

# How To Choose The Best Text Message Archiving Solution

13 Key Questions to Ask Before You Invest



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# A New Era in Business Communication

How Mobile Devices  
Have Become the Key  
to Productivity in a  
Work-from-Anywhere  
World

Don't be fooled by some companies' insistence that their staff return to the office — remote and hybrid work arrangements are here to stay. According to a [2022 Gallup poll](#), 56% of full-time employees in the U.S. — that's 70 million people — say that they can do their jobs remotely from home. Of these “remote-capable” workers, five in 10 currently work a hybrid schedule, while three in 10 are fully remote. And these numbers are expected to grow: [AT&T](#) reports that while the fully remote model is expected to decline, the hybrid model is expected to grow from 42% in 2021 to 81% by 2024.

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It's clear that advancements in technology, changes in social and cultural expectations, recent global events and more have paved the way for a new [\(and often more productive\)](#) way of working. But what does any of this have to do with mobile devices and business communication?

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In order to offer employees the flexibility they seek without compromising productivity, organizations have upped their investment in remote technology, including mobile devices, which has subsequently led to a rise in the use of text and Short Message Service (SMS) messages for business communications. The use of mobile devices — smartphones, in particular — has even expanded beyond internal communications and into customer-facing communications, with 55% of businesses reporting that they [use text messages as a marketing tool](#).

## 55% of businesses report that they use text messages as a marketing tool.

Although text and SMS messaging in the workplace offers many benefits from a productivity standpoint, it also introduces a degree of risk in relation to electronic discovery (or eDiscovery) and regulatory compliance, especially in the government, education and financial sectors. In order to capitalize on the workplace benefits of text and SMS-based communications while reducing their exposure to risk, it's essential that organizations invest in a comprehensive archiving solution.

## What Is Text Message Archiving?

### Making Sense of an Essential Business Technology

Text message archiving — sometimes known as mobile archiving — refers to the process by which organizations capture and digitally preserve the contents of text and SMS messages within a secure, centralized repository. It is closely related to other forms of electronic data archiving, such as email archiving and social media archiving.

At a high level, all incoming and outgoing text and SMS messages are automatically captured at either the network level by the carrier or by a specific application installed on a mobile device. Either the carrier or the application then sends a copy of this data on to an archiving solution. The archiving solution indexes and saves that data to a secure data store, where it is preserved in its original format, to be accessed at a later date.

# Understanding the Need for Text Message Archiving

## Ensuring Compliance in a Complex Regulatory Landscape

For organizations looking to incorporate text messages into their communication strategy in any capacity, there's a strong business case for investing in an archiving solution. Here are just a few reasons why text and SMS archiving is necessary:

### Compliance

Depending on which industry your organization is in, you may be subject to certain regulations that include language around electronic data archiving and storage.

For example, state government institutions are subject to Sunshine laws, which make government records — [including text message data](#) — available to the public in the interest of ensuring open and ethical conduct. Most states' Sunshine laws include specific language about how text message data must be captured, stored and reproduced upon request.

Here's another example: Corporations are subject to the Sarbanes-Oxley Act (SOX), which [mandates rules for document retention](#) and the storage of electronic records, including text and SMS messages. Section 802(a)(1) of SOX stipulates that any accountant who audits an issuer of securities must maintain all audit and review work documentation for a period of no less than five years.

### eDiscovery

Should your organization be subject to litigation, having a comprehensive (and easily accessible) record of all business communications, including those that took place over text and SMS, is essential.

Oftentimes, businesses will [receive eDiscovery requests](#) as part of legal proceedings, which require them to locate, procure, review and exchange electronically stored data — which, again, includes text message data — for evidential purposes. EDiscovery requests come with strict deadlines; failure to meet these deadlines could result in heavy penalties for your organization.

Text message archiving helps businesses and other institutions overcome challenges commonly

associated with eDiscovery requests by ensuring the integrity of data and using powerful search functionality to track it down.

### **Data Security**

Depending on the text and SMS archiving platform, you can set automated alerts for certain keywords that might point to inappropriate conduct or data leaks within archived text communications and take proactive steps to resolve those issues.

Additionally, certain solutions feature built-in tools, such as [redaction tools](#) to obscure classified, confidential or otherwise sensitive information and audit logging tools to monitor all archiving activity. Finally, the right text message archiving solution will enable you to set custom user access permissions, so that you have total control over who can — and can't — access text message data.

### **Business Insights**

Text communications contain a wealth of information that can be used for business purposes, such as analyzing prior customer interactions or training new hires. Storing these exchanges within a single, searchable location prevents data loss and ensures easy



access for authorized users. Certain text and SMS archiving platforms even include built-in business intelligence, which can analyze internal and external relationships, monitor risk and improve your customers' experience.

### **Single Source of Truth**

With the right archiving solution, you can create a tamper-proof record of any business communications that take place over text and SMS messages or other mobile channels. This unimpeachable record is critical for conflict resolution, auditing, internal research and more.

### **Device Policies**

Many organizations now have either a Bring Your Own Device (BYOD) policy, which enables employees to use their personal devices for business purposes, or a Choose Your Own Device (CYOD) policy, where employees are issued company-owned devices. In either case, archiving business-related text communications

# 4 Things to Watch Out for with Text Message Archiving

Protect Your Organization by Knowing What to Look for

As important as text message archiving is, it isn't without its challenges. Here are some common pitfalls to watch out for and tips to increase your chances of success when implementing a [data retention policy](#) and archiving solution:

- 1 Educate yourself about data privacy laws.
- 2 Research any additional laws or regulations that may apply to your organization.
- 3 Define and clearly communicate company policy regarding mobile archiving.
- 4 Establish strong data security policies to keep your mobile

## Data Privacy Laws

Educate yourself about data privacy laws — especially if you intend to use text and SMS messages for marketing purposes — before implementing any sort of archiving platform.

Though the [General Data Protection Rule \(GDPR\)](#), which applies to organizations that process the data of citizens within the European Union and the European Economic Area, is perhaps the best known data privacy regulation, such laws are becoming more commonplace. For example, California implemented the [California Consumer Privacy Act \(CCPA\)](#) in 2020, which has similar parameters to the GDPR.

These privacy laws will have a direct effect on the language you use in your organization's mobile archiving data retention policy.

### **Industry-specific Laws & Regulations**

Research any additional laws or regulations that may apply to your organization — with special attention to their data retention requirements — and define your text and SMS archiving policies and procedures accordingly.

For example, healthcare organizations should pay close attention to the [Health Information Portability and Accountability Act \(HIPAA\)](#), schools should factor in the [Family Educational Rights and Privacy Act \(FERPA\)](#) and so on. This additional legwork will prove vital to your organization's compliance initiative.

### **Company Policy**

Define and clearly communicate company policy regarding mobile archiving so that your employees know what is expected of them. This serves two purposes: 1) It can prevent potential privacy issues when archiving information from employee/company devices, and 2) It ensures that employees know which internal and customer-facing communications to archive, and how to do so.

### **Data Security**

Establish strong data security policies to keep your mobile communications archive safe from prying eyes. Text message archives often contain confidential or otherwise sensitive company information, which unauthorized users may attempt to gain access to. To further promote data security, be sure to invest in an archiving platform with built-in security features, including end-to-end encryption, two-factor or multi-factor authentication, [single sign-on](#), role-based permissions and audit trails. Finally, to ensure that all of your bases are fully covered, look for a solution that offers [data backup](#) and disaster recovery so that your text and SMS communication records are safe even in the event of an unexpected outage.



# Text Message Retention Laws by Industry

## Major Rules & Regulations for Records Management at a Glance

Not sure which data retention rules apply to your organization? We've put together this industry-by-industry breakdown so you can create a fully compliant text message archiving strategy.

### Education

- **FERPA:** The Family Educational Rights and Privacy Act (FERPA) is a federal law designed to protect the privacy of student education records. In this context, "educational records" refers to any records directly related to a student and maintained by an educational institution or agency acting on behalf of that institution; this can include teacher-to-teacher, teacher-to-parent and teacher-to-student communications that take place over text or SMS messages.

### Enterprise

The following regulations apply to all publicly held companies:

- **FLSA:** According to the Fair Labor Standards Act (FLSA), all employers must retain electronic records for a period of at least three years.
- **GDPR:** The General Data Protection Regulation (GDPR) is designed to protect the personal and private data of citizens of the European Union and the European Economic Areas. It includes several rules that can apply to customer-facing text communications, including:
  - **Data processing:** According to [Article 5](#) of the GDPR, data must be "processed lawfully, fairly and in a transparent manner"; "adequate, relevant and limited to what is necessary"; "accurate and, where necessary, kept up to date"; and, "processed in a manner that ensures appropriate security of the personal data."

- **Data retention:** The GDPR does not set explicit retention periods; however, it does state that personal data must be “kept in a form which permits identification of data subjects for no longer than is necessary.”
- **Data disposal:** Under the GDPR, individuals have the “right to erasure,” or the right to have their personal data erased without delay. This applies to situations where an individual withdraws their consent, objects to the processing or believes that their data has been unlawfully processed. It also applies to situations where the data is no longer necessary to the purposes for which it was collected or processed or an individual’s data must be erased for legal compliance purposes. At present, the GDPR allows for two disposal methods: deletion and anonymization.
- **SOX:** The Sarbanes-Oxley Act includes many major provisions relevant to records retention, however [Section 802](#) is perhaps most pertinent to text and SMS archiving. SOX Section 802 establishes multiple rules pertaining to recordkeeping, including
  - **Section 802(a)**, which prohibits the destruction and falsification of records, prompting the need for a tamper-proof record of all business communications;
  - **Section 802(a)(1)**, which specifies the retention period for storing documents — a period of five years; and
  - **Section 802(a)(2)**, which provides a definition of relevant work papers — that is, any “documents that form the basis of [an] audit or review, and memoranda, correspondence, communications, other documents, and records (including electronic records), which are created, sent, or received in connection with [an] audit or review, and contain conclusions, opinions, analyses, or financial data related to [an] audit or review.

## Financial Services

- **Dodd-Frank:** The [Dodd-Frank Wall Street Reform and Consumer Protection Act](#) requires swap dealers and major swap participants to retain written trade-related records for the life of the swap, plus five years. Non-transactional records must be retained for five years from when the record was created.
- **FINRA:** According to the Financial Industry Regulatory Authority (FINRA) [Regulatory Notice 17-18](#), “every firm that intends to communicate, or permit its associated persons to communicate, with regard to its business through a text messaging app or chat service must first ensure that it can retain records of those communications as required by SEA Rules 17a-3 and 17a-4 and FINRA Rule 4511.”

SEA Rule 17a-4(b) further specifies that broker-dealers must “preserve certain records for a period of not less than three years, the first two in an easily accessible place.”

- **GLBA:** The Gramm-Leach Bliley Act (GLBA) requires financial institutions “to [explain their information-sharing practices](#) to their customers and to safeguard

sensitive data” — including any data within an institution’s text and SMS message archive.

Among GLBA’s provisions are:

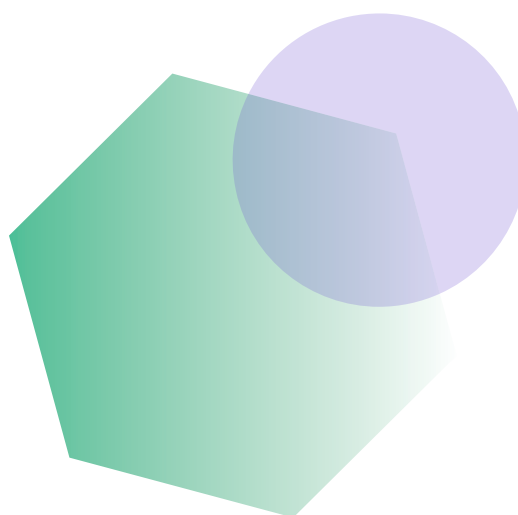
- **The Financial Privacy Rule**, which requires financial institutions to provide written notice of their privacy policies and practices;
- **The Safeguards Rule**, which requires financial institutions to implement measures to keep customer information secure; and
- **The Pretexting Provisions**, which are designed to prevent unauthorized individuals from accessing customer information under false pretenses.



It's also worth noting that under the GLBA, financial institutions are [required to retain electronic records](#), including text and SMS messages, for a period of seven years.

- **MiFID II:** The [Markets in Financial Instruments Directive \(MiFID II\)](#) requires investment firms to “arrange for records to be kept of all services, activities and transactions undertaken”; these records include “the recording of telephone conversations or electronic communications relating to, at least, transactions concluded when dealing on own account and the provision of client order services that relate to the reception, transmission and execution of client orders.”

Investment firms are expected to “take all reasonable steps to record relevant telephone conversations and electronic communications, made with, sent from or received by equipment provided by the investment firm to an employee or contractor or the use of which by an employee or contractor has been accepted or permitted by the investment firm.”



Finally, investment firms are required to provide such records to clients upon request (with a five-year retention period) and, “where requested by the competent authority” but be retained for a period of up to seven years.”

- **SEC:** The Security and Exchange Commission (SEC) Rule 17a-4 stipulates that broker-dealers in the financial services industry must [retain and index all electronic correspondences](#), including text and SMS messages, with immediate accessibility for a period of two years and with non-immediate accessibility for at least six years.
- **SOX:** See Enterprise.



## Government

- **FOIA:** The Freedom of Information Act (FOIA) requires government organizations to completely or partially disclose federal agency records, including text and SMS messages, to members of the public upon request. Federal agencies are also obligated to respond to FOIA requests within 20 working days. An archiving solution with text and SMS archiving capabilities can help government agencies maintain accurate records and [quickly track down information](#) in order to satisfy requests on time.
- **FRCP:** Similar to FOIA, the Federal Rules of Civil Procedure (FRCP) requires government agencies to maintain electronically stored information in such a way that it can be easily accessed and produced upon request.
- **NARA:** According to the National Archives and Records Administration (NARA), all operational records — including electronically stored and transmitted records — are considered either “temporary” or “permanent” records. Any records deemed temporary must be destroyed in accordance with NARA’s [Records Schedule](#) or the General Records Schedule. Records with historical value are designated as permanent records and must be transferred to the National Archives of the United States at the end of their retention period.
- **Sunshine Laws:** The Government in the Sunshine Act is a federal law that amends FOIA in the interest of increasing transparency in federal government. Each state in the United States [has its own unique public records law](#) under the Government in the Sunshine Act; these laws are collectively known as Sunshine laws. Although they differ slightly from one state to the next, all Sunshine laws require federal and local agencies to make government records — including text message data — available to members of the

## Healthcare

- **HIPAA:** The Health Information Portability and Accountability Act — more commonly known as HIPAA — establishes national standards to protect patients' health information from being disclosed. HIPAA includes two key provisions related to electronic data; those are:
  - **The Security Rule**, which introduces “appropriate administrative, physical and technical safeguards to ensure the confidentiality, integrity, and security of electronic protected health information”; and
- **The Health Information Technology for Economic and Clinical Health (HITECH) Act**, which mandates that all medical practices must demonstrate effective use of computerized medical records, including electronic archives.

As an added note, sending a patient's protected health information over text or SMS message — no matter how innocuous it might seem — can constitute a HIPAA violation, so medical offices must take additional precautions to restrict access to patient information, restrict inter-departmental access and establish clear guidelines for staff.

- **Medicare:** Medicare providers, suppliers or physicians who cover, order, certify, refer or prescribe Medicare Part A or B services are subject to [42 CFR 424.516\(f\)](#), which requires them to maintain any documentation pertaining to those services for seven years from the date of the service. They are also required to provide access to this documentation upon the request of a Centers for Medicare & Medicaid or Medicare contractor.

**Finding the right archiving platform can help organizations maintain compliance with these and other regulations — so let's talk about how to find the perfect solution.**



# 13 Questions to Ask When Evaluating Text Message Archiving Solutions

## Start Your Search with Confidence

Finding a text and SMS archiving platform that's the right fit for your organization can be a challenge, especially in a market that's saturated with options. That's why we've come up with this list of 13 tried-and-true questions to help you start your search with confidence:

### 1. Which carriers and devices are your solution compatible with?

Is your organization an Apple or an Android shop? Do you use Verizon or AT&T? The best place to start your search for a mobile archiving solution is to determine which platforms are actually compatible with your preferred device and carrier — or, best of all, which providers are able to customize their solution to support your preferred combination of carrier, device and ownership model.



## 2. How will your platform help us maintain compliance?

Regulatory compliance is one of the leading reasons why organizations across all industries need to invest in a text and SMS archiving platform. However, not all solutions are made alike: One may support compliance for the financial services sector, but not government agencies or educational institutions; another may support compliance for government agencies and educational institutions, but not healthcare providers. It's important not only to verify that any solution you consider is compliant with rules and regulations that apply to your industry, but also to ask software providers how they ensure that they stay up to date with changing regulations.

As a reminder, here are some of the most important regulations to key in mind:

Education	Enterprise	Financial Services	Government	Healthcare
FERPA	FLSA	Dodd-Frank	FIOA	Medicare
	GDPR	FINRA	FRCP	HIPAA
	SOX	GLBA	NARA	
		MiFID II	Sunshine Laws	
		SEC		
		SOX		

## 3. Do you offer scalable storage?

Although a single text message may take up less than 1 MB of storage space, depending on the size of your organization, odds are you'll need to store thousands of text and SMS messages, if not more. All those messages really add up and — when factoring in archived emails and other electronic documents — can eat up a lot of space. It's important to know that both your archiving platform and your solution provider can accommodate both your organization's short-term and long-term storage needs



#### **4. How robust is your search functionality?**

Text and SMS message archiving platforms are designed to help organizations quickly reproduce archived data, which is one of the reasons why they're an essential eDiscovery tool. With that said, certain solutions offer more granular search capabilities than others, so it's important to put them to the test. Try asking providers whether their platform's search functionality covers typos and misspellings, whether it can locate messages based on specific attributes, whether it supports searches in different languages and so on — and if you can see a live demo, so much the better.

#### **5. How will your solution prevent unauthorized individuals from accessing my archive?**

Data security is a top priority for any organization, so it's important that your text message archiving platform keep sensitive information safe from prying eyes. Be sure to ask providers about what built-in security features their platform includes, paying close attention for buzzwords such as “data encryption,” “multi-factor authentication” and so on. You'll also want to confirm whether their platform enables you to set security access and user-based permissions so

that you can restrict access for certain content solely to authorized users. If a solution provider can't sufficiently explain how they'll keep your company and customer data secure, take your business elsewhere.

#### **6. Can I redact information using your solution?**

Redacting sensitive and classified information from your text message archive is essential to preserving employee and customer privacy, data security and company confidentiality. However, not all archiving platforms include built-in redaction tools — meaning you'll need to manually redact electronic records before preparing them for distribution. Save yourself the time, effort and headache by asking solution providers outright whether their software features redaction functionality.

#### **7. What deployment options do you offer?**

Each organization is unique and therefore shouldn't be boxed into a single deployment style. The right text message archiving solution provider should offer multiple deployment options — physical hardware, virtual appliance and cloud-based — so that you can choose the one that makes the most sense for your organization.

## 8. How does your company handle software upgrades?

Technology advances over time — that's a given. To ensure that you have access to the latest features and functionality and that your archiving platform remains in peak operating condition, it's important to ask providers what their plan is for software upgrades. Ideally, updating your system shouldn't require investing in new software or equipment — instead, a text message archiving solution worth its salt should be “stackable,” meaning upgrades can be built into the existing software or hardware.

## 9. What format will my data be stored in?

Whether you choose to store text and SMS messages in the original format they were sent and received in or to break them down so that all that's left are their contents and attachments, presented in a readable format, a top-notch archiving solution should support multiple data formatting options. As a follow-up question, ask solution providers whether they'll charge you extra to export data if you decide to move to a different platform. If they say yes, avoid them at all costs — it doesn't cost them a dime to export your data,



## 10. Can I speak to any of your current customers?

When buying any software solution — a text message archiving platform or otherwise — nothing is more reliable than a reference from a current customer. When talking to solution providers, be sure to ask whether they have any case studies you can read, if they have a customer list handy or, best of all, if you can speak directly with one of their current customers. This will help you get a more accurate read on what it's like to work with that provider and whether their solution is as good as they claim it is. If a provider is reluctant to provide you with any of this information, that's a sign that they lack confidence in their product — and in their customers.

## 11. Do you offer installation and maintenance services?

Some software providers might sell you a text message archiving platform at a low upfront cost, but charge you substantially more for installation and maintenance plans. A quality provider will offer you the total package at an affordable rate without any surprise fees or costs further down the road.

As an added note, some providers only offer installation services, but not ongoing maintenance. Be sure to choose a partner that can provide both, so you can have a single, reliable point of contact for all services and ensure that all service to your archiving system is performed by a team of professionals

## 12. Do you provide user training?

Although text and SMS message archiving software should be user-friendly and intuitive, it's still important to invest in training so that your staff can utilize the new system with confidence. The right provider will not only provide initial training and onboarding for your new archiving platform, either in the form of group workshops or "training the trainer"

not only provide initial training and onboarding for your new archiving platform, either in the form of group workshops or "training the trainer" sessions, but they will also supplement that training with additional content, including:

- Video tutorials
- An instruction manual
- FAQs
- An up-to-date blog
- Educational content (blog posts, eBooks, whitepapers, etc.)
- A dedicated knowledge base

## 13. How responsive is your customer support team?

Whether they're helping you troubleshoot a minor issue or responding to a service outage, it's important that your solution provider's customer support team be highly responsive. Not only that, but your provider of choice should also give you [multiple support options](#), including phone and email support, live chat and round-the-clock monitoring.

# Start Your Mobile Archiving Journey

Invest in the Best with Intradyn

Text and SMS messages have become an integral part of how businesses communicate. Do you have everything you need to implement a successful (and compliant) BYOD or CYOD policy?

Intradyn's mobile archiving platform includes a vast array of features and functionality that make text and SMS archiving fast and easy, offers robust security so you can rest assured that your data is safe and is compliant with all leading industry regulations. Best of all, our solution comes backed by a seasoned management team and skilled developers, both with extensive industry expertise and a proven track record in information technology development

**Find out for yourself what Intradyn is capable of:**