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IMERGE Consulting InSights™ - September 2005

Editor's Note

Our thoughts go out to all those affected by Hurricane Katrina.

In this edition we feature an article by Vigi Gurushanta on the legal admissibility of electronic records. We also have links to a number of articles we've written recently, as well as details of new services and educational offerings. We hope you'll enjoy this newsletter and welcome your feedback at imergeinsight@imergeconsult.com.

IMERGE is featured in AIIM's Advice Center. Professional Members can access industry experts for free one-to-one advice on one of a number of topics (e.g., workflow/process management, records management, email management, outsourced services, and many more.) To learn more, [CLICK HERE](#).

IMERGE Blogs! We have started a new blog that focuses on what's going on in the industry and how YOU can grow and prosper. The blog can be found at <http://imerge.blogspot.com>; check back often as we're updating it all the time.

Join us at the IMERGE Knows! Educational Series. IMERGE is pleased to announce our fall training schedule. We will be complementing our two- and three-day CDIA+ courses with a number of new workshops, including a one-day workshop on effective email management, a one-day workshop on electronic records management, one- and two-day workshops on the TAWPI Information Capture Professional (ICP) certification, and a two-day workshop on records management for non-records manager. Details on each of these classes are available at the IMERGE website at <http://www.imergeconsult.com/workshops.html>.

Current Schedule:

- September 28: Electronic Records Management, Seattle, WA
- October 5: Electronic Records Management, Houston, TX
- October 6-7: CDIA+, Houston, TX

IMERGE Offers records management program services. IMERGE has developed a strategic approach to records management program design and implementation that ensure the efficiency and defensibility of the program. Rather than bolting on records and compliance as an afterthought, we work with organizations to understand both the regulatory requirements and the operational environment. In this way we incorporate compliance organically into the organization's existing processes.

These services include review of the existing records program and operational environment, review and updating of file plans and records retention schedules, creation of policy and procedures manuals, training on records management processes, and auditing the effectiveness of the program.

For more information on this service contact Jesse Wilkins at jesse.wilkins@imergeconsult.com

Featured Article

[Legal Admissibility of Electronic Records, Vigi Gurushanta, FIBC, MIT Chair, CGSB Standards](#)

Committee - Electronic Records as Admissible Evidence

The rapid growth of the use of email and e-commerce records has brought about that paper original is no longer the basis on which records will be held for evidentiary purposes. Often the records itself may never have existed in a hard copy form. Despite the growth in electronic records, the organizations continue to store significant amount of evidentiary records (ex: signed documents) in both hard copy and electronic format. Does an electronic scanned image suffice the same treatment as an original paper record? Increasingly, the organizations are questioning the need to keep both paper and electronic records.

In an effort to ease the complexity of electronic records as admissible evidence, the Canadian General Standards Board will soon be releasing a national standard titled: "Electronic Records as Admissible Evidence - CAN/CGSB-72.34." This standard sets out the requirements that organization may follow when creating digital electronic records in any form (text, databases, email, bar code, cartographic, audio, pictorial, multimedia, etc.), to maximize the probability of their admissibility of evidence.

Electronic Records as Admissible Evidence

The standard provided a series of guidelines as to the evidentiary requirements in legal proceedings. An organization or person wishing to adduce an electronic record as evidence in legal proceedings must be able to prove:

1. the integrity of electronic record system in which that particular record was recorded or stored
2. the authenticity of that records; and,
3. its unusual and ordinary course of business" in regard to making electronic records.

TEN KEY FACTOR IN PROOF

To prove any particular record to be admissible and credible evidence, the following ten key factors can be used as a framework with which to prove an organization's "usual and ordinary course of business" and the "integrity" of its electronic records systems, and therefore, the accuracy and "integrity" of any record "recorded or stored" within that system:

1. Sources of data: the source organization (or person) of the data involved.
2. Contemporaneous recording: that the electronic records were captured and the records recorded contemporaneously with, or within a reasonable tie after the events to which they relate; (but contemporaneous recording within a particular database is not required);
3. Routine business data: that the data within a record is of a type that is regularly supplied to the organization during the regular activities of the organization from which the record comes;
4. Privileged data: that use in legal proceedings of the data in any particular record does not violate any legal principle of privileged or confidential data that prohibits its disclosure;
5. Data entry: the database capture and entry procedures are part of the "usual and ordinary course of business" of the organization;
6. Industry and national standards: that the organizations conforms to all appropriate standards relating to electronic records systems, including the inputting, importing and storage of data and all provisions relevant to preserving reliability of that data and electronic records system through which they are stored or transmitted.
7. Business reliance: that the organization itself relies upon the electronic records in its database(s) to make business decisions;
8. Software reliability: that the software reliably processes the data to which it is applied;
9. Recording of the system alterations: that a record of system alterations is kept; and
10. Security: proof of the security features used to guarantee the integrity of the total system; at the least the following factors of security should be able to be proved:

- a. *protection against unauthorized access to data and permeant records,*
- b. *processing verification of data;*
- c. *safeguarding communications lines;*
- d. *maintaining backup copies of records for purpose of verification or replacement of falsified, lost or destroyed permanent or temporary records; and*
- e. *maintaining a disaster recovery program for electronic images, records and associated data.*
- f. *retaining and disposing of electronic records in accordance with legislative requirements.*

These ten key factors should be able to be proved by a single supervising officer of the electronic record system. An additional witness may be required for software that is unique to the system unless the supervisor can prove its history of reliability. If not, the programmer who wrote the software should be available to certify its reliability until it does have such a history of reliability. In choosing suppliers and programmers therefore, consideration should be given to their ability and experience to prove the reliability of their products.

The above key factors are critical of the organization to prove the integrity, authenticity and reliability of their electronic records and their systems.

Vigi Gurushanta, is the founder of eVIDA Group, and Principal of IMERGE Consulting. He can be reached at vigi.gurushanta@imergeconsult.com and 416-99-9558.

IMERGE In the News

IMERGE Principal Profiled in Trade Newsletter, IMERGE Principal Pierre Heyman, EDP, was featured in OutputLinks, the weekly electronic newsletter for high volume transaction output (HVTO) industry. Pierre was profiled in the Distinguished Electronic Document Projections (EDPs) column in the August 30 edition.

IMERGE Partner Publishes Forms Processing Book. AIIM has just announced publication of Arthur Gingrande's new book on forms processing called Using Forms Automation to Boost Enterprise Productivity. The book is available from the AIIM bookstore.

IMERGE Partners and Principals speaking at ARMA 2005, September 18-21, in Chicago. IMERGE will be well-represented at ARMA 2005. Here is a list of sessions featuring IMERGE speakers:

- "Setting New "Records" with Email, IM and Voice Communications", Arthur Gingrande and Steve Weissmen, September 19, 2005, 1:30 -2:45 pm
- "Optical Storage for Records Managers", Jesse Wilkins, September 19, 2005, 1:30-4:30 pm
- "Emerging Technologies 2006", Jesse Wilkins, September 20, 2005, 3:15 -4:30 pm
- "The World of Privacy and Data Protection", Don Post, September 20, 2005 - 3:15-4:30 pm

IMERGE Speaking Engagements. IMERGE Partners and Principals will be speaking on a number of topics focusing on documents technologies. Here is a partial list:

Partner Arthur Gingrande will address J&Bs October sales conference on Ergonomics of Data Entry. He has also been invited to speak at Orbograph's 8th Annual Check Recognition Technology Conference in October.

Principal Jesse Wilkins will address the ARMA Chicago Chapter on October 11 and the ARMA Nebraska Chapter on October 19. He will deliver his presentation on "Accessing Your Electronic Records in 5, 50, 500 years".

Principal Vigi Gurushanta will address the ARMA Toronto chapter October 11 on "Building Trust in Electronic Records through the Use of e-Evidence National Standard." He will also address the Xplor Canada Region in November, when he will speak on "Electronic Records as Documentary Evidence-What this Means to Establish Your Own Best Practices."

Numerous partner and principals will be speaking at the AASHTO/KDOT DMW2005 Conference in Kansas City October 16-18. For a schedule, visit <http://www.ksdot.org/DMW/agenda.asp>.

Industry Events

- **September 16-17:** ARMA/AIIM Pre-Conference on Electronic Records, Chicago, IL
- **September 18-21:** ARMA 2006 Conference and Exposition, Chicago, IL. This conference features more than 70 sessions on best practices in records management. The expo floor will be filled with more than 150 vendors of hardware, software, and storage solutions.
- **October 16-18:** Document Management and Workflow 2005, Kansas City, KS. Sponsored by AASHTO and the Kansas Dept. of Transportation.
- **October 20-21:** Capture: Form Imaging to Archive, New York City, NY. Sponsored by TAWPI. Building on last year's successful event, the conference sessions will describe pragmatic, real-world approaches to help you capture and manage content to best meet the growing needs of your customers and other constituencies. Breakout sessions will allow you to exchange ideas with industry experts and the exhibit area will feature the latest technology advancements from leading solution providers.

New Publications, July-September 2005

"Automated Mail Classification Enables Vertical ECM Application", Arthur Gingrande, *TODAY Magazine*, July 2005

"Compliance: A Quick Look", Jesse Wilkins, *AIIM E-DOC Magazine*, July/August 2005.
http://www.edocmagazine.com/vault_articles.asp?ID=30370

"Content Management as a Publishing Tool", Bernard Chester, *AIIM E-DOC Magazine*, July/August 2005.
http://www.edocmagazine.com/vault_articles.asp?ID=30365.

"Enterprise Rights Management Heats Up", Robert Smallwood, *KMWorld Magazine*, September 2005

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