ENDANGERED

For the Attention of Legal, Judicial and Law Enforcement Agencies

Digital forgetting compromises justice

Legal, Judicial and Law enforcement bodies are called to take better care of data in their custody to protect the integrity of evidence and ensure that justice is not compromised.

Without the appropriate management and preservation of digital data, the opportunity for evidence tampering, loss or corruption increases, and with it the potential for wrongful convictions or acquittals. Furthermore, if not protected by a robust system of preservation, sensitive personal data like case files, testimonies, or digital evidence may be leaked or misused causing a real threat of identity theft, harassment or reputational harm to individuals concerned.

Of even more concern is open-source data relied upon by the justice system as evidence for trial. This data is produced, collected and analysed from publicly, openly available social media and web content with the purpose of answering a specific intelligence question. With a reliance on data which has no agency ultimately responsible for its preservation, the justice system begins to look unstable.

The results would be an erosion of trust in the courts, police and legal systems, with the potential for a broader social impact and the miscarriage of justice.

A new version of the _Global 'Bit List' of Endangered Digital Materials_, published today by the Digital Preservation Coalition, confirms that Older Open-Source Intelligence Sources (OSINT) are Practically Extinct, with others such as Open-Source Intelligence (OSINT) Sources of Current Conflicts and Evidence in court listed as Critically Endangered, underscoring the urgency of digital preservation efforts to counter this digital instability.

Describing digital preservation as a proven way to ensure continued access to digital materials for as long as necessary, William Kilbride, Executive Director for the Digital Preservation Coalition concludes that data loss is avoidable:

"When digital evidence disappears, justice is compromised. Courts, law enforcement and legal bodies depend on trustworthy data to uphold the rule of law. Without robust preservation, we risk wrongful convictions, failed prosecutions and a loss of public trust. Digital preservation is not just a technical issue—it is a cornerstone of justice."

The DPC's _Global 'Bit List' of Endangered Digital Materials_—or the _Bit List_—is a powerful call to action from the global digital preservation community. It highlights the digital content most at risk of being lost, based on real-world conditions and expert insight. By clearly identifying both the urgency of the threat and the value of the content, the _Bit List_ shines a spotlight on the digital materials that demand immediate attention to ensure their survival.

The Bit List entries relevant to maintaining a robust justice system are:

Practically Extinct

- o Older Open-Source Intelligence Sources (OSINT)

Critically Endangered

- o [Digital evidence and records of investigation prior to court](#)

- o [Open-Source Intelligence (OSINT) Sources of Current Conflicts](#)

- o [Evidence in court](#)

Endangered

- o [Completed investigations based on open-source intelligence (OSINT)](#)

- o [Proceedings in court](#)