FDL Conference and Fall DLC Meeting

AALL Authentication Report and National Summit

Mary Alice Baish and Sarah G. Holterhoff
American Association of Law Libraries
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AALL Reports on the Electronic Life Cycle

- 2003 AALL 50-State Report on Permanent Public Access to Electronic Government Information (PPA).

- 2007 AALL 50-State Report on Authentication of Online Legal Resources.

2006 State Authentication Survey

- Goal: to determine which states, if any, have adopted website versions of primary legal resources as *official* and/or *authentic.*

- Six online state sources checked:

  - administrative code
  - administrative register
  - session laws
  - statutory code
  - state Supreme Court
  - intermediate appellate court information, including opinions

What is *Official?*

- Mandated or approved by statute or rule.

- An online *official* legal resource has the same status as a print *official* legal resource.

- The fixed nature of print, plus multiple copies and wide distribution, ensure that the print *official* legal resource is an *authentic* resource.

GPO's Definition of *Authentic*

- Content verified by a government entity to be complete and unaltered when compared with the version approved or published by the content originator.

- Authentic text will typically bear a certificate or mark that conveys information as to its certification.

- Encryption, digital signatures, PKI & "chain of custody" planned for GPO's Future Digital System (FDsys).

- New GPO Pilot: Authenticated Public and Private Laws of the 110th Congress.

Key Finding # 1

- *States are discontinuing print official resources and substituting online official sources.*

- This trend will continue.

- State agencies believe they are serving citizens best by providing online access to legal sources.

- State agencies save print and distribution costs by publishing only online.

Online Versions Are the Sole *Official* Resource

- 5 states – Alaska, Indiana, New Mexico, Tennessee and Utah – give official status to an online legal resources and have eliminated print.

- None are capable of being authenticated and only Utah requires PPA.

- The disappearance of print *official* legal resources without an *authentic* online substitute threatens trustworthiness of the resources.

Key Finding # 2

- ***Ten states & D.C. have designated as** official one or more of their online primary legal resources.*

- Alaska, Indiana, Maryland, Michigan, Minnesota, New Mexico, New York, Tennessee, Utah and Virginia & the District of Columbia.

- 23 sources of law (primarily regulatory) are available in online repositories that are considered *official.*

Key Finding # 3

- *Eight states have "official traits," but evidence as to the actual status of the resources is conflicting.*

- The word "official" is not always used on a resource; or,

- "Official" is there, but the online resource isn't considered **_as_** *official* as the print version; or,

- The *official* status is noted with no information as to why it is *official* (e.g., statutory authority or court rule).

Key Finding # 4

- *States have not been sufficiently deliberate in their policies and practices.*

- States have not acknowledged important needs of citizens and researchers who seek government information.

- States have not considered the issues raised when their only legal resources are not authenticated.

- New ARJD Principles for "Official" On-line Documents parallel our findings.

Our Recommendations

- Provide a clear statement of the *official* status and source of authority for same.
- Identify the print *official* sources.
- Identify source of data, its "chain of custody" and relevant processes.
- Prominently display any representations and disclaimers, and provide the specific scope of such.
- Address *official* status, authentication and PPA for online resources.

Key Finding # 5

- *No state's online primary legal resources are authenticated or afford ready authentication by standard methods.*

- Minnesota, Ohio, Vermont, and Virginia are beginning to address the problem.

- Eight other states – Alabama, Arkansas, Connecticut, Maryland, Montana, South Carolina, and Tennessee – perceive authentication as a specific concern that warrants attention.

Key Finding # 6

- ***Since our 2003 report, nine states have provided for PPA for one or more of their online primary legal resources.***

- AK, CA, IL, IN, MN, MT, OH, PA, TX and UT
- Typical language: "The state library shall coordinate with state agencies and depository libraries to ensure permanent public access to state publications."

Conclusions

- Online legal resources are increasingly the sole *official* published source.

- *Official* status requires authentication procedures (encryption, digital signatures, PKI, "chain of custody" information).

- The goal is that online legal resources will be as trustworthy as print.

AMERICAN ASSOCIATION OF LAW LIBRARIES

Authentic Legal Information
in the Digital Age:
A National Summit

Renaissance Schaumburg Hotel & Convention Center
Schaumburg, IL
April 20-21, 2007

National Summit on Authentication of Online Legal Resources

- Convened by AALL, April 20-21, 2007.
- 50 delegates from ABA, NCSL, NCCUSL, state courts, state archives, state legislative IT services & federal officials.
- Sessions on Authentication Report and findings, technological and legal challenges.
- Breakout sessions on challenges and on building alliances.
- A great success, but just the beginning!

Where Do We Go From Here?

- Education and outreach – articles, programs.
- Technology initiatives – develop standards; possible state initiatives in CT, DE, MN, NM, WA.
- Legal initiatives – NCCUSL study committee; changes to court rule; "best practices" manual.
- Advocacy – build alliances at state, national and international levels.
- More on Summit & follow-up at: http://www.aallnet.org/summit/

Your Help Is Needed!

- To create a robust alliance in your state to educate, promote solutions and provide grassroots support.

- To work together to overcome technological obstacles in your state and promote solutions.

- To seek legislative changes to ensure that digital authentication and permanent public access of online government information become a reality in your state.