HOW EVIDENCE IS HANDLED, STEP BY STEP

For lawyers and others who bring cases. What happens to a piece of evidence, and what is not yet decided.

The Threshold Initiative · Step-by-step note for litigators · Draft v1 · November 2026 · In development, not yet incorporated

We grade and preserve evidence that others bring. We do not build cases or gather evidence for them, and we do not see your case.

Each step below is marked **SPECIFIED** (written down in our Architecture) or **IN DESIGN** (proposed, to be tested with lawyers before anyone relies on it). We would rather you see the gaps than find them.

WORDS USED HERE

Deposit: a piece of evidence someone brings to us (a photograph, a test result, a paper, a testimony, a video). **Chain of custody:** the documented record of who held it and what was done to it, from capture onward. **Hash:** a digital fingerprint taken on arrival; if a single byte changes, the fingerprint no longer matches. **Grade:** a published rating of how well the evidence holds up, given by independent reviewers. **Library:** the public, searchable part of the Knowledge Base.

THE STEPS

1	**Someone brings evidence** It arrives with its provenance: who captured it, when, where and how. A person, not software, decides whether it qualifies as evidence. Software may only help sort what arrives.	SPECIFIED
2	**It is fingerprinted on arrival** The hash is taken at once and recorded. Anything later done to the file can be shown against that fingerprint.	SPECIFIED
3	**It is held in two places** Servers at two independently governed sites, Geneva and near Reykjavik. Neither alone is the authoritative record; the record exists only when the two agree. If they diverge, publication of the affected records stops until the cause is found and disclosed.	SPECIFIED
4	**Reviewers grade it** A grade is given only when every link of the chain of custody is documented. At least two independent reviewers assign it, and each declares any relationship to the subject. Evidence with a gap in its chain is not graded.	SPECIFIED
5	**The depositor declares who they are** Who gave it, and any funding or tie to a party, shown beside the evidence. This answers the fear that an apparently independent source is paid by one side.	IN DESIGN
6	**Grades can change, history cannot** A grade can be revised on new evidence. The original stays visible and nothing is overwritten. Errors are corrected in public, completely, within 72 hours, never quietly amended.	SPECIFIED
7	**Same terms for everyone** The Library is open to a campaigner and to a producer’s counsel alike. No funder influences a grade, and no funder holds a key. Keys are split five ways and three must act together.	SPECIFIED

EVIDENCE FOR A LIVE CASE: THE SEALED DEPOSIT (IN DESIGN)

We heard from litigators that material gathered for a live case must never sit where anyone, least of all opposing counsel, can see it. We are therefore designing a second tier beside the open Library:

- **A box the depositor controls.** The material is encrypted before it leaves the depositor’s device. The depositor holds the key. We cannot open it and nobody else can.
- **Proof without disclosure.** We can record that a file existed at a given time, unaltered, without anyone learning what it is.
- **Grading only if the depositor chooses,** and only after the depositor unseals it. The same terms apply to everyone.

This does not exist yet. We make no promise that it is privileged or protected from compulsion, and we will not describe it as available until counsel has told us what it can honestly claim.

WHAT WE CANNOT YET TELL YOU

- Whether material in a sealed deposit would be protected as privileged or as lawyer work product, and in which jurisdictions.
- What would happen if a court ordered production. The principle we propose is that we cannot open a sealed deposit, so there is nothing to hand over but its existence. Whether that holds in the US, the UK or the EU is a question for counsel.
- Whether the record that a deposit exists, even without its content, could itself be ordered disclosed. In US and UK proceedings the disclosure risk reaches well beyond the chain of custody, and we are not the people to judge it.

We will answer these with litigators in each jurisdiction before we offer the sealed tier to anyone, and publish what they tell us.

TESTING US BEFORE TRUSTING US

The Knowledge Base is not yet built, so there is nothing to test today. What exists now is our Wall of 77: read three plaques and follow their sources to see how we cite and where we are thin. When the small grading pilot begins, we would like to invite you to give us a sample of public material you know well, with no live material, and to compare our grades with your own judgement. Tell us where we are wrong. That would cost you nothing and risk nothing.

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