



■ Preserving signed electronic records and the law

Hannelore Dekeyser

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DLM-Forum



Preservation strategies

- Hard Copy
- Migration & registration of validation results
- Emulation



Archivists approach

- Authenticity of the record
- Integrity of the record



Legal approach

- Open evidence system
 - Proving matters of fact
 - All records are admissible as evidence
 - Judge decides if they are convincing
 - Authenticity and integrity is a primary concern



Legal approach

- Closed evidence system
 - Proving transactions
 - E.g. Belgium, France, Luxembourg require an **original** signed document to prove contractual agreements(*)
 - Belgium demands preservation of invoices in **original** form



Legal approach

- Not original
 - hard copy
 - migrated record

=> not admissible

- Original
 - emulated record

=> admissible

- Secondary concern:
 - Authenticity?
 - Integrity?



Legal approach

- 'Copy' or transformed evidence
 - possibility of errors
 - opportunity for manipulation
- Original
 - Presumed authentic



Legal approach

- Not original
 - hard copy
 - migrated record

=> not admissible

- Exceptions
 - strict conditions
 - sector
 - materials/methods
 - ...

- Original
 - emulated record

=> admissible

- Secondary concern:
 - Authenticity?
 - Integrity?

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Transformed evidence

- Adapt legal framework
 - evaluate authenticity and integrity of records
 - evaluate preservation strategies on their merits

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