



Scientific Working Group on Digital Evidence

SWGDE Bylaws

22-B-001-5.7.1

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- a) Submitter's name
- b) Affiliation (agency/organization)
- c) Address
- d) Telephone number and email address
- e) SWGDE Document title and version number
- f) Change from (note document section number)
- g) Change to (provide suggested text where appropriate; comments not including suggested text will not be considered)
- h) Basis for suggested modification

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1. ARTICLE I: OFFICIAL NAME

The name of the organization shall be the Scientific Working Group on Digital Evidence and shall herein be referred to as SWGDE.

2. ARTICLE II: PURPOSE AND OBJECTIVES

2.1 Purpose

To support and promote the advancement of the application of digital and multimedia forensics through the development and dissemination of consensus-based standards, guidelines, best practices, and recommendations.

The Scientific Working Group on Digital Evidence brings together organizations actively engaged in the field of digital and multimedia evidence to foster communication and cooperation as well as to ensure quality and consistency within the forensic community by serving as a Standard Setting Organization (SSO)/Standard Development Organization (SDO).

2.2 Objectives

SWGDE shall at a minimum:

- Define the scope and practice areas of the discipline of digital and multimedia evidence
- Recommend standard practices, protocols, reports, and terminology
- Recommend standards for data interpretation and wording of conclusions
- Recommend education, training, and continuing education requirements
- Promulgate and disseminate research and development priorities to the community
- Collect and distribute discipline-specific information on scientific foundation
- Seek international recognition and harmonization of appropriate SWGDE work products



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3. ARTICLE III: MEMBERSHIP

3.1 Eligibility

Members shall have subject matter expertise relevant to the discipline of digital and multimedia evidence.

- 3.1.1 No person shall be denied membership for reason of race, color, religion, sex, national origin, age, disability, or sexual orientation.
- 3.1.2 Individuals interested in obtaining membership shall submit their names and pertinent background information to the Membership Committee. Pertinent information shall include qualifications, planned contribution, a written statement of support from the individual's employer, if applicable, and a signed and dated copy of the "Code of Ethics and Conflict of Interest Disclosure Statement" form (see Appendix A). An ink or digital signature will be acceptable.
- 3.1.3 Any individual interested in obtaining membership or guest status must consent to a security risk assessment conducted by the Membership Committee to determine if he/she poses an undue risk to the mission of SWGDE. An individual who is unwilling or unable to successfully complete a security risk assessment shall be deemed such a risk. SWGDE reserves the right to deny membership, or a guest request, in the event that SWGDE reasonably determines the individual poses an undue risk to the mission of SWGDE. For purposes of Article 3, the mission of SWGDE includes the mission(s) of Members' organizations.
- 3.1.4 Applicants must be in attendance at the meeting at which they are to be confirmed and have attended at least one other meeting within the last year.

3.2 Duties and Privileges

- 3.2.1 Members shall have voting privileges, subject to the provisions in Article 9.2.
- 3.2.2 Members shall be elected by a simple majority vote of the membership.
- 3.2.3 Members shall serve three-year terms. A Member's term shall commence with the first meeting after his or her election. When a Member's term ends between two meetings, he or she continues until the conclusion of the next meeting.
- 3.2.4 Members may apply for additional terms, subject to the provisions in Article 3.4.
- 3.2.5 Members are expected to participate in all regular meetings. Members absent more than two consecutive meetings will be referred to the Membership Committee (see Article 5.2.3.1).
- 3.2.6 Membership resides with the individual and not his or her organization or affiliation.

3.3 Composition

SWGDE shall consist of no more than one hundred (100) Members. At a minimum, 10% of the Members should be non-forensic science practitioners.



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- 3.3.1 Non-forensic science practitioners may include academics, researchers, statisticians, legal representatives, etc. To the extent possible, if more than one legal representative serves on SWGDE, legal representation should be balanced between prosecutors, defense counsel, civil counsel, and judges.
- 3.3.2 Membership in SWGDE shall, to the extent possible, include federal, state, local, international, and private forensic practitioners as well as representatives from the geographic regions of the United States (i.e., Northeast, Southeast, Midwest, Northwest, and Southwest).
- 3.3.3 SWGDE shall strive to maintain an even balance between federal and state/local law enforcement practitioners.

3.4 Member Appointments and Elections

Member appointments and elections shall be managed by a Membership Committee (see Article 7.5).

- 3.4.1 The Membership Committee shall serve as the primary liaison to any organizations regarding the appointment of representatives to SWGDE. Organizations should appoint representatives with sufficient qualifications to substantively contribute to the objectives of SWGDE.
- 3.4.2 The Member roster shall be reviewed at least annually to prepare for anticipated membership changes and evaluate the composition of SWGDE. As vacancies occur, the need to elect Members will be determined by the Membership Committee. Elections may be limited to applicants qualifying for non-practitioner or specific representation as described in Article 3.3.
 - 3.4.2.1 Elections shall be held annually, or more often, as deemed necessary by the Membership Committee.
 - 3.4.2.1.1 Any Member of the Membership Committee running for election shall be recused from committee duties throughout the election process.
 - 3.4.2.2 Solicitation for Member applications will be advertised on the SWGDE website and distributed to appropriate professional and legal organizations, as well as venues which reach other stakeholders likely to be directly impacted by the work product.
- 3.4.3 The Membership subcommittee chair will report to the Chair the composition of members and make recommendations to the Executive Board for At-Large positions.
- 3.4.4 Prior to a Member's last meeting of his or her current term, the Membership Committee shall contact the Member to determine his or her interest in continuing membership. If interested in continuing, the Member shall submit a current application, which can contain a written statement to the Membership Committee

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including his or her interest, past participation, planned future contribution, and a signed and dated copy of the “Code of Ethics and Conflict of Interest Disclosure Statement” form (see Appendix A). An ink or digital signature will be acceptable.

- 3.4.5** If a member changes employer or employment status, he/she must notify the Executive Board within 30 days and also submit an updated application along with a signed and dated copy of the “Code of Ethics and Conflict of Interest Disclosure Statement” form (see Appendix A). An ink or digital signature will be acceptable.
- 3.4.6** The Membership Committee shall assess individual Member applications and make recommendations to the membership on potential candidates.
- 3.4.7** New Member applicants and those applying for consideration for additional terms shall be eligible for the same vacant seats, subject to the provisions in Article 3.4.3.
- 3.4.8** Elections may be held between meetings via online voting mechanism.
- 3.4.9** The Membership Committee shall bring forward their recommendations, along with accompanying information provided by all applicants. Members shall be given the opportunity to speak on any applicant’s behalf, or if applying for an additional term, their own behalf.
- 3.4.10** Election of an individual requires a simple majority vote of the membership. Positions are awarded to those candidates with the greatest number of votes. In the event of a tie for a remaining vacancy, a subsequent vote between the tied candidates will be taken. Should the second vote result in a tie, the Chair may choose to cast a single vote to break the tie (see Article 9).
- 3.4.11** Votes shall be counted by the Parliamentarian, or if the Parliamentarian is not present/participating, then by an Executive Board member designated by the Chair. Election results shall be forwarded to the all Members and applicants no later than five (5) days after the conclusion of the election process.



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4. ARTICLE IV: EXECUTIVE BOARD

4.1 Authority

The Executive Board shall be the managing body of SWGDE.

4.2 Makeup

The Executive Board shall consist of the Chair, Vice Chair, Secretary(ies), Committee Chairs, Treasurer, and At-Large Members. The number of At-Large Members will be determined by the Chair.

4.2.1 Positions on the Executive Board shall be elected with the exception of the Treasurer, which is appointed by the Chair.

4.2.2 The Treasurer position shall not have a vote on the Executive Board.

4.3 Eligibility and Terms

4.3.1 The terms of office for Chair and Vice Chair shall be three years and may serve no more than a total of two (2) terms per office. The terms of office for the remaining board members will be two (2) years and do not have term limits.

4.3.2 The terms of these positions shall commence at the conclusion of the meeting in which they are elected. When a Member's elected term ends between two meetings, the Member shall continue in the position until the conclusion of the next meeting.

4.3.3 When a Member is elected to a position on the Executive Board for a fixed term which extends beyond the remaining length of the Member's membership term, the elected individual's membership term shall continue until the end of the elected position's term.

4.3.4 Members may only hold/fill one voting board position at a time.

4.4 Election and Re-election

4.4.1 An announcement to hold an election for positions on the Executive Board shall be distributed to the Members by the Parliamentarian.

4.4.2 Nominations shall be submitted in writing to the Parliamentarian.

4.4.2.1 Nominations may be accepted from the floor.

4.4.3 Election and re-election of Chair and Vice Chair positions will require a simple majority vote of participating members (including proxies).

4.5 Resignation

Notice of resignation shall be in writing to the remaining Executive Board members.

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4.6 Chair

The Chair shall manage the activities of SWGDE, preside over meetings to preserve order and decorum, and promote the objectives of SWGDE. In addition, the Chair shall establish committees as deemed necessary.

4.6.1 If, at any time during a Chair's tenure, that person is temporarily unable to serve, the Vice Chair shall serve in his or her place. In the event of the Chair's resignation or inability to serve for more than six (6) months, a successor will be elected to serve out the remaining term following Article 4.4. If the incumbent is unavailable at the time of this election, the Vice Chair shall assume the duties of the Chair for the purpose of calling a meeting to elect a new Chair.

4.6.2 The Chair or his or her designee may invite guests to attend a meeting(s). Funding for invited guests is at the discretion of the Executive Board. Invited guests shall not be considered Members and shall not be granted voting privileges.

4.7 Vice Chair

The Vice Chair shall assist the Chair in his or her duties as needed and fill in for the Chair, when needed.

4.7.1 If, at any time during a Vice Chair's tenure, that person is temporarily unable to serve, the Chair shall, at his or her discretion, designate a Member to serve in the Vice Chair's place. In the event of the Vice Chair's resignation or inability to serve for more than six (6) months, a successor will be elected to serve out the remaining term, subject to the provisions in Article 4.4.

4.8 Secretary(ies)

The Secretary(ies) shall perform such duties as may be assigned by the Chair and shall perform all administrative duties incident to the office including, but not necessarily limited to: preparing and maintaining minutes, work product, and official records of the organization.

4.8.1 In the event of a Secretary's resignation or inability to serve for more than six (6) months, a successor will be elected to serve out the remainder of the term, as follows:

4.8.1.1 The Chair shall have discretion as to whether one or more Secretary positions is needed based on current organizational needs as outlined in Articles 4.6 and 7.1.

4.8.1.2 Elections shall be conducted according to the provisions in Article 4.4

4.9 At-Large Members At-Large Members shall act as advisors to the Chair, act as a liaison with the membership, and perform all other duties as specified in these Bylaws. **4.9.1** If, at any time during an At-Large Member's tenure, the person is temporarily unable to serve, the Chair shall, at his or her discretion, designate a Member to serve in the At-Large



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Member's place. In the event of the At-Large Member's resignation or inability to serve for more than six (6) months, a successor will be elected to serve out the remaining term, subject to the provisions in Article 4.4.

4.9.1 At-Large positions shall be proportional to the active membership at the time of elections.

4.9.2 No more than one representative per organization, as defined by the Membership Committee.

4.10 Committee Chairs

4.10.1 If, at any time during a committee chair's tenure, that person is temporarily unable to serve, the committee Vice Chair shall serve in his or her place.

4.11 Treasurer

4.11.1 Shall prepare and present financial statements to the Executive Board.

4.11.2 Shall coordinate all financial records and present an annual budget to the Executive Board.

4.11.3 Shall participate in the logistical planning and coordinating of all SWGDE meetings.



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5. ARTICLE V: TERMINATION OF MEMBERSHIP

5.1 Resignation

A Member may withdraw/resign at any time with written notice to the Membership Committee and the Chair.

5.2 Termination of Membership

A Member may be dismissed for cause. For cause reasons may include insufficient attendance/participation or misrepresentation of SWGDE responsibilities. Notice and due process must be afforded the Member prior to termination.

5.2.1 Insufficient Attendance/Participation

The Membership Committee shall maintain attendance records. In the event that a Member misses more than two (2) consecutive meetings, or a majority of telephonic / web-conferences, or attends, but consistently fails to actively contribute to work products, the Membership Committee shall notify the Executive Board in writing. A Member may be relieved from meeting attendance requirements due to circumstances outside of the Member's control, e.g., statutory / budget restrictions.

5.2.1.1 The member must notify their Committee Chair or member of the Executive Committee.

5.2.1.2 The member must participate with their committee during the meeting via tele/video conference and/or assist by other means.

5.2.1.3 In the event of long-term absences, the Executive Committee will rely on the Committee Chair's recommendation regarding the member's status.

5.2.2 The Membership Committee may recommend the Member's removal in writing, with justification, to the Executive Board. If removal is affirmed by the Executive Board, the Member shall be notified of the decision and given thirty (30) days from notification to submit a written response.

5.2.2.1 If the Member responds within thirty (30) calendar days, the Executive Board will review the response. Within the following thirty (30) days, the Executive Board will determine by a two thirds (2/3) majority vote to dismiss the Member. Members not



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dismissed are expected to attend the next scheduled meeting. Failure to attend the next meeting may result in the termination of membership.

- 5.2.2.2** If the Member fails to file a written answer within the time prescribed in this section, such failure shall constitute a waiver of the right to file a response and said Member shall abide by the action and decision of the Executive Board.
- 5.2.2.3** The Executive Board will notify the Member and the SWGDE membership of any decision regarding the removal of a Member. The decision of the Executive Board shall be considered the final action on the matter.

5.2.3 Misrepresentation

Members shall not misstate and/or over represent duties and responsibilities of SWGDE work, e.g. claiming oneself as a contributing member of SWGDE without actively participating in SWGDE meetings, claiming oneself as an officer of SWGDE without serving as such, claiming sole authorship of a document, using the SWGDE logo on any promotional material and/or curriculum vitae. Any Member may submit a written complaint to the Membership Committee to terminate the membership of another Member. The complaint shall contain specific information that supports termination. The Membership Committee shall report all complaints and subsequent actions to the Chair.

- 5.2.3.1** Within thirty (30) days of receipt of the complaint, the Membership Committee shall review the complaint and determine by a majority vote whether to dismiss the complaint or to conduct an inquiry. If the complaint is dismissed, the matter is resolved.
- 5.2.3.2** If a member of the Membership Committee is employed by the same agency as the member undergoing a disciplinary matter, the committee member shall recuse himself from the disciplinary process. An alternate shall be named by the Chair of SWGDE with the approval of the Vice Chair of SWGDE.
- 5.2.3.3** If further inquiry is warranted, the Membership Committee will provide the Member notice. The Member shall have thirty (30) days to respond in writing. Following the receipt of the Member's response, the Membership Committee will consider all pertinent information and make a recommendation to the Executive Board within thirty (30) days. If the Member fails to file a written answer within the time prescribed in this section, such failure shall constitute a waiver of the right to file a response and said Member shall abide by the action and decision of the Executive Board, without the right to appeal to the Members.
- 5.2.3.4** The Executive Board shall review and evaluate the recommendation and response and, within thirty (30) days of receiving the recommendation, sustain or overrule by a



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majority vote the findings of the Membership Committee, and notify the Member and the Membership Committee of its decision.

- 5.2.3.5** If the Executive Board decides to dismiss the Member, the Member may appeal to the Chair within thirty (30) days of receiving the Executive Board’s decision. If the matter is appealed, the Chair will notify the Members and both the Member and the Executive Board may submit written statements to the membership within thirty (30) days of the appeal. The Members shall vote on the appeal within thirty (30) days of the submission of both written statements. The Members may vote to sustain or overrule the Executive Board’s decision on the merits and/or the action. The decision of the Executive Board can be overruled by a two-thirds (2/3) majority vote by organization.



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6. ARTICLE VI: MEETINGS

6.1 Regular Meetings

There should be a minimum of two (2) regular meetings per year.

6.1.1 Guests may be invited to participate in a meeting. Invitations will be extended by the Chair or his or her designee. Funding for invited guests is at the discretion of the Executive Board.

6.2 Special Meetings

Special meetings may be called by the Chair.

6.3 Notice of Meetings

To the extent possible, notice of the regular meetings will be communicated to Members, Advisors (see Article 7.4), and invited guests at least sixty (60) days in advance of the meeting date. Meeting dates shall be posted on the SWGDE website.

6.4 Travel Reimbursement

Members and guests who work in the criminal justice system within the discipline of digital and multimedia forensics may be eligible for travel reimbursement to attend meetings. All travel reimbursement approvals are made by the Chair and Treasurer in accordance with the funding agency's requirements.

6.4.1 State and local government employees

6.4.1.1 Travel reimbursement preference will be provided to members and member applicants.

6.4.1.1.1 Full-time employees of their respective state and local government organizations will be given preference.

6.4.1.1.2 Additional funding preference will be provided to state or local members serving on the Executive Committee.

6.4.1.1.3 Non-Executive Committee members will receive preference based on membership seniority, discipline expertise, and contribution.

6.4.1.1.4 Part-time, volunteer or reservist status members or member applicants will be considered.

6.4.1.2 Typically, no more than one member per agency shall be funded.

6.4.1.2.1 At the discretion of the Treasurer and Chair, travel reimbursements may be provided to additional same agency members, provided they serve on different committees.



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6.4.2 Private / academic representatives

6.4.2.1 Travel reimbursement may be available for private/academic members and guests within the same requirements as article 6.4.1.

6.4.3 Executive Committee Members

6.4.3.1 At the discretion of the Treasurer and Chair, travel reimbursement for Executive Committee Members may be provided regardless of membership type.

6.5 Conduct of Meetings/Parliamentary Rules

The simplest mechanism governing meetings will be used, and all Members shall follow good business practices during meetings. When a dispute arises or when deemed necessary by the Chair, the most current version of Robert's Rules of Order shall be followed.



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7. ARTICLE VII: COMMITTEES

7.1 Establishment Committees and their membership shall be established by the Chair when deemed appropriate.

7.2 Committee Chair

The Committee Chair shall be a Member elected from within the committee and serves a two-year term. If no Committee Chair is elected by the committee members, the Chair will appoint one.

7.2.1 The Committee Chair shall manage the activities of his or her committee. These duties include, but are not limited to, nominating members for appointment to the Committee, preparing committee meeting agendas, maintaining minutes and records of committee meetings, acting as a spokesperson for the committee, and presenting draft documents and other work products to the SWGDE membership.

7.2.2 All meeting work products and committee minutes shall be forwarded to the Secretary(ies), as needed.

7.3 Voting

All individuals assigned to a committee may vote on issues addressed within the committee. Each Member shall have one vote. The use of proxies is not permitted.

7.3.1 Committee votes shall require a simple majority of the attending committee membership for approval.

7.4 Advisors

When deemed necessary by the Chair to support a specific task, individuals who are not Members may be appointed for an appropriate time frame to assist with these activities. These individuals, referred to as “Advisors,” shall not have voting privileges outside the committee, and shall not typically be funded nor expected to attend meetings.

7.5 Membership Committee

The Membership Committee shall manage Member appointments and elections, complaints against Members, and Conflict of Interest Disclosures.

7.6 Bylaws Committee

The Bylaws Committee shall review and make recommendations to maintain and update the Bylaws, submit all proposed amendments to the membership for review and approval, monitor that SWGDE is operating within the parameters of the Bylaws, and keep the official copy of the Bylaws.



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- 7.6.1** Proposed amendments to the Bylaws shall be submitted to the Chair for review and approval by the membership.
- 7.6.2** Notice shall be provided to the Chair of any infractions to the Bylaws. **7.6.3** The Chair of the Bylaws committee shall act as Parliamentarian.



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8. ARTICLE VIII: PRODUCT DEVELOPMENT

8.1 Documents

The Members shall review and evaluate recommendations by committees regarding the adoption of standards, guidelines, best practices, studies, and other recommendations and/or findings. A vote by the Members shall be considered the final action on any committee recommendation.

8.1.1 When approved by a majority committee vote, the Committee Chair(s) shall present the draft product(s) to the membership for review and evaluation.

8.1.1.1 If working between meetings, to the extent possible, the Committee Chair(s) shall notify the Chair to request placement on the next scheduled meeting agenda at least thirty (30) days prior to the meeting.

8.1.2 After review and evaluation, the Members shall vote on the product. If approved by a simple majority of the participating members (including proxies), the product shall be published. Those products which will be open for public comments shall be posted as a “Draft for Comment.” If not approved, the product shall be sent back to committee.

8.1.2.1 Comments submitted by members voting not to publish the document shall be forwarded to the appropriate Committee Chair for consideration.

8.1.2.1.1 The Committee Chair may approve editorial changes (i.e., spelling/grammar or formatting issues or adding references) suggested in the comments received prior to publishing the document without requiring a vote by the membership to post the revised version.

8.1.2.1.2 If substantive changes to the body of the document are required to resolve the comment, the Committee Chair may opt to incorporate the internal comment in resolving all comments received at the conclusion of the public comment period or may withhold the document for further revision and a subsequent vote on the revised version to go out for public comment.

8.1.2.1.3 Documents put forth for publication shall be presented at the business meeting with an opportunity for discussion amongst attendees at that time.

8.1.2.1.4 Documents shall not be posted for final publication with a persuasive “No” internal vote.

8.1.3 Draft documents for comment shall carry titles that describe their content. Each draft document should also clearly indicate whether it is to be considered as a standard, guideline, best practice, study, or other recommendation and/or finding.



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- 8.1.4** “Draft for Comment” or other work products shall be published on the SWGDE website and in other appropriate media. Drafts must be available for public comment for a minimum of sixty (60) days. Notices announcing the open comment period, an explanation of the need for the work product, and references to the SWGDE website shall be distributed to appropriate professional and legal organizations, as well as venues which reach other stakeholders likely to be directly impacted by the work product.
- 8.1.4.1** Each “Draft for Comment” or other work product will include the following instructions for submitting comments: “SWGDE encourages stakeholder participation in the preparation of documents. Suggestions for modifications are welcome and may be forwarded to the Secretary(ies) in writing. The following information is required as a part of the response:
- Submitter’s name
 - Affiliation(agency/organization)
 - Address
 - Telephone number and email address
 - Document title and version number
 - Change from (note document section number)
 - Change to (provide suggested text where appropriate; comments not including suggested text will not be considered)
 - Basis for change
- 8.1.5** All public comments received shall be documented and forwarded to the appropriate committee for review and evaluation. An effort will be made to resolve all expressed objections related to the work product under consideration. At a minimum, all comments received will be acknowledged with a response, to include advisement of the appeals process (outlined in Article 13.2.6.2).
- 8.1.5.1** The decision of the committee, with justification, shall be communicated in writing to the submitter by the committee chair or his or her designee within thirty (30) days of that decision. In addition, the submitter will be notified of the appeals process as outlined in Article 8.6.
- 8.1.5.1.1** Documentation of all received comments shall be maintained for a period of one (1) year.
- 8.1.6** Upon committee completion of the product, to include revisions resulting from the public comment period, the Committee Chair(s) shall present the final product(s) to the membership for review and evaluation.



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8.1.6.1 If a “Draft for Comment” undergoes a substantive modification after public comment, the product shall be considered a “Revised Draft for Comment” and shall repeat steps 8.1.1 through 8.1.6.

8.1.7 After review and evaluation, the Members shall vote on the product. If a simple majority of the participating members (including proxies) vote in favor of the final product, the product shall become an “Approved Document.” The document will carry the date of approval and appropriate title under which it was circulated as a draft for comment. Approved documents shall be posted on the SWGDE website. Additionally, distribution of applicable products may be achieved through the use of other Standard Development Organizations (SDOs)/Standard Setting Organizations (SSOs).

8.1.8 Electronic votes pertaining to work product development may be held between meetings as needed. Electronic voting shall be overseen by the Parliamentarian.

8.1.8.1 Electronic votes remain subject to quorum requirements as outlined in Article 9.1.

8.1.8.2 Records of electronic votes shall be forwarded by the Parliamentarian to the Executive Secretary(ies) for retention as outlined in Article 14.2.

8.2 Creation of Other Documents

Other documents or communication created on behalf of SWGDE (e.g. position papers, letters, etc.) may be drafted by the Chair or his/her designee with Executive Board consultation and distributed as appropriate. The Executive Board shall decide whether the document requires approval by the Membership. Notification of such documents will be made to the Membership immediately via email.

8.3 Five Year Review of Approved Products

When five years have elapsed from the date of adoption or modification of a product, Members shall consider whether changes are required. During the consideration process, the document shall be referred to by its original title as a “Document for Five-Year Review – Draft for Comment.” The review process shall follow the steps outlined in Article 8.1 “Documents.” If an SDO-distributed product undergoes substantial changes during the review process, the updated document shall be forwarded to the SDO for their consideration.

8.4 Sun-Setting of Products

When a standard, guideline, best practice, or other work product is determined to be obsolete, a sunset date will be established and published to allow those laboratories using the work product to comply.



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8.5 Amendments

Proposed amendments to “Approved Documents” may be made by the membership or the public at any time.

8.5.1 Proposed changes to existing products shall be submitted in writing to the Secretary(ies) and contain the following information:

- Submitter’s name
- Affiliation(agency/organization)
- Address
- Telephone number and email address
- Document title and version number
- Change from (note document section number)
- Change to (provide suggested text where appropriate; comments not including suggested text will not be considered)
- Basis for change

8.5.2 All proposed amendments received shall be documented and forwarded to the appropriate committee for review and evaluation. An effort will be made to resolve all expressed objections related to the work product under consideration. At a minimum, all proposed amendments shall be acknowledged with a response, to include advisement of the appeals process (outlined in Article 13.2.6.2).

8.5.2.1 If the appropriate committee no longer exists, the Chair will appoint a new committee to review and evaluate the proposed amendments.

8.5.3 When approved by a majority committee vote, the Committee Chair(s) shall present the proposed amendments to the membership for review and evaluation.

8.5.3.1 If working between meetings, to the extent possible, the Committee Chair(s) shall notify the Chair to request placement on the next scheduled meeting agenda at least thirty (30) days prior to the meeting.

8.5.4 Modifications to an “Approved Document” require a simple majority vote of the participating members (including proxies) and shall become a “Revised Document for Comment” and shall follow Articles 8.1.4 through 8.1.7.

8.5.5 The decision of the committee and/or membership, with justification, shall be communicated to the requestor in writing by the Chair or his or her designee within thirty (30) days of the decision.



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8.5.5.1 Documentation of all received comments shall be maintained for a period of one (1) year.

8.6 Appeal Process

If, after notification of the outcome of a submitted comment(s), the submitter feels that SWGDE did not give the comment(s) due consideration, the submitter has the right to appeal the decision. This appeal shall provide for impartial handling regarding the action or inaction taken by SWGDE and shall be addressed by the External Oversight Board as outlined in Article 13.2.6.2.



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9. ARTICLE IX: VOTING

9.1 Quorum

The presence in person or by proxy of more than fifty (50) percent of the SWGDE Membership including the Chair and/or Vice Chair, is required to constitute a quorum. A quorum is required in order to vote on any matter.

9.1.1 It is at the Chair's discretion as to whether telephonic/electronic attendance is an acceptable form of participation. If permitted, any Member who has been participating in the discussion may cast a vote via phone or electronically to the Secretary(ies).

9.2 Votes

Each Member shall have one vote, except where noted in 9.2.5.

9.2.1 Proxies are permitted and must be submitted in writing to the Parliamentarian. The use and submission of the SWGDE Proxy Form is encouraged and can be submitted electronically. An ink or digital signature will be acceptable.

9.2.2 A proxy vote grants authority to the holding member to cast the vote on behalf of another member during an absence. It is limited to the duration of the scheduled meeting and will expire at the conclusion of the business meeting. A member in attendance may receive multiple proxies.

9.2.3 It is the responsibility of the absent member to notify the designated proxy and confirm that the proxy will be present/participating and able to vote in plenary sessions. It is recommended a written vote be furnished at or prior to the meeting. To the extent possible, the holding member shall cast the proxy vote as directed by the absent member.

9.2.4 Proxies shall not be used on committee issues as outlined in article 7.3.

9.2.5 A two-thirds (2/3) majority vote by organization is required on issues described in sections 5.2.3.5, 11.2.2, and 12.3.1.4. For these instances, the vote will be by organization only, and each organization shall have one vote. The Membership Committee shall decide what constitutes an organization.

9.2.6 All other matters require a simple majority vote of participating members (including proxies).

9.3 Materials

Except in the case of Member elections, all materials to be considered for voting between meetings (electronic voting) shall be distributed at least three (3) business days prior to the voting.



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9.4 Elections

Election ballots shall list all candidates eligible for the position(s); members will be instructed to vote for no more than the number of open positions. To be voted in, a candidate must receive a majority. If open positions remain, run-off election(s) will occur.



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10. ARTICLE X: COMMUNICATION

10.1 Official Communications

Official external communications shall be conveyed by the Chair or his or her designee.

10.1.1 Exceptions include communication as outlined in these Bylaws by the Membership Committee regarding membership applications and complaints, the Bylaws Committee when forwarding proposed amendments and updated Bylaws to the membership, and routine business conducted by the Secretary(ies).

10.2 Posting of Products

The SWGDE website shall be considered the normal vehicle for posting of all non-proprietary work products.

10.2.1 SWGDE related products, including documents, pictures, presentations, recordings, and other items created or generated with the intent for public display, must be approved by the Chair of SWGDE or acting Chair prior to posting on a non-SWGDE website. Members may post data regarding their participation on social media sites as long the posting is not in contradiction to the Ethics or Bylaws of SWGDE. Since the identity of some individuals within SWGDE can be classified as sensitive information, care and consideration should be taken prior to posting of photographs containing the images of other members. Posting of images is prohibited unless permission from the individuals in the photographs and the Chair has been obtained.



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11. ARTICLE XI: BYLAWS AND AMENDMENTS TO BYLAWS

11.1 Official Copy

The Bylaws Committee shall keep the official copy of the Bylaws. Any time an amendment is made, the Bylaws shall be updated and posted on the website.

11.2 Notification and Adoption of Amendments

To the extent possible, members will submit proposed amendments to the Bylaws to the Secretary(ies) at least thirty (30) days prior to the next scheduled meeting.

11.2.1 Members shall receive a compiled copy of all proposed amendment(s) and notification that they will be presented for vote at the next scheduled meeting no later than twenty (20) days prior to that meeting.

11.2.2 A two-thirds (2/3) majority vote by organization is required to approve a proposed amendment. Grammatical and formatting changes to the Bylaws do not need to be approved by a vote.



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12. ARTICLE XII: CODE OF ETHICS AND CONFLICT OF INTEREST DISCLOSURE PROCESS

12.1 Code of Ethics

The Scientific Working Group Digital Evidence is comprised of professionals assembled in a collaborative effort to identify, develop, and disseminate consensus- based standards, guidelines, best practices, and recommendations for the benefit of the national and international forensic community and society in general. To protect the integrity of SWGDE as deliberative bodies, Members and Advisors agree to abide by the following principles:

- Comply with the bylaws of SWGDE.
- Afford all SWGDE work products and ongoing discussions specific to those work products appropriate confidentiality until such products are released.
- Avoid even the appearance of any personal and professional conduct which places or could be construed to place SWGDE in the position of endorsing products or services for an individual's own financial or personal gain or for the financial or other gain of the individual's employer.
- Disclose to the Membership Committee any potential conflicts of interest, or the appearance of same, that may arise with respect to SWGDE business.
- Provide public statements representing SWGDE policies or positions only upon approval of the Chair, and if approved, represent SWGDE policies or positions accurately.
- Report complete and accurate data in connection with SWGDE related research.
- Provide a complete and accurate representation of their education, training, experience, and area of expertise.
- Accurately represent qualifications.
- Not misstate and/or over represent duties and responsibilities of SWGDE work, e.g., claiming oneself as a contributing member of SWGDE without actively participating in SWGDE meetings, claiming oneself as an officer of SWGDE without serving as such, claiming sole authorship of a document, use the SWGDE logo on any promotional material and/or curriculum vitae.
- Act in a professional manner while in attendance at SWGDE meetings and other events representing SWGDE.

12.2 Conflict of Interest Disclosure

It is in the best interest of SWGDE to be aware of and properly manage all actual, potential, and perceived conflicts of interest amongst those serving as Members and Advisors.

- Members shall submit to the Membership Committee a Conflict of Interest Disclosure

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- Advisors shall submit to the Membership Committee a Conflict of Interest Disclosure Statement as part of the committee appointment process and thereafter on a yearly basis while serving as committee members.
- Conflict of Interest Disclosure Statements shall be retained by the Secretary(ies) indefinitely.

12.3 Monitoring of Code of Ethics and Conflict of Interest Disclosures

The Membership Committee shall be responsible for monitoring the Code of Ethics and conflict of interest disclosure process. All issues related to the Code shall be reported to the Membership Committee.

12.3.1 Violations of Code of Ethics

Any Member may submit a written complaint to the Membership Committee regarding a potential violation of the Code of Ethics by another member. The complaint shall contain specific information that supports the violation. The Membership Committee shall report all complaints and subsequent actions to the Chair.

12.3.1.1 Within thirty (30) days of receipt of the complaint, the Membership Committee shall review the complaint and determine by a majority vote whether to dismiss the complaint or to conduct an inquiry. If the complaint is dismissed, the matter is resolved.

12.3.1.2 If further inquiry is warranted, the Membership Committee will provide the Member notice. The Member shall have thirty (30) days to respond in writing. Following the receipt of the Member's response or the expiration of the 30-day period with no written response, the Membership Committee will consider all pertinent information and make a recommendation to the Executive Board within thirty (30) days. If the Member fails to file a written answer within the time prescribed in this section, such failure shall constitute a waiver of the right to file a response and said Member shall abide by the action and decision of the Executive Board, without the right to appeal to the Members.

12.3.1.3 The Executive Board shall review and evaluate the recommendation and response and, within thirty (30) days of receiving the recommendation, sustain or overrule by a majority vote the findings of the Membership Committee, and notify the Member and the Membership Committee of its decision.

12.3.1.4 If the Executive Board decides to penalize the Member, the Member may appeal to the Chair within thirty (30) days of receiving the Executive Board's decision. If the matter is appealed, both the Member and the Executive Board may submit written statements to the Chair within thirty (30) days of notice of the appeal. The Chair will inform the membership of the appeal. The Members shall vote on the appeal within thirty (30) days of the submission of both written statements. The Members may vote to sustain or overrule the Executive Board's decision on the merits and/or the action. The decision of



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the Executive Board can be overruled by a two-thirds (2/3) majority vote by organization.

12.3.1.5 The Executive Board shall forward substantiated complaints to the Chair for evaluation and appropriate action, which may include termination from SWGDE.

12.3.1.6 In the event an individual is not a member of SWGDE and claims to be, The Membership Committee will send a letter to the individual's employer notifying them of the inaccurate representation with a request to remedy the situation.

12.3.2 Violations of Conflict of Interest

In instances of possible conflicts of interest:

- The Membership Committee shall consider all reported possible conflicts of interest and determine if the individual may be allowed membership in SWGDE.
- Participating Members or Advisors shall recuse themselves from any process where they believe they may have a conflict of interest.
- The Membership Committee may request that a Member or Advisor recuse himself or herself if the Committee Chair recognizes a potential conflict and believes it appropriate to do so.
- If a conflict of interest arises after someone has been accepted to membership, the Membership Committee shall review the matter and, if deemed appropriate, notify the Member in writing and request that he or she resign. If the Member refuses to resign, the Committee may recommend the Member's removal to the Executive Board. The Member shall be notified of the recommendation and given the opportunity to submit a written response. After review and evaluation of the Member's response, the Executive Board shall then decide by a two-thirds (2/3) majority vote whether to dismiss the Member.



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13. ARTICLE XIII: AUDITS AND OVERSIGHT

13.1 Internal Audits

An Audit Committee shall be established and comprised of a Committee Chair and one member from each of two different technical committees.

13.1.1 Audit Committee Composition

13.1.1.1 The Audit Committee Chair shall be appointed by the SWGDE Chair and should be selected from the At-Large Executive Board members.

13.1.1.2 The Audit Committee Chair shall select two additional members to serve on the Audit Committee.

13.1.1.2.1 Audit Committee members may participate in the annual audit remotely with approval of the Audit Committee Chair or designee.

13.1.1.2.2 Should an Audit Committee member be unable to participate either in person or remotely in the Annual Audit, the Audit Committee Chair may appoint an alternate member.

13.1.1.3 Committee membership shall rotate every two years.

13.1.2 Audit Committee Activities

13.1.2.1 Annual Audits

13.1.2.1.1 At the first meeting of the calendar year, the Audit Committee shall review the organization's records and activities from the past calendar year, or since the last audit.

13.1.2.1.2 The internal annual audit shall ensure the organization's records are current, complete, and maintained in accordance with SWGDE Bylaws requirements.

13.1.2.1.3 Records associated with the product development and approval process shall be reviewed. Only records associated with documents that have completed the final approval or withdrawal process shall be reviewed.

13.1.2.1.4 The review shall assess compliance with SWGDE Bylaws requirements for product development and shall not include evaluation of the technical content of documents.

13.1.2.1.5 The Audit Committee shall review SWGDE records to ensure approved documents meet bylaws requirements regarding the following:

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-
- Voting history (i.e., quorum met, vote results documented)
 - Comments received were documented and addressed
 - Public comment period at least 60 days
 - Meeting minutes/summaries complete
 - Membership records up to date

13.1.2.1.6 To the extent possible, Audit Committee members shall avoid reviewing records pertaining to approved documents developed by their assigned technical committee.

13.1.2.2 Annual Audit Report

13.1.2.2.1 The Audit Committee shall have 30 days to prepare the internal audit report containing a summary of audit findings:

13.1.2.2.1.1 No issues with any records and/or documents reviewed OR

13.1.2.2.1.2 Issue(s) identified regarding specified records and/or approved document(s)

- Description of finding/issue
- Recommendation for resolution

13.1.2.2.1.3 The Audit Report will be forwarded to the External Oversight Board.

13.2 Oversight Board

An External Oversight Board shall be established and shall be comprised of three non-SWGDE members.

13.2.1 The External Oversight Board members shall be nominated by members of the Executive Board. A majority vote of Executive Board members is required to approve nominations.

13.2.2 Oversight Board member qualifications:

- Experience in, and knowledge of, the SWGDE voluntary consensus standards system
- General knowledge of auditing principles and methods obtained through any combination of experience, education, or training
- The ability to act objectively and independently
- The ability to analyze information and to express findings clearly, concisely, and in a timely manner.



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13.2.3 Prior to commencing his/her term, each Oversight Board member shall complete the SWGDE “Code of Ethics and Conflict of Interest Disclosure Statement” form (see Appendix A), to include signature and date. An ink or digital signature will be acceptable.

13.2.4 Oversight Board members shall serve a three-year term. Oversight board members shall serve no more than two terms.

13.2.5 Oversight Board members shall meet either in-person or virtually at least once per year. To the extent possible, this meeting shall occur within 60 days of the SWGDE internal audit.

13.2.6 The Oversight Board shall have the following duties:

13.2.6.1 Internal Audit Review

The External Oversight Board shall review audit reports and other documents (e.g., membership rosters, meeting minutes, comment tracking logs, voting records, etc.), as needed, to ensure that document development procedures were followed and the principles of openness, balance, due process, and consensus are upheld throughout the document development process.

13.2.6.1.1 The External Oversight Board shall notify the Chair of the outcome of the audit review, to include any recommended changes to SWGDE Bylaws or business practices.

13.2.6.2 Appeals

The External Oversight Board shall serve as an independent appeal body in case of a dispute between SWGDE and an external party/parties regarding comments and/or document development. Note that appeals must be based on perceived procedural actions or inactions of the SWGDE organization. Technical content of documents is not subject to the appeals process.

13.2.6.2.1 All appeals shall be submitted in writing to the Chair and contain the following information:

- Submitter’s name
- Affiliation
- Address
- Telephone number and email address
- Document title and version number
- Copy of the previously submitted comment(s)
- Basis for appeal/concerns

13.2.6.2.2 The Chair shall forward the appeal and associated documentation to the External Oversight Board, which shall then have thirty (30) days from receipt to evaluate the appeal. Evaluation shall include input from the committee dealing with the original comments.

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13.2.6.2.3 When approved by a majority vote of the External Oversight Board, the decision of the Oversight Board, with justification, shall be communicated in writing to the submitter within five (5) days of the decision.

13.2.6.2.3.1 If the decision of the External Oversight Board is to uphold the submitted appeal, the comment(s) shall be resubmitted to the original committee for inclusion in the work product. The work product will be considered a “Revised Document for Comment” and those changes made to the document will be sent out for comment following Articles 8.1.4 through 8.1.7.



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14. ARTICLE XIV: RECORD RETENTION

14.1 Organization Records

SWGDE shall maintain records of its administrative and product development activities, including but not limited to: membership, official external communications (including comment adjudication), internal audits, meeting minutes, elections, and voting results.

14.2 Record Retention Policy

SWGDE shall retain records in accordance with a defined schedule, as outlined below.

14.2.1 Official SWGDE records shall be maintained by the Executive Board. **14.2.2** SWGDE records shall be maintained according to the following schedule:

- Voting Records 5 years
- Comment Records 5 years
- Membership Rosters 5 years
- Meeting Minutes/Summaries 5 years
- Internal Audit Reports 5 years
- Appeals 5 years

14.3 Previous versions of the SWGDE Bylaws shall be maintained for a minimum of five years.



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15. APPENDIX A

Code of Ethics and Conflict of Interest Disclosure Statement for Scientific Working Group on Digital Evidence Members and Advisors

The Scientific Working Group on Digital Evidence (SWGDE) is comprised of professionals assembled in a collaborative effort to identify, develop, and disseminate consensus-based standards, guidelines, best practices, and recommendations for the benefit of the national and international forensic community and society in general. To protect the integrity of SWGDE as a deliberative body, Members and Advisors agree to abide by the following principles:

- A. Comply with the bylaws of SWGDE.
- B. Afford all SWGDE work products and ongoing discussions specific to those work products appropriate confidentiality until such products are released.
- C. Avoid even the appearance of any personal and professional conduct which places or could be construed to place SWGDE in the position of endorsing products or services for an individual's own financial or personal gain or for the financial or other gain of the individual's employer.
- D. Disclose to the SWGDE Membership Committee any potential conflicts of interest, or the appearance of same, that may arise with respect to SWGDE business.
- E. Provide public statements representing SWGDE policies or positions only upon approval of the Chair, and if approved, represent SWGDE policies or positions accurately.
- F. Report complete and accurate data in connection with SWGDE related research.
- G. Provide a complete and accurate representation of their education, training, experience, and area of expertise. H. Accurately represent qualifications.
- I. Not misstate and/or over represent duties and responsibilities of SWGDE work, e.g. claiming oneself as a contributing member of SWGDE without actively participating in SWGDE meetings; claiming oneself as an officer of SWGDE without serving as such; claiming sole authorship of a document; use the SWGDE logo on any promotional material and/or curriculum vitae.
- J. Act in a professional manner while in attendance at SWGDE meetings and other events representing the group.

Additionally, it is in the best interest of SWGDE to be aware of and properly manage all actual, potential, and perceived conflicts of interest amongst those serving as Members and Advisors.

Circumstances may create potential conflicts of interest when a Member or Advisor has an opportunity to non-objectively affect SWGDE guidelines, best practices, and other products based on a financial or personal interest in an entity or product. A potential conflict of interest occurs when there is a divergence between a Member or Advisor's personal interests and his/her obligations to SWGDE such that an independent observer might reasonably question whether the individual's actions or decisions are determined by considerations of personal gain, financial or otherwise. An actual conflict of interest depends on the actions and not on the character of the

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individual; therefore, having an affiliation with a commercial interest does not in-and-of itself imply a wrong or improper relationship. For purposes of this disclosure, a conflict of interest may exist when financial or personal interests directly and significantly affect the development or reporting of SWGDE products. For the purpose of this Conflict of Interest Disclosure Statement, SWGDE considers the relevant financial relationships of the SWGDE Member or Advisor to include financial relationships of a spouse or partner.

In the following table, list the names of potentially relevant entities with which you or your spouse/partner have, or have had, a relevant financial or personal relationship with in the past 12 months. Describe what you or your spouse/partner received (e.g. salary, honorarium, etc.). It is not necessary to disclose the amount received. Finally, describe your role or that of your spouse/partner.

<input type="checkbox"/> I, do not have any financial or personal interests or arrangements with any entities that may be pertinent to the development of SWGDE products.	
<input type="checkbox"/> I, have or have had financial or personal interest(s)/arrangement(s), within the past 12 months, with one or more entities that may be pertinent to the development of SWGDE products. These I have disclosed below:	
Entity	Nature of the Relationship

Nature of the Relationship: Salary, royalty, intellectual property rights, consulting fee, honoraria, ownership interest (e.g., stocks, stock options or other ownership interest, excluding diversified mutual funds), or other financial benefit), or personal interest
Role(s): Employment, management position, independent contractor (including contracted research), consulting, speaking and teaching, membership on advisory committees or review panels, board membership, and/or other activities from which remuneration is received or expected



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I have received, read, and understand fully the Code of Ethics and Conflict of Interest Disclosure Statement and will comply with the code by bringing any potential conflict of interest situations to the SWGDE Membership Committee for consideration.

Signature Date

Members or Advisors in violation of this code of ethics or conflict of interest statement shall be reported to the SWGDE Membership Committee.



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16. Terms and Definitions

Commercial Interest: Commercial Interests are any proprietary entity producing goods and/or services, with the exemption of non-profit or government organizations.

Financial Relationships: Financial relationships are those relationships in which the individual benefits by receiving a salary (with the exception of local, state, or federal employees), royalty, intellectual property right, consulting fee, honoraria, ownership interest (e.g., stocks, stock options or other ownership interest, excluding diversified mutual funds), or other financial benefit. Financial benefits are usually associated with roles such as employment, management position, independent contractor (including contracted research), consulting, speaking and teaching, membership on advisory committees or review panels, board membership, and other activities from which remuneration is received, or expected. SWGDE considers relationships of the SWGDE Member or Advisor to include financial relationships of a spouse of partner.

Personal Interest: Personal gain with no direct financial effect that may compromise objectivity.

Conflict of Interest: Circumstances create a conflict of interest when financial or personal interest directly and significantly affects the development or reporting of SWGDE products.



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History

Revision	Issue Date	History
5.7	6/9/2022	Added Articles XIII and XIV and updated content to address virtual participation and online voting.
5.7.1	9/21/2022	Minor updates to document number and editorial/formatting changes