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About LISA:

– Legal Information Standards Action-network

I. Information standards and law

Information standards (IS) is a core feature in today's global Internet world, which involves private enterprises as well as public authorities and citizens. The prospects of IS is to support information management in data processing, retrieval, communication, and documentation. The time perspective is an important aspect in this field of modern information technology (IT). Sometimes instant data exchange is required. At other times, the goal is a long term archival of version dependent text entities. In this context, the independency of technical platforms, in combination with customized applications, is a clear success factor. Nevertheless, certain critical factors cannot be disregarded, and the legal implications of information standards deserve particular attention.

For instance, XML (Extensible Markup Language) has a strong potential to function as a lever and a sound basis for legal document management in a digital environment. The application of XML and other related standards may improve recall and precision in the context of legal information retrieval, support e-contracting and help meet legal requirements of information security, etc. From a legal point of view, though, it is not a trivial task to decide upon a schema or DTD-design as it raises questions concerning authorisations to interpret and decide upon structural components of law that might have an impact on future legal assessments. Furthermore, a decision to go beyond structural markup and insert contents markup, or even hypertext links for that matter, indicating similar decided cases, governing superior legal rules, and so forth, clearly challenges conventional means of legal information supply. At the same time, it adds a kind of value that users, to a growing extent, expect from service providers.

The introduction of information standards has also had a profound impact on substantive law itself. For instance, XML messaging quite often comprises personal data processing, in a legal sense, requiring consent from data subjects in order to be legitimately collected, stored and disseminated (see the EC Data Protection Directive, 95/46/EC). Furthermore, modern e-business models make it necessary to consider information duties, for example, the identity of a service provider must be clarified according to the EC Directive on E-Commerce (see 2000/31/EC). Liability issues are also relevant in terms of analyzing who is responsible for damages that emerge as a result of the abuse of a transferred authentication based on XML-signatures.

II. LISA as host for LEXML.SE

The network community for law and information standards is constantly growing. Legal XML is a US initiative and LEXML is the European response to the need to actively acknowledge the implications of XML in the legal domain. At the XML Europe conference in Berlin `01, the following mission statement confirmed the establishment of LEXML:

- LEXML has been established to serve the growing interest in automated exchange of legal data. It serves as an open forum for the legal domain to exchange ideas and experiences associated with XML and related core standards.
- LEXML is a point of coordination and a workforce for the development of standardised structures, vocabularies and data exchange tools. LEXML pursues its particular goals through the development of an open source legal office program, which speaks and understands XML.
- LEXML is a network of independently organised communities, which may be jurisdiction oriented (like Austria, Germany, Netherlands, Sweden) or subject matter oriented. It is decentralised, with a peer-to-peer approach. Anyone can start a LEXML community.
- LEXML may also be described as a network of websites linked together so as to compose a true information resource within the European legal domain. The communities stay in contact through mailing lists, meetings and by jointly working on cross-jurisdictional projects.

Developments in the information market have shown a need to broaden the perspective by means of a supplementary arena for legal reviews and legal system design in which information standards, in general, are considered. Practically, this means that the evolving Legal Information Standards Action-network (LISA) will host the Swedish branch of LEXML (LEXML.SE) as a special area of interest. Thus, LISA is an umbrella network engaged also in other methods besides XML, for example, within the area of information security.

III. LISA's arena for legal reviews and legal system design

LISA has its basis in the legal field, commonly referred to as "*law and informatics*." Its focus may, generally speaking, be divided into two separate areas that interact closely with each other. On the one hand, there is the general need to work with substantive law issues related to the introduction of IT in society. Typically, *IT-law* concerns e-contracting, intellectual property rights to digital works, privacy protection in digital environments, freedom of information on the Internet, and so on. On the other hand, law and informatics show an interest in the development and management of legal information systems (in a broad sense). Here the emphasis is placed on opportunities and pitfalls associated with different types of IT applications that have legal implications. It may concern IT support directed towards the legal domain itself as well as design and management issues that have an impact on legal assessments in other ways.

In this context, it is important to be aware that the above mentioned fields of interest are not to be conceived of as two separate ones, but instead they interact closely with each other. *Integration* is thus a keyword. For instance, an in-depth understanding of the rules and regulations governing the use of electronic signatures presupposes an understanding of the different security levels associated with a so-called advanced signature as opposed to a so-called qualified one. At the same time the design and development of IT-support for message authentication requires legal awareness of applicable law and predominating legal principles of evidence, and so forth.

Action plan and goal for LISA:

1. Information standards need to be legally managed

The target of information standards may range from the management of business data, such as product data, to core legal information, such as parliamentary documents and business contracts. Information standards applied give rise to questions of substantive IT-law as well as methodological issues associated with its design and implementation.

LISA takes responsibility for sharing information about the legal implications of information standards.

2. The digital network society requires proactive law

Conventionally, law functions as a reactive tool for conflict solving when things have already gone wrong. The introduction of different kinds of information standards calls for legal actions at a much earlier stage to avoid the establishment of legally non-valid technical solutions. Therefore, there is, a growing need to support the kind of proactive legal assessments that have become an intrinsic feature of modern law. The network environment is a purposeful platform for the kind of instant reactions that are vital when considering today's rapid developments.

LISA plays a new role in the shaping of law in the information market. Major means and methods for **LISA** are to produce legal reviews of information standards and to contribute to ongoing debates as well as to support legal system design activities.

3. Trust enhancement is the goal

Every organisation, be it a private enterprise or a public authority, needs to reflect upon the management of information governing internal as well as external actions. Generally speaking, it boils down to trust in global digital information and the need for legal information security in open as well as closed digital networks.

LISA's overall goal is to enhance legally founded trust in the use of information standards.

IV. Working with LISA

LISA will be working in accordance with an open agenda, and it will be possible to participate in LISA's work without adopting common positions on specific issues. However, should the need or opportunity arise to speak in the name of LISA this could sometimes prove an advantage. For this reason we have established a number of working forms. These are described below.

- LISA consists of members and observateurs. Members are those who have not expressed a wish to become observateurs. Membership is open and administered by joining or leaving the e-mailing list that is hosted by LISA.

- Observateurs take part in LISA-meetings, but have no other relation to LISA. They are not responsible for actions, positions or any other work of LISA.
- Members can always speak as “members of LISA.” Should anyone choose to speak out on any issue that draws attention to the work that LISA is performing, it is perfectly acceptable to sign or act as “member of LISA.” When something is written, said, or done in this capacity, the views expressed are those by that individual alone, and not the views of LISA as a whole. This will be clearly stated at LISA’s web site.
- Collective positions are only adopted through a consensus building process described below:
 - Any one member can issue a Request for Comments (RFC) on a position paper or any other such document or act.
 - Such an RFC must be issued to the mailing list. The standard time in which comments should be submitted is 30 days.
 - If any comments are made, they must be injected into the document and a new RFC period starts for the consensus building process to go forward.
 - When the RFC period is concluded, a member can issue a Request for Position (RFP). This will then become the position of LISA, if any one member of the list does not reject it in the following 30 days.

It should be noted that this process is very cumbersome, and that usually it will suffice to speak as “members of LISA,” and not to claim any consensus on the views one wishes to express. This is due to the network character of the work that LISA performs. We do feel that there should be a process for adopting common positions should the need arise.

Under certain circumstances, processes, methods, and review, service might be developed under the umbrella of LISA. These methods need not be commonly adopted positions, but could instead be marketed as “methods developed in collaboration with the LISA-network.” Neither members nor observateurs are responsible for these methods unless they have developed them and are using them. LISA accepts no liability whatsoever for such methods.