

Legal admissibility of microforms

ICS 37.080

Committees responsible for this Published Document

The preparation of this Published Document was entrusted by Technical Committee IDT/1, Document imaging applications, to Technical Subcommittee IDT/3, Document imaging applications — General issues, upon which the following bodies were represented:

- Bar Association for Commerce, Finance and Industry
- British Imaging and Photographic Association
- British Office Technology Manufacturers' Alliance
- Companies House
- Computing Suppliers Federation
- Information and Document Management Association
- Records Management Society
- Society for Computers and Law
- United Kingdom Association for Informtion and Image Management:
 - Document management applications
 - Legal admissibility terminology
 - Media
 - Micrographics image quality

This Published Document, having been prepared under the direction of the Sector Policy and Strategy Committee, was published under the authority of the Standards Board and comes into effect on 29 March 1991

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The following BSI reference relates to the work on this Published Document:
Committee reference IDT/1/3

Amendments issued since publication

Amd. No.	Date	Comments
9915	May 1998	Indicated by a line in the margin
13938	17 July 2002	Renumbers DD 191:1991 as PD ISO/TR 10200:1990

ISBN 0 580 19380 2

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National Foreword

This Published Document reproduces verbatim ISO/TR 10200:1990, including amendment 1:1997.

ISO/TR 10200 is a “type 3” technical report, published when a technical committee has collected data of a different kind from that which is normally published as an International Standard. As such it does not necessarily have to be reviewed until the data it provides is considered to be no longer valid or useful.

The UK participation in its preparation was entrusted to Technical Committee IDT/1, Document imaging applications, to Technical Subcommittee IDT/3, Document imaging applications — General issues, which has the responsibility to:

- aid enquirers to understand the text;
- present to the responsible international committee any enquiries on interpretation or proposals for change, and keep UK interests informed;
- monitor related international and European developments and promulgate them in the UK.

A list of organizations represented on this committee can be obtained in request to its secretary.

NOTE BS 6498 is related to PD ISO/TR 10200. It amplifies and updates the advice given in PD ISO/TR 10200 on the preparation of microforms that may be required in evidence. BS 6498 also contains an annex giving information about the legal status of microforms in the UK.

Cross-references

The British Standards which implement international or European publications referred to in this document may be found in the BSI Standards Catalogue under the section entitled International Standards Correspondence Index, or by using the Find facility of the BSI Standards Electronic Catalogue.

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Summary of pages

This document comprises a front cover, an inside front cover, pages i and ii, pages 1 to 11 and a back cover.

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Historical preface

The problem of the legal validity of microfilm was first considered at the international level in May 1973 by the International Council on Archives (ICA), and that year Unesco commissioned the ICA to conduct a preliminary comparative survey and analysis of the statutory regulations in force in various countries concerning the legal validity and use of certified microcopies in place of the original documents. The survey, entitled *Legal Questions of the Application of Microforms* (COM-75/WS/30), was published by Unesco in 1975.

The study described the statutory regulations in 26 countries. Because “the statutory rules as well as practices of various countries were not general, not all-embracing and not even uniform in all respects”, it recommended that countries considering the introduction of legal regulations should make a survey of existing statutory rules.

With the purpose of providing a starting point for countries not having such legislation, the authors made extensive definitive recommendations which included (among others) basic rules for preparing microfilm, identification of the data on the microfilm, authentication, retention and storage, and appointment of an organization or person responsible for the preparation of the microfilm. It was hoped that the recommendations would lead to a convention to establish international regulations for the legal recognition and validity of microfilms.

In 1977 ISO Technical Committee 46/SC 1 “Micrographics” formed an ad hoc group on the legal admissibility of microforms, which recommended that liaisons be established with Unesco, the Council of Europe, the ICA and other interested organizations.

The Council of Europe commissioned a report, issued in 1979, on the standardization of legislation relating to the need for documentary evidence and to the validity of reproductions of documents and computer-stored information as evidence. The International Micrographic Congress (IMC) was also interested in the legal admissibility of microforms and in 1979 contributed revisions to the Unesco study.

In that year Unesco proposed to ICA that the study be updated in the light of new and revised legislation in a number of countries. A new report was prepared for the Unesco General Information Programme and UNISIST. The report, *The Admissibility of Microforms as Evidence: a RAMP Study* (PGI-81/WS-25), was completed in March 1981. It provided much additional information and included many analytical and constructive comments.

At the first meeting of ISO/TC 171 (formerly ISO/TC 46/SC 1) in 1979, the ad hoc group examined the legal status of microforms in each member country, and at its next meeting in 1980 (now transformed to Working Group 7 “Legal admissibility of microforms”) concluded that, because of different conditions and legal requirements in many countries, it would be difficult to prepare a generally acceptable international standard. Instead, it decided to prepare a technical report that would provide a survey of national standards that apply to legal admissibility of microforms.

The survey was conducted during 1984 and resulted in the decision in 1985 to modify the technical report. It would comprise a guide to the production of microforms to assist in ensuring legal acceptability, and an annex that would set out the legal situation in those countries that provided the necessary information.

A draft preparation on that basis was circulated in December 1986. This document represents the culmination of that work.

Introduction

The business community and governments use microfilm as an information medium because it costs less to store than equivalent paper records, can be used more efficiently in information-retrieval systems, provides accurate reproduction of originals and an inexpensive means of making duplicates of records used in computerized record-keeping systems. Even so, many offices do not make the best use of microfilm because staff are uncertain whether microfilm will be admissible as evidence in court proceedings.

In considering microfilm and the law, the question is not whether it is legal to microfilm documents, as no law prohibits anyone from microfilming his own documents, but rather whether a copy on microfilm will be admissible in court proceedings as an adequate substitute for a paper original that may have been destroyed, lost or given away. From a legal point of view, it is far more important for an organization to authorize formally the storing of permanent records on microfilm and the destruction of paper originals once they have been microfilmed, than it is to authorize the microfilming of paper files. If there is no such authorization, a court might find that although the microfilming of documents was authorized, the