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<p>ELECTRONIC DOCUMENTS Bryan Finlay, K.C. Marie-Andrée Vermette Michael Statham Release No. 1, April 2024</p>

Electronic data is modifying how lawyers interact, changing how information is collected and used, and transforming our courtrooms. This in-depth resource examines and analyzes the issues relating to electronic documents, including: the sources and types of electronic documents, records management policies, the legal framework governing e-discovery in Canada, the preservation, collection, processing, review and production of electronic documents, and the use of electronic evidence at trial. This dynamic and burgeoning aspect of legal practice is clarified and explained with extensive reference to relevant Canadian and U.S. authorities.

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What's New in this Update:

This release features updates to Chapter 3 - The Management of Electronic Documents: A Need for Policies.

Highlights

Chapter 3 — The Management of Electronic Documents: A Need for Policies — This release has been updated to take into account of recent case law and updated legislation. It has also been updated to take into account recent versions of the following:

- The Sedona Conference Commentary on Information Governance, Second Edition, April 2019 (Sedona, Arizona: The Sedona Conference, 2019), available at: <https://thesedonaconference.org/>
- The Sedona Canada Principles: Addressing Electronic Discovery, Third Edition, January 2022 (Sedona, Arizona: The Sedona Conference, 2022) at p. 190, available at: <https://thesedonaconference.org/>
- Canadian General Standards Board, Electronic Records as Documentary Evidence, CAN/CGSB-72.34-2017 (Ottawa: CGSB, March 2017)
- The potential privacy-related concerns around the use of the cloud for storing information; see the Office of the Privacy Commissioner of Canada, “Cloud computing”, available online: <https://www.priv.gc.ca/en/privacy-topics/technology/online-privacy-tracking-cookies/online-privacy/cloud-computing/>; and
- Suggestions for creating a workplace policy relating specifically to social media use by employees, in Office of the Privacy Commissioner of Canada, “Privacy and Social Networking in the Workplace” (August 2019), available online: https://www.priv.gc.ca/en/privacy-topics/privacy-at-work/02_05_d_41_sn/.

It also updates commentary on the category of record known as an “official record” to include recent editions of documents from the Library and Archives Canada that contain the analogous term, namely:

- “Multi-Institution Disposition Authorizations”, available at: <https://library-archives.canada.ca/eng/services/government-canada/information-disposition/disposition-government-records/multi-institution-disposition-authorizations/Pages/multi-institution-disposition-authorizations.aspx>; and

- “Disposition authorization for transitory records (2016/001)”, available at: <https://library-archives.canada.ca/eng/services/government-canada/information-disposition/disposition-government-records/multi-institution-disposition-authorizations/Pages/2016-001-da-transitory-records.aspx>
- “Generic application guide for the Disposition Authorization for Transitory Records (2016/001)” available at: <https://library-archives.canada.ca/eng/services/government-canada/information-disposition/disposition-government-records/multi-institution-disposition-authorizations/Pages/2016-001-da-generic-application-guide.aspx>.

ProView Developments

Your ProView edition of this product now has a new, modified layout:

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- The Table of Contents now has internal links to every chapter and section of the book within ProView
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