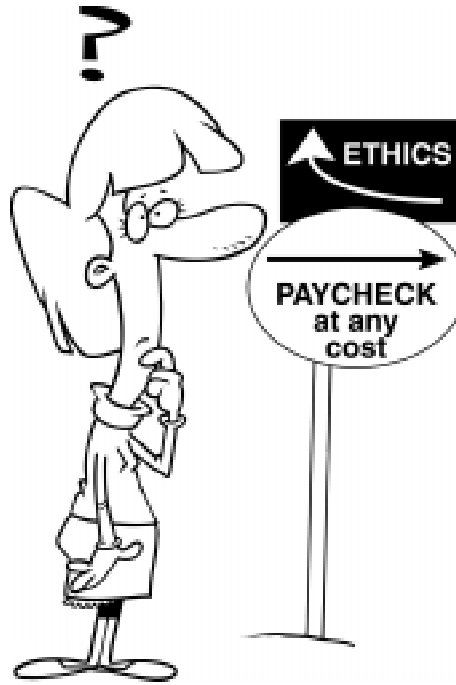
*Message from the President  
Dianne Liuzzi Hagan*

## The Enron Lesson

Enron has brought our profession into the news again. One has to wonder how many times we can snag headlines before every organization from here to Timbuktu has a signed policy in place with researched retention periods for records and a whole organization view of managing information.

Of course, Arthur Andersen had a records manager (several, actually) and a very well planned and executed records program, yet that did not stop an attorney from issuing a letter that certain documents were to be destroyed. In fact, shredding continued up until the third week in January — after it was well established that there would be an investigation. Shame on them!

And where does that leave us as the professionals who manage the information from its creation to its disposition? It leaves us in an ethical pickle, that's what it does. This secretive and illegal destruction could have very well taken place without the RIM's knowledge. Where does that leave the individual who thought s/he enforced compliance and protected the records from such an untimely disposition? Or, if the individual or individuals had knowledge and helped to execute the destruction, what happened to the ethics of our profession? Should we be so frightened about being without a regular paycheck that we would be reduced to illegal activity? I hope not! Even more frightening, one wonders if the RIM will take the fall for this illegal destruction whether or not there was direct involvement. I just read of another case of unlawful destruction having to do with a trademark suit against Disney, and a statement came out in effect saying that the RIM destroyed the documents without knowledge of the



*Should we be so frightened  
about being without a regular  
paycheck that we would be  
reduced to illegal activity?*

lawsuit. Really? Wouldn't blame be pointed at Legal Counsel for not notifying the Records Department?

Our world is complex, made more so by humankind's ability to choose between right and wrong, greed and altruism, covertness and openhandedness. The business world has realized that whole corporations can fall based on one man's greed and they have instituted policies to protect organizations. The government has stepped in, too, to ensure there are checks and balances in place. Then how did it happen? And to what level is the involvement? Does it go all the way to the White House? Only time will tell, but then what? How do we stop this from happening again and again?

The worst of the fallout are the employees who not only lost their jobs but

their pensions as well. They are left with nothing while the executives cashed out their stock options and walked away with \$1.1 billion between them. To me, such an encompassing crime that affected so many individuals should be treated in the same manner as the 9/11 tragedy. True, no lives were directly lost (with the possible exception of the executive who first noted funny financial activity and ended up resigning in May 2001. He was found with a gunshot wound to his head just as the investigation was getting under way. Was it suicide or foul play?), but lives were certainly ruined. It's interesting that a desperate individual who steals a loaf of bread can be put away for years, but these white collar criminals may never serve a single day in jail.

Several years ago right here in NYS, a man was convicted of embezzling millions, yet he served no jail time because he claimed it would prevent him from paying for his son's private school education. Do they ask common criminals if jail time would be an impediment? I am appalled by the blatant prejudice exercised in our judicial system.

It's time to look at the implication of the crime and how many victims lay in its wake. It's time to demand open and forthright business activity. It is time to protect employees from executive decisions based on greed rather than good business practices. It is time for us to look at our own ethical practices and to answer the question: would I or wouldn't I act illegally to protect my job?

I speak only for myself when I say my values and ethics are priceless. I know I would walk away from a job requiring me to perform an illegal act. No matter the cost, our personal credibility should take priority over a place to work and a paycheck. And if you answered the question that you would act illegally, ask the auditor who worked for Arthur Andersen on the Enron account how he's feeling right about now. He not only lost his job; he lost his credibility, his employability and his self-worth. Was it worth it?

**Electronic Data vs. Freedom of Information & Open Government**

Continued from page 1

available for public inspection and copying all records, including all electronic data. However, like the FOIA, there are exceptions where an agency may deny access to electronic data, or portions of the requested electronic data. These exceptions include information which if divulged would violate state or federal statutes, constitute an unwarranted invasion of privacy, impair present or imminent contract awards or collective bargaining negotiations, trade secrets from a commercial enterprise, law enforcement documents related to criminal investigations, prosecutions or judicial proceedings, would endanger the life or safety of any person, and inter-agency or intra-agency material or memoranda that are advisory in nature.

When an agency in New York denies access to electronic data it must do so in writing, stating the reason for the denial and advising the requester of their right to appeal within 30 days of a denial to the head or governing body of the agency or the person designated to hear appeals.

In conclusion, while there is no section of either FOIA or FOIL that pertains directly to the disclosure of government agency electronic data, *interpretation of both laws treat electronic data in the same manner as the traditional ways which records are kept, held, filed, produced, or reproduced by a government agency.* A central issue regarding FOIA is whether under the Electronics Communication Privacy Act of 1986, employees who send e-mail communications in the course of their employment have a reasonable expectation of privacy? Many government agencies now require their employees to sign disclosure statements that authorize a management review of all e-mail communications. Further, employers may review all e-mail communications at the conclusion of the employment relationship. Authorizing this disclosure would reduce, but not eliminate, an argument that there is employer liability to the employee for violating an expectation or right of privacy.

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by Holly Murphy, CRM

It is time again to put those thinking caps on and test your records and information management knowledge. As a reminder, these questions come from the *Preparing for the CRM Examination Handbook* which is available from the ARMA Bookstore. If you are interested in further information regarding the Institute of Certified Records Managers, visit their website at [www.icrm.org](http://www.icrm.org). Now, on to the questions.

**Part 1 Management Principles and The Records & Information Management Program**

1. Management principles are:
  - a. inflexible once they have been set forth in statement form.
  - b. less permanent than company practices.
  - c. of little significance in the decision-making process.
  - d. generally accepted as fundamental truths.
  - e. identical to polices.

**Part 2 Records Creation and Use**

2. Which of the following best defines the scope of a business report?
  - a. Goals.
  - b. Purposes.
  - c. Collateral objectives.
  - d. Boundaries of problems.
  - e. Previews.

**Part 3 Records Systems, Storage, and Retrieval**

3. A records center differs from an archives in that records centers usually store and control:
  - a. unused filing equipment and supplies.
  - b. records scheduled for destruction.
  - c. finding aids for historical records.
  - d. discontinued forms.
  - e. duplicate records and working files.

**Part 4 Records Appraisal, Retention, Protection, and Disposition**

4. A records retention and disposition schedule should:
  - a. assist in the disposal of all files whose primary value has expired.
  - b. identify permanent retention of all files having secondary values.
  - c. help stabilize growth of an organization's records by providing destruction of records to offset growth of new records.
  - d. provide for the permanent retention of all files needed for legal purposes.
  - e. be reviewed every five years to ensure its accuracy.

**Part 5 Facilities, Equipment, Supplies, and Technology**

5. "Three of nine" or "code 39" refers to:
  - a. paper weight measurements.
  - b. microfilm density measurements.
  - c. CRT display density.
  - d. a standard bar code.
  - e. CD-ROM recording density.

Answers on page 7.



Meeting in Review

Submitted by Carol Compton

## The Impact of Enterprise-wide Systems (EWS) on Records & Information Management (RIM)

The Empire Room at the New York State Fairgrounds was the location for the January 15th meeting. Participants enjoyed a delicious lunch prior to the start of the four-member panel discussion. The panel provided diverse perspectives with each member bringing a different level and area of experience. Sue MacLeod welcomed everyone and provided a brief synopsis on the concept of EWS before introducing the four panelists.

**CARLO BASTA**, with the Onondaga County Sheriff's Department, has been in the computer science field for 24 years. Carlo began with a power-point presentation illustrating one of the largest and most important enterprise-wide systems used by law enforcement agencies, the Automated Fingerprint ID System. We realized the complexity of the system and some of the deficiencies associated with the old and current system. Carlo also provided a brief overview of recent upgrades to improve the efficiency of the system. Carlo indicated that both the system software and hardware would continue to undergo upgrades in order to improve speed in accessing information, making it a more efficient tool for law enforcement.

**KAREN PIRAINO**, also with the Onondaga County Sheriff's Department, was the next panelist to speak about EWS. Karen provided a user's perspective on the topic. In Karen's position as Information Management Section Commander, she serves not only members of her department but also the public. Karen uses several systems in her office, and is responsible for entering data in the New York Statewide Police Information Network (NYSPIN). This EWS is used to share information between state agencies and is also used by federal agencies. The system is used for tracking and

reporting stolen property and other types of information. Another EWS used by her agency is CHAIRS to track and report traffic accidents. This system interfaces with NYSPIN. Karen pointed out that there is a high level of security maintained for these systems and all users have to sign a Use and Dissemination Agreement before they can access information within any of their systems. Karen also stated that her department is responsible for data retention and follows the retention schedule established by SARA.

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*...it may be necessary to change your business process, collaborate with others, and ask yourself how the information in the system can help other people within the organization.*

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**KAREN ROMANO**, Information Systems Manager for Carrier Corporation, was the next panelist to speak. Karen has extensive experience in data management because of her association with several organizations over the past 17 years. When she first joined Carrier, Karen was given the responsibility of re-architecting the data warehouse environment. Although Karen is on the other end of the spectrum, she is one of the key contributors in assuring development of a EWS. The question was asked of Karen, "Does the process drive technology or does the technology drive the process?" She responded by saying, "Both. Initially the technology drives the process, but at some point the process takes over."

**PEG STEARNS**, Registrar & Bursar for Syracuse University Continuing Education and University College, was the last panelist to address the group. Peg was able to provide both a user and systems development perspective. Peg has worked with many enterprise wide systems in her many positions with SU, but each system was used by a specific group or function and not what we would consider today an EWS. One common EWS is e-mail and the university is trying to get everyone on to the same system, so it will be enterprise-wide. Another EWS used at the University is Peoplesoft™, which currently tracks limited information, such as demographics of employees and student population, payroll, etc. This system is a constant work in progress since it has been in the process of being rolled out since 1986. The university is currently working on another piece to the system. Peg described their enterprise-wide system as storing pieces of information with some pieces touching each other only once and some pieces touching many times. The EWS represents a mesh of information where all the pieces are interwoven and as its development expands to capture more information and as new pieces are added, the mesh becomes larger and stronger.

Each of the panelists shared some of their lessons learned during their involvement with the development of their own EWS. They learned that it may be necessary to change your business process, collaborate with others, and ask yourself how the information in the system can help other people within the organization.



# Top 10 Benefits of keeping a *Personal Journal*

In earlier generations it was common to keep a diary or personal journal. Today few people do it, and very few recognize the value and astonishing power of keeping a journal. If you can read and write, you have access to the most amazing source of personal power and magic! Try it for 30 days and watch it transform your life! Clients periodically tell me they couldn't possibly find the time. I ask them to try it for 30 days. Then clients often tell me they couldn't possibly live without the power of their journals. The following are my list of the top 10 reasons to keep a journal.

*By Dr. Philip E. Humbert, author, speaker and personal success coach. Dr Humbert has hundreds of tips, tools and articles on his website that you can use for your own success! It's a great resource! Visit him on the web at: [www.philiphumbert.com](http://www.philiphumbert.com) And, be sure to sign up for his great newsletter!*

1. A journal will clarify your goals. As you write a few thoughts each day, your ideas about what is important, what is worthy of your life and your time will become much clearer. You'll automatically discover what you really want in life.
2. A journal will simplify your life. Spending as little as 10 minutes with pen and paper describing your values, noting your achievements and giving thanks for the joys of life, will make you less tolerant of life's distractions. Things become much simpler when you write them down.
3. A journal will strengthen your relationships. It will give you time and the words to express your feelings, it will help you understand and be patient with your loved one's peccadilloes, and it will teach you to love more powerfully.
4. A journal will make you more attractive. Socrates said, "Know thyself." Keeping a journal will help you know yourself and express yourself more clearly, and that is amazingly attractive!
5. A journal will empower you. Thinking with pen and paper forces you to eliminate fuzzy or confusing images and "laser" in on precisely the right word, the most powerful image to express yourself. Keeping a journal will make you a better communicator, and that can make you rich!
6. A journal will eliminate temptation. Some ideas sound great in our imagination, but when written on paper they just aren't the same! It's easy to blurt out "I hate my job!" but writing about what it means to quit, change careers and start over will quickly result in one of two things: The temptation will go away, or you'll start generating actual plans to make your life better. Either way, you win!
7. A journal affirms the reality of your life. Writing about life adds meaning and power. Journal your child's first steps or first tooth, starting school, her first date and high school graduation adds substance to these things. A friend of mine just became a grandfather for the first time and gave his son, the proud father, a fat 3-ring binder of notes he'd written as he'd watched his baby boy grow 25 years ago. Together they cried and laughed at the reality that life is a sacred, wonderful thing.
8. A journal helps you be quiet. Journalizing has been called a form of meditation. It has a similar power to quiet the mind and focus your thoughts. It even has the power to turn off the TV! It can heal anxiety, change your breathing and make you smile. What more could you ask?
9. A journal helps you speak out. Many of my articles, letters to the local paper, and letters to friends began as notes in my journal. A journal helps ideas become words, and it provides a nursery for words to grow into sentences and paragraphs, until finally they need a stage on which to express themselves. Sometimes that "stage" is a candle-lit dinner, other times it's a protest sign or a letter to an old friend. Whatever form it takes, many of those messages would never have been born without the safety of a journal in which to grow.
10. Finally, a journal just feels good! Using quality paper and a fountain pen or other beautiful instrument with just the right "heft" and feel is a wonderfully sensuous, delightful experience. It will cheer you up, reduce your stress, make you smile and add to your life. Who knows, it may even improve your sex life or make you more patient with the kids! (Well, it might!)

# All Things Orange

This is the headline I read in my morning paper, the Syracuse Post Standard on Saturday, January 5, 2002. The photographs in the article included many of the things I have seen in the office, such as a 1907 plate commemorating the opening of Archbold Stadium. Ed Galvin, Archivist at Syracuse University and ARMA board member, had just purchased the plate from someone on e-bay.

The article told how the staff in the Archives collects all items related to Syracuse University, to ensure that its history is being preserved. Photographs, negatives, 64 boxes of Pan Am 103 material, theses and doctoral dissertations, minutes and correspondence from all the

by Mary Ann Hess, Research Assistant, Syracuse University Archives

SU departments, and every copy of the Daily Orange since 1903 are some of the items housed in the Archives. Students, faculty, and the general public seek and peek at the memorabilia. Many use the Internet as a way of communication and the questions they ask are answered daily.

The Archives at Syracuse University was established in 1959 as a research facility housing the University's historical records. Ed's domain is on the sixth floor of Bird Library on campus and the Hawkins warehouse on Jamesville Avenue. Mary O'Brien, Kelly Kanvin and a host of students assist Ed with this sometimes demanding, but always rewarding work.

## Disclaimer Notice

ARMAil is published at least five times during the fiscal year. Readership includes members of the Central New York Chapter of ARMA International, as well as interested records and information management professionals in the central New York area. The information contained in this newsletter does not necessarily reflect the views of the membership or the editor, nor is there any endorsement of advertisements or published seminar information. This newsletter is offered only as a source of information.

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Submitted by Susan MacLeod, CRM, Treasurer  
01/18/2002



**BALANCE** as of 11/30/01: ..... \$977.65

### INCOME:



12/14/01 J. Lewis Conference Refund ..... \$ 545.00  
12/19/01 Membership Renewals (5) ..... 175.00  
01/15/02 January Meeting Revenue ..... 300.00

**Total Income:** ..... \$ 1020.00



### EXPENSES:

12/31/01 Bank Charges ..... \$ 10.00  
01/15/02 Empire Room Meeting Charge ..... 302.36  
01/15/02 Impress Publications Nov & Jan Newsletters .... 817.16

**Total Expenses:** ..... (\$1129.52)



**BALANCE** as of 01/18/02: ..... \$868.13

# Answers

to CRM exam questions on page 4.



- 1.d.
- 2.d.
- 3.b.
- 4.c.
- 5.d.



ARMA Central New York Chapter  
c/o Eileen Keating  
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