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### Access, Authentication and Preservation: Three Keys to Boosting the Integrity and Inclusivity of Public Information

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## Access, authentication and preservation: three keys to boosting the integrity and inclusivity of public information

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**Wednesday, 23 February 2022**

The United Nations 2030 Agenda for Sustainable Development recognizes in Goal 16 that all should have access to information as a part of ensuring access to justice for all and ensuring accountable and inclusive institutions. Recognizing this shared goal, in 2015, the Law Libraries Section of the International Federation of Library Associations and Institutions (IFLA) created the IFLA Statement on Government Provision of Public Legal Information in the Digital Age to set a clear standard that governments could use to ensure public access to legal information. The Statement was subsequently adopted by the IFLA Governing Board in December 2016. It can be found at <https://repository.ifla.org/handle/123456789/1845>.

In order for people to have access to justice, and for the rule of law to be meaningful, all people need access to the laws that govern them. The growth of the Internet and the increasing availability of information technology to more people provides governments with a new opportunity to provide access to law.

However, this cannot be taken for granted. The IFLA Statement sets out three standards to ensure that digital legal information meets the needs of citizens everywhere: 1. That it is available to all with no fee for access; 2. That it is authenticated in a way that citizens can be assured that the information is trustworthy and authoritative; and 3. That it is preserved in perpetuity and will be permanently available to people without charge.

These three hallmarks of the statement, no-fee access, authentication, and preservation, should serve as a guide to countries seeking to provide trusted and inclusive online access to legal information as a part of their national development plans to implement the UN 2030 Agenda.

Going into more depth on each of these hallmarks, first, the Statement specifically calls for no-fee access, believing that it is a government's duty as the author of public legal information to provide it to their citizens. Such a goal not only ensures the public have the access necessary to understand the laws that govern them, but also that citizens can better engage with government officials and policy-makers. For many years, outstanding work has been done by worldwide Legal Information Institutes and Free Law communities to bring the law to people via electronic platforms. However, now the IFLA Statement specifically calls on governments themselves to provide access to legal information directly as the original publishers of such information.

Many countries have made significant strides in providing free digital access to law. One example is Kenya, where the National Council for Law Reporting (Kenya Law), provides access to legal information through its [kenyalaw.org](http://kenyalaw.org) website. Kenya's website provides access to all national basic legal texts including legislation and cases. The National Council for Law Reporting ensures the most up-to-date information is available on the website, so a user need not worry about relying on out-of-date information.

Second, the Statement calls upon governments to provide assurances to users of digital legal information that the information they are accessing is reliable and trustworthy by authenticating the information. Authentication of legal

material published online is a key component of the IFLA statement, because users need assurances that the information they use is unaltered and official. This is essential for upholding integrity.

A good example of this principle is the European Union's Official Journal, found on the Europa website. The journal is produced in PDF with digital signatures available in all official EU languages. Users need not worry about the contamination or alteration of the information in this official publication, and the authentication ensures its reliability.

Finally, the Statement calls upon governments to ensure that legal material they provide to the public is preserved, so that people now and in the future may rely on the availability of information. Link rot and the transience of digital and electronic information remain real concerns for users of electronic information, and users of digital legal information should not fear that vital information upon which they need to rely will not be available to them when they need it, including of course to hold governments accountable.

This goal can be accomplished through a variety of technologies, but also can be done by working in partnership with memory institutions like libraries and archives who have long specialized in the preservation of humankind's knowledge and information. Working with memory institutions can also ensure that all people have enduring and permanent access to legal information.

For example, in the United Kingdom, the National Archives recently announced that beginning in April 2022, its website will host court judgments, increasing transparency and free access, but also better ensuring permanence. The National Archives was chosen "because of its long-standing expertise in storing and publishing information securely."<sup>[1]</sup>

The institutions who make up IFLA's membership are poised to work with governments in reaching these vital goals to ensure the people of the world can participate in and understand the laws that govern them. To that end, the Law Libraries Section is currently compiling "Best Practices" documents to help educate policy makers and advocates alike. Through giving practical examples, we look forward to showing how libraries, archives, and other memory organizations can work with governments to ensure that all people have access to legal information and the laws that govern them.

by **Leslie A. Street**, Clinical Professor of Legal Research and Director of the Wolf Law Library, William & Mary Law School; and **Anne E Burnett**, Foreign and International Law Librarian of Alexander Campbell King Law Library, the School of Law, University of Georgia

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[1] Press Release: Boost for open justice as court judgments get new home at <https://www.gov.uk/government/news/boost-for-open-justice-as-court-judgments-get-new-home> (last accessed 30 January 2022).