

**ICL Pathway**      **Evidential Information - Production  
Certification and Retention (PACE)**      Ref: RS/PRO/030  
Version: 0.4  
Date: 09/12/98

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**Document Title:**      Evidential Information - Production, Certification &  
Retention (PACE).

**Document Type:**      Process

**Abstract:**      A description of the process required to demonstrate the  
integrity of a PACE certificate and the associated  
declaration.

**Status:**      Draft

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## **0 Document control**

### **0.1 Document history**

Version	Date	Reason
0.1	4/08/98	Initial draft for comment
0.2	10/08/98	Comments on V0.1 included.
0.3	08/12/98	Figure updated & N.I and Scottish implications resolved
0.4	09/12/98	Updated following review with ICL Outsourcing

## 0.2 Approval authorities

Name	Position	Signature	Date
Martyn Bennett	Director, Quality & Risk		

## 0.3 Associated documents

Reference	Vers	Date	Title	Source
1 DW/REQ/0017	1.6	18/03/98	FCMS System Requirements Specification	Pathway
2 PACE		1984	Police & Criminal Evidence Act	HMSO

## 0.4 Abbreviations

CAPS	Customer Accounting & Payment Service
FCMS	Fraud Case Management System
OPS	Office Platform Service
PACE	Police and Criminal Evidence Act

## 0.5 Changes in this version

Figure modified; DN's removed. Section's 4 & 5 updated.

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## 1. Introduction

Prima facie evidence to be presented in support of criminal prosecutions is obtained solely from the ICL Pathway Fraud Case Management System (FCMS). This computer output is only admissible in evidence where special conditions are satisfied. These conditions are described in detail in Section 69 of the Police and Criminal Evidence Act [1] and require ICL Pathway to provide 'honest' certification of such computer-generated evidence.

## 2. Scope

This process describes the PACE certification of computer evidence originating within the ICL Pathway Fraud Case Management System (FCMS) to support criminal prosecutions in England, Wales and Northern Ireland. PACE does not apply in Scotland even if the host system operates in England.

This process also identifies secondary evidence which may be required to demonstrate the integrity of the PACE certificate.

## 3. Production and Retention of Computer Evidence

The method by which the ICL Pathway Fraud Case Management System data is populated, and the steps taken to ensure its secure retention are described in [1].

## 4. Certification

PACE certificates may be required for each individual criminal prosecution supported by the ICL Pathway FCMS.

Section 69 of PACE provides that:

"In any proceedings, a statement in a document produced by a computer shall not be admissible as evidence of any fact therein unless it is shown-

- a) that there are no reasonable grounds for believing that the statement is inaccurate because of improper use of the computer and;
  
- a) that at all material times the computer was operating properly or, if not, that any respect in which it was not operating properly or was out of operation was not such as to affect the production of the document or the accuracy of

its contents.”

It is therefore vitally important that whoever signs the PACE declaration on behalf of ICL Pathway can produce evidence to support these statements.

Traditionally, PACE certificates are signed by a senior member of the Computer Operations staff responsible for managing the computer installation and its associated networks. ICL Outsourcing performs this role as a managed service for ICL Pathway, and it is assumed that the information required for their assurance is already available to them in day-to-day operational documentation and as management information - DN Outsourcing (Les Fereday) to provide more appropriate wording.

The certificate (see example at Appendix A) contains a declaration including the statement “*I sign this certificate knowing that I shall be liable for prosecution if I have stated in it anything which I know to be false or do not believe to be true*”, it is therefore in his rational self-interest to ensure a) that the logs are adequately comprehensive and b) that they are investigated thoroughly.

#### **4.1. Certification Process**

The manager of the ICL Pathway Fraud Risk Management team, or his deputy, will advise a nominated member of ICL Outsourcing of the relevant dates and times for which a PACE certificate is required.

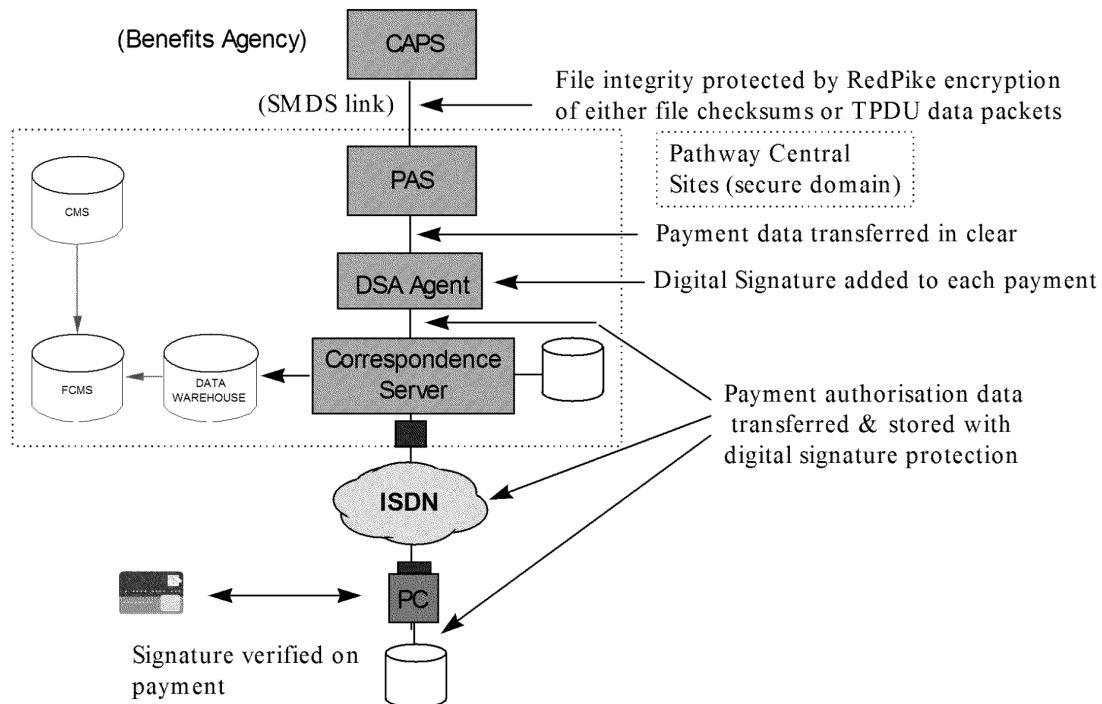
The ICL Outsourcing nominee will consult operational records pertaining to computer and network operations on the dates and times advised, in order to satisfy himself that the certificate can be signed with confidence.

A statement should accompany the certificate to the effect that additional (supporting) evidence to uphold the certificate can be produced if so desired. To offer all the evidence without it being requested would only serve to flood the courtroom with documentation.

### **5. Supporting Evidence**

In order to demonstrate the integrity of a Horizon PACE certificate for the Benefit Payment Service, it is necessary to describe the information flow from CAPS to OPS and from OPS to the FCMS and to illustrate where cryptographic and integrity protection are applied.

## *End to End Payment Protection*



**Figure 1 - BPS Information Flow**

Given the size and complexity of the Horizon system, it is conceivable that the integrity of the PACE certificate will be challenged by Counsel in order to discredit a prosecution. If it is not possible to demonstrate the certificate's integrity to the Court's satisfaction, a very dangerous precedent will have been set and all subsequent prosecutions will be automatically jeopardised. However, the corollary is also true and a successful demonstration of honest certification will stand all subsequent prosecutions in good stead.

Comprehensive records pertaining to the site(s), services and individuals concerned should be able to be produced for all material times. These records will serve to show that the relevant services were available at all material times, were operating properly and had not been used inappropriately.

This secondary evidence should include, but is not restricted to, the following (list to be confirmed following consultation with relevant expert):

- An external Auditor's certificate of data integrity;
- Logs of calls to the Horizon System Helpdesk and the Payment Card Helpline detailing incidents of error, inaccuracy or malfunction pertaining to the sites, equipment, services and individuals concerned;
- A log of ISDN 'ping' records which demonstrate the availability of network communications between the affected site(s) and the Data Centre;
- Operational logs and shift handover documentation to demonstrate consistent

operation and availability of the service;

- Secure NT, Dynix and SecurID definitions;
- Testimony from expert witnesses stating that, in their experience similar incidents have never happened or, if they had, that they would be reflected in the relevant audit log.

## 6. Appendix A - PACE Declaration

### DECLARATION

- To the best of my knowledge and belief there are no reasonable grounds for believing that the information or statement in the document(s) identified above is inaccurate because of improper use of the computer system.
- At all material times the computer devices were operating properly, or if not, any aspect in which they were not operating properly, or were out of operation, was not such as to affect the integrity of the data processed, the production of the document(s) or the accuracy of its content.
- I occupy a responsible position in relation to the computer systems, namely: **Pathway Service Manager**.
- I sign this certificate knowing that I shall be liable to prosecution if I have stated in it anything which I know to be false or do not believe to be true.

**Signed** ..... Date   /  /  

**Print Name** .....

**Signature witnessed** ..... Date   /  /    
**by**

Dr Martyn Bennett, ICL Pathway Director of Quality & Risk

**Full name and address of employment:**

ICL Pathway, Forest Road, Feltham, Middlesex. TW13 7EJ

## 7. Appendix B - Pro Forma Witness Statement

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**Witness Statement**

**Statement**

**of:**

\_\_\_\_\_

**Age if under 18: \_\_\_\_\_ (if over 18 insert 'Over 18')**

**This statement (consisting of \_\_\_\_\_ pages, each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything I know to be false or do not believe to be true.**

**Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_**

**Signature: .....**

**Signature.....Signature  
by.....**

**witnessed**

**Continuation sheet No.**

**Continuation of Statement**

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of: _____	
Signature..... by.....	Signature witnessed