

# Preservation of Legal Materials Born Digital

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# *Overview*

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- # AALL's Core Values
  - # GPO's Current Role and the FDsys
  - # NARA's Mission and the ERA
  - # AALL 2006 State Survey on Authentication & Preliminary Findings
  - # Digital Information in State Government: Best Practices Exchange 2006
  - # The Legal Information Preservation Alliance
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# *AALL's Core Values*

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- # Government information is a valuable public good created at taxpayer expense*
  - # In the digital age, the government is responsible for ensuring the e-life cycle management of electronic information*
  - # Our vision is to ensure equitable and permanent access to authentic legal information*
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# *GPO's Current Role*

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- # 2003 GPO/NARA MOU on permanent public access & preservation of *GPO Access*
  - # *But*, no integrated system for preservation or permanent storage of digital content
  - # Access copies of digital content (PDF, HTML, ASCII) stored on several platforms
  - # Multiple Akamai mirror servers as failsafe
  - # Only preservation process currently used is refreshment
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# *GPO's Future Digital System*

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- # 2004 GPO Strategic Vision—to develop federal information products and services from a flexible digital platform
  - # Goal and scope of the Future Digital System (FDsys) preservation processes
  - # Archival Information Packages (AIPs) + metadata
  - # Preservation processes: refreshment, migration, emulation, and hybrid or new approaches
  - # FDsys Release 0 soon—completion end FY 2007
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# *System Requirements*

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- # Must store AIPs in preservation repository
  - # Must manage preservation processes
  - # Must maintain the integrity of content—it must be authentic and faithful
  - # Must preserve content functionality
  - # Must preserve all significant properties and attributes of digital content
  - # Must have the capability to produce DIPs that faithfully replicate the AIPs
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# *NARA's Mission*

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- # To preserve historically valuable federal records
  - # Challenge of preserving *any* type of electronic record,
    - on *any* computing platform
    - from *any* government entity
    - must provide discovery and deliver to *anyone* with an interest and legal right of access
    - *now and for the life of the Republic*
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# *NARA's Challenges for ERA*

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- # Obsolescence
  - # Variety—many different types of records
  - # Complexity of formats
  - # Volume—enormous number of records
  - # Scope—the entire federal government
  - # Timeframe—into perpetuity
  - # Authenticity—the record remains reliable
  - # Accessibility—public has a right to PPA
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# *Authenticity & Accessibility*

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- # Requirement that a record must remain as reliable as it was when first created
    - Identified
    - Uncorrupted
  - # Requirement that any individual has a right of access to federal records which must remain as reliable as when first created
    - Subject to restrictions based in law
  - # Chain of custody and chain of preservation
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# *2006 State Survey on Authentication*

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- # Goal: to determine which states, if any, have adopted website versions of primary legal resources as *official* and/or *authentic*
  - # Six online legal titles: state administrative code, administrative register, session laws, statutory code, state Supreme Court and intermediate appellate court information, including opinions
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# *Definitions*

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- # An “official” version of session laws, statutes, or court opinions is one that has been governmentally mandated or approved by statute or rule
  - # An “authentic” text is one whose content has been verified by a government entity to be complete and unaltered when compared to the version approved or published by the content originator
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# *Survey Questions Re: URL*

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- # Publisher(s)?
  - # Format(s)/PURLS?
  - # Chain of custody information?
  - # Are the documents “official”? If so, is there any disclaimer?
  - # Are the documents authenticated? If so, how?
  - # Free or fee?
  - # Years covered?
  - # Permanent public access?
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# *Key Questions & State Summary*

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- # Are your state's online legal resources official?
  - # Is your state addressing the authentication of online legal resources?
  - # 350-600 word summary of findings
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# *Preliminary Findings*

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- ⌘ Finding the web equivalents of print legal titles, if online, is not always easy
  - ⌘ Many states are moving away from print to online only for administrative materials
  - ⌘ There seems to be no effort to make exact equivalents between print and electronic versions
  - ⌘ Disclaimers—not official (use print); no warranty of accuracy or reliability of online; go to Clerk of Court or Secretary of State for official or certified version
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# *Preliminary Findings*

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- # Courts use the web for preliminary, temporary version—not official, authentic or archival
  - # The core legal titles are free, at least for current information
  - # Permanent public access is lacking for most titles—often current year only
  - # There is little understanding of authentication needs to make the online comparable to official print
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# *A Roadmap to Authentication*

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- # France's online *Les Journaux Officiels*
    - 2004 legislation mandated authentication
    - PDF version = to official paper version
    - Digital signature & authentication certificate available
    - Electronic JO guaranteed to be permanently accessible at no cost from June 1, 2004-current
  - # Other nations have adopted similar standard
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# *2006 Best Practices Exchange*

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- # What are the “best practices” to manage digital content for PPA and preservation?
  - # Do we need to stop worrying about *fixing* long-term problems and instead implement “*good enough*” solutions?
  - # What is the appropriate infrastructure to support preservation?
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# *2006 Best Practices Exchange*

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- # Blight ↔ **Blur** ↔ Bliss
  - # Importance of open source, non-proprietary
  - # Authentication is crucial to PPA & preservation
  - # “Good enough” is *probably* OK for now
  - # Digital repositories still more like pieces of a puzzle
  - # Need to build community of best practices and people—collaboration and partnerships crucial
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# *Legal Information Preservation Alliance (LIPA)*

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- # March 2003 conference in DC
  - # Financial buy-in from 26 LIPA members
  - # White Paper & Inventory Report
  - # Repository of print primary legal materials
  - # Challenge of “born digital” legal information
  - # *Key question: what is the preservation responsibility of law libraries?*
  - # See: <http://www.aallnet.org/committee/lipa/>
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# *Next Steps—Education & Advocacy*

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- # Raise the consciousness of state agencies and the courts regarding PPA, authentication & preservation
- # Create a local base of experts & activists
- # Find our allies at the federal & state levels
- # Determine our role as law libraries in the preservation of born digital legal information
- # Our end goal is to ensure that online legal resources have the authority of law

*Thank you!*

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