

Scanning Records

Ken Oldenburger
Oldenburger Consulting
koconsult@shaw.ca

250-881-1237

CAN/CGSB 72.34-2005
Electronic Records as
Documentary Evidence

“specifies principles and procedures for creating all forms of electronic records... to enhance their admissibility as evidence in legal proceedings”

Scanning



Legal
Admissibility
of Scans

Canada Evidence Act

- *31.5: For the purpose of determining under any rule of law whether an electronic document is admissible, evidence may be presented in respect of any standard, procedure, usage or practice concerning the manner in which electronic documents are to be recorded or stored, having regard to the type of business, enterprise or endeavor that used, recorded or stored the electronic document and the nature and purpose of the electronic document.*

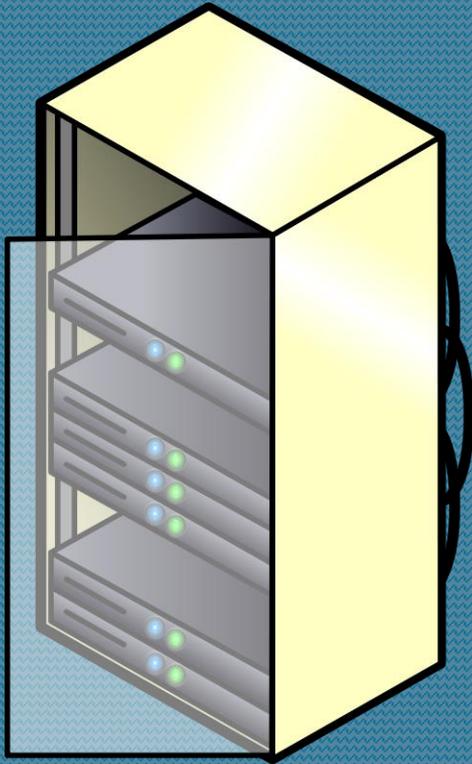
Requirements (5.2.1)

- Authenticity
- Integrity
- Record Made in the Usual and Ordinary Course of Business

Record Management Program Elements (5.4.2)

- Record Keeping System
(aka "Records Management Program"
similar to "Records Management
System Program")
- Procedures Manual & Policy
- Chief Records Officer
- Records Management System
(RMS)

RMS (5.2.3)



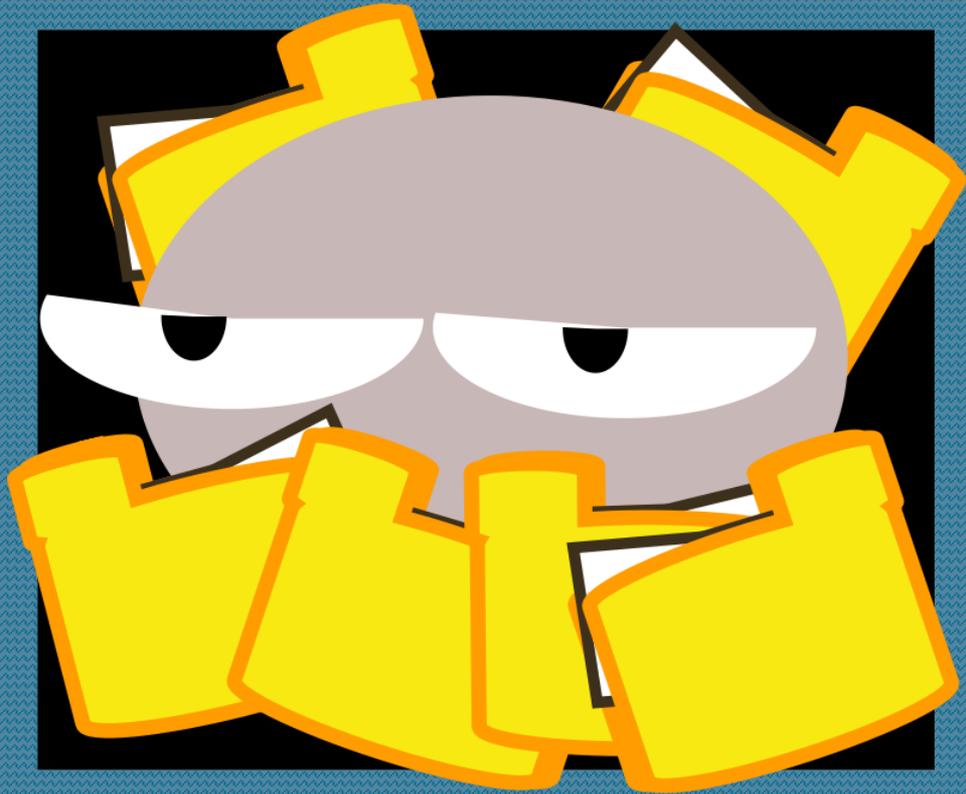
- Approved & Supported
- Meets Industry Standards
- System and Scanning Part of the "Usual and Ordinary Course of Business"

RMS Integrity

- Operational Logs (Software Reliability)
- Audit Logs
- Security & Access Logs
- Record of Changes

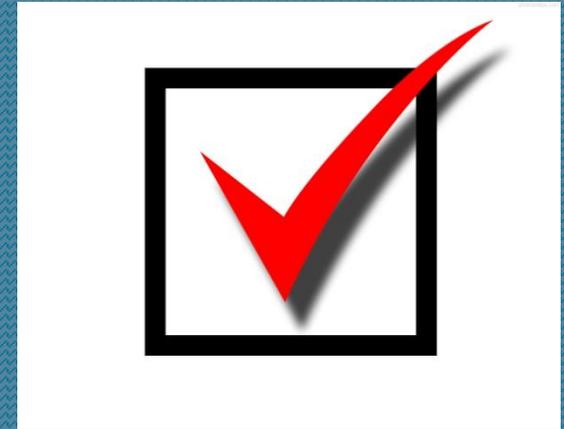
CRO/Designate (5.4.2)

- Integrate Record Keeping into Business
- Keep Procedures up to Date
- Needs Approval to Change RMS!

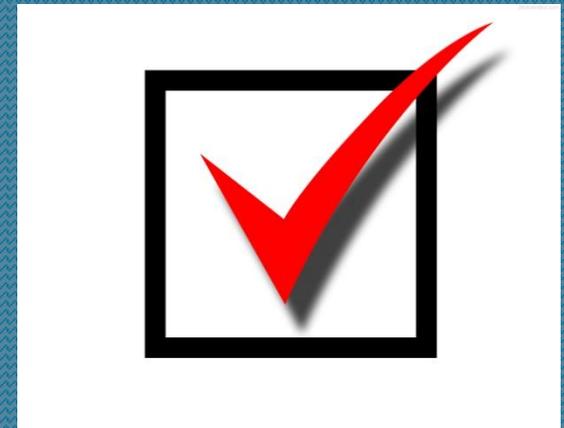


Senior Management (5.4.3.)

➤ Approved
Procedures Manual



➤ Policies Approved



Record Keeping System

- Policies & Procedures
- Classification & Retention
- Published Processes
- Trained Staff
- Stable Records Management History

RMS Program

- Approved and Authorized Infrastructure in which Scans occur as part of “Usual and Ordinary Course of Business”
- Also Covers Record Keeping (Already Discussed, plus...)

RMS Program Policy (6.3.2 & 6.3.3)

A Number of
Requirements
are Listed for
the RMS
Program's
Policies



The Big Four

- Record Keeping System
- Policies & Procedures
- Chief Records Officer
- RMS

RMS Program Procedures Manual (6.4)

- Update Manual & Track Changes
- Describe Inputs, Storage and Output of Records and Data
- Control Procedures (e.g., Quality Assurance)
- Metadata
- Data Migration/Conversion
- Best Practices

Internal or External?

- Using an External Service Provider? (6.2.2.2-4)
- Some Clear Advantages, but extra level of Responsibility in Confirming Provider's Compliance with Standard!
- Storage remains a Challenge

Other

- Indexing (6.5)
- Backup & Recovery (6.10)
- Security & Protection (6.12)
- Audit Trails, More than Audit Logs (8)

Destruction!

- Once QA is Complete, Originals Normally Destroyed, However!
- 5.1 b) “other laws, regulations, by-laws, policies, preservation, or business requirements might continue to require the retention of originals”



No Destruction Scanning Policy

- What if you can't meet the requirements of the Standard!
- Policy to define how and when scanning is allowed (e.g., Vital Records Program or Accessibility)

Legal Admissibility

- Are Scans which don't meet the Standard Legally Admissible?



Puzzled? Questions?

Thank you!

Ken Oldenburger
Oldenburger
Consulting

koconsult@shaw.ca

250-881-1237

