



Expert commentary

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*

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Suggested keywords for Search Engine Optimization:

ESI, evidential weight, legal admissibility, dispute resolution, e-discovery, e-disclosure, electronic evidence

1 Overview

This British Standard code of practice addresses how electronic information needs to be stored, transferred and identity linked to it in order that it can be demonstrated to be trustworthy and challenge resistant, in terms of its authenticity and integrity, in the event of it being used as evidence in the resolution of a dispute.

This code of practice, BS 10008-2:2020, complements the specification, BS 10008-1:2020, and contains guidance and good practice to support compliance with the specification. BS 10008-2:2020 replaces the 2014 version of the code of practice which was in three parts (BIP 0008-1, BIP 0008-2 and BIP 0008-3 – all now withdrawn), the new version is a single document that has the same structure as the specification.

Much is unchanged since the previous versions of three codes were published in 2014; however, there are significant additions. Consequently, if the ESI in a management system followed the good practice advice of the previous codes then the vast majority of the practical recommendations of this new version will be met, but the new content is worthy of consideration.

It is worth noting that this code of practice is more informative than the, necessarily more pithy, specification, BS 10008-1:2020; this is very apparent in the Introduction section which organizations new to both documents may find very useful in their business justification for application of the comprehensive recommendations and requirements of both the code of practice and specification.

1.1 Reasons for change

User feedback indicated that the code, being split into three separate parts¹, led to significant duplication between the three parts and to confusion over section numbering which did not align directly with that in the specification, BS 10008:2014 (now withdrawn).

To address these two issues the code of practice has been consolidated into a single document, BS 10008-2:2020, and the section numbering now reflects that of the specification, BS 10008-1:2020.

Also, much has changed in the period since the last version of the code of practice and therefore a full revision was apposite (i.e. highly appropriate and pertinent). But, because all organizations change to a certain extent at their own pace, all changes are evolutionary rather than revolutionary.

Significantly the title of the code of practice now uses the term **electronically stored information** (ESI) rather than **electronic information**. This aligns better with other standards and international practice.

1.2 Summary

- Consolidation of three-part previous version and general update.
- Change of content (including document title) from 'electronic information' to 'ESI'.
- Section numbering as the specification, BS 10008-1:2020.
- Addition of content to align with changes to BS 10008-1:2020:
 - blockchain and distributed ledger technology (DLT) systems;
 - information classification, marking and handling systems; and
 - information redaction, including usage with regard to the protection of privacy of personal information in content disclosed as evidence during disputes.
- Section on scanning now a normative annex as many organizations are less reliant on scanning than in previous decades.

¹ The three parts were

- BIP 0008-1:2014, Evidential weight and legal admissibility of information stored electronically – Code of practice for the implementation of BS 10008;
- BIP 0008-2:2014, Evidential weight and legal admissibility of information transferred electronically – Code of practice for the implementation of BS 10008;
- BIP 0008-3:2014, Evidential weight and legal admissibility of linking electronic identity to information – Code of practice for the implementation of BS 10008.