

Digital Chain Of Custody A Practical Guide For Lawyers

Digital chain of custody ensures the integrity and authenticity of electronic evidence. This guide details the lifecycle of digital exhibits, from acquisition to court, covering physical and logical custody, documentation, common mistakes, and how to identify and address breaks in the chain, ensuring evidence remains admissible and reliable.

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CHAIN OF CUSTODY · A GUIDE FOR UK LAWYERS Digital Chain of Custody: A Practical Guide for Lawyers Continuity, Transfer Records and the Documentation That Survives Court COMPUTER FORENSICS LAB E-DISCOVERY. UK

§ ABOUT THE AUTHOR PREPARED BY COMPUTER FORENSICS LAB E-DISCOVERY TEAM
ACPO / NPCC DIGITAL EVIDENCE PRINCIPLES FULL CHAIN-OF-CUSTODY
DOCUMENTATION CPR PART 35 EXPERT REPORT S COURT-EXPERIENCED EXPERT
WITNESSES

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CONTINUITY IS PROVEN, NEVER PRESUMED

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§ 05 · THE PAPER WORK Sample records: the forms that do the work Exhibit record (opened at acquisition, one per exhibit) Transfer record (one row per movement, appended to the exhibit record) FIELD ENTRY (ILLUSTRATIVE) DATE / FROM TIME (SIGNED) TO (SIGNED) PURPOSE SEAL / HASH CHECK 14 Mar [Examiner] Evidence store Storage post- Seal [n] intact; image SHA-256 verified 02 Apr Evidence [Examiner] Examination per Seal [n] intact; opened; working copy 02 Apr [Examiner] Evidence store Return post- Resealed [new seal n]; master untouched, 14 May Evidence [Courier, Delivery to [solicitors] Sealed [n]; copy drive SHA-256 [value] 14 May [Courier] [Recipient, Receipt Seal [n] confirmed intact; drive hash re-

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§ HOW A SPECIALIST LABORATORY CAN ASSIST Working with Computer Forensics Lab
Speak to a forensic examiner, not a salesperson. INSTRUCTTHELAB
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Questions and answers

Does a broken chain make the evidence inadmissible?

In civil proceedings, rarely by itself: relevant evidence is generally admitted and the defect goes to weight, which is where the real damage happens, because weight is exactly what contested exhibits need. In criminal proceedings continuity is policed more strictly as part of proving the exhibit, and serious defects invite exclusion arguments and abuse submissions. The practical rule for both: never litigate to find out; the paper work costs minutes.

We already have material that was handled casually before anyone thought about custody. Is it ruined?

No: it is bounded. Start the chain today: reference, seal, log and hash everything now; reconstruct the earlier handling honestly in a witness statement (who, where, when, to the best of recollection, with any corroborating records like emails and courier receipts); and let the hashes computed today certify everything forward. The early period will carry what ever weight its reconstruction earns; the point of acting today is to stop the weak period growing another day longer.

Who should hold evidence during litigation: the client, the solicitors or the laboratory?

Contested originals and masters belong in a laboratory evidence store: purpose-built storage, restricted access, and custody handling as routine rather than exception. Working copies for review live on the provider's platform under logged access. What matters more than the address is the regime: wherever evidence sits, someone must own the file, sign the movements and run the verifications, and the honest question for each c and i date holder is whether they will actually do that for eighteen months.

How does chain of custody work for cloud data, where there is no device to seal?

The chain attaches to the export event and everything after: the documented mechanism and date of collection, the hash of the exported set at creation, verified movements there after, and the platform's own audit records preserved as corroboration of the source side. What cannot be sealed is evidenced instead: the tenancy's state is the provider's record, and the export's integrity is yours. The cloud collection guides in this series treat the mechanics.

Do we really need tamper-evident seals and forms for a modest commercial dispute?

Scale the regime, keep the principles: perhaps no evidence room, but always references, a log, restricted storage, signed movements and hashes. The cost of the full discipline on a small matter is an hour and a stationery order; the cost of its absence, if the matter turns contentious about an exhibit, is Example 1. Custody is the cheapest insurance in this series, and the premium does not rise with modesty.

What should the chain say when evidence is finally returned or destroyed?

A closing entry as formal as the opening one: what was returned to whom, signed for, on what date; or what was destroyed, by what method, certified by whom, under whose author is at i on, referencing the retention decision behind it. The entry completes the account (a chain that trails off invites the question of where the copies went), discharges UK GDPR minimisation duties visibly, and is the row most often missing from otherwise excellent files. cflab. u k ·

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