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Meet My Trustworthy Friend UELMA

July 28th, 2011 by [Butch Lazorchak](#)

NCCUSL. If pronounced a certain way (think “nah-kooz-ull”) it sounds like the [latest toy fad](#). But get used to the acronym because the organization behind it is responsible for one of the most important pieces of digital preservation legislation in the past ten years.



The National Conference of Commissioners on Uniform State Laws

NCCUSL stands for the [National Conference of Commissioners on Uniform State Laws](#), better known as the Uniform Law Commission. The ULC consists of commissioners appointed by each state to discuss and debate in which areas of law there should be uniformity among the states and territories and to draft acts accordingly.

As you can imagine, there are numerous benefits to developing uniform laws, and the ULC has drafted more than 200 uniform laws on various [subjects](#).

But what does the ULC have to do with digital preservation? Well, ensuring that any arbitrary digital data is authentic and reliable has been a long-standing concern for digital preservation professionals (for a variety of background perspectives on the research challenges of authenticity and reliability of digital materials, see [here](#), [here](#) or [here](#)), with the legal community an especially interested party.



Authenticity by patricklanigan on Flickr

In 2003, the American Association of Law Libraries published the [State-by-State Report on Permanent Public Access to Electronic Government Information](#), the goal of which was to research what state governments were doing to meet the enormous challenges of ensuring permanency and public accessibility of government information on the web.

In March of 2007 they followed this up with the [State-By-State Report on Authentication of Online Legal Resources](#) (PDF), designed to report on the relative trustworthiness of state-level primary legal resources on the web.

The 2007 report didn't mince words:

A significant number of the state online legal resources are official but none are authenticated or afford ready authentication by standard methods. State online primary legal resources are therefore not sufficiently trustworthy.

If you can't authenticate digital resources you can't trust them. And if organizations (i.e. lawyers) can't “trust” electronic documents, they're going to insist on paper documents instead, building a chain of distrust that works against the creation, use and (eventually) the preservation of digital information.



trust snape by mararie on Flickr

What is needed are legal statements that vouch for the inherent authenticity of digital information and provide a general outline on processes for ensuring they remain trusted over time.

The AALL activities, as well as concurrent activities taking place at the [Government Printing Office](#) and [elsewhere](#) spearheaded the impetus towards [settling the issue through a uniform act](#) (PDF). While states have moved rapidly into the electronic world, the establishment of public policy regarding the authentication and preservation of these online legal materials has lagged behind. The adoption of a uniform law would harmonize standards for acceptance of electronic legal material across jurisdictional boundaries.

The ULC took up the issue of a possible uniform law on the authentication of online legal materials in early 2008, with representatives from NDIIPP's [Model Technological and Social Architecture for the Preservation of State Government Digital Information project](#) actively participating in the working group process from the beginning.

It wasn't easy, but by focusing on an outcomes-based, technology neutral approach the ULC was able to bring the Uniform Electronic Legal Material Act to [approval](#) at the ULC annual meeting this month.

This is huge! While not proscribing any particular preservation or authentication method or technology, the law establishes a digital preservation framework for official electronic legal materials moving forward.

If legal material defined by the act is published only electronically it must be designated "official" and meet the requirements of the act. If there is a print version of the legal material, an official publisher may designate the online version "official," but the requirements of the act to authenticate, preserve, and provide access must be met. Once designated "official," the Act requires the legal materials be:

- Authenticated, by providing a method to determine that it is unaltered;
- Preserved, either in electronic or print form; and
- Accessible, for use by the public on a permanent basis.

And once the law is implemented, entities that previously had been neglectful of their authenticity and preservation responsibilities will be required to address them, jump-starting digital preservation operations nationwide, with the possible emergence of common practices that will enable increased interoperability of digital information and shared methods for preservation across the country.

People are often slow to do something they don't want to do unless a law makes them do it. And now there's a law that will make them do it.

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