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Proceedings

of the DLM-Forum

on electronic records

**European citizens and
electronic information:
the memory of the
Information Society**



Brussels, 18-19 October 1999

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PARALLEL SESSION No 2

The memory of the Information Society: political and legal aspects

**Electronic record keeping systems increasingly
support business actions and public sector
activities. Timely and appropriate means are to be
taken to enhance the lasting memory of the
Information Society.**

Chairperson: Eamonn Hall (Ireland)

Co-Chair: Francisco Barbedo (Portugal)

Rapporteur: Jean-Michel Cornu (France)

2/1 AWARENESS OF POLITICAL DECISION-MAKERS

The rapid adoption of advanced, integrated IT-technology in administrations will force the administration to clarify issues concerning electronic records.

Luciana Duranti

Luciana Duranti is a Professor in the Master of Archival Studies Program (MAS) at the School of Library, Archival and Information Studies of the University of British Columbia, Canada, where she has taught since 1987 and has occupied the position of Associate Dean Research for the Faculty of Arts from 1997 to the beginning of this year. Prior to moving to Canada to teach at UBC, she was a Researcher-Professor in the Special School for Archivists and Librarians at the University of Rome, Italy (1982-87); served as State Archivist in the State Archives of Rome (1978-82); and was Project Archivist for the Italian National Research Council (1974-77). Professor Duranti holds a Doctorate in Arts (1973) and graduate degrees in Archival Science from the University of Rome (1975), and in Archivistics, Paleography, and Diplomatics from the School of Archivistics, Paleography and Diplomatics of the State Archives of Rome (1979). In addition to her university responsibilities, she has been the President of the Society of American Archivists for the year 1998-99, and is active nationally and internationally in several other archival associations; she presents numerous papers and workshops in several countries, and publishes widely on archival history and theory, and on diplomatics. In recognition of her contributions, she has received

Permanently authentic electronic records: An international call to action

Luciana Duranti

The records generated by society in the course of its activities need to be preserved, sometimes permanently, as critical instruments of accountability, as means of protecting individual, corporate and government rights, and as sources of information, research and study. Physical care of records is not sufficient, however, to ensure their preservation for the protection, perpetuation, and advancement of modern society. The authenticity, retrievability and accessibility of the records that are to be kept in perpetuity must also be guaranteed. This endeavour traditionally has fallen within the mandate of the archival profession, which has carried out its responsibility by storing, describing, and making records accessible to researchers for centuries after their creation. New information and communication technologies, however, have transformed the very meaning of the term preservation.

The last decade has generated more recorded information than any previous decade of human activity. The fact that the majority of these data is less accessible than ever before is one of the ironies of the modern information age. Idiosyncratic software systems generate, manage, and store digital information using technologies and media subject to the dynamism of the computer industry. This digital information gets lost in a self-perpetuating and expensive cycle of obsolescence and incompatibility. As a result of media fragility and technological obsolescence, the term preservation as applied to electronic records no longer refers to the protection of the medium of the records, but to that of their meaning and trustworthiness as records.

More importantly, organisations and individuals generate records in a variety of media and formats. It is quite common for records relevant to a single matter to exist partly in a paper file, partly in an email box, and partly in a spreadsheet application or in a relational database. It is difficult enough to establish and maintain the essential links among these records while they are being actively used. At this time, it is not known how to preserve such links over the long term so that, one hundred years from now, users will be able to see the entire dossier relating to the matter they are exploring, thereby understanding each record in context as well as the development of the affair.

Ad hoc attempts have been made to reduce all records produced by an office to a single medium, for example, by printing out email and inserting it in a paper file, by scanning paper documents into electronic systems, or by converting electronic and paper records to microfilm. These attempts have been unsuccessful for a number of reasons. First, the conversion of records only for preservation reasons hampers the flow of work in the office, and therefore its implementation tends to be sporadic and inconsistent. Second, many records do not lend themselves to such conversion. For example, hypertext records cannot be printed out to paper, and scanned maps or photographs are not always reliable substitutes for the paper originals. Third, court decisions have rejected the practice of converting

electronic records to other media on the grounds that the converted records lack elements critical to their use as evidence.⁽¹⁾ For example, the printout of an electronic spreadsheet will not contain the formulae on which calculations are based.

The effects of the adoption of information and communication technologies without forecasting and planning for the consequences of a hybrid records environment, media and digital obsolescence, and the proprietary and idiosyncratic nature of applications, have already been witnessed in government and other organisations. For example, at the German Federal Archives headquarters in Koblenz, archivists are attempting to save thousands of computer files and databases from the former East Germany. They contain the records of the ousted communist administration, including agricultural files and labour statistics, penal registration lists, and personnel files of party functionaries. However, the documentation of the digital systems on which the records were generated is missing, the software codes are unknown, and the storage media themselves are obsolete and in poor condition. Consequently, the electronic records of East Germany are lost to the new German government that needs the information they contain for administrative purposes, to the citizens whose interests are implicated in those records, and to present and future researchers the world over.

Lack of authenticity presents a problem as serious as lack of accessibility. Authentic records are records that can be proved to be what they purport to be, immune from any sort of tampering and corruption, that is, records that are trustworthy as records. Records' authenticity depends on their mode, form and state of transmission as drafts, originals or copies, and on the manner of their maintenance, preservation and custody. An example of the problems presented by the inability to prove that records are authentic is offered by the Somalia Affair. During the spring of 1996, the inadequacy of procedural mechanisms for ensuring the authenticity of electronic records became a focal point of hearings held by the Canadian Commission of Inquiry into the Deployment of Canadian Forces to Somalia. As part of its investigation, the Commission requested access to National Defence Operations Centre (NDOC) logs, which were maintained in an automated database and which contained a record of all message traffic coming into National Defence headquarters from Canadian Forces' theatres of operation. During its review of the logs, the Commission discovered several anomalies, including entries containing no information, missing serial numbers, or entries with duplicate serial numbers. The Commission was concerned that there may have been deliberate tampering with these logs. Although subsequent investigations were unable to show evidence of tampering, they could not exclude the possibility of it, because of the absence of standard operating procedures with regard to the log, the complete ineffectiveness of the security system in place, a lack of system audits, and the tendency of officers to bypass the awkward system. Therefore, the Commissioners concluded that NDOC logs were not a reliable record of transactions at the operations centre either for present investigators or future researchers.⁽²⁾

Accessibility to authentic records over the long term is a need of all organisations everywhere. Therefore, an interdisciplinary and international team of researchers has joined forces to address it in a systematic way. The International Research on Permanent Authentic Records in Electronic Systems (InterPARES) aims to formulate principles and criteria for the development of international, national and organisational policies, strategies, and standards for the long-term preservation of authentic electronic records.⁽³⁾ It is directed by myself and carried out by national and multinational research teams from various countries, including, among others, Canada, the United States, England, Ireland, Sweden, The Netherlands, Italy, Australia, Hong Kong, and China.⁽⁴⁾ A global industry team includes multinational companies in the pharmaceutical, biochemical, health and computer fields.

The research project is divided in four domains. The first domain aims to identify the requirements for preserving authentic electronic records. The research questions being addressed are directed at constructing a typology of electronic records based on their form, identifying for each type of record what are the elements that allow for the verification of its authenticity in time and overtime, and developing a series of requirements for maintaining the authenticity of electronic records for as long as they need to exist. The questions are:

1. What are the elements that all electronic records share?
2. What are the elements that allow us to differentiate between different types of electronic records?
3. Which of those elements will permit us to verify their authenticity over time?
4. Are these elements for verifying authenticity over time the same as those that permit us to verify their authenticity in time (i.e. at the point at which they are originally used)?

the Canadian Universities Faculty Associations (CUFA) of British Columbia's 1999 Academic of the Year Award.

Duranti's research has primarily aimed at testing the validity of traditional concepts, principles, and methods for acquiring and maintaining control of electronic records. It has also aimed at finding solutions to electronic records issues that are not specific to a given socio-cultural and juridical context but can be universally applied. She is presently Project-Director of InterPARES, a large multinational, collaborative and interdisciplinary research project on the long-term preservation of authentic electronic records funded by the Social Sciences and Humanities Research Council of Canada and by numerous other granting agencies and institutions world-wide.

(1) *Armstrong v. the Executive Office of the President*. U.S. District Court for the District of Columbia. 810 F. Supp 335 (DDC 1993). Friedman, Paul L. Court Opinion Transcript. U.S. District Court for the District of Columbia. Civil Action No. 96-2840 (PLF). October 22, 1997.

(2) [Canada], *Dishonoured Legacy: The Lessons of the Somalia Affair*. Report of the Commission of Inquiry into the Deployment of Canadian Forces to Somalia, vol. 5 (Ottawa: Minister of Public Works and Government Services Canada, 1997), 1218-1219.

(3) The direction of the research and its infrastructure are funded by the Social Sciences and Humanities Research Council of Canada (SSHRC), and by the Hampton Fund of the University of British Columbia (UBC) and the UBC Vice President Research Fund and Dean of Arts Fund. The national and multinational research teams are funded by national granting agencies and institutional and organizational contributions. For example, the Canadian team is funded by SSHRC and the American team by the National Historical Publication and Records Commission (NHPRC).

(4) The national teams are the Canadian, American, Australian and Italian research teams. The multinational teams are the European, Asian and Global Industry research teams. In the course of this first year of the research, multinational teams are still open to the participation of additional members. For example, the Asian team may be joined by Japan and Korea.

5. Can those elements be removed from where they are currently found to a place where they can more easily be preserved and still maintain the same validity?

The second domain aims to establish whether, in order to satisfy the requirements for authenticity identified in domain one, the appraisal criteria and methods for electronic records need to be revised or even radically changed. The questions are:

1. What is the influence of digital technology on appraisal criteria?
2. In what ways does appraisal differ depending on the type of system prevalent in each phase of computing?
3. How do the medium and the extrinsic elements of the records influence appraisal?
4. How do retrievability, intelligibility, functionality, and research needs influence appraisal?
5. Should restraints be imposed on the modification of systems at the time of appraisal?
6. Does the life cycle of electronic records differ from that for traditional records?
7. When in the course of their existence should electronic records be appraised?
8. Should electronic records be appraised more than once in the course of their existence and, if so, when?
9. How are electronic records scheduled?
10. Who should be responsible for appraising electronic records?

The third domain aims to develop methods, procedures and rules for the preservation of electronic records according to the requirements identified in domain one, and to define the responsibilities for implementing them. The questions are:

1. What methods, procedures and rules of long-term preservation are in use or being developed?
 - 1.1. Which of these meet the conceptual requirements for authenticity identified in Domain I?
 - 1.2. Which methods of long-term preservation need to be developed?
 - 1.3. Which of these methods are required or subject to standards, regulations and guidelines in specific industry or institutional settings?
2. What are the procedural methods of authentication for preserved electronic records?
 - 2.1. In what way can archival description be a method of authentication for electronic records?
 - 2.2. In what way can appraisal and acquisition/accession reports be constructed to allow for the authentication of electronic records?
 - 2.3. What are the procedures for certifying electronic records when they cross technical boundaries (e.g., refreshing, copying, migrating) to preserve their authenticity?
3. What are the technical methods of authentication for preserved electronic records?
4. What are the principles and criteria for media and storage management that are required for the preservation of authentic electronic records?
5. What are the responsibilities for the long-term preservation of authentic electronic records?

The fourth domain aims to develop a framework for the formulation of strategies, policies and standards. The questions are:

1. What principles should guide the formulation of international policies, strategies and standards related to the long-term preservation of authentic electronic records?
2. What should be the criteria for developing national policies, strategies and standards?
3. What should be the criteria for developing organisational policies, strategies and standards?

The group of researchers works by means of task forces whose composition cuts across the various teams and is based on specific competence on the subject matter and different disciplinary background. Thus, for example, within the task force dealing with the first domain, computer engineers are working together with diplomatists and archival and legal experts to analyse all the technological components of each type of system and their specific function, and to study the impact that a change in each of those components would determine in the form of records made, received and/or maintained and used in the system. The consequences of physical and architectural changes, parametric changes, source changes, and format changes are looked at for the specific purpose of establishing what elements of form conditioned by the digital system are integral part of the meaning of the record and need therefore to be protected from manipulation and across migrations. While electronic engineers have much to learn from records experts about the nature of records, it is quite clear that the latter have as much to learn from the former. For example, for a long time archivists have considered e-mail to be a record form; this was found astonishing by engineers who, free from the

prejudices of archival formalism, have no doubt about the fact that e-mail is only a method of transmission, just like a fax or a courier: any type of information can be transmitted through e-mail and what we see in its header is just a record of transmission, like the printed line on top of a fax or a piece of paper stuck over a courier package.

The research methodologies used are as varied as the disciplines involved in the research.⁽⁵⁾ Surveys, case studies, diplomatic analysis, and modelling are some of them. Preliminary findings are tested and the results communicated to the task forces. After the appropriate revisions, they are submitted to the international team for further refinement, and then tested again. To ensure consistency within the task forces and among testing sites, training seminars are regularly conducted, during which the researchers learn how to carry out the case studies so that results are comparable as to substance and form, how to use the modelling techniques appropriate to each purpose, how to test proposed methods and procedures, etc. A glossary defining all the terms used in the research also contributes to clear communication among the researchers and between them and those to whom the findings are disseminated. To guarantee that research results will be valid in each jurisdiction involved in the research, test sites are in all countries involved in the research and belong in both the public and private sector. Notably, nine national archival institutions participate in both the development and the testing of the findings.

The contextualisation of the findings is vital to the success of this research project and is the primary reason for the existence of national and multinational teams within the larger international team. Their task is to take the results of the work of the task forces and examine them in the context of the administrative, legal and social systems of each country. In fact, while the project aims to formulate the universal principles, concepts and criteria that must guide the articulation of strategies, policies and standards, these must be viable and implementable within each nation. This does not mean that the requirements for authenticity must reflect the legislation that in each country establishes procedures and norms for authenticating records. While authenticity is a quality of the record, authentication is only a means of proving that a record is what it purports to be at a given moment in time. Authentication, in other words, is a declaration of authenticity in time resulting either by the insertion or the addition of an element or a statement to a record, and the rules governing it are established by legislation. The requirements for the continuing verifiable authenticity of records go much beyond legislated means of authentication and even juridical principles and structures, deriving from the historical stratification of traditions, uses, attitudes, and perceptions that each culture brings to bear on what it treats as an authentic record. This is the reason why contextualisation of the requirements identified for the authenticity of electronic records is essential to the success of the research project.

At this time, political decision-makers are very much concerned with authentication of electronic records rather than with their continuing authenticity, as shown by the increasing number of laws related to digital signatures and other similar means of proving both the authorship of a record and its integrity when received by the intended addressee.⁽⁶⁾ Not much interest has been directed to the preservation of such integrity overtime, in such a way that it can be ascertained by anyone who has a need to access electronic records many years from now, after they have been moved across several generations of technology. Yet, administrative transparency, historical accountability, and long term legal requirements cannot be met and might actually be obstructed by authentication measures. For this reason, it is vital that political decision-makers begin looking beyond the present and considering the political, social and economical implications of the issues studied by the InterPARES research team.⁽⁷⁾

(5) The basic concepts that constitute the theoretical framework of the project are those developed in the course of a previous project on the preservation of the integrity of electronic records while they are still necessary to the creator for carrying out its business. See Duranti, Luciana and Heather MacNeil. "The Protection of the Integrity of Electronic Records: An Overview of the UBC-MAS Research Project." *Archivaria* 42 (Fall 1996): 46-67. The web site of this project is

<http://www.slais.ubc.ca/users/duranti/>

(6) These initiatives are supported by the European Commission. See European Commission. Proposal for a European Parliament and Council Directive on a common framework for electronic signatures. Brussels, 13.05.1998.

<http://www.ispo.cec.be/eif/policy/com98297.html>, p.6.

(7) The web site of the InterPARES project is <http://www.interpares.org/>

Dauerhaft authentische elektronische Aufzeichnungen: Ein internationaler Aufruf zum Handeln

Luciana Duranti

Mit diesem Beitrag sollen politische Entscheidungsträger auf das Problem der Langzeitaufbewahrung authentischer elektronischer Akten und die Schritte aufmerksam gemacht werden, die ein internationales Forschungsteam derzeit zur Lösung dieses Problems unternimmt. Zunächst werden dazu die wichtigsten Herausforderungen in Sachen Verwaltungstransparenz, historische Nachweisfähigkeit und Erfüllung gesetzlicher Anforderungen im Zusammenhang mit elektronischen Aufzeichnungen herausgestellt. Anschließend beschreibt der Beitrag die Forschungsfragen, die Methodik und die Organisation des Projekts InterPARES (International Research on Permanent Authentic Records in Electronic System).

Das Ziel von InterPARES ist die Aneignung der theoretischen und methodischen Kenntnisse, die für die dauerhafte Aufbewahrung elektronisch erzeugter und/oder vorgehaltener Akten benötigt werden und auf deren Basis Musterkonzepte, -strategien und -standards zur Sicherstellung dieser Aufbewahrung formuliert werden sollen. Das Projekt ist in vier Forschungsbereiche unterteilt. Der erste Bereich soll die konzeptionellen Anforderungen an die Konservierung authentischer elektronischer Aufzeichnungen benennen. Im Rahmen des zweiten sollen Bewertungskriterien und -methoden für die Auswahl authentischer elektronischer Aufzeichnungen festgelegt werden. Thema des dritten Bereichs ist die Entwicklung von Methoden, Verfahren und Regeln für die Aufbewahrung authentischer elektronischer Akten sowie die Festlegung von Zuständigkeiten für die entsprechende Umsetzung. Im vierten Bereich geht es um die Aufstellung des Rahmens für die Erarbeitung von Konzepten, Strategien und Standards, die die Langzeitkonservierung der Authentizität elektronischer Akten sichern. Das Projekt ist für einen Zeitraum von drei Jahren angelegt und soll am 31. Dezember 2001 abgeschlossen werden.

Das InterPARES-Projekt ist international und interdisziplinär. Bisher sind zwölf Länder und verschiedene Fachgebiete beteiligt, und zwar Archivwissenschaft, Diplomatie, Recht, Informationswissenschaft, Computertechnik, Massenspeicherung, Chemie und Historiographie. Die Projektforscher und Teststätten finden sich im öffentlichen wie im privaten Sektor, und zu den beteiligten Branchen zählen Pharmazie, Biochemie, Gesundheitswesen und Computerindustrie. Ebenso vielfältig wie die beteiligten Disziplinen sind die angewandten Methoden wie Erhebungen, Fallstudien, diplomatische Kritik, Entitäts- und Aktivitätsmodellierung, Prototyping usw. Ausgeführt werden die Forschungsarbeiten von Task Forces, deren Mitglieder aus den verschiedensten Fachgebieten, Ländern und Sektoren stammen. Die Gültigkeit aller vorläufigen Erkenntnisse der Task Forces wird jedoch anschließend von nationalen und multinationalen Forschungsteams im jeweiligen rechtlichen, administrativen und soziopolitischen Umfeld untersucht. Denn obgleich bei dem Projekt universelle Grundsätze, Kriterien und Methoden formuliert werden sollen, müssen diese auch in den einzelnen Staaten tragfähig und realisierbar sein. Das bedeutet jedoch nicht, daß sich in den Anforderungen an die Authentizität die Rechtsvorschriften widerspiegeln müssen, die in den einzelnen Ländern die Verfahren und Normen für die Authentisierung von Unterlagen regeln. Da Authentizität nicht nur Vertrauenswürdigkeit zum jeweils relevanten Zeitpunkt bedeutet, sondern eine Qualität ist, die die Unterlage während ihrer gesamten Existenz behalten soll, wird ihr durch Rechtsvorschriften zur Authentisierung nicht Genüge getan. Vielmehr muß sie Anforderungen erfüllen, die weit über gesetzliche Normen und juristische Grundsätze und Strukturen hinausgehen und sich aus der historischen Schichtung von Traditionen, Nutzungsarten, Haltungen und Auffassungen ableiten, die jede Kultur in die von ihr als authentisch behandelte Aufzeichnung einbringt.

Assurer l'authenticité permanente des documents électroniques : un appel international à l'action

Luciana Duranti

Le présent exposé a pour vocation d'alerter les responsables politiques sur la question de la conservation à long terme de documents électroniques authentiques et sur les mesures prises actuellement par une équipe internationale de chercheurs pour remédier à ce problème. L'exposé identifie dans un premier temps les principaux défis que posent les DLM pour la transparence administrative, la responsabilité historique et le respect à long terme de contraintes juridiques. Il décrit ensuite les questions posées par les chercheurs, la méthodologie et l'organisation du projet InterPARES (International Research on Permanent Authentic Records in Electronic System).

L'objectif du projet InterPARES vise à développer les connaissances théoriques et méthodologiques essentielles à la conservation permanente de documents authentiques générés et/ou gérés par voie électronique et, à partir de cette connaissance, à formuler des actions, des stratégies et des normes types, susceptibles de garantir cette conservation. Le projet se subdivise en quatre sous-domaines de recherche : le premier a pour objectif de formuler les critères conceptuels de préservation de l'authenticité. Le deuxième vise à définir des critères de tri et des méthodes pour sélectionner des documents électroniques authentiques. Le troisième a pour objet d'étudier des méthodes, des procédures et des règles pour conserver des DLM authentiques et d'identifier les personnes responsables de leur application. Enfin, le quatrième vise à formuler le cadre d'élaboration des actions, des stratégies et des normes qui préservent l'authenticité des DLM sur le long terme. La durée du projet est de trois ans. Sa date d'achèvement est prévue pour le 31 décembre 2001.

Le projet InterPARES est international et interdisciplinaire. A ce jour, il réunit une douzaine de pays et plusieurs domaines de connaissances, parmi lesquels l'archivistique, la diplomatie, le droit, la science de l'information, l'informatique, le stockage de masse, la chimie et l'historiographie. Les chercheurs et les sites de test appartiennent aussi bien au public qu'au privé, et les secteurs d'activité participant au projet sont la pharmacie, la biochimie, la santé et l'informatique. Les méthodologies appliquées sont aussi variées que les disciplines concernées, et comportent des enquêtes, des études de cas, des analyses diplomatiques, des modèles d'entités et d'activités, du prototypage, etc. Les travaux sont effectués par des groupes de travail interdisciplinaires, internationaux et intersectoriels. Toutefois, toutes les premières conclusions des groupes de travail sont mises en contexte par des équipes de chercheurs nationales et multinationales, qui étudient leur validité dans leur environnement juridique, administratif et sociopolitique respectif. En effet, si le projet vise à formuler des principes, des critères et des méthodes universels, ceux-ci doivent être viables et applicables dans chaque pays. Pour autant, cela ne signifie pas que les critères d'authenticité doivent être le reflet de la législation qui codifie, dans chaque pays, les procédures et les normes d'authentification des documents. L'authenticité étant moins une déclaration de conformité dans le temps qu'une qualité du document, qui accompagne ce dernier tout au long de son existence, une législation sur l'authentification ne saurait y répondre ni en être le garant. Au contraire, il s'agit de satisfaire à des critères allant bien au-delà des normes et des principes et cadres juridiques fixés par le législateur, qui découlent de la superposition historique des traditions, de l'usage, des comportements et des notions que fait intervenir chaque culture dans ce qu'elle assimile à un document authentique.