

Electronic Document Images: Legal Records?

Document imaging, to a certain extent just now blossoming in the private sector, has long been a resource relied on by state archival organizations, universities, and other not-for-profit institutions. Not surprisingly, then, there is already a huge body of research, opinion, and challenge available from public sources on the issue presented by electronic document imaging, or Captured Information Management[™] (a superset of enterprise content management, or ECM). Many government agencies now accept imaged documents as legal records—signifying that the paper originals can be stored off-site (in some cases, destroyed).

As with any emerging technology, the legality of digital documents will vary depending upon the federal agency, state, county, municipality, and department involved. You should consult with an attorney on the specific statutes governing your industry and geographical area. Generally, the stipulations for acceptance of electronic documents follow these common strategies:

- Digitized records must be stored on unalterable media (which would include read-only media such as CD, DVD, or WORM).
- The captured information management system has reasonable controls to ensure integrity, accuracy, and reliability.
- The captured information management system has reasonable controls to prevent and detect deterioration of records.
- The captured information management system must provide some type of audit trail to prevent and detect unauthorized creation of, addition to, alteration of, or deletion of records.
- There is an indexing system that assists with finding records.
- The system has the ability to print copies of records.
- The system must be able to cross-reference with other record-keeping systems and software.
- The system has documentation on how the software works and how it has been set up.
- The captured information management system provides security against unauthorized viewing, as required by HIPAA.

Additional references

<http://www.mnhs.org/preserve/records/electronicrecords/erdigitalimaging.html> - Legal framework, background, concepts, and excellent links from the Minnesota Historical Society.

http://www.imforumgi.gc.ca/products/position_e.html - The Canadian perspective, from the national Archives of Canada.

<http://palimpsest.stanford.edu/bytopic/electronic-records/> - A comprehensive list of links regarding all aspects of electronic records, from the Stanford University site.