

Guidelines for Managing Records Collected and Created in the Investigative and Litigation Process

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Abstract: This poster presents the author's involvement as the lead researcher in a Mathematics of Information Technology and Complex Systems (MITACS)-Accelerate funded project for the Centre for the Investigation of Financial Electronic Records (CiFER), entitled "Guidelines for Managing Records Collected and Created in the Investigative and Litigation Process." This project designed a set of guidelines for financial and securities regulators that will assist them better manage the "investigative record," that is, all information and materials collected and created for litigation purposes. Proper management of these materials is of paramount importance for these organizations because it allows them to safeguard financial services, capital markets, and exchanges by being able to confidently prosecute violators.

Overall, the project aimed to meet the business needs of financial and securities organizations—satisfying their statutory requirements and ensuring the evidence they collect and create maintain their authenticity and reliability over time. To accomplish this, the project consisted of three components: a review of the relevant literature, case law, and legal statutes; an in-depth analysis of relevant recordkeeping standards, guidelines, and best practices; and a survey and follow-up interviews with participants from financial and securities regulators. Based on the findings, the guidelines address a number of legal and organizational issues, including chain of custody, systems reliability, preservation, and organizational culture. The guidelines will help financial and securities regulators manage the evidence they collect and create, ensuring its authenticity and reliability; thereby, allowing them to meet their legal requirements as they work to protect the financial service sector.

About the author:

Donald Force is a Ph.D. candidate in Library, Archival and Information studies at the University of British Columbia (UBC). His interdisciplinary research focuses on the relationship between archival science and law, specifically, the effects that the electronic discovery process and the admissibility of evidence have on archival principles and practices. His dissertation explores legal risk management regarding the reliability of business records within the Canadian context. He has been involved in several international research projects, including the InterPARES and Digital Records Forensics projects at UBC. In addition to giving numerous presentations on the topic of e-discovery, in 2010, his article "From Peruvian Guano to Electronic Records: Canadian E-Discovery and Records Professionals" appeared in *Archivaria* #69. Donald received his MLS and MIS degrees from Indiana University (Bloomington, IN) in 2007 and his MA in history from Southern Illinois University Carbondale, in 2004.