TRIAL INCIDENTS REGARDING THE ADMISSIBILITY OF ELECTRONIC EVIDENCE

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Abstract

The general objective of this paper is a topic of present interest, taking into consideration the need to use the evidence in civil and criminal national and international lawsuits, if electronic means are used, because they are more reliable in comparison to the traditional procedures.

The culpability or non culpability of a person or the existence or not of a subjective right, cannot be established, without our relying on verdicts according to the evidence and the means of evidence, otherwise the risk to make frauds, to give wrong verdicts, that infringe the rights and liberties of the person become very high.

According to a documentary research, this paper identifies methods and means to eliminate the incidents that appear while administering and giving the evidence according to electronic means, that can be easily altered.

Presenting the conclusions we have reached after our research, we believe we identified efficient means to apply to a greater extent the national legal provisions and the European directives, to harmonise the national legislation with the European Union legislation, which contribute to the protection and obedience of the human rights, in the investigated cases, while the electronic evidence is given.

Keywords: electronic means, means of evidence, writs, electronic writs, procedure of falsity, verification of writs

Content

Certain institutions must examine the admissibility of the evidence, giving the accepted evidence, establishing the value of the given evidence in order to give the verdict[2], through the activities carried out by trial and arbitration courts and those activities

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[2] For more details regarding the system regarding the means of evidence in national and international cases, see: I. Stoenescu, S. Zilberstein, Civil law cases, General theory, E.D.P., Bucharest, 1983, p. 335-349; V.M. Ciobanu, Theoretical and practical treaty of civil law, 2nd volume, Publish. Naţional, Bucharest, 1998, p. 259-266; I. Neagu, Criminal law cases. The general part. Treaty, 4th edition , Publish. Global Lex, Bucharest, 2007, I. Leş, Treaty of civil law cases, 4th edition, Publish. C.H. Beck, 2008, p. 500 and the next one; E. Mihuleac, The probatory system in civil lawsuits, Publish. Academiei, Bucharest, 1970, p. 8-155; A. Ionaşcu, Evidence in civil lawsuits., Publish. Ştiinţifică, Bucharest, 1969, p. 5-79; Gh. Beleiu, Civil law. Introduction to civil law. The subjects of civil law. Publish. Şansa, Bucharest, 1992, p. 99-100; M. Eliescu, Civil law course. General theory of lawsuits. University of Bucharest, 1974, p. 4; Fl. Măgureanu, Civil law cases, 12th edition, Bucharest, 2010, p. 326 and the next one.

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undertaken in electronic arbitration or mediation, in order to find the truth in the investigated cases.

According to an opinion in the specialty literature[3], the term *incident* has two meanings: broadly, it means all the events that obstruct the usual, the ordinary activity of a court, and in a narrower approach it means the various requests made during a trial that has already begun, including the requests that dispute the value of the evidence, regardless of their format, either traditional or electronic.

Lately, in Romania even more commercial reports have appeared or enhanced a strategic component, using the electronic means, knowing their advantages compared to the ones related to the common law. As a rule, the language adopted rapidly by many Romanian businessmen has abounded in specific electronic terms, words that were previously used only by e-specialists, demonstrating the supremacy of the electronic communication in the prospective business environment.

The unitary approach of all the aspects regarding the implementation of the information society in Romania and the setting up of a strategy at the national level, required a reform that must include all the aspects of the social life, respectively the legislative and institutional reform for the information technology field, the so-called secondary legislation, that must comprise regulations concerning the electronic signature, the electronic business environment and the protection of personal data.

The legislative projects related to the electronic signature and the protection of personal data have already been approved and promulgated, as they have already come into force.

Regarding the development of the electronic business environment, the acceleration for the introduction of the electronic identification systems and the electronic payment systems has become a priority. But, considering the numerous frauds that are easily made, the legislative aspect must be improved and it must be analysed the possibility to introduce new working instruments, that must be juridically sustained from the legal point of view, too. We make reference to a functional framework, based on standards, for a wide variety of components, applications, policies and practices whose goal is to reach the four main functionalities of an electronic transaction, such as:

a) confidentiality made by information secrecy;
b) integrity regarding the measures taken against the fraudulent handling of information;
c) authentification regarding the settlement of a person's identity or an application;

The admissibility of evidence by electronic recording deals with a series of aspects related to: the authentification, meaning that the electronic recording must be identified and related to its source; the answer to the question whether the respective evidence has kept the integrity of that recording or there are differences compared to the initial variant and last but not least, the certainty that the probation of the truth regarding its content relies on the digital recording, meets the necessity and certainty conditions, just as the evidence given in the traditional system of common law.

[3] G. Tocilescu, Civil procedure course, 3rd part, Publish. Tipografia Gutenberg, Bucharest,1893, p. 421-423.

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Nowadays, it has been adopted the "dematerialisation" of certain titles by replacing the paper with these electronic recordings, as a process that is going to develop even more in the future, although it was asserted in the specialty literature that an electronic holder is not included in the category of writs with the private signature even when the gathered information is transposed, by means of a peripheral device, on paper[4].

According to other opinions[5], the electronic document must be considered as a start in the written evidence or as a presumption, or the fact the electronic signature can be assimilated only with non official copies, which do not have the power to prove the facts, according to The Civil Code, art.1188, which is still applicable till The Code of civil procedure comes into force[6].

In this period, the electronic documents cannot be used as indipendent evidence, but only in collaboration with other means of evidence, including the completion of a starting written proof or in the situation the presentation of the original document is not allowed, because a writ of this type was not considered to be previously settled as it did not containe the original signature of the one who committed.

We believe that, after the appearance and enactment of the digital signature[7], this quality of the electronic writs must be reviewed, meaning that they can be considered preestablished if they offer adequate elements of security.

The French practice was more presumptuous, giving a stimulus to reconsider the validity of electronic commercial documents at least partly, taking into account their development and the sporadic impossibility to carry on certain economic and social activities without taking into account the development and facilities of the calculation technique. Concerning the electronic signature and the wide use of the credit and debit card, on account of a simultaneous composition of a confidential code, The Montpellier Court decided that the proper functioning of the system can be adequate evidence in a given situation, in which the evidence can be given through all the means of evidence.

The institutions that issue cards have rapidly included clauses that stipulate this identification technique is the reason for the evidence of written commitments in the contracts offered to their clients and The Court of Cassation gladly states the validity of the conventions which refer to the evidence aspect[8].

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[4] I. Deleanu, Treaty of civil procedure, Publish. Europa Nova, Bucharest, 1997, p. 54-65; A. Lucas, Droit de l'informatique, în Rep Dalloz, 5th volume, p. 29

[5] B.Mercadal, PH. Janin, Societe commerciales, Collection Memento pratique, Fr. Lefebvre, 1993, no. 2483, p. 712

[6] See also Fl. Măgurenu, G. Măgureanu, no. 2/2010, The advantages of writs and electronic signature in national and international transactions, Journal of Information Systems & Operations Management, no. 1/2011, p. 93-99.

[7] Law no. 455/2001 regarding the electronic signature, published in The Official Monitor, Part 1, no. 429, July 31, 2001.

[8] Fl. Măgureanu, Writs as means of evidence in civil lawsuits, 2nd edition, Ed. All Beck, Bucharest, 2002, p. 290.

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Still in France, it was passed the law regarding the validity of the electronic signature on March 13, 2000 and it contains two elements radically new and important, as follows: the electronic recording will be accepted as evidence in front of the trial courts having a probative value equal to the deposition or to the writs, on condition that it allows the identification of the sender and the integrity of the content.

Furthermore, the electronic signature will legally belong to a certain person, on condition that the investigated person identifies the signature and proves the relation to the referred document. If requested, it will be necessary the certification of a third party that presents the evidence for the signature identity, certification offered by private experts (professionals in the field), authorised to carry out these operations, the experts being subject to the government standards, but they do not operate under the Government control.[9]

Moreover, in France, as in the Civil Code of other states, the regulations obliged the courts to rely almost completely on writs to settle the facts in civil litigations, the acceptance of electronic recording was perceived as being revolutionary, by many specialists, because the magistrates have relied on faxes for years, and lately on electronic communications, to establish the reason for suing, as the legal ground to accept the evidence is doubtful.

Currently, in France "the electronic writs" have the same probative power as traditional writs have in civil lawsuits. Yet the electronic documents have continued to be used and their content was printed on paper, till all the French courts were given computers that allow the unlimited access to direct information about the evidence, but also to archive the files and use them in trial proceedings.

The new French law does not encourage and validate the obligation to use the electronic recordings by the governmental agencies or admistrative bodies in their relation to the public.

Comparatively, the federal law of The United States of America, grants the same credit to evidence, both to electronic recordings and writs, making a few exceptions, for instance the testamentary provisions, in the field of family law, too.

Unlike the U.S.A. law, the French law does not make a statement that can allow electronic recordings to replace writs when the legal provisions require writs or at least, in the case of writs with private signature.

In the juridical literature, in the juridical, arbitral practice in U.S.A., it is permanently asserted the need for a greater importance of the electronic evidence, along with the close attention of government investigators appointed to inspect and make various copies and recordings. It was appreciated that these provisins must be kept, for more reasons, the basic proposal is to cancel or better said to limit the possibility of governors to establish if a corporate body is subject to the provision related to the gathered recordings or other statutory provisions that enforce a series of measures in this respect or not, to keep the

[9] Ripert G, Roblot R. et Vogel L., Droit de l'informatique et de l'internet, PUF, 2001, no. 342, p. 58

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objectiveness, starting from the reality that many companies stock the requested recordings, in the electronic format.

The government inspectors focus on the electronic format of the recordings and also on the computerized system that administer them. However, the Government has access to recordings in order to make the investigations, we mention a few normative documents, such as: The Law of competition, The Penal code and The Law of taxes, which entitle officials to inspect a business and confiscate the computer to look for data which they print on paper and use for examination and copies. Both the juridical specialists and govenent inspectors need to enhance their knowledge and the necessary skills to benefit from the electronic information.

This does not mean they must be experts in computers, but they need all the necessary knowledge that allows them to understand this technology so that they could ask questions adequately and moreover, they should not require expert assistance when they run into problems.

The specialists in the juridical field that represent parties with large quantities of electronic data, need to understand the phenomenon, if at a certain moment, their clients become subject of an investigation or not and to counsel them in need, to impose on them the defence strategies which they must apply in litigations, including the program to stock the adequate documents, the permanent cancellation of the magnetic means used in the electronic communication and the implementation of a optimum system for the administration of documents.

Once started a litigation, the parties must be advised how to preserve better the relevant electronic evidence, in order to avoid the possible sanctions or the unwanted interferences.

There have been important preoccupations to implement and value the performances of the calculation technique, in the activity undertaken for justice and fairness, in other states, too, such as Sweden. In this case, in 1994, the Government appointed a committee to debate the certain legal issues, regarding the information technology and its use in the legal system.

The goal of this committee was to draft a set of laws that is necessary, once the electronic documents are used in the administrative, commercial procedures, in the legal system implicitly, as well as to exploit a bulletin for the internal information of the government bodies.

The committee was appointed to update the legislation which previously came into force in this field as customary procedures, in order to have the electronic signature or its equivalent, considered a substitute to the verifications specific to a writ. An essential condition is the obligation that the digital document must offer the same evidence as a writ, it must have a probative power and at the same time, there must be the possibility for a person to be conneted to a computer and exploited as such, as the password method was not accepted. The specialists' effort focused on the need to verify the electronic document.

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The committee provided a definition for digital recordings, which are damaged because of the inherent lack of protection concerning the authenticity, without giving an answer to the numeous obvious questions that appear with the regulations established for writs. The questions concerning the legal difficulties of the electronic documents and electronic signature have been replaced by the possibility to create a unique system of rules regarding the traditional procedures and those specific to the information technology. The functions of a writ have been adapted to the usages of the electronic signature, with the security measures which are maintained without affecting the general principles of the legal procedures.

The committee drafted a set of questions related to the practice which appear along with the rapid transition for the usage and exploitation of the electronic documents and electronic mail. If the relevant document, in a case dealing with legal procedures, provides something to meet the use and transmission of digital documents, such as the obligation to sign a writ, the committee recommends that the executive should be allowed to stipulate the electronic recording, if it is considered to be sufficient, without containing a digital signature or an electronic stamp; therefore, digital documents must be used.

New provisions were suggested to establish when the electronic signature is received by the receiver. The traditional rule can be applied when the content of a magnetic holder (floppy disk or C.D.ROM) is sent by postal service (e-mail) to the receiver. In these cases, when the messages are sent by the electronic network, the applicable principle is based on the fact that the document is considered to be received when the data and information presented in the electronic document reached the "mailbox" of the receiving service in charge with the electronic correspondence within an institution.

This fact is considered applicable, when the receiving service is localised, from the physical point of view, within the information system of the respective institution or it was retransmitted to a third party, a service provider, where the "mailbox" is localised, from the physical point of view.

The mentioned provisions are completed by exceptions, stipulated on purpose, which directly correspond to the current legal practice.

Moreover, the committee recommended that it must be instituted the right of the receiving institution, to ask the sender's confirmation, when a document needed the holograph signature, as well as in the case of a third party, the provider of electronic services, who is in charge to transform the digital documents, so that they could be used by the sender[10].

There have been preoccupations in Canada, for the introduction of the calculation technique in the legal system and a normative act was proposed to regulate the aspects related the use of electronic recordings as evidence in front of the civil and administrative courts and to offer juridical solutions, for a law concerning the uniformity of the electronic evidence.

[10] A Swedish proposal for a law about computer-mediated communication, Stockholm, March 1996.

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In Canada, some provinces legislated the electronic evidence insufficiently, in comparison with other provsions and as a consequence, there are various jurisdictions in the regions of the country.

It is considered that the law must be enhanced and harmonised, certain aspects must be cleared out, so that the public life and the private sector could equally take the best technical decisions, regarding the making and maintenance of the electronic recordings, with the minimum of risk and non safety of harming their legal rights[11].

The proposals for the law to be reformed, with the purpose already mentioned, must take into account the following: the limits that will be applied in the admissibility of the electronic evidence, who is in charge to present the evidence and especially what are the procedural requirements to provide a fair examination of the electronic evidence brought in courts, in order to avoid possible incidents.

In our system of law, as it is regulated today, according to our study, we consider that the electronic recordings can offer sufficient guarantees of sincerity and objectiveness, being made as long as the date of the document's latest modification was automatically registered by the computer and therefore, this temporal benchmark is used to establish when the document appeared.

Also, the document can be unmodified and easily kept, offering many possibilities of presentation in a physical format, on a magnetic device of various sizes or on the classical device of writs – the paper, after the use of peripheral means.

The evidence in the format of electronic recordings would obey the same obligations regarding their deposition in court, time and number of copies; in this case it is requested their verification, the expertise and the same sanctions if these obligations are not obeyed.

The authentification of each electronic recording requires the presence of a witness, under oath, that is willing to answer a set of questions, in order to prove the effieciency of evidence, to state the identity of the digital recordings and the existence of a policy for the information security, that must define the general directives, at the organisational level, regarding the information security, trials and principles for the use of criptography.

If the interested person invokes that the evidence is altered by modification or falsity, this aspect is going to be solved in the trial court or in the court of national and international commercial arbitration, except the case of falsity; in this case it is required the verification procedure. This procedure must take into account the authentification of the electronic evidence by using authentification certificates, national certification authorities, authorities for the recording of evidence, checking the user's identity.

Yet the evidence will be verified by the mentioned technical means, which are not included in our study, because they are strictly related to the technical speciality; so, the verification of evidence must be done in a public meeting, in front of the trial panel;

11 Uniform Law Conference of Canada –Uniform Electronic Evidence Act, Consultation Paper, March, 1997

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moreover, the civil or the commercial court will not rely on the statements given by the involved persons, in other circumstances or in front of other authorities, including the criminal ones[12].

In other cases or other special circumstances, the evidence is also given during the trial carried out by other court than the one which settles the litigation, within the institution entitled for the presentation of evidence, such as a trial or an arbitration court[13].

When a writ is disputed, according to the provisions of the article 177-179 in the Code of civil procedure, one can use the procedure for the verification of writs, even if the writ was admitted by the party whom it opposes to, when the court doubts the sincerity of that party or it has reasons to allege the parties want to reach a verdict which is not based on reality[14].

Regarding the electronic writs, a presumption of validity is not operational, as the instituted one, concerning the authentic writ (for instance the writ made by the public nottary respecting the formalities and procedures according to the law), but it was accepted that the verification of writs is also admissible in other writs, when the writing or signature[15] on the respective writ is disputed, pretending they belong to other parties or third parties[16].

The mentioned rule, must claim both the plaintiff and the accused, to bring in front of the court the best available evidence for that party, meaning the electronic recordings including the usual data recording do not have the significance "original" and certainly they do not have an original document, which is different from the image on a screen or the writ obtained by printing. Moreover, those who want to turn the writs in electronic images will often want to destroy the original writ, to save the expenses for their stocking, but they arise the situation in which the deliberate destruction of the original document would mean an intented act of the party who wants to rely its assertion on this recording.

The solutions used as a starting point for the recording of writs cannot be applied to electronic recordings, that is why one can choose the possibility to create a new category of "duplicates" that must include photocopies and authentificated copies, together with the electronic images and they must be equivalent to the original if they meet the rule of the best evidence.

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12 T.S. col. civil decree no. 1846/1956, L.P. no. 3/1957, p. 361, T.S. sec. civil decree no. 1032/1975, C.D. 1975, p. 232.
13 I. Stoenescu, S. Zilberstein, op. cit. p. 349. About arbitral procedure, art. 358 C. the civil procedure provides that the arbitral court „is entitled to request the evidence be presented in front of an arbitrator from the arbitral court of law“.
14 A. IONAŞCU, op. cit. p. 167.
15 For more info regarding electronic signature, see G. Măgureanu, The electronic signature. Its valorization as a evidentiary means in national or international pending cases judged in courts, Journal of Information Systems & Operations Management, no. 2/2011, p. 317 - 324.
16 A. Hilsenrad, I. Stoenescu, op. cit. p. 361.

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The ideal aspect in the electronic world is to establish exactly the existence of the original copy of a digital document. To achieve this aspect, one must take into account more elements, such as: the security of the electronic signature that must prohibit the issue of unauthorised certificates and technical proofs to ensure the adequate level of confidence.

Taking into account the great importance of the evidence to establish the case, the law regulates thoroughly the procedure for their administration as a guarantee for the parties' right to defend themselves.

The proposal of electronic evidence is done by the plaintiff according to the suing application, and after that, by the defendant, enclosing copies certified by The National Authority for the Communications Regulation (NACR). Later on, the parties are not obliged to bring the "original" during the trial.

If the electronic recording is disputed, following the selective gathering of certain communications or the court has doubts regarding the authenticity of the electronic recording, then the following aspects occur:

a. the verification of the digital certificate by the national authority;
b. the procedure of falsity, if the party whom the electronic document opposes to, alleges the document is false17.

At the date established by the court, the party that presented the writ, will be asked if he/she insists to use the document proposed as means of evidence. If the party does not answer to the formulated question or if he/she does not want to use the writ; the writ will be eliminated and the trial will continue with the administration of the other means of evidence

If the court states the electronic recording is needed to solve the case and the party who proposed the writ, insists on its use and the party whom it opposes to maintains the allegation it is false, then a minutes is drafted in order to ascertain the position of the parties, requesting to hand the evidence to a competent prosecutor to make research for the offence of falsity. The invocation that an electronic writ is false, must be done by the party personally or by proxy.

According to art. 181 in The Code of civil procedure, in order to meet the change of the writ considered false, the president requests it must be kept in the court's value box. It is prohibited to alter the document holder, through the statements made in court or through other persons, because they change its initial aspect or they make it hard for the previous content of the document to be examined, but the parties have the possibility to explain the assertions they made.

When the document is examined, it is prohibited its exposure to chemical rays or to any type of rays, being accepted only the technical methods which guarantee the integrity of the document in its initial format.

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[17] For more details regarding the verification of scripts and the procedure of falsity, see also Fl. Măgureanu, Writs as means of evidence in civil lawsuits, 2nd edition, Publish. All Beck, Bucharest, 2002, p. 286 and the next one.

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The writs enclosed in the file will be kept in separate envelopes and these envelopes will be stapled. The mentionings on the envelope must be done before handing the document.

Also, a great attention must be given to preserve the document lest it might be deteriorated, before being handed for verification.

If the document is taken from the investigation spot and it is mixed with other documents, in order to avoid the risk of not taking the document used in the litigation, it is necessary to take all the documents, if the expert does not participate in the investigation.

The recomposition of the destroyed or deteriorated documents is made by a specialist, because sometimes he must use methods and techniques that require special knowledge and usage of the adequate devices.

If the writs are sent to the expert to be examined, by delegate or by mail, the envelopes must be closed and sealed lest the writs might be deteriorated or changed.

The court will decide if the trial must be suspended, according to the probative value of the writ, the stage of the ongoing trial or other useful elements to solve the case.

In giving the verdict, the court will take into account that discovering the falsity through the final criminal verdict, if the verdict was given on the grounds of the false writ, it is allowed to request the review of the civil verdict[18].

If the criminal court cannot solve the request concerning the false document, because the offender was not identified, or when the criminal proceeding stopped before announcing the court, when the offender dies, when there is a rule or an amnesty, the false document will be investigated and established by the civil court itself, to prove the offence, by accepting all means of evidence.

When the falsity of the document was proved by the criminal or the civil court, its existence being established according to a final verdit, the court can no longer rely on the respective writ to give the verdict.

If the court proves the document is not false, the document will be kept as a valid writ, having a probative value similar to the authentic writ or to the private writ accepted by the parties.

If it is found out the writ is false after giving the verdict, it is allowed the review of the verdict according to the article 322 point 4 in The Code of civil procedure which provides "if a judge, a witness or an expert, that attended the trial, was charged definitely for the caused offence or if the verdict was given according to a false writ during or after the trial. If in both situations the offence cannot be settled by a criminal verdict, then the reviewing

Fl. Măgureanu, op. cit., 2010, p. 579. The verification is an extraordinary way of charge, under the competence of the instance that brought it in and it can only be exercised against definite verdicts, in the cases and conditions provided by the law.

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court will give the verdict incidentally, concerning the existence or the non existence of the invoked offence. Also, the person charged with the offence will be summoned".

Conclusion

In conclusion, we can say that the making of important developments in accepting the electronic recordings as means of evidence in our legal system, as well as the increase of safety and certainty regarding the veracity of the electronic data, have been the results of The Directive of the European Council no. 31/2000 of 8 June 2000, which set up regulations in the E.U. regarding the admissibility to replace writs by electronic recordings; the directive is mandatory and imposes on member states specific national regulations.

The directive provided that "the member states must assure that their legislative system will accept the contracts made through electronic means, more precisely through computers and electronic network. Particularly, the states will supervise that the requirements applied to the closing of contracts will not hinder the use of the electronic contracts and will not affect the legality and validity of these contracts, after their closing through electronic means". Our country ratified the mentioned directive and as a consequence, there appeared regulations concerning the electronic writs, the electronic signature and other normative[19] acts, taken into account in our study.

Nowadays, it is obvious the discovery and the use of the electronic communication means can be managed fruitfully, having a great development that must assure the adequate achievement of the main goal of justice, for instance, to protect every person's rights and liberties, unbiasedly and more rapidly.

Legislative improvements are being enforced, meaning the court is entitled to order certain preliminary procedures, after the notification and request of all the parties involved in the trial; these preliminary procedures lead to the finding of the truth, using the mentioned electronic means. Also, certain ordinances are issued in favour of the requests for the making, stocking and access to the electronic information, relying on a set of rules and standards in order to apply these electronic findings, so that nothing could diminish the parties' rights and obligations, privileges and procedural rights or the sujective right of the persons which appeal to fair justice.

The parties in a trial must be able to choose between the use of a traditional format of documents and other formats, without harming the legal rights. The way the law is going

[19] See also: Law no. 451/2004 regarding the temporal brand, published in The Official Monitor, Part 1 no. 1021 of November 5, 2004; Law no. 260/2007 regarding the registration of electronic commercial operations, published in The Official Monitor, Part 1 no. 506 of July 27, 2007, passed at present and replaced by the provisions in The Fiscal Code; Law no. 135/2007 regarding the archive of electronic documents, published in The Official Monitor, Part 1 no. 345 of May 22, 2007; Law no. 365/2002 regarding the electronic commerce, republished in The Official Monitor, Part 1 no. 483 of July 5, 2002, modified by Law no. 121/2006, published in The Official Monitor, Part 1 no. 403 of May 10, 2006; The Emergency Ordinance no.70/2006 regarding the modification and completion of certain norms in the field of electronic communications and postal services, published in The Official Monitor, Part 1, no. 810 of October 2, 2006 and others.

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to be enforced at the technological approach, must be undoubted and unbiased so that those solutions could be given for practical reasons and the integrity of the recordings could be demonstrated, as a condition of admissibility, to test the confidence for the computerised system that made the recording, especially, the data protection and administration of electronic recordings used in legal actions.

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