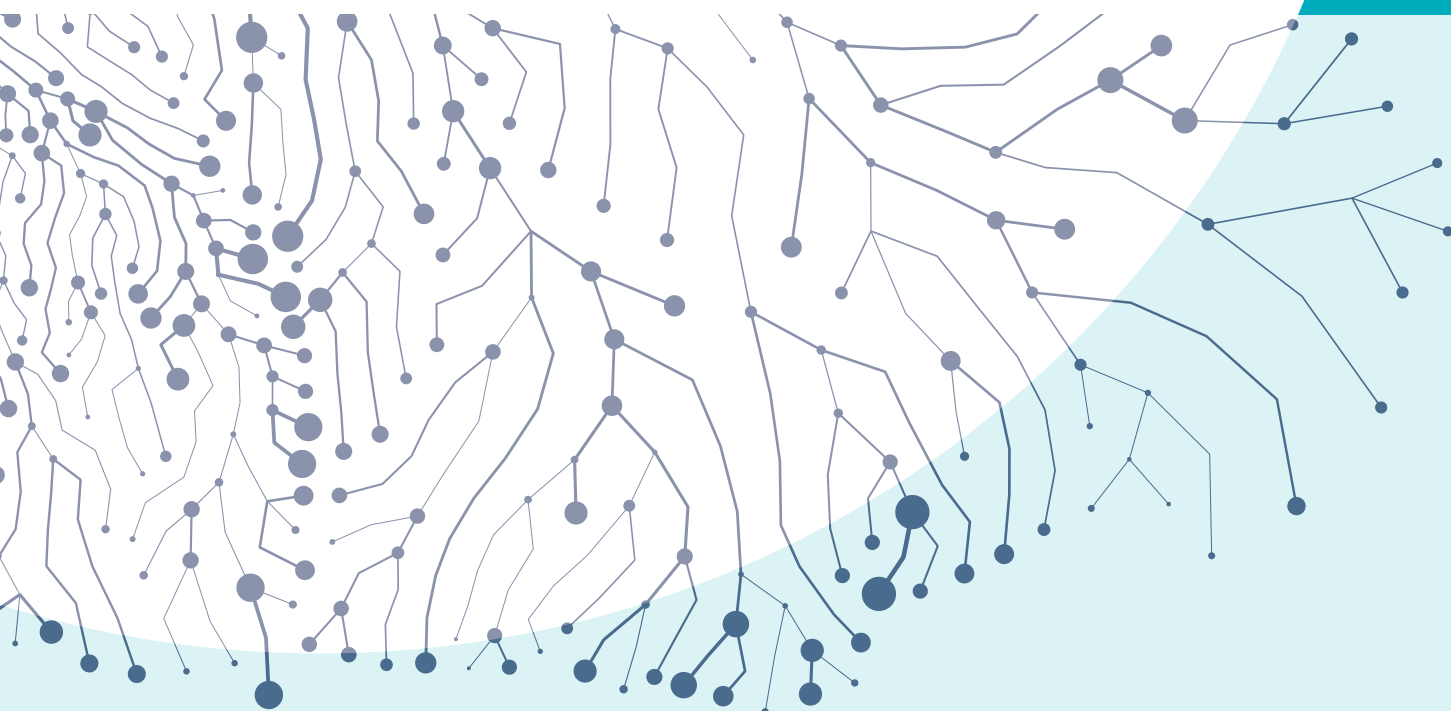


Evidential weight and legal admissibility of electronically stored information (ESI)

Compliance checklist for use
with BS 10008-1:2020



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While every care has been taken in developing and compiling this checklist for use with BS 10008-1:2020, Evidential weight and legal admissibility of electronically stored information (ESI) — Part 1: Specification, the authors and contributing organizations accept no liability for any loss or damage caused, arising directly or indirectly, in connection with reliance on its contents except to the extent that such liability may not lawfully be excluded.

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Background

This publication has been prepared under the authority of, and through the sponsorship of, the British Standards Institution Document Management Applications Committee IDT/1, as a compliance checklist to be used in conjunction with BS 10008-1:2020, *Evidential weight and legal admissibility of electronically stored information (ESI) — Part 1: Specification*.

This sixth edition of the book replaces the fifth edition, which is withdrawn.

Users of this checklist should note that, when completed, this checklist should be stored for as long as the ESI to which it relates is stored.

About the authors

Peter Howes, Director and Principal Consultant at Group 5 Training Limited, specializes in information management and governance. He has wide knowledge of the practical issues of legal/regulatory compliance, governance, electronic communications and information security, with over 40 years' relevant experience gained across a wide range of organizations in public and private sectors, many of which have met the requirements of BS 10008. For over 25 years he has been an active member of the BSI and ISO committees developing BS 10008, BS 10010, BS 10012, PD ISO/TR 23455, ISO/AWI TS 23259 and <https://www.iso.org/standard/78465.html>.

Alan Shipman is Managing Director and Principal Consultant for Group 5 Training Limited, a leading independent consortium of technical experts and consultants providing practical guidance on the implementation of Information Management Systems. He specializes in the application of the British Standard *Evidential weight and legal admissibility of electronically stored information (ESI)* (BS 10008, Parts 1 and 2), for achieving real business benefits, with particular emphasis on management policies and operational procedures, in both traditional and e-commerce environments. He also provides consultancy services relating to the practical implementation of the Data Protection Act, to the International Standard on Records Management (ISO 15489) and to the ISO/IEC 27000 family Information security management systems.

Control Sheet

Organization:

ESI system name:

Date checklist completed:

User-defined serial number:

I hereby certify that all necessary controls have been complied with and all conformance statements completed:

Signed:

Print name:

Job title:

Date signed:

General

Scope

This publication is intended to assist in the evaluation of an ESI management system for compliance with BS 10008-1:2020. It is designed to enable a historical audit trail of compliance to be achieved and, as such, when completed the checklist should be stored on the information management system under the same conditions as other ESI on the system. Access to BS 10008-1:2020 is assumed.

Further guidance to the implementation of BS 10008-1:2020 is given in BS 10008-2:2020. While access to BS 10008-2:2020 is not required during completion of this checklist, familiarity with it is assumed. Reference should be made to BS 10008-2:2020 where the applicability and/or meaning of a question needs more detailed amplification.

Introduction

When completed, this checklist is the organization's statement of the extent to which its information management system conforms to BS 10008-1:2020.

BS 10008-1:2020 contains more than 400 controls. These are requirements which will normally be complied with by all organizations following BS 10008-1:2020. However, some of these controls may not be relevant to an organization or specific ESI management system.

When users wish to claim compliance with BS 10008-1:2020, questions identified in this checklist are considered requirements insofar as they apply to the specific ESI management system concerned.

This checklist includes a place for a user-defined serial number on the Control Sheet and each page completed. This serial number should be set for each time the checklist is used and completed during evaluation of the ESI management system, to ensure that the integrity of the compliance audit trail is maintained. Over the lifetime of compliance the system will be re-evaluated (either regularly or at significant change) and each use of the evaluation checklist needs to have a different user-defined serial number. Prior to the completion of the Control Sheet, each page of the checklist should be checked for consistency of serial number.

In this checklist, requirements are identified as shown here.

How to complete the checklist

Each of the following sections contain a number of questions, the answers to which show whether or not the organization is complying with the requirements of BS 10008-1:2020.

Some sections do not need to be answered if they are not relevant to the ESI management system being assessed. This should be indicated by selecting the Not Applicable (N/A) box next to the relevant question, and the basis of the 'not applicable' decision documented and referenced in the checklist.

Sometimes it may be necessary to refer to BS 10008-1:2020 itself. In order to assist this, section numbering (4 to 10) in this checklist corresponds to that in BS 10008-1:2020.

Clause numbers in this checklist correspond to the relevant controls given in BS 10008-1:2020, and as a result, some clause numbering is omitted where there are no controls in the referenced clause in BS 10008-1:2020.

The approach used for the compilation of these questions is that all relevant questions will have an affirmative response for the organization complying with BS 10008-1:2020.

The designated area at the bottom of this page and on every page hereafter should be signed and dated by the individual completing that page, and the user-defined serial number added. When all the detail pages are completed, the following conformance statements should be completed followed by the Control Sheet. The completed checklist should be signed and stored on the ESI management system under the same conditions as other ESI stored on the system.

References in this section to signing mean digitally adding a name to the checklist page or Control Sheet, which are a form of electronic signature. However, this may be regarded as insufficiently robust, in which case a more secure electronic signature would need to be considered (for instance, for the fully completed checklist).

Where a reference is required, this should include a document title and a location within that document, which should be stored on the ESI management system. Where a reference to a policy document, the procedures manual or the system description manual is required, the relevant page number or paragraph reference should be given.

Sections of the checklist do not need to be completed in the sequence found or by the same person. However, each page should be signed and dated, to show that the questions on that page have been answered fully and correctly.

Conformance statement – checklist completion

Have all pages of this checklist been completed and are all pages showing the same checklist serial number?	Yes	No	N/A
Reference _____			
Do all pages of this checklist have the individual's name and date of completion?	Yes	No	N/A
Reference _____			
Have references to other documentation (including reasons if not applicable, denoted by N/A) been completed for every question requiring a reference?	Yes	No	N/A
Reference _____			
Is the completed checklist stored on the information management system?	Yes	No	N/A
Reference _____			

Page completed by

User-defined serial no

Date

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Conformance statement – audit trail

For an organization using this checklist to establish a system in compliance with BS 10008, it will be essential to show an unbroken compliance audit trail for the system.

Is this the first year of conformance with BS 10008?	Yes	No
Reference _____		

If no, complete the following information.

Serial number of previous checklist	
Date previous checklist completed	
Previous Control Sheet signed by	
Start date of continuous compliance	

Page completed by

User-defined serial no

Date

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Conformance statement – related ESI management systems

The system covered by this checklist may be related to other ESI management systems in use in the same organization covered by separate conformance statements to BS 10008-1:2020.

Are there other related ESI management systems in the organization conforming to BS 10008-1:2020?

Yes

No

Reference _____

If yes, complete the following information.

Reference to these systems and their conformance statement

Reference _____

Conformance statement – nonconformity

If the system does not fully conform to BS 10008-1:2020, the organization should record information associated with the nonconformity (it may be, for instance, that some information 'types' conform yet others are not required to).

Are there nonconformity explanations/reasons for this ESI management system in the organization?

Yes

No

Reference _____

If yes, complete the following information.

Has a document been produced which details all such nonconformity statements?

Yes

No

Reference _____

BSI standards/publications

Reference is made in this checklist to the following BSI publications:

BS 10008-1:2020, *Evidential weight and legal admissibility of electronically stored information (ESI) – Part 1: Specification*

BS 10008-2:2020, *Evidential weight and legal admissibility of electronically stored information (ESI) – Part 2: Code of practice for implementation of BS 10008-1:2020*

BS EN ISO/IEC 27001:2017, *Information technology – Security techniques – Information security management systems – Requirements*

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4 Context of the organization

4.1 General

Have the internal issues relevant to authenticity and integrity of ESI been determined?	Yes	No	N/A
Reference _____			
Have the external issues relevant to authenticity and integrity of ESI been determined?	Yes	No	N/A
Reference _____			
Have the requirements of internal parties relevant to authenticity and integrity of ESI been determined?	Yes	No	N/A
Reference _____			
Have the requirements of external parties relevant to authenticity and integrity of ESI been determined?	Yes	No	N/A
Reference _____			
Have the boundaries of the information management system relevant to authenticity and integrity of ESI been determined?	Yes	No	N/A
Reference _____			
Has the applicability of the information management system relevant to authenticity and integrity of ESI been determined?	Yes	No	N/A
Reference _____			

4.2 Issues

Has a risk management process been used to identify issues?	Yes	No	N/A
Reference _____			

Page completed by

User-defined serial no

Date

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4.3 Requirements

Have legal and regulatory requirements been included in ESI management requirements?	Yes	No	N/A
Reference _____			
Have duty of care requirements been included in ESI management requirements?	Yes	No	N/A
Reference _____			
Have contractual obligations been included in ESI management requirements?	Yes	No	N/A
Reference _____			
Has ESI stewardship been included in ESI management requirements?	Yes	No	N/A
Reference _____			

4.4 Boundaries and applicability

Has the scope of the information management system been defined?	Yes	No	N/A
Reference _____			
Does the scope of the information management system include a statement of which departments/systems are included?	Yes	No	N/A
Reference _____			

Page completed by

User-defined serial no

Date

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5 Leadership

5.1 Leadership and commitment

Is there clear policy direction for the management of ESI?	Yes	No	N/A
Reference _____			
Is there support for, and commitment to, the management of ESI from top management?	Yes	No	N/A
Reference _____			
Has an ESI management policy been issued?	Yes	No	N/A
Reference _____			
Is the ESI management policy maintained?	Yes	No	N/A
Reference _____			
Does the policy:			
– address the whole lifecycle of ESI?	Yes	No	N/A
– Identify the role of the information steward?	Yes	No	N/A
– cover the storage of electronic information?	Yes	No	N/A
– cover the transfer of ESI between systems?	Yes	No	N/A
Reference _____			
Is the policy linked to, or combined with, the information security policy?	Yes	No	N/A
Reference _____			
Has the policy been published?	Yes	No	N/A
Reference _____			
Is the policy communicated to all relevant workers?	Yes	No	N/A
Reference _____			
Does the policy have a custodian?	Yes	No	N/A
Reference _____			

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Is the custodian responsible for the policy's maintenance and review?	Yes	No	N/A
Reference _____			
Is the policy integrated into the organization's processes?	Yes	No	N/A
Reference _____			
Are sufficient resources available to implement the policy?	Yes	No	N/A
Reference _____			
Are sufficient resources available to ensure that the relevant outcomes of the policy are achieved?	Yes	No	N/A
Reference _____			

5.2 Policy statements

5.2.1 General

Is the policy reviewed at regular intervals?	Yes	No	N/A
Reference _____			
Is the policy reviewed when any significant changes occur?	Yes	No	N/A
Reference _____			

5.2.2 Information storage policy statement

Does the storage policy statement include the:			
– commitment to the use of electronic systems for the storage of ESI?	Yes	No	N/A
– approach to the use of electronic systems for the storage of ESI?	Yes	No	N/A
– scope of the policy?	Yes	No	N/A
– applicable security classifications?	Yes	No	N/A
– implementation of standards and industry-related requirements and guidelines?	Yes	No	N/A
– compliance with policies for the capture and retention of information?	Yes	No	N/A
– definition and allocation of roles and responsibilities?	Yes	No	N/A

Page completed by

User-defined serial no

Date

– necessary consultations?	Yes	No	N/A
– use of appropriate ESI storage technology?	Yes	No	N/A
– use of appropriate ESI file formats?	Yes	No	N/A
– use of appropriate compression technology?	Yes	No	N/A
– management of the linking of electronic identity to ESI?	Yes	No	N/A
– capture, retention and disposal of ESI?	Yes	No	N/A
– management of temporary halts to the destruction of ESI?	Yes	No	N/A
– use of appropriate encryption technology?	Yes	No	N/A
– auditing of the system?	Yes	No	N/A
Reference _____			

5.2.3 ESI transfer policy statement

Does the transfer policy statement include the:			
– commitment to the use of electronic systems for the transfer of ESI?	Yes	No	N/A
– approach to the use of electronic systems for the transfer of ESI?	Yes	No	N/A
– scope of the policy?	Yes	No	N/A
– definition and allocation of roles and responsibilities for ESI transfer?	Yes	No	N/A
– transfer of specific types of ESI?	Yes	No	N/A
– use of data compression?	Yes	No	N/A
– use of particular systems for the transfer of ESI?	Yes	No	N/A
– receiving of transferred ESI?	Yes	No	N/A
– management of the linking of electronic identity to ESI?	Yes	No	N/A
– use of encryption?	Yes	No	N/A
– auditing of the system?	Yes	No	N/A
Reference _____			

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5.2.4 Information security policy

5.2.4.1 General

Does the system operate within the information security policy?	Yes	No	N/A
Reference _____			
Does the information security policy include the:			
– storage of electronic information over time?	Yes	No	N/A
– transfer of ESI between systems?	Yes	No	N/A
Reference _____			

5.2.4.2 Storage security policy statement

Does the information security policy include the:			
– scope of the policy?	Yes	No	N/A
– management objectives related to the security of ESI?	Yes	No	N/A
– security requirements for different ESI classification categories?	Yes	No	N/A
– definition and allocation of roles and responsibilities?	Yes	No	N/A
– segregation of roles?	Yes	No	N/A
– access rights and the sharing of ESI?	Yes	No	N/A
– procedures for dealing with security breaches?	Yes	No	N/A
– need for conformity with any information security standards adopted?	Yes	No	N/A
– review and updating of the policy?	Yes	No	N/A
Reference _____			