



BSI Standards Publication

Evidential weight and legal admissibility of electronically stored information (ESI)

Part 1: Specification

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Summary of pages

This document comprises a front cover, and inside front cover, pages i to iv, pages 1 to 29, an inside back cover and a back cover.

Foreword

Publishing information

This British Standard is published by BSI Standards Limited, under licence from The British Standards Institution, and came into effect on 30 May 2020. It was prepared by Technical Committee IDT/1, *Document Management Applications*. A list of organizations represented on this committee can be obtained on request to its secretary.

Supersession

This British Standard supersedes [BS 10008:2014](#), which is withdrawn.

Information about this document

This is a full revision of the standard, and introduces the following principal changes:

- a) guidance on information related to the Internet of Things (see BS 10008-2) has been added;
- b) requirements related to information managed by blockchain/ distributed ledger technology (DLT) (see [8.11](#)) have been added;
- c) all technical aspects of this document and BS 10008-2 have been updated, including storage in the cloud and where information is stored in objects originally created digitally (see [8.2](#));
- d) the General Data Protection Regulation (GDPR) [[1](#)] and the UK Data Protection Act 2018 [[2](#)] have been taken into account; and
- e) Information Classification, Marking and Handling (ICM) as specified in [BS 10010](#) has been taken into account.

This publication can be withdrawn, revised, partially superseded or superseded. Information regarding the status of this publication can be found in the Standards Catalogue on the BSI website at bsigroup.com/standards, or by contacting the Customer Services team.

Where websites and webpages have been cited, they are provided for ease of reference and are correct at the time of publication. The location of a webpage or website, or its contents, cannot be guaranteed.

Presentational conventions

The provisions of this standard are presented in roman (i.e. upright) type. Its requirements are expressed in sentences in which the principal auxiliary verb is “shall”.

Comments, explanation and general informative material is presented in smaller italic type, and does not constitute a normative element.

Where words have alternative spellings, the preferred spelling of the Shorter Oxford English Dictionary is used (e.g. “organization” rather than “organisation”).

Contractual and legal considerations

This publication does not purport to include all the necessary provisions of a contract. Users are responsible for its correct application.

Compliance with a British Standard cannot confer immunity from legal obligations.

Introduction

Information is an organizational asset that needs to be managed throughout its lifecycle; it is frequently required to be used within and outside an organization for demonstrating compliance and/or dispute resolution. If the authenticity and/or integrity of the information cannot be trusted then conclusions based upon it could be discredited. This British Standard specifies how electronically stored information (ESI) is to be managed by an organization, in an information management system, to enable it to have strong evidential weight and be demonstrably trustworthy with regard to its authenticity and integrity whenever during its lifecycle it needs to be used – whether for business, compliance, legal or other dispute resolution purposes.

If the electronic information management system of an organization conforms to this British Standard, it is anticipated that the evidential weight of ESI managed by the organization will be maximized by ensuring its trustworthiness and reliability. This is likely to reduce the effort and cost involved in dispute resolution as the focus of the resolution process will be less concerned with the authenticity or integrity of disclosed ESI than would be the case if the management system did not conform to this British Standard. It is also anticipated that conformity with this British Standard will minimize the risks involved with the long term retention of ESI.

BSI initially published PD 0008, *Code of Practice for Evidential Weight and Legal Admissibility*, in 1996. This code of practice was widely adopted and is referenced, for example, by the Lord Chancellor's *Code of Practice on the management of records* [3] published under Section 46 of the Freedom of Information Act 2000 [4] and in the Scottish equivalent, *Code of Practice on records management* issued [5] under Section 61 of the Freedom of Information (Scotland) Act 2002 [6]. The 2004 edition was issued as BIP 0008 in accordance with BSI procedural changes. In 2008, to reflect the requests of the adopters of the BIP 0008 Code of Practice, a formal standard specification was published, [BS 10008:2008](#), *Evidential weight and legal admissibility of electronic information – Specification*. This was replaced by the 2014 edition which is now superseded by this British Standard.

This British Standard is complemented by recommendations and guidance in BS 10008-2. Its publication reflects the requests of the adopters of BIP 0008 for a formal compliance standard. The detailed recommendations and guidance given in BS 10008-2 are intended to assist in the successful implementation of this part of BS 10008. BS 10008-2 supersedes BIP 0008 (now withdrawn) which consisted of three parts addressing separately storage, transfer and linking identity to ESI; BS 10008-2 consolidates those three parts into a single code of practice. The BIP 0009 Compliance Checklist [7] provides a tool that enables the demonstration of compliance with this British Standard along with the appropriate parts of BS 10008-2.

The previous edition of BS 10008 and associated code of practice, BIP 0008 concentrated upon static collections of ESI in a very controlled manner; however, ESI is now being created using mobile devices. Mobile devices include mobile phones, body worn cameras (e.g. by cyclists, police, bailiffs, traffic wardens), dashboard cameras (front and back), drones, CCTV systems (public and private), fixed cameras (static and hand-held), television coverage and door bells that have motion sensors. This document applies to all of these methods of capture but requires additional procedures to enforce controls on how this ESI is managed.

This British Standard is structured along the lines of the standardized structure of ISO Management System Standards, as defined in ISO/IEC Directives, Part 1, Consolidated ISO Supplement, 2019 (10th edition) Annex L [8] such that its implementation can be aligned and synchronized with other management system standards, such as:

- a) BS EN ISO 9001, *Quality management systems – Requirements*;
- b) [BS EN ISO/IEC 27001](#), *Information technology – Security techniques – Information security management systems – Requirements*; and
- c) BS EN ISO 14001, *Environmental management systems – Requirements with guidance for use*.

1 Scope

This British Standard specifies requirements for the implementation and operation of electronic information management systems, including the storage and transfer of electronically stored information (ESI), with an objective of enabling the user to ensure the authenticity and integrity of the ESI is maintained, so that it is trustworthy and is either accepted without dispute or successfully resists challenge. These issues are important where the ESI might be used as evidence – whether for business, compliance, legal or other dispute resolution purposes.

This British Standard covers:

- a) the management of the availability of ESI over time;
- b) the electronic transfer or communication of ESI; and
- c) the linking of electronic identity to particular ESI, including the use of electronic signatures and electronic copyright systems, as well as the verification of electronic identity.

This British Standard also includes requirements for the stewardship and accountability of the management of ESI throughout its life cycle.

The requirements specified in this British Standard are generic and intended to be applicable to all organizations (or parts thereof), regardless of type, size and nature of business. The extent of application of these requirements depends on the organizations operating environment and complexity.

This British Standard applies to ESI in any form, including general office documents, electronic images and information held in databases and other electronic systems. The ESI can be alphanumeric, image based and/or voice/video recordings, captured from static and mobile devices.

This British Standard does not cover processes used to evaluate the authenticity and integrity of ESI prior to it being captured or created in the system.

2 Normative references

The following documents, in whole or in part, are normatively referenced in this document and are indispensable for its application¹⁾. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

BS ISO 12651 (all parts), *Electronic imaging – Vocabulary*

¹⁾ Documents that are referred to solely in an informative manner are listed in the Bibliography.