

NOTES

proofspace

Improving E-Record Authentication

Data Authenticity Made Simple

Presentation for the MER Conference
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Paul F. Doyle
Founder & CEO
paul@proofspace.com
616-292-8350



We're Getting Better

In recent past e-mail were not generally considered official records. The FRCP amendments have changed this.

Today...

Records Management Programs now have the benefit of increases in use of e-mail archiving.



According to Michael Osterman of Osterman Research, there are 38.4m seats for archiving in the US. According to Gartner, in 2007 the e-mail archiving market was \$314.7m heading to \$1.365b by 2011.

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We Can Create, Store, Index, Discover, and Produce...So What's Next?



Records Management... ...Meet Information Security

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Important Publications

The Sedona Conference Commentary on ESI Evidence and Admissibility. Published March 2008



The American Bar Association's Information Security Committee



Foundations of Digital Evidence to publish July 2008



Forensics to the Rescue... ...maybe NOT!



The Plot Thickens...
...due to Anti Forensic Tools

"Business leaders start to say, 'I can't be paying \$400 an hour for forensics that aren't going to get me anything in return,'" says Vincent Liu. "The attackers know this. They contaminate the scene so badly you'd have to spend unbelievable money to unravel it. They make giving up the smartest business decision."



What about the rules?



Do the current Federal Rules of Evidence set clear boundaries for an easily refereed process and the qualification of evidence...OR...do they create an opportunity for a whole new style of legal tactics?



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Two Important Questions:

- 1.) What Is A Records Manager To Do?
- 2.) Are Affirmative Steps One Can Take?



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So, What is ESI?



Computers generate electronic records in a way that, in principle, differs very little from the way this familiar toy works. Would you accept a contract if it were memorialized on a Magna Doodle™? The next time you look at an electronic record, ask yourself, "What makes it reliable and how would I know if it is Authentic and or if it is not?"



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What is a Trusted Time Stamp?



It is a Tamper Indicator for Electronic Records

Similar to the Tamper Indicator we have all come to recognize and expect for pills...which are an example of content...consumable content. [American National Standard X9.95-2005](#) Trusted Time Stamp Management and Security.



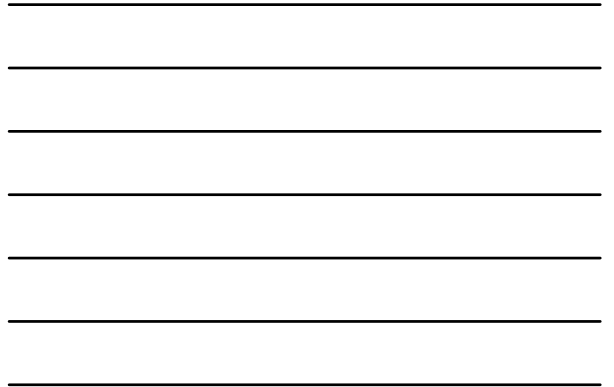
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A rectangular box with a thin black border. A horizontal line is drawn near the top edge, approximately one-tenth of the way down from the top. The rest of the box is empty, intended for a drawing or diagram.



Seven horizontal lines stacked vertically, intended for writing notes.