

# Are Scanned Documents Legally Accepted?

In the United States, two uniform laws clearly establish the basis for admitting records maintained on document imaging systems into evidence:

**The Uniform Photographic Copies of Business and Public Records as Evidence Act (UPA) (US 1128-0020-00)** - Enacted by almost all states, it specifies that reproductions of records have the same legal significance as the original and may be used in place of the original for all purposes including evidence.

**The Uniform Rules of Evidence (US 128-0060-00 to 0170-00)** - The other major uniform law, "The Uniform Rules of Evidence", has been adopted by the United States federal courts and 34 states. The Rules of Evidence allow a duplicate to be admissible in evidence "to the same extent as an original" and defines a duplicate as a counterpart produced by any technique "which accurately reproduces the original".

Both laws admit duplicate records into evidence if they accurately reproduce the original because document imaging technology is a duplication technology similar to photocopies, microfilm and facsimile.

The most widely-used reproduction techniques, including photocopy, microfilm, facsimile and document imaging all exhibit the same characteristics:

- **Image Capture** - A photographic, scanning or other process to identify and capture the image of the original document.
- **Image Manipulation** - A photographic, electronic, photostatic or other process that transforms the captured image into a format for storing and reproducing the image.
- **Visible Reproduction** - A photographic, photostatic, printing, or other process that converts the manipulated image into visible form. A document imaging system, for example, utilizes an electronic scanner for image recognition, computer software, memory and optical disk storage for image manipulation and graphic terminals and laser printers to make the image visible.

A document imaging system is similar to other reproduction technologies in that a document imaging system utilizes an electronic scanner for image recognition; computer software, memory and optical disk storage for image manipulation and graphic terminals and laser printers to make the image visible.

If properly done, courts have upheld that imaging and scanning are just as legally binding as paper documents. Legal acceptability of document images depends on the operation or the business process used to create the documents. Audit trails are recommended and are used to prove that a transaction was properly processed by the organization. With Audit Trail, you can instantly know every time an electronic document has been viewed or manipulated. Audit trails



help insure document integrity and prove that the image is a true representation of the original  
- reducing exposure to risk.

### **Summary**

In the United States, records made from a document imaging system will be admissible in evidence to the same extent as the original record. Courts will insist that the document imaging records accurately reproduce the original. If that standard has been met, an organization can safely destroy the original records and rely on the optical disk records for purposes of evidence. Similarly, records required by government agencies can be maintained in document imaging systems. Whenever the government agency requests information, the organization would prepare duplicates from the document imaging system. The government agency may require that original records be kept or that your document imaging system meet certain standards.

Government agencies in the United States may also use document imaging systems to manage and retrieve information. Original short-term paper records could be destroyed after the images have accurately been preserved in a document imaging system. Since document imaging records are not archival, long-term (retention over 10 years) or permanent records must generally be maintained in either paper or archival microfilm form. It is not expected that state and federal archives will permit the destruction of long-term paper records after scanning into a document imaging system, even when document imaging are certified for archival purposes.

