

Electronic voting

England & Wales

A number of pilot schemes will be run in the May 2007 local elections to test e-voting, e-counting, advance voting and signing for ballot papers in polling stations.

Full details are available on the Department of Constitutional Affairs web site at <http://www.dca.gov.uk/elections/suppdocs.htm>

Estonia

An electronic voter card, or eVoter card has recently been introduced by the Estonian Ministry of Internal Affairs and the State Informatics Centre. Estonian citizens may order an eVoter card for use in the national parliamentary elections, planned to take place on 4 March 2007. To obtain a card, the person must have an official registered e-mail account. Once the voter is registered for the new card, they will no longer receive paper voter cards by way of the post. The voter is not required to vote electronically if they obtain a card.

More information is available from Teabeportaal (Information portal) located on-line at <http://www.eesti.ee/eng>

Germany and the Netherlands

Dutch hackers, co-operating with their German counterparts, were able to manipulate the software bugs used in Nedlap voting machines. Apparently, it was also claimed they could see how people voted. The German authorities have not been unable to reproduce how this was possible. Professor Dieter Richter, Director of the Federal Physical-Technical Federal Institution has initiated a re-evaluation of the technology.

'DE/NL: German Federal authority calls for checks on eVoting', eGovernment News, 20 November 2006 available on-line at <http://ec.europa.eu/idabc/en/document/6279/5925>

Electronic signatures

Lithuania

The Lithuanian government has agreed a common standard for e-Signatures, and to encourage the take-up of this facility, it plans to distribute the new e-Signature certificates, free of charge, to citizens, as attempted in Denmark in 2004. The SODRA (Social Insurance Fund), PAREX Bank and DnB Nord Bank were approved as members of the e-Signature Initiation Programme.

More information is available on-line at <http://www.parasas.lt/>

Trusted Third Parties

Belgium

A draft law on TTPs has been filed that aims to promote TTP services, e.g. timestamping, archiving, electronic registered letters, etc. The title in Dutch is Wetsontwerp tot vaststelling van een juridisch kader voor bepaalde verleners van vertrouwensdiensten; the title in French is Projet de loi fixant un cadre juridique pour certains prestataires de services de confiance (Draft law on a legal framework for some service providers of trusted third-party services.).

The Parliament document number is 51/2802 and is available on-line at <http://www.dekamer.be/FLWB/PDF/51/2802/51K2802001.pdf>.

Up-dated by Johan Vandendriessche, correspondent for Belgium

Electronic court proceedings

Belgium

The laws on electronic court proceedings have been published in the Belgian State Gazette. The date of entry into force has not yet been determined, but must be prior to 1 January 2009. These laws serve the purposes of creating an information system to provide for electronic procedures:

Law of 10 July 2006 concerning electronic procedures (in Dutch: Wet van 10 juli 2006 betreffende de elektronische procesvoering; in French: Loi du 10 juillet 2006 relative à la procédure par voie électronique). The date of publication in the Belgian State Gazette: 7 September 2006 (second edition).

Law of 5 August 2006 modifying some provisions of the Code of Civil Proceedings in view of electronic procedures (in Dutch: Wet van 5 augustus 2006 tot wijziging van sommige bepalingen van het Gerechtelijk Wetboek met het oog op de elektronische procesvoering; in French: Loi du 5 août 2006 modifiant certaines dispositions du Code judiciaire en vue de la procédure par voie électronique). The date of publication in the Belgian State Gazette: 7 September 2006 (second edition).

These laws modify the Code of Civil Proceedings and the Code of Criminal Proceedings to allow electronic procedures. There are two laws because of constitutional law provisions (depending on the issue,

different law making procedures apply).

These laws must be seen in the light of the earlier creation of a “justice information system”: Law of 10 August 2005 creating the information system “Phenix” (in Dutch: Wet van 10 augustus 2005 tot oprichting van het informatiesysteem Phenix; in French: Loi du 10 août 2005 instituant le système d’information Phenix). The date of publication in the Belgian State Gazette: 1 September 2005 (first edition).

Up-dated by Johan Vandendriessche,
correspondent for Belgium

Ireland

In the civil courts in Ireland, applications to begin legal proceedings in the Small Claims Court may now take place via a new web site for claims not exceeding 2,000. A pilot scheme has been put in place covering 16 towns in Ireland.

Small Claims Online web site: <http://www.smallclaims.ie>
Deirdre McArdle, Small Claims Court goes online’,
electricnews.net, Tuesday, December 5 2006 on-line at
<http://www.enn.ie/frontpage/news-9854919.html>

e-Passports

European Union

Researchers from the FIDIS Network of Excellence set out their assessment of Machine Readable Travel Documents and their recommendations for adoption by governments and industry. The Budapest Declaration on Machine Readable Travel Documents (MRTDs) suggests that member states of the EU have failed to implement an appropriate security architecture for MRTDs. This will inevitably mean security will be compromised and increased the possibility of misappropriation of the identity of an individual.

The Budapest Declaration on Machine Readable Travel Documents is available on-line at
<http://www.fidis.net/home/single-news/article/budapest-declaration-on-machine-readable-travel-documents-mrtds/back/4/>

Digital evidence

England & Wales

This prosecution occurred in 2005, but the news is better late than never. Gregory Straszkiwicz, was found guilty of dishonestly obtaining an communications service and related offences by using a neighbourhood wireless broadband connection without permission. He was sentenced to a fine of £500 and given a conditional discharge of 12 months at Isleworth Crown Court.

John Leyden, ‘UK war driver fined £500’, The Register,
Monday 25 July 2005 available on-line at
http://www.theregister.co.uk/2005/07/25/uk_war_driver_fined/

Singapore

Garyl Tan Jia Luo, 17, is the first person to be charged with gain unauthorized access to a home wireless network under the Computer Misuse Act. He was sentenced to 18 months’ probation and ordered to undertake 80 hours of community service.

Brief on-line news item by the International Herald Tribune Asia Pacific available on-line at http://www.iht.com/articles/ap/2006/11/11/asia/AS_GEN_Singapore_Internet_Charges.php and another news item at <http://www.technewsworld.com/story/business/55204.html#>

Digital evidence

False documents

England & Wales

A barrister representing a mother in a family matter created a false document purporting to be a court judgment that was in favour of the father's claim to have greater access to his child. He then sent it to the father by e-mail with a note of support that claimed to be from the pressure group Families Need Fathers, using what he thought was an untraceable address from an internet shop in Tottenham Court Road in London. The father, Mr Simon Eades, presented it in the Taunton family court. However, the barrister, Bruce Hyman, suggested in court that the judgment was a forgery and also suggested that the father was responsible for forging the judgment. As a result of this allegation, Mr Eades faced imprisonment, so he investigated the e-mail on his own, and tracked it via an Internet Service Provider in Manchester to a shop in London. The manager of the shop sent Mr Eades copies of still photographs of Mr Hyman entering the shop and sending the e-mail in question from his laptop.

Mr Hyman entered a plea of guilty at Bristol Crown Court, and was sentenced by HH Judge Tom Crowther with 12 months imprisonment and was ordered to pay Mr Eades compensation of £3,000 and costs of £3,745 (not £3,457 as reported by Simon de Bruxelles 'Barrister jailed for trying to frame man with fake e-mail', *Times Online*, 20 September 2007 on-line at <http://www.timesonline.co.uk/tol/news/uk/crime/article2493001.ece>).

One press report indicated that Mr Eades had a great deal of difficulty in persuading his local police force to carry out an investigation. It is reported that the pressure group Families Need Fathers put Mr Eades into contact with a police officer, who subsequently pursued the investigation.

Some news reports:

Sophie Borland, 'Framed father tells of barrister fake email plot', *Telegraph.co.uk*, 31 August 2007 available on-line at <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2007/08/30/nframed130.xml>

Jamie Doward, 'The friend of the stars who fell from grace', *Guardian Unlimited*, Sunday August 26, 2007 available on-line at http://observer.guardian.co.uk/uk_news/story/0,,2156512,00.html

Angella Johnson, 'How my barrister forged evidence against my husband - and now faces jail', *The Mail*, 8th September 2007 available on-line at http://www.mailonsunday.co.uk/pages/live/femail/article.html?in_article_id=480798&in_page_id=1879

Electronic signatures

Court procedure

Brazil

On February 16, 2006, Law N. 11,280 was enacted, which amended certain provisions of the Brazilian Civil Procedure Code (Law N. 5,869 of January 11, 1973) and the Brazilian Civil Code (Law N 10,406 of January 10, 2002), in connection with judicial procedures via computer networks. Law 11,280 provides that any petition or other judicial instrument to be sent electronic must contain an electronic signature.

Digital signatures

European Union

A Preliminary study on mutual recognition of eSignatures for eGovernment applications has been carried out. The objective is set out on the web site:

'The objective of the action is to analyse the requirements in terms of interoperability of electronic signatures for different eGovernment applications and services taking into account the relevant provisions of Directive 1999/93/EC of 13 December 1999 on a Community framework for electronic signatures and their national implementation as well as the midterm report on the Directive and the eSAP activities on the interoperability of electronic signatures (ETSI).

The study should provide per eGovernment application, and per Member State the type of electronic signature legally required, and the applicable technical restrictions. In addition, a proposal on how to publicise the results, e.g. through a mutual information mechanism on electronic signature requirements, should be provided.'

For copies of the national profiles, visit <http://ec.europa.eu/idabc/en/document/6485>

Belgium - Trusted Third Parties

The legal framework for TTP services has been published in the Belgian State Gazette. The Royal Decrees with further details (time stamping, electronic registered letters, etc.) still have to be enacted and, because of general elections held in June, may be delayed.

Belgium – Electronic employment-related documents

New legislation has made it possible to conclude electronic employment agreements. Also, documents such as a pay-roll certificate may be created, sent and archived electronically. Summary information is available in Dutch and French on the website of the Federal Public Service Employment, Labour and Social Dialogue: <http://www.werk.belgie.be/defaultNews.aspx?id=10906>

News items from Johan Vandendriessche,
correspondent for Belgium

Electronic invoicing

European Union

The European Electronic Invoicing Final Report (EEI-3.2, July 2007) is now available at http://ec.europa.eu/information_society/eeurope/iz01o/docs/studies/eei-3.2-e-invoicing_final_report.pdf

Notaries

Technical requirements for eNotarization

The OASIS LegalXML eNotarization TC will develop a set of technical requirements to govern self-proving electronic legal information.

For more information, see http://www.oasis-open.org/committees/tc_home.php?wg_abbrev=legalxml-enotary
News item from Nick Pope, a member of the editorial board

Registration cards

United States of America

The Department of Homeland Security has published draft rules regarding REAL ID earlier this year, entitled Minimum Standards for Driver's licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes (6 CFR Part 37, Docket No. DHS-2006-0030, RIN 1601-AA37, 4410-10) in accordance with the REAL ID Act of 2005.

The Department of Homeland Security points out on the web site that the proposed regulations set standards for states to meet the requirements of the REAL ID Act, including:

1. security features that must be incorporated into each card;
2. verification of information provided by applicants to establish their identity and lawful status in the United States; and
3. physical security standards for locations where licenses and identification cards are issued.

Available on-line at
http://www.dhs.gov/xprevprot/laws/gc_1172765386179.shtm