



PRACTICE DIRECTION

Re: Electronic Evidence

1. INTRODUCTION

- 1.1. This Practice Direction provides guidance to parties in the use of **Technology** for the preparation and management of civil litigation in the Court and a Court approved framework for managing both **Hard Copy** and electronic **Documents** in a **Technology** environment.
- 1.2. Parties requiring further information or assistance in the appropriate use of **Technology** in civil litigation in the Court are encouraged to contact the eCourt Co-ordinator by e-mail at eCourt@courts.gov.bc.ca.
- 1.3. Further information can also be found on the Court's website at www.courts.gov.bc.ca under the Electronic Evidence link where particular guidance with respect to the collection and management of **Electronic Material** in civil litigation is provided.
- 1.4. The Court may issue further Practice Directions about such matters as electronic filing, electronic service of **Court Documents** and the use of **Technology** at trial. Parties are encouraged to refer to the Court's website at www.courts.gov.bc.ca for current information on these matters.
- 1.5. This Practice Direction comes into force on July 1, 2006.
- 1.6. Definitions
 - 1.6.1. Technical terms used in this Practice Direction are defined in Appendix 4 – Glossary of Terms. A term which is so defined is indicated by the use of **bold italics** and is hypertext linked to the

Glossary of Terms in the electronic version of this Practice Direction.

1.6.2. Parties must note the extended definition of **Document** which includes **Electronic Material**.

1.6.3. In this Practice Direction a reference to a rule is a reference to that rule in the *Rules of Court*.¹

1.7. Appendices

Attached to and forming part of this Practice Direction are:

Appendix 1 A checklist of **Technology** matters which parties may use to identify technical options and issues that may arise at various stages of the proceedings.

Appendix 2 A sample document identifying the **Default Fields** to be used for the description of **Documents** in accordance with the **Default Standard** for List of Documents pursuant to Rule 26(1).

Appendix 3 Guidelines showing how the **Default Fields** should be populated and suggesting possible additional **Fields** for the description of **Discoverable Documents** in a **Database**.

Appendix 4 **Glossary of Terms**.

¹ Supreme Court Rules B.C. Reg 221/90, Effective September 1, 1990, O.C. 1039/90.

2. APPLICATION OF THE PRACTICE DIRECTION

- 2.1. In the event of a conflict between this Practice Direction and Rules of Court, the Rules of Court apply.
- 2.2. This Practice Direction applies to any civil proceeding:
 - 2.2.1. where the parties agree it will apply, in whole or in part and sign a **Protocol**; or
 - 2.2.2. where the Court orders that it apply at a pre-trial conference held pursuant to Rule 35.
- 2.3. Parties are encouraged to adopt this Practice Direction in a proceeding where one or more of the following apply:
 - 2.3.1. a substantial portion of the **Potentially Discoverable Documents** consist of **Electronic Material**;
 - 2.3.2. the total number of **Potentially Discoverable Documents** exceeds 1,000 **Documents**; or
 - 2.3.3. there are more than three parties to the proceeding.
- 2.4. Where the parties have agreed that a proceeding is to be conducted in accordance with some or all of the provisions of this Practice Direction, the plaintiff or petitioner must inform the Court of that fact and of the terms of the agreement by filing a requisition that attaches a copy of the agreed **Protocol** signed by the parties at the same time as the Notice of Trial is filed pursuant to Rule 39 or earlier if required.
- 2.5. A party of record to a proceeding may apply
 - 2.5.1. within 21 days after the close of pleadings; or
 - 2.5.2. at any other time with leave of the Courtfor an order that the proceeding be conducted in accordance with some or all of the provisions of this Practice Direction.

- 2.6. Parties have the primary responsibility to agree upon the matters that are the subject of this Practice Direction and are strongly encouraged by the Court to do so.
- 2.7. In that regard, Parties should consider the ways in which the use of **Technology** might lead to the more efficient conduct of the litigation and, in particular, to its application and use in:
 - 2.7.1. delivering **Court Documents** to another party (outside the Rule 69 E-filing Pilot Project);
 - 2.7.2. communicating with another party;
 - 2.7.3. providing copies of **Documents** to another party; and
 - 2.7.4. preparing an electronic common book of **Documents** for trial or hearing of a proceeding.
- 2.8. Where necessary a party to a proceeding to which this Practice Direction applies should apply promptly to the Court for directions regarding matters that are the subject of this Practice Direction.
- 2.9. In a proceeding to which this Practice Direction applies, the Court may, on application by a party:
 - 2.9.1. order that the proceeding or certain steps in the proceeding be conducted using **Technology**;
 - 2.9.2. order that such other party take steps to enable access to the **Documents** produced by that party where a party is not reasonably able to access **Documents** produced by another party;
 - 2.9.3. resolve disputes between the parties as to matters the subject of this Practice Direction, and give directions accordingly;
 - 2.9.4. order that there be an **Electronic Trial** of the proceeding;
 - 2.9.5. amend, vary or revoke any order previously made under this Practice Direction, including an order under section 2.5; or
 - 2.9.6. make any other order that it considers appropriate.

2.10. An order for the **Electronic Trial** of a proceeding may include any or all of the following orders:

2.10.1. that **Court Documents** including witness statements, outlines of expert evidence, chronologies, outlines of argument and other **Documents** be delivered to other parties in electronic form;

2.10.2. that discovery of **Documents** be made electronically;

2.10.3. that **Court Documents** be delivered in electronic form for the trial record;

2.10.4. that there be an electronic common book of **Documents**; and

2.10.5. that there be a restriction upon the use of **Hard Copy Documents** at trial.

3. COSTS ASSOCIATED WITH THE APPLICATION OF THIS PRACTICE DIRECTION

- 3.1. The reasonable costs incurred in complying with this Practice Direction, including the expenses of retaining or utilizing necessary external or in-house technical consultants, may be claimed as costs that were proper or reasonably necessary to conduct the proceeding within the meaning of Rule 57.
- 3.2. Where this Practice Direction applies and subject to any order of the Court, work which might reasonably have been undertaken in accordance with the **Default Standard** or an existing agreed **Protocol** or a Court ordered **Protocol**, but which is undertaken otherwise than in accordance with the **Default Standard** or an agreed or Court ordered **Protocol**, as the case may be, will generally not be treated as being costs that were proper or reasonably necessary to conduct the proceeding within the meaning of Rule 57.

4. DEFAULT STANDARD and AGREED PROTOCOL

4.1. In all proceedings to which the Practice Direction applies, the parties should be governed by the following **Default Standard**, subject to amendments by order of the Court or further agreement by the parties:

4.1.1. the following formats are the default for the delivery of **Court Documents**, to another party² -

Document	Format
Court Documents Other than those listed below	PDF (as required by the e-filing rules)
Lists or schedules of Discoverable Documents under Rule 26	Tab Delimited ASCII file
Trial Record	PDF
Index for the common book of Documents and the Trial Record (if appropriate)	Tab Delimited ASCII file

² See Appendix 1 for more information about other options for an agreed protocol

- 4.1.2. the following formats are the default for the **Default Fields** for a list or schedule of **Discoverable Documents**³ –

Field	Data Type	Length of Field
Document ID	Alpha/numeric	AAA.000000
Date	Date	DD-MMM-YYYY
Document Type	Text	254 Characters
Author/Author Organization	Text	unlimited
Recipient / Recipient Organization	Text	unlimited

- 4.1.3. the following format is the default for imaged **Discoverable Documents**⁴

Single page **TIFF** with a resolution of 200 dpi

- 4.1.4. the following format is the default for **Electronic Material**

Single page **TIFF** with a resolution of 200 dpi

- 4.2. If a party to whom this Practice Direction applies wishes or needs to depart from the **Default Standard**, it should seek agreement from all other parties to an agreed **Protocol**. In an agreed **Protocol**, the parties are free to modify any **Field** or format so long as the **Data** so produced and material referred to in 4.1 meets the minimum standards required by the Court and described in the **Default Standard**.

³ See Appendices 2 and 3

⁴ See Appendix 1

- 4.3. In creating an agreed **Protocol** the parties should give consideration to:
 - 4.3.1. the issues concerning the collection and discovery of **Electronic Material** discussed in the *Guidelines for the Discovery of Electronic Documents in Ontario* which are posted on the Court's website; and
 - 4.3.2. the use which might be made of this **Data** -
 - 4.3.2.1. in the preparation of the index to the common book of **Documents**;
 - 4.3.2.2. in the preparation of an **Electronic Trial** record index; and
 - 4.3.2.3. generally, at trial.

5. COURT DOCUMENTS

- 5.1. Currently, Rule 69 establishes an e-filing pilot project which provides for the filing of **Court Documents** electronically at certain registries.
- 5.2. Whether or not a party is involved in the e-filing pilot project, parties are encouraged to agree to deliver and to accept service or delivery of **Court Documents** and other **Documents** and communications, electronically.
- 5.3. Even if the parties have not reached agreement as provided in section 5.2, a party must, unless the Court otherwise orders, deliver to any other party upon request a copy in electronic format of any **Court Document** which is required to be delivered in **Hard Copy** in addition to the **Hard Copy**.
- 5.4. Where a **Court Document** is provided in electronic format, it must contain the same text as the **Hard Copy**.
- 5.5. Where it is impracticable to deliver any part of a **Court Document** or **Document** in an electronic format, it may be delivered in **Hard Copy** or its original form.
- 5.6. While the sender should make every effort to provide **Virus** free **Data**, it is the obligation of the recipient to test for **Viruses**.

6. DISCOVERY OF **DOCUMENTS**

6.1. At an early stage in the proceeding, parties should consider whether they :

6.1.1. hold any **Electronic Material** that is potentially discoverable;

6.1.2. have ascertained the probable volume of **Documents** likely to be produced on discovery by that party, taking into account any limits on discovery that may be agreed between the parties or the subject of a direction of the Court;

6.1.3. have conferred with the other parties regarding any issues about the preservation and production of **Discoverable Documents** including **Electronic Material**, and, where possible, have agreed on the scope of each party's rights and responsibilities with respect to these matters, including agreeing on any changes to the **Default Standard**;

6.1.4. have given to the other parties notice of any problems reasonably anticipated to arise in connection with the discovery of **Electronic Material** and to have conferred with those parties about these problems, including:

6.1.4.1. the desirability of limiting search efforts for any category of **Discoverable Documents** where these efforts are considered to be unduly burdensome, oppressive or expensive having regard to the importance or likely importance of this category of **Discoverable Documents** to the proceeding;

6.1.4.2. the transfer (in whole or in part) of the likely costs of searching for and discovering such **Discoverable Documents** to the party or parties demanding such discovery; and

- 6.1.4.3. the identification of potentially relevant **Data** that is likely to be destroyed or altered in the normal course of the operations of the person in possession or control of the **Discoverable Documents** containing such **Data**, or pursuant to any **Document** retention policy of that person.
 - 6.1.5 have given due consideration to how to manage **Documents** electronically in an Examination for Discovery pursuant to Rule 27.
- 6.2. Information regarding the type of **Potentially Discoverable Documents** in electronic form which may be in the possession of a party and regarding matters which the parties and their Parties should take into account in the collection, retention and protection of **Electronic Material** is available at the Court's website: www.courts.gov.bc.ca.
- 6.3. For the purposes of Rule 26 (1.3) a **Document** is sufficiently described if it is described in terms of the **Fields** described in the **Default Standard**, the agreed **Protocol** or the Court ordered **Protocol**, as the case may be.
- 6.4. Notwithstanding that **Discoverable Documents** have been produced for inspection in electronic format a party retains the right to inspect in its original form any **Discoverable Document** (including those originally held in **Hard Copy**).
- 6.5. Where particular hardware or software or other supporting resources are required to access discovered **Electronic Material**, the parties should work together to ensure that **Electronic Material** can be inspected for use in the proceeding.

7. TRIAL

- 7.1. Not later than 60 days prior to the commencement of the trial the parties will be required to make submissions to the Court in a pre-trial conference in accordance with Rule 35(4) regarding how best to use **Technology** at the trial. They should address all aspects of the **Technology** that might be used at trial by the parties and the Court, and in particular
- 7.1.1. the equipment and services (including appropriate hardware, software and additional infrastructure) that they and the Court might require;
 - 7.1.2. the arrangements that may need to be made between the parties, the Court and any third party service providers to ensure that appropriate equipment and services are available at the hearing;
 - 7.1.3. the format for the electronic common book of **Documents** which is compatible with the software and **Technology** available in the courtroom;
 - 7.1.4. the compliance of the parties with the requirements of any **Electronic Trial** order, and
 - 7.1.5. how costs of the necessary equipment and services will be shared subject to any orders as to costs made by the Court.
- 7.2. Not less than 30 days before the date scheduled for the commencement of the trial or hearing of a proceeding the parties should meet with the eCourt Co-ordinator of the Court to make arrangements for the provision of the required equipment. At least 14 days prior to the date scheduled for the meeting, the parties must make a joint submission in writing to the eCourt Co-ordinator regarding the arrangements they propose.
- 7.3. Where an **Electronic Trial** is to take place, an electronic version of the Trial Record filed pursuant to Rule 39(11) must be filed at the same time as the **Hard Copy** version of the Trial Record is filed.

- 7.4. Unless otherwise agreed among the parties or ordered by the Court, the **Default Standard** will apply to **Documents** introduced under Rule 40 (12.1) or contained in a common book of **Documents**.
- 7.5. Each party should have available for production at trial within a reasonable time, if required, the original **Hard Copy** or **Native File**, as the case may be, of each of the **Discoverable Documents** in its possession that are included in a common book of **Documents**.

July 1, 2006



Donald I. Brenner,
Chief Justice

APPENDIX 1

TECHNOLOGY CHECK LIST

Parties are encouraged to use this checklist to identify **Technology** options and issues that may arise during proceedings. The **Default Standard** is applicable unless the parties agree to another **Protocol** or the Court otherwise orders. For more information, please see the *Generic Protocol Document* published on the court's website at www.courts.gov.bc.ca.

1. PRE-TRIAL

** required format for **Default Standard**

Court Documents - Document Exchange

- | | |
|---|---|
| • Hard copy and electronic copy (**) | θ |
| • Electronic copy only | θ |
| • Hard copy only | θ |

Electronic Document Format for Court Documents

- | | |
|----------------------------|---|
| • PDF Version #(**) | θ |
| • Microsoft Word Version # | θ |
| • Word Perfect Version # | θ |
| • ASCII text file | θ |
| • XML | θ |
| • RTF | θ |
| • HTML | θ |
| • Other | θ |

Document Exchange Via

- | | |
|---------------------------|---|
| • CD-R (**) | θ |
| • e-mail attachment | θ |
| • DVD-R | θ |
| • Internet (eg. ftp site) | θ |

2. DISCOVERY OF DOCUMENTS

Discoverable Documents – Exchange

- **Hard Copy** and electronic copy (**) θ
- Electronic copy only θ
- **Hard Copy** only θ

Electronic Document List Format

- **Tab Delimited ASCII** file (**) θ
- Excel Spreadsheet θ
- Word processing table format θ
- **HTML** Table θ
- **XML** θ
- Other θ

Document Exchange Via

- CD-R (**) θ
- e-mail attachment θ
- DVD-R θ
- Internet (eg. ftp site) θ

In addition to the list the parties may wish to exchange the *Data* in an agreed proprietary *Database* format such as:

- **Tab Delimited ASCII** file (**) θ
- **ASCII CSV** (comma separated values) θ
- CT Summation format θ
- Dataflight Concordance θ
- Excel Spreadsheet θ
- FTI Ringtail Casebook (aka Ringtail Legal 2005) θ
- Introspect format θ
- Microsoft MDB (aka Access) θ
- Other θ

3. DOCUMENTS PROVIDED TO A PARTY FOR INSPECTION

Document Inspection Format

- **Native File** or **Image** copy of document (**) θ
- **Hard Copy** only θ
- **Hard Copy** and **Native File/Image** copy θ
- Non-paper record for example, video/audio tape, **Database**, microfiche, etc. θ
- Other medium θ

Image Formats / Document Formats (300 dpi)

- **TIFF (single page)** (**) θ
- **TIFF** – (Multi page) θ
- **PDF** θ
- **Native File** θ
- **GIF** θ
- **JPG** θ
- **Other** θ

Document Exchange Via

- **CD-R** (**) θ
- **e-mail attachment** θ
- **DVD-R** θ
- **Internet (eg. ftp site)** θ

4. TRIAL

Exchange of Common Book of Documents Indexes

- **Hard copy** and electronic/**Image** copy (**) θ
- Electronic copy only θ
- **Hard Copy** only θ
- Other Medium θ

Electronic Document Index Format

- **Tab Delimited ASCII**_file (**) θ
- Word Processing Format θ
- Excel Spreadsheet θ
- **ASCII CSV** (comma separated values)
- Other θ

Document Exchange Via

- CD-R (**) θ
- e-mail attachment θ
- DVD-R θ
- Internet (eg. ftp site) θ

Common Book of Documents Format

- **Hard Copy** and electronic/**Image** copy (**) θ
- Electronic **Image** copy of all **Discoverable Documents** in the index θ
- **Hard Copy** only θ
- Non-paper record for example, video/audio tape, **Database**, microfiche, etc. θ
- Other Medium θ

Electronic **Image** Formats (200 dpi)

- **TIFF** – Single page (**) θ
- **TIFF** – Multi page θ
- **PDF** θ
- **GIF** θ

- JPG θ
- **Native Format** θ
- Other θ

Document Exchange Via

- CD-R (**) θ
- e-mail attachment θ
- DVD-R θ
- Internet (eg. ftp site) θ

Special Considerations

- Redacting θ
- Image Resolution** θ
- Colour **Images** θ
- Unique **Image** name θ
(referenced by **Document ID**)
- Management of **Host/Attachment Relationships** θ
- Oversized **Documents** θ

Default Fields:

The following information, if it is available, must be provided:

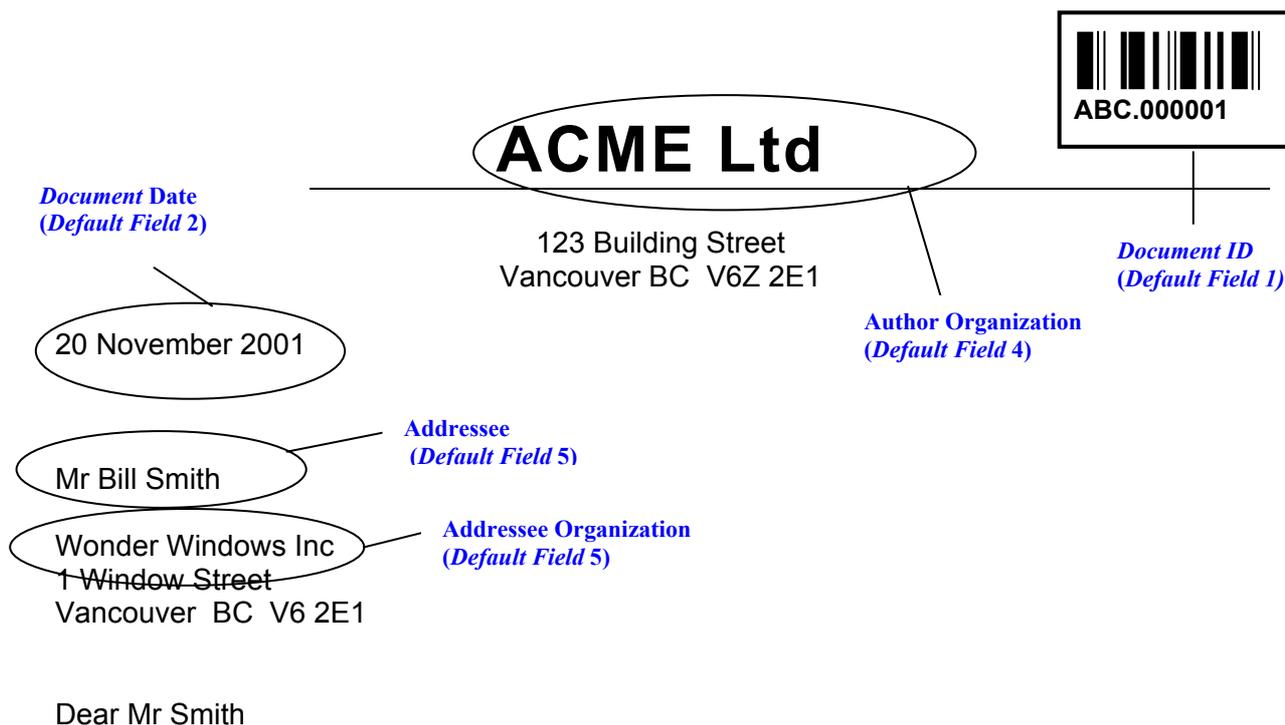
1. **Document_ID** AAA.000000
2. Date (DD-MMM-YYYY or 05-MAY-1999)
3. **Document** Type
4. Author/Author Organization
5. Recipient/Recipient Organization

The following is an example of a List of Documents which was populated using the **Data** from the sample letter contained in [Appendix 2](#). For more detail regarding the **Default Standard** including options for departing from the **Default Standard** including additional **Data Fields** parties may wish to consider including in a List of Documents, please refer to [Appendix 3](#).

Example List of Documents

Document ID	Date	Document Type	Author/Author Organization	Recipient/Recipient Organization
ABC.000001	1-Nov-2001	Letter	Parker, Tom [ACME Ltd]	Smith, Bill [Wonder Windows Inc.]

APPENDIX 2



Replacement Window for Shop Front

I am writing to you to thank you for your prompt action in replacing our broken shop window over the weekend. We were very surprised to find that we'd been broken into and all our stock had been stolen when we arrived at work on Saturday morning. However our sorrowful mood was quickly turned around when your cheerful contractor arrived and fixed the window.

Thank you for your assistance.

Kind regards

Tom Parker

Author
(Default Field 4)

APPENDIX 3

Database Field Guidelines

(Default Fields are shaded)

Field	Data Type and Length of Field	Notes
<p>Document ID</p> <p>Default Field 1</p>	<p>Text and Numbers (if appropriate)</p> <p>Length – 10 or depending on Field structure</p>	<p>Each document should be uniquely identified and stamped in the required form. The Field will comprise a two part number in form AAA.000000 where “AAA” represents alphabetic shorthand for the party name, where 000000 represents the page number or the numbers could be used to suit the convenience of the party processing the information. Unless processing electronic information in its Native Format, each page of a document should be individually numbered or some other satisfactory arrangement should be reached in an agreed Protocol and each TIFF Image should be named to match the Document ID.</p> <p>If processing Native Files the file name should be the Document ID with each document numbered consecutively. If the parties agree not to number each page, consideration should be given to an additional Field recording the number of pages in each document.</p> <p>Attachments to Discoverable Documents will be separately listed and numbered.</p> <p>Attachments can be numbered sequentially following the host document. For example, a host document may be numbered XXX.000001 (being a 5 page document) and its attachments would be numbered as XXX.000006 (being a 2 page document) and XXX.000008 (being a 1 page document).</p>

Field	Data Type and Length of Field	Notes
Host Document Number	Text and Number, Length depending on the Document ID structure	Contains first page of the host document to which an attachment is attached. There will never be multiple entries in this Field as each attachment should only ever have one host document
Date Default Field 2	Date, 10	<p>Date can be inserted as: DD-MMM-YYYY for example 05-May-1996</p> <p>DD = Day MMM = Month YYYY = Year</p> <p>Undated = If there is no way of ascertaining the date of the document or it is illegible – leave Field blank</p> <p>Discoverable Documents with no discernible date will be coded as “Undated” by leaving the date Field blank.</p> <p>It should be noted that in a true date Field “00” is not an acceptable value and Discoverable Documents with only the month and year (e.g. August 1997) will be coded as undated unless otherwise agreed between the parties.</p> <p>Discoverable Documents with the day and month but no year are considered undated.</p> <p>Discoverable Documents with a date range will be coded as undated unless otherwise agreed</p>

Field	Data Type and Length of Field	Notes
Estimated Date	Text, 3	<p>No = If the exact full date is on the document (for example 04-MAR-1963).</p> <p>Yes = Where we cannot be certain of the actual date and it has been agreed in the Protocol to use a guestimate date. For example if there is a partial date (e.g. August 1979), the date is stamped on, the date has been amended by hand or the only visible date is on the fax track.</p> <p>If an agreement has an original date as well as a subsequent later date as a result of alterations being made to the document, then the later date is taken as the document date and guess date is marked yes.</p> <p>If a newspaper clipping has the date/reference handwritten on to the document, then the document is dated according to the handwritten notation and is an “estimate date yes”.</p> <p>If there is a date range the first date of the date range could be used and “estimate date – yes”</p>
Document type Default Field 3	Text, 254	<p>This Field can be completed using commonly received document types, for example letter, memo, deed etc.</p> <p>If the document has been faxed, this Field can include “facsimile”.</p> <p>If a group of Discoverable Documents is being discovered as a bundle, this Field may be completed as “Bundle of <i>document type</i>”.</p> <p>Parties should confer and agree on a standard list on a case by case basis at the earliest opportunity.</p>

Field	Data Type and Length of Field	Notes
Author/Author Organization <i>Default Field 4</i>	Text, 254 or as appropriate	Person or persons who authored the document. To be completed using information on the face of the document. Last name First name for example “Parker, Tom [ACME Ltd]”. Semi colons must separate multiple entries.
Recipient/Recipient Organization <i>Default Field 5</i>	Text, 254 or as appropriate	Person or persons who authored the document. To be completed using information on the face of the document. Last name First name for example “Smith, Bill [Wonder Windows Inc]”. Semi colons must separate multiple entries.
Title/description	Text 254 or as appropriate	Title of a document such as “Report on Technology” etc. or the “re” line in a letter In a discovery of Native Files this could be where the original electronic file name is captured.
Parties	Text, 254 or as appropriate	Identifies parties to an agreement or other legal document
Source	Text, 20 or as appropriate	Parties may find this Field useful to identify Discoverable Documents that have been obtained from someone other than the party giving discovery; for example, Discoverable Documents obtained on subpoena or through some other compulsory process of obtaining access to Discoverable Documents or it could be used to identify the location of the original document. This Field would identify the party from whom such Discoverable Documents were obtained.

Field	Data Type and Length of Field	Notes
Non-paper record	Text, 3	This Field can be used to identify information recorded using a medium other than paper, where the relevant information has not been printed out and discovered in Hard Copy form; for example, video and audio tapes, floppy disks and magnetic computer tapes (these could contain e-mails, non standard software applications, electronic Discoverable Documents , electronically stored Documents or Image files etc.). Permissible entries are “YES” and “NO”.
Redacted	Text, 3	If the original document has been redacted. Permissible entries are “Yes” or “No”.
Basis of Redaction	Text, 12	If a document is redacted mark yes and reason such as privilege or confidential
Status	Text, 10	“Copy” or “Original”. Note: Parties should fully define how they wish to use this Field prior to populating it to ensure consistency.
Pages	Number	The number of pages in each document can be recorded in this Field – particularly if parties decide to number Documents only.

APPENDIX 4

GLOSSARY OF TERMS

For the purposes of this Practice Direction, the following technical terms shall have the following meanings:

ASCII

The abbreviation for American Standard Code for Information Interchange which is the most common format for text files in computers and on the Internet. In an ***ASCII*** file, each alphabetic, numeric, or special character is represented with a 7-bit binary number.

Court Documents

Those ***Documents*** that are filed in Court or that are delivered to another party pursuant to a order of the Court or a Rule or practice of the Court (such as pleadings, discovery lists etc.), and includes witness statements, outlines of expert evidence, chronologies, outlines of argument and other ***Documents***.

CSV (comma separated values)

The abbreviation for common separated values. In computers, a file that contains the values in a table as a series of ***ASCII*** text lines organized so that each column value is separated by a comma from the next column's value and each row starts a new line. A ***CSV*** file collects the ***Data*** from any table so that it can be conveyed as input to another table-oriented application such as a relational ***Database*** application. Microsoft Excel, a leading spreadsheet or relational ***Database*** application, can read ***CSV*** files.

Data

Electronic information that has been translated into a form that is more convenient to move or process (in the format of a ***Database*** for example).

Database

A collection of ***Data*** that is organized so that its contents can easily be accessed, managed and updated.

Default Field

One of five mandatory ***Data Fields*** contained in the ***Default Standard***. The five ***Default Fields*** are: ***Document ID***, Date, ***Document*** type, Author/Author Organization and Recipient/Recipient Organization. The ***Default Standard*** requires that the ***Default Fields*** be completed if information is available.

Default Standard

The standard format established by paragraph 4.1 of this Practice Direction for the exchange of electronic evidence.

Discoverable Documents

Documents that are required to be disclosed to a party in accordance with the Rules and practice of the Court.

Document

Document has the meaning set out in Rule 1(8) of the Rules of Court, which includes, in addition to a document in writing:

- a. any book, map, plan, graph, or drawing;
- b. any photograph;
- c. any label, marking, or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means whatsoever;
- d. any disc, tape, sound track, or other device in which sounds or other **Data** (not being visual **Images**) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;
- e. any film (including microfilm), negative, tape, or other device in which one or more visual **Images** are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- f. anything whatsoever on which is marked any words, figures, letters, or symbols that are capable of carrying a definite meaning to persons conversant with them.

Document ID

The **Document ID** is the method by which each **Document** is uniquely identified.⁵

Electronic Material

Any material including but not limited to e-mails, computer generated files including any disk, tape, sound track or other device in which sounds or other **Data** are recorded and any film (including microfilm), negative, tape or other device in which one or more visual Images are embodied which is identified in its **Native Format**. An example is a computer file for a Microsoft Word document rather than the printed version of the document or the **Data** captured when a digital camera takes a picture rather than the printed version of the picture or the computer file created when a digital dictation machines records a voice.

⁵ See Default Field 1 in Appendix 3 and, for an example, see Appendix 2.

Electronic Trial

An **Electronic Trial** is a hearing where evidence is managed, presented and stored electronically by the Court in an eCourt. The eCourt is a multi-media electronic in-Court system designed to manage the electronic information relating to and generated by a Court case. The eCourt System is designed to:

- **Manage Transcripts**
 - Real-time Transcript (What is being said right now)
 - Historic Realtime Transcript (What was said earlier today) (this can be delivered in near realtime, or in batches of transcript delivered on a half day basis or other intervals as may be appropriate)
 - Edited Transcript (What was said on previous days)
 - Streaming of Realtime to remote locations (if required)
- **Manage Evidence**
 - Repository for **Documents** and other multimedia based evidence stored using **Images** and **Native File** formats imported from the participants
 - Management of status - exhibits and MFI's (marked for identification)
 - Court Operator controlled Broadcast Channel (Public View)
- **Manage Associated Materials**
 - Manage pleadings, witness statements, aide-memoirs etc
 - Manage Audio and Video
 - Streaming of realtime audio visual to remote locations (remote transcription services)
- **Integrate External Resources**
 - Links to the Court's own web site pages (**Protocol** pro forma, Practice Direction)
 - Links to Internet web sites for research
 - Links to the Court's additional core systems such as case management

Field

A **Field** represents a column of **Data** within a **Database** or a spreadsheet.

GIF

The abbreviation for Graphics Interchange Format which is one of the two most common file formats for graphical **Images** on the World Wide Web. The other is the JPEG.

Hard Copy

The term used to refer to a **Document** in non-electronic form. A **Hard Copy** is often a paper copy of a **Document**.

Host/Attachment Relationships

While host and attachment relationships are not required in the default **Fields** and may not be captured in the majority of lists of **Documents**. Parties will need to agree on whether to record this information and how it will be recorded for exchange.

HTML

The abbreviation for Hypertext Markup Language which is a set of “mark up” symbols or codes inserted in a file intended for display on the internet by a World Wide Web browser.

Image

A picture that has been created or copied and stored in electronic form, an electronic photocopy. The format of the **Image** is given by the file extension name suffix – for example BMP, **GIF**, JPEG, or **TIFF**.

Image Resolution

A description of the sharpness of an **Image** sharpness (that is, the density of illuminated points) which is measured by dots per inch (dpi). The dot pitch determines the absolute limit of the possible dots per inch. Industry standard is 200 dpi for black and white imaging.

Native (Native Files or Native Format)

A reference to a computer file in its original electronic format. For example, if a **document** is produced as an **Image** or in **Hard Copy** format the original electronic file is referred to as the **Native Format**.

PDF

The abbreviation for Portable Document Format which is a generic file format that captures all the elements of a printed document.

Potentially Discoverable Documents

Documents that are included in the initial collection of information at a time when decisions are being made to determine which of them are **Discoverable Documents**.

Protocol

A special set of rules which are often described in terms of an agreed upon, industry or international standard. A *Generic Protocol Document* can be found on the Court's website at www.courts.gov.bc.ca.

Redaction

The process by which information or text is electronically covered or masked in such a way that it can not be read by other people. **Discoverable Documents** that contain a combination of discoverable and non-discoverable or privileged information are produced with non-discoverable or privileged information redacted.

RTF

The abbreviation for Rich Text Format which is a generic file format that allows exchange of text files between different word processors in different operating systems.

Tab Delimited

In computers, a **Tab Delimited** file contains the values in a table as a series of **ASCII** text lines organized so that each column value is separated by a tab character from the next columns value, and each row starts a new line.

Technology

Technology refers to any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of **Data** or information. The term information technology includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

TIFF

The abbreviation for Tag Image File Format which is a common format for saving **Image** files.

Virus

A programming code inserted into another program or file to cause some unexpected and, for the victim, usually undesirable event. **Viruses** can be transmitted by downloading programs or files from an infected site (including internet sites) or they may be present in **Data** received from an infected system.

XML

The abbreviation for Extensible Markup Language which is a flexible way to create common information formats and share both the format and the **Data** on the World Wide Web, intranets, and elsewhere.