InterPARES 2 Project
International Research on Permanent Authentic Records in Electronic Systems

Characterization of Case Study
Validated

Case Study 18:
Computerization of Alsace-Moselle's Land Registry

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Relevance of the Case Study to InterPARES 2

The purpose of this case study is to investigate the use of "digital signatures within a dynamic information system designed to improve the efficiency of government-citizen relations in the context of the French civil law evidence system. The research team is also investigating the difference between authentication and authenticity, the design and implementation of a dynamic information system in the e-government area, and how relevant regulatory frameworks can better harmonize with archival requirements."[1] The relevance of the case study is therefore to enable InterPARES to meet its goals in relation to the study of government activities that are conducted using experiential, interactive and dynamic computer technology.

Information about the Creator

The creator in this case is a legal department (question: when using the term 'legal department' are you considering the land registry system encompassing the clerks and judges etc. to be the 'creator' or are you considering the GILFAM to be the creator? While the judges are legally responsible for the decisions they make, the GILFAM has, since 1994, been responsible for the creation and maintenance of the database. If we are talking about the 'records' in the database and not the land registry system as it once operated in paper form, is the GILFAM not the creator? This is what is stated in the template analysis document, but below it is stated that the GILFAM is 'overseeing' the creator's activities that was established in 1891. At that time, the creator was under the jurisdiction of German law. In 1924, the creator was formally recognized under French law. The creator is currently distributed into forty-six sites throughout Alsace-Moselle, a French region comprised of three administrative departments. The creator today maintains a system which is a unique mixture of German and French principles and procedures. Funding for the activities of the creator is through a special tax levied on all real estate transactions.

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[1] InterPARES 2 Case Studies. Case Study 18 abstract. Available at http://www.interpares.org/ip2/ip2_case_studies.cfm.

The mandate of the creator is to make the juridical status of property, including mortgages, publicly available (*publicité foncière)* by means of transcription, as required by French real estate law. Functions of the creator include administration, making property rights public, finalizing real estate transactions, and legal verifications of inscriptions in the registry. In terms of governance, management and operation of the creator falls under the authority of the Ministry of Justice. Thirty-six land registry judges and one hundred fifty clerks operate the registry on a day-to-day basis. The creator is subject to the law of France, of Alsace-Moselle (limited sovereignty), and the European Union. Recent amendments to the laws applicable to the creator have established a new body, GILFAM, to oversee computerization of the creator's activities.

Information about the Administration / Management Function

The creator must administer activities related to the administration of the issuance of ordonnances and the completion of inscriptions (*feuillets)*. All records related to the main functions of the registry are retained by the creator. French law requires that records must eventually be transferred to the Archives de France, pending agreement over terms. Legal and normal requirements and constraints are similar for the administrative function as for the entire work of the creator. Clerks and judges use personal (Windows) computers. For judges, the computers are also equipped with biometric identification peripherals and digital signature software.

Information about the Digital Entity Being Studied

The digital entity for the purpose of the study is AMALFI, a database comprised of the digitized paper records of the creator. AMALFI will eventually allow the activities currently conducted in the paper-based environment to be carried out using the database. To allow this, the paper land registry documents were digitized, and were transferred in TIFF format to Madagascar for transcription into the database.

All records in AMALFI must be kept according to law. Inscription data is kept within tables, linked through relationships, while the ordonnances and digital signatures are kept as separate files, though linked back to the relevant inscriptions. The scanned images are maintained on optical media, and can be accessed through the database. The AMALFI database is an Oracle database, of which two copies are maintained. Only one copy is made accessible to users; the databases are synchronized at the end of each day to enforce security. SSL technology is also used to maintain the security of the data.

Within the database, the ordonnances take the form of XML files (not yet defined), while the inscriptions become the base tables of a relational database. The inscriptions are searchable through querying, as are the TIFF image files. Other technology includes plug-ins for commercial notarial software, and a PKI infrastructure, which links the registry offices with AMALFI.