



InterPARES 3 Project

International Research on Permanent Authentic Records in Electronic Systems
TEAM Mexico

DOCUMENT PRESERVATION POLICIES AND GUIDELINES FOR THE MEXICAN ELECTORAL COURT: A Case Study

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ABSTRACT:

The Electoral Court of the Federal Judicial Branch - Tribunal Electoral del Poder Judicial de la Federación (Trife) - is part of the Mexican judiciary system. It is the highest authority on electoral matters and is a specialized organ of the federal judicial branch. The Electoral Court has the responsibility to ensure that all acts and rulings pronounced by the electoral authorities observe the Constitution and the laws derived from it. Therefore, it is a specialized court to which all cases derived from elections complaints are referred. Its authority is nationwide, since it rules on local, state and federal cases. Due to its functions, many documents are produced on a daily basis. In recent years, as in many governmental offices, many digital records have been issued within, both digitized and digital-born. Recently, the court issued general policies about its information, preparing the path for more specific policies for archives and their preservation.

This paper provides an overview of the activities and findings of InterPARES TEAM Mexico's case study about the development of policies and guidelines for the management and long term-preservation of digital records and archives inside the Mexican Electoral Court. The study was conducted from June 2010 to December 2010.

Introduction

One of the main InterPARES 3 goals is to apply its theory and methods of digital preservation developed in former stages of the project and other research endeavors to date into concrete action plans for existing bodies of records that are to be kept over the long term by archives—and archival/records units within organizations. The scope of this paper is to make a summary of one of the efforts made by TEAM Mexico in this field of endeavor, in the type of “case study” with a “test bed partner,” in this case, Electoral Court of Mexico.

In 1987, the first electoral tribunal was created in Mexico, with the name “*Tribunal de lo Contencioso Electoral*” (Court of Electoral Litigation). It was formed as an autonomous administrative body, responsible for solving electoral conflicts derived from elections for representatives, senators and the President of the Republic. During this stage, the electoral system had a mixed nature, since rulings pronounced by the Court of Electoral Litigation were freely modified by the electoral collegiate organizations belonging to the House of Representatives and the Senate, which were the only bodies that could nullify an election. In 1990, the “*Tribunal Federal Electoral*” (Federal Electoral Tribunal) was created as an autonomous jurisdictional organ. However, the mixed nature of the electoral system prevailed. Rulings pronounced by the Federal Electoral Tribunal could be reviewed and, if applicable, modified by the vote of two-thirds of the Electoral College members present in the House of Representatives or in the Senate, respectively. In 1993, the Federal Electoral Tribunal became stronger, since the Mexican Constitution defined it as “*the highest jurisdictional authority on electoral matter.*” In addition, the self-definition system, applicable to the elections for representatives and senators, was eliminated. Nevertheless, the election for the President of the Republic remained being assessed by the House of Representatives, which became into Electoral College for this purpose. In 1996, after a deep constitutional reform, the current Electoral Court of the Federal Judicial Branch was created. This Electoral Court was vested with the power to settle appeals against the election results in a final and irrefutable manner.

The Electoral Court, being an independent organization of the judicial branch, is responsible for its own records and archives, both administrative and jurisdictional. Thereby the Court issued in June 2009 the “*Guidelines for Organization, Description and*

Preservation of the Institutional Archives,” which were its basic norms to start defining these issues in a general manner and gave opportunity to start finer definitions related to digital records and archives inside the Court.¹ It also created a “Directorate for Archives” as the responsible unit to manage and preserve archives and to develop finer norms, and specifically the CIDT - “*Coordinator Office for Information, Documentation and Transparency*” within.

Therefore, the Court became interested in studying and developing these topics and thus decided to work as a “Test Bed Partner” with the Mexican InterPARES TEAM. The scope of this project was to jointly develop the “***Document Preservation Policies and Guidelines for the Mexican Electoral Court.***” These policies and guidelines should be applicable both for paper and for digital records. The project started in April 2010 and ended in December 2010. The responsible unit inside the Court was the CIDT.

The approach applied to this project was the InterPARES project methodology:

- To analyze the juridical-administrative, provenancial, technological and procedural contexts of digital records in selected areas within Court
- To organize a seminar with court staff to inform findings and to establish a strategy to construct policies and guidelines for management and preservation of digital records
- To work in coordination with court staff to write draft papers of policies and guidelines and submit it for discussion
- To refine the documents, developing and delivering the final versions of required documents.

The first step was to define the areas inside the Court to work with to perform the contextual analysis. CIDT selected nine areas:

- Secretaría General de Acuerdos (Acts and Agreements Office)
- Coordinación de Jurisprudencia y Estadística Judicial (Jurisprudence and Judicial Statistics Coordinator Office)
- Coordinación de Asuntos Jurídicos (Juridical Issues Coordinator Office)
- Coordinación de Comunicación Social (Public Relations Office)

¹ Lineamientos para la Organización, Descripción y Conservación del Archivo institucional”. Acuerdo 173S6 (17-jun-2009) = “Guidelines for Organization, Description and Preservation of the Institutional Archives”, Agreement 17S36 (17-06-2009) ID-AR-LI-01-100. México. Tribunal Electoral del Poder Judicial de la Federación.

- Secretaría Administrativa (Administrative Office)
- Coordinación de Recursos Humanos y Enlace Administrativo (Human Resources and Administrative Liaison Office)
- Dirección General de Sistemas (Information Communications and Technologies Office)
- Centro de Capacitación Judicial Electoral (Elections Juridical Training Office)
- Contraloría Interna (Auditing Office)

Instead of applying directly the contextual analysis template to the participating offices, CIDT asked TEAM Mexico to redesign it for the interviews. Thus TEAM Mexico started with the activities of designing, sending and applying questionnaires to all the participating offices, then performed interviews with the CIDT staff of each selected area, followed by a survey of all laws, norms and other regulations applicable to the Court related to the project. The TEAM then analyzed and organized the recovered information and performed the analysis of the juridical-administrative, provenancial, technological and procedural contexts of digital records in selected areas within the Court. The results were presented in a seminar to the Court's staff, and a strategy was designed to draft the Guidelines and Policies for management and preservation of digital records.

The main findings helpful to the design strategy for development of policies and guidelines include:

- Existence of a responsible office to coordinate de institutional archives CIDT;
- Existence of regulations for archives, information security, access to information and transparency;
- Strong trend to use electronic systems to manage information and records as a tool for efficient and timely access to current documents. Nevertheless, due to regulations for the main issues (such as juridical court issues and human resources), their paper archives remain. Thus, born digital records are printed later;
- Many issues are found in the main record management system (MRMS), named "SADAI", which are to be weighted for policies and guidelines, as well as the jurisdictional information system. Identified issues include the following:
 - Two information and creation systems with partial process;
 - A system for records management; it handles records in many formats from

- the moment there are declared as records; it has no creation function;
- A system for human resources management;
- A virtual classroom in where digital records are handled;
- Several information systems and databases for many activities within offices;
- There are photographs and videos created by the court in analogue and digital formats;
- Automated process of records within offices with paper printing; and
- Digitizing processes and equipment inside the court.

From the contextual analysis, much useful information was obtained to develop policies and guidelines. Due to the length of this document we do not present an exhaustive list of information; rather, we provide a brief summary to outline an overview of the status of the art of the records and recordkeeping systems inside the court.

In general, digital records within the main record management system (MRMS) have fixed form and stable content. Nevertheless, there are “bugs” still to be fixed.

Regulations: current regulations establish that e-records must fulfill rules, but so far there are no guidelines or procedures.

Findings in other systems: there is a lack of rules for bounded variability of information. Intrinsic and extrinsic elements are only partially defined in documentary forms.

With regard to identity and the main record management system (MRMS) SADA: Identity metadata are missing within the system, including: documentary form, transmission date, attached documents, copyright issues, digital signature existence or removal, other authentication forms, draft version or number, existence and locations of duplicates, juridical or administrative annotations to documents, technological annotations. Current regulations do not establish as mandatory identity metadata for a single digital record, just for aggregations (file, series, etc.)

With regard to organization: grouping of records into logical sets and classification schema must be refined.

With regard to regulations: there is a need to establish the use of classification codes; the information systems do not have any codes since they do not identify and capture records. The creation system and the digitalized records for juridical issues do, however, use the classification schema.

With regard to authentication there are issues about technological independent authentication that need to be specified. Regarding regulations: they establish use of certification tools; nevertheless, there is a lack of specifications about these tools (digital signature, digital seals, etc.)

Some of the other issues reviewed included:

- Personal data protection
- Backups
- Technological obsolescence
- Accessibility
- Digitization
- Institutional e-mails
- Information security (There is an explicit published information security policy inside the Court)
- Etc.

The following principles for the development of policies, strategies and standards for the long-term preservation of digital records were used:

- Stable content and fixed form
- Digital components of records can be separately maintained
- Record creation maintenance requirements and fulfillments
- Record creation and maintenance should address issues of record reliability, accuracy, etc.
- A trusted record-making system should be used to generate and maintain records
- Custodian principles
- Property and privacy rights,
- Sharing records across jurisdictions
- Reproduction of records; authentic copies issues, etc., etc.

With all the previous information, the document preservation policies and guidelines for the Mexican Electoral Court were written, discussed, refined and submitted. Two different documents were produced: one for policies and one for guidelines.



Other documents prepared and delivered by TEAM Mexico within this project included:

- Contextual Analysis summary and detail
- Questions answered by researchers for policy case studies
- Court baseline authenticity requirements
- Ontologies adapted version for the Court.
- Full compilation of laws and norms, in federal and local environments, related to records of the court.

As mentioned, the project was finished and delivered in December 2010. TEAM Mexico will keep giving follow-up and advice to the staff in the Court to perfect these documents in time.

Author Biographies:

Juan Voutssas M. He is an IT Engineer, with a master and a Ph.D. in Library and Information Studies. He is a researcher at the National Autonomous University of Mexico (UNAM), at the University Center for Library and Information Sciences Research (CUIB), with more than 30 years of experience. He has designed, implemented and managed many IT projects related with libraries and information systems. Advisor and counselor for many organizations in IT governance and IT projects. For some years focused in preservation projects within digital libraries and thus, nowadays also in preservation projects in digital archives. Since spring 2008 the current director of InterPARES Mexican TEAM.

Alicia Barnard. She is currently an independent consultant for records and archives. From 1990 to 2008 director of the Documentation Center at the Federal Ministry of Health in Mexico, coordinating records and archive units, developing its regulation and as trainer on countless records management courses. Has presented or published more than 40 papers and articles. Received in 1992 the "Archival Merit Diploma" and in 2000 "Acknowledgment to the Records and Archival Tasks Diploma" from the Mexican General Archive of the Nation. Former Director of the InterPARES Mexican TEAM until spring 2008. Current InterPARES Mexican TEAM researcher.

Brenda Cabral. She is Ph.D. in Libraries and Information Sciences for the National Autonomous University of Mexico (UNAM); researcher at the University Center for Library and Information Sciences Research within UNAM. At the moment focused on Information and Communication Technology at UNAM with specialty in distance learning. With more than 17 years of experience, she has coordinated many libraries and taught different signatures in many universities in the private sector as much as in public sector. Current InterPARES Mexican TEAM researcher.

Jovv Valdespino. He is Master in Business Administration for the National Autonomous University of Mexico (UNAM) with specialty in Information Technologies and in library automation and a student of the doctorate program in Library and Information Studies. During his experience for more than 30 years he has planned, implemented and managed many strategic projects of different areas of the administration so much in the UNAM, the private sector as well as in public sector. Current InterPARES Mexican TEAM researcher.