Digitisation of paper flow in order to create 100% digital files (< substitution):
The new law introduces a framework that gives the same legal value to digitised documents as their equivalent paper documents. In order for this disposition to be applicable, the administrations must conform to the stipulations established in this law, that is to say to have a digitisation procedure that was validated beforehand (requirements < Commercial Law Code, Book 12, Art. 12 N1 Annex 1, point h) \(\rightarrow\) 2 levels: “qualified” and “non-qualified” (= qualification via certification audit).

Consequences for the State Archives=

- authorising the destruction of kilometres of paper archives BUT several issues still need to be solved (to be addressed in the executive Royal Decree):
  - how to manage the documents that were digitised in the past fifteen years?
  - As the law is not retroactive it is essential to arrange transition measures in order to enable these destructions after an evaluation and audit of the current state of affairs.
  - Who will carry this out? Not the State Archives but the control organisation in charge (Federal Public Service Economy) / a compliance controlling organisation (to be appointed).

Consequences for the archives producers =

- In a first stage we can notify the administrations that this Digital Act implies – as soon as its executive decrees are published in the Official Journal – that they will have to adapt their (internal and external) digitisation processes to the principles stipulated in the law and the Royal Decree. This means that if an administration wants to have equivalent value for the digital “copies” of “original” paper documents, it must undergo external evaluation (in the form of an audit for example) to be able to prove it abides by the legal principles in force. Two situations can arise:
  - if external digitisation service & aiming for qualification = obligation to carry out audit every 2 years
  - if internal digitisation service & aiming for qualification = no obligation of audit, but obligation to meet requirements (EU rules + Digital Act BE)

- possibility for administrations (which are among others subject to the law on archives), if digitisation is carried correctly (“qualified”), to only keep the digitised version and to destroy the original paper document. Legally, this means that both the original and its copy have the same evidentiary value (i.e. authenticity).

- each administration that wants to conform to the new legal provisions will have to submit its digitisation process to at least one ex post evaluation. The administration will have to meet quality standards in any case, whether it wants to obtain qualification or not.