

# Legal Admissibility

## *Of Electronic Documents*

xDM Software  
Limited

One of the recent hot topics within the business community is the security of information and the procedures that should be in place to support the confidentiality, integrity and availability (CIA) of electronic documentation, should it need to be audited or submitted to court.

The British Standards Institute has published a document entitled "Legal Admissibility & Evidential Weight of Information Stored Electronically (PD0009)" within which the guidelines for storing information electronically are described. These are based on the same guidelines as storing documentation on microfilm or microfiche.

Electronic documentation, film and fiche, when produced as an exact copy of an original document, is regarded as secondary evidence in court. Auditing and security controls need to be in place to ensure that the information has not been tampered with and organisations need to be able to prove to the court that this documentation is an original or an 'exact copy' of the original. By documenting the procedures and processes for storage and any associated activity of the document before and after it goes into storage, the information is more likely to be accepted as evidence in court. The value of the evidence lies in the precision of the system and any system needs to demonstrate that the document shown is a true copy of the original.



There have been a number of cases in recent times, particularly in the accounting industry, where the confidentiality, integrity, and availability of documents stored have been questioned. These cases are poignant reasons why electronic document management systems can help ensure that the system has not been breached. Such systems, including Obsidian xDM, can track documents and reduce or mitigate the risk of harm caused by personnel being tempted to jeopardise the confidentiality, integrity or availability of information. Organisations can also show the authenticity of the document (Obsidian xDM records when data was submitted to the system), whether the organisation guarantees the document to be a true copy of the original, and what has been done to the data since, if anything, and when.

The lower the chances of the document being manipulated or misused, the greater the chance of it being accepted. xDM Software are available to support your organisation in defining a system and establishing procedures you can be confident about in all steps of a document's lifecycle, specifically in the area of document CIA.

### Links

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| BSI Guide to Emails | <a href="http://www.bsi-global.com/Corporate/News+Room/email-egal-admissibility.xalter">http://www.bsi-global.com/Corporate/News+Room/email-egal-admissibility.xalter</a> |
| Legal Admissibility | <a href="http://www.thedocumentsite.co.uk/legaladmissibility.html">http://www.thedocumentsite.co.uk/legaladmissibility.html</a>   |
| The Law Society     | <a href="http://www.it.lawsociety.org.uk/">http://www.it.lawsociety.org.uk/</a>   |