



Legal Records at Risk Project

LRAR Project

The Legal Records at Risk Programme will pursue a series of enquiries into the state of legal records in private sector legal institutions in the UK. The project is driven by a sense that records are in danger of being lost, that some of these are “archivally significant” to legal research, history and public knowledge, and that a systematic approach to the problems can lead to preserving many such records in sustainable ways. This project is innovative and aspirational in pursuing practical research opportunities and public information benefit from investigations of private sector legal records at risk. It will develop new information and awareness of significant national relevance and international reach. Through the LRAR Programme, the School will play a leading role in raising awareness, visibility and usability of specialist legal records for interdisciplinary research, in advancing approaches to legal research, in furthering independent learning and thinking, and in identifying for safe keeping resources which exemplify value to research facilitation, public service and democratic engagement.

LRAR Digital context

Work on digital records, digital archives and digitisation practice will provide intelligence and understanding on the state of records and preservation in the digital context in the legal information communities and service industries - highlighting scenarios which illustrate the fragility of digital information. In particular investigations by the LRAR project in collaboration with relevant professional legal associations will explore: current practice, best practice and future practice.

LRAR Research lines

Investigation will assess how private sector legal information communities and service industries are dealing with the transition from paper to digital formats, illustrating fragility and identifying routes for curation and open access to legal records.

Taking evidence by survey and focus-group events, potentially in co-operation with professional organisations such as the Law Society of England and Wales and the Solicitors Regulation Authority, we will assess how legal record holders are currently dealing with the transition from hard copy paper records to Electronically Stored Information (ESI). This might include legal files, correspondence and material produced in discovery and other online preparatory work. The survey and analysis of legal record holders’ current use of record and document management systems (for born digital records and retrospective digitisation) will draw out where particular firms / sectors are in the transition of information storage. We will identify any patterns or common experience (for example hybrid digital and paper utilisation situations), shared obstacles or best routes to success that might be drawn from the review. Which systems are most suitability

for both daily working and long term archive access? Is their recognition of legal records as components of local “business history” and as elements in the wider national legal research resource?

The overview of Best Practice will describe the present state of play on Information Governance (IG) – identifying policy initiatives and data standards designed to ensure authentic reproduction through time and across technological changes. It will examine the role of legal frameworks, International standards, national services, and professional guidance in determining the preferred routes available for the digital curation of legal records. We will look at emerging best practice regarding file formats for daily working and archive copy and potential public copy for digital versions (born and digitised from print); review handling of Optical Character Recognition (OCR); and consider the employment of document management systems and developments to support the integration of data and data analysis (metadata). We will see the extent to which proven approaches have influenced thinking on retention and disposal policies and practice – highlighting the relevance and impact of shared expertise and evolving enduring archival policy development set out by professional bodies such as The National Archives (TNA), JISC (formerly the Joint Information Systems Committee of the Higher Education Funding Councils), National Preservation Office (NPO), Research Councils UK (RCUK), and the British Library (BL).

An outline for Future Practice will suggest likely means to digital continuity in terms of preservation and access for legal records. It will examine, with reference to the Open Access agenda and Big Data agenda, Institutional repository solutions and their development to accommodate research data as models for public delivery of legal records in “stable, open, digital formats” that are easy to find, access and (re)use. It will feature case studies identifying candidates for selection, safe keeping and potential rescues, which exemplify value to research facilitation, public service and democratic engagement.

Issues for LRAR project

Issues for consideration, particularly in the digital context, will include:

- Value recognition - sense of digital assets vs digital litter.
- Perceptions of legal status and assured provenance of authoritative legal texts.
- Perceptions of research value.
- Behavioural – attitude and practice re: email, tweets (throwaway society).
- What types of material to save? Cost of saving vs cost of loss.
- Relevance of form and context in which created – structured and/or unstructured data. Intended original purpose – singularity vs multiple future use.
- Use and need for granular data categorization.
- Applicability of intellectual property rights, impact of copyright and third party rights on digitization practices.
- Privacy and confidentiality vs Public interest and cultural heritage.
- Location as part of national research resource, public sector information and cultural information.