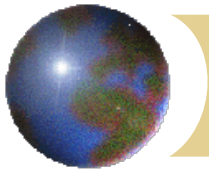


*Worldwide Access to Foreign Law:  
International & National Developments  
Toward Digital Authentication*

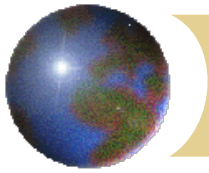
IFLA World Library and Information Congress 2012  
Helsinki, Finland

Claire M. Germain  
Associate Dean and Prof. of Law  
University of Florida College of Law, USA  
[germain@law.ufl.edu](mailto:germain@law.ufl.edu)



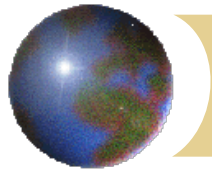
## *Access to foreign law and government information in a digital environment*

- ✚ Governments have stopped publishing laws and decisions in print, and moved to publishing only online
- ✚ How does one make sure that the digital source is authentic and accurate?
- ✚ What's role of librarians? Long term perspective.



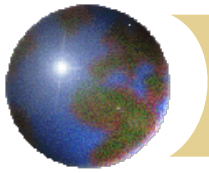
## *What I will talk about:*

- ✦ Official vs. authentic in digital world
- ✦ European Commission/Hague Conference Guiding Principles 2012
- ✦ UELMA and Post Actions in USA
- ✦ Future? IFLA Standard?
- ✦ Article posted on IFLA website

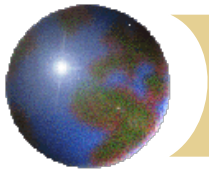


## *Official vs. Authentic in Digital World*

- ✿ Online official legal resource = same status as a print official legal resource.
- ✿ USA: court opinions, statutes, codes, or regulations = source "that has been governmentally mandated or approved by statute or rule."
- ✿ definition is firmly rooted in the print world.

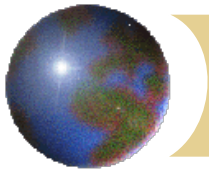


- ✦ Courts and public officials turn to official legal resources for authoritative and reliable statements of the law and require citation to such sources in the documents that come before them.
- ✦ an online official legal resource offers no such automatic assurance.



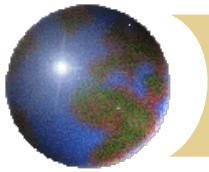
# *Online Authentic Legal Source*

- ⊕ Authenticity = quality and credibility
- ⊕ Text provided by competent authority and has not undergone any alteration in the chain of custody.
- ⊕ government entity has verified the content to be complete and unaltered from the version approved or published by the content originator.
- ⊕ Certificate or mark, encryption, digital signature or PKI infrastructure, secure servers and certificates



## *EC/Hague Guiding Principles 2012*

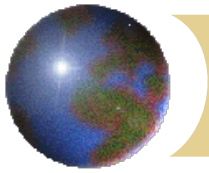
- ✦ [...] States should make available without cost to users legislation and relevant case law online.
- ✦ Such information should be **authoritative**, up-to-date, and also include access to law previously in force.



# *UELMA = Uniform Electronic Legal Material Act 2011*

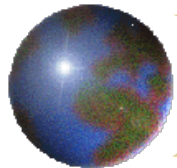
- ✦ requires a state that publishes official versions of its legal information in electronic format to do three things:
  - ✦ *Authenticate* the information
  - ✦ *Preserve* the information
  - ✦ *Ensure public accessibility* on a permanent basis.





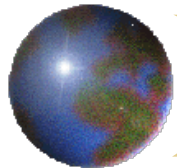
## *Uniform law to be implemented by 50 States (USA)*

- ✿ *Authenticate* by providing a method to determine that the legal material is unaltered from the version published by the state officer or employee that publishes the material;

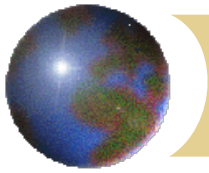


## *What legal materials are covered by Model Act?*

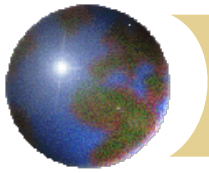
- ✦ State constitution
- ✦ Session laws
- ✦ Codified laws or statutes
- ✦ State agency rules with the effect of law.



- ✦ Does not automatically include judicial or executive materials.
- ✦ States may choose to include court rules and decisions, state administrative agency decisions, executive official documents, etc.

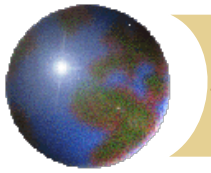


- ✦ Colorado has passed it into law April 2012
- ✦ California ready to pass
- ✦ Introduced in Connecticut, Minnesota, Rhode Island and Tennessee.



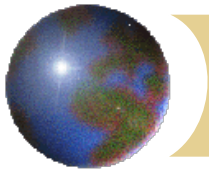
## *Advocacy by Law Librarians*

- ✦ AALL (American Association of Law Libraries) lobbied for it successfully.
- ✦ See story in my article. Several stages:
- ✦ Identify problem
- ✦ Gather evidence
- ✦ Seek stakeholders
- ✦ Implement



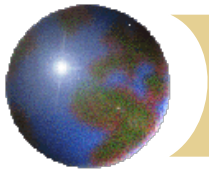
## *Prospects for Future. Why should librarians be involved?*

- ✦ Librarians are relied upon to provide access to accurate information, for the long term.
- ✦ Fundamental issue is trust
- ✦ Before, you handed down a book, now how do you trust the digital information?



## *Europe, Brazil, USA, other countries of the world*

- ✦ “Cultivating, Destroying and Tweaking Trust in the Digital Age,” International Herald Tribune, Monday, August 13, 2012
- ✦ IFLA standard? To encourage foreign governments to publish their laws online, in stable and authenticated digital formats.
- ✦ Work with new IFLA Standards Committee? With other international organizations and library associations? Other IFLA groups?



✦ Thanks for your attention.