



Mapping the World of Digital Legal Information

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194 — Promoting global access to law: developing and open access index for official, authenticated legal information — Law Libraries Section with Government Libraries, Government Information and Official Publications and Knowledge Management

Abstract:

In many of its documents IFLA proclaims the fundamental right of human beings both to access and to express information without restriction. IFLA, and its worldwide membership support, defend and promote intellectual freedom as expressed in the United Nations Universal Declaration of Human Rights. Among many other fields of information, legal information has become, today probably more than ever, crucial. This is so especially because the globalization of national economies and legal cultures is confronting us with an increased need to consult and become familiar with legislation other than one's own. When it comes to electronic legal resources, one of the major problems is their reliability. Often the terms official and authentic are used as synonyms, when in fact they mean different things. As we will easily notice from our presentations, countries are at different level and stages of e-government, depending on their social and political structure, commitment to the rule of law and, last but not least, available funding. But, why mapping the world of digital legal information? First, because it is a totally new reality and someone has to try to organize it country by country, jurisdiction by jurisdiction, and region by region; secondly, because in doing so we will be able to ascertain the level of transparency of the countries of the world when it comes to making available their legal materials; and finally because we are librarians and members of IFLA, which vigorously sustains the ideal of freedom of information in all possible fields. Since our meeting is this year in Porto-Rico, we will start with the Central, South America, and the Caribbean. But the project is to be continued to encompass in the end the entire world!

In many of its documents IFLA proclaims the fundamental right of human beings both to access and to express information without restriction. IFLA, and its worldwide membership support, defend and promote intellectual freedom as expressed in the United Nations Universal Declaration of Human Rights. This intellectual freedom encompasses the

wealth of human knowledge, opinion, creative thought and intellectual activity.¹ Among many other fields of information, legal information has become, today probably more than ever, crucial. This is so especially because the globalization of national economies and legal cultures is confronting us with an increased need to consult and become familiar with legislation other than one's own. And this is true not only for lawyers, judges, legal specialists, and academics, but also for the public at large, the global citizens.

Accessing legal information was quite challenging and tedious before digitization. There is no doubt that the online availability of legal materials boosted access to foreign law in an unprecedented manner, especially since the early '90s. As Claire Germain noticed: "The main reason for the progress is, of course, the revolutionary impact of technology and the internet on legal information. A second reason is the e-government information policies now expressly stated by a number of countries, which pay particular attention to the dissemination of the legal sources in order to ensure the effective implementation of the rule of law, and for legal security. A major consequence of this revolutionary change has been the evolution from fee-based databases to free online information systems."² It is true that, for the time being, not everything in digital format is free of charges. Some countries have copyrighted their legal materials or granted exclusive publication and distribution agreements with non-governmental, private publishers. But the increasing trends lead towards free access to legal information.

When it comes to electronic legal resources one of the major problems is their reliability. Often the terms *official* and *authentic* are used as synonyms, when in fact they mean different things³. To make it short, an online official legal resource has to have the same status as a print official legal resource. Authenticity, on the other hand, refers to the quality and credibility of a document. This means that the text is provided by a competent authority and that "it has not undergone any changes in the chain of custody. An online authentic legal resource is one for which a government entity had verified the content by to be complete and unaltered from the version approved or published by the content originator. Typically an authentic text will bear a certificate or mark certifying that the text is authenticated"⁴, very often through encryption or digital signature. In the case of foreign and international substantive law published by legal databases on the Internet, the ideal situation is when both author and publisher are the same entity: as an example - a government, parliament, department of justice, international organization, or a legal institute working under government supervision. A fee-based database of a private vendor providing guarantee of authenticity of legal documents could be viewed as preferable to a database that might be free of charge but does not provide such guarantee. The quality of the publisher is a guarantee in creating quality controlled collections.

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¹ *The IFLA Internet Manifesto, 2002*

² *Digitizing the World's Laws*. Paper presented at the 17th Annual Global Information Network (GLIN) Directors' Meeting & International Legal Information Conference. Seoul, Korea, 2010. p. 5

³ See *Germain*, op. cit., pp. 27-28

⁴ *Idem*

Finally, why mapping the world of digital legal information?

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