

## **The thorniest area: making collections accessible online while respecting individual and community sensitivities**

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*New technologies and the Internet now make possible wide access through digital copies to the collections of libraries, archives and museums. This represents an unprecedented opportunity to make their collections accessible and a historic change in the way information is delivered. Archives and libraries are meeting the challenges and using the opportunities presented. Access and disclosure are now no longer narrowly legal concepts encompassing permission to view material in a reading room. Legal permission is only the first step in making material available. The second step is to decide how to make collection material available, whether through original materials in reading rooms, single copies provided to individuals, or online copies available to the world.*

*The space between what can legally be displayed online and what individuals or the community will tolerate online is a complex one for archivists and other professionals in cultural institutions. In this space we encounter issues of privacy in regard to personal information and of community attitudes in relation to material that may be regarded as offensive. There has been little discussion of these issues in the literature. Governments and the public expect greater online access to the collections of cultural institutions. One response is for institutions to develop policies and procedures that reflect community concerns over the sort of material available online and that also result in consistent and defensible decisions in making material available online and reasoned responses to concerns about existing online content.*

Cultural institutions have welcomed and been quick to embrace new technologies that have facilitated access to their collections.<sup>1</sup> The ability to make digital surrogates of collection material viewable online has opened collections to worldwide audiences. Archives have benefited from the new technologies by making collection documents available online which in the pre-web world would be viewed in the reading room of the archives or mailed out as photocopies. The new technology has coincided with the boom in family history research and has enabled a wealth of documents useful for family history to be available online. Examples are the military service files of members of the First Australian Imperial Force available in digital form on the website of the National Archives of Australia.

Apart from satisfying a growing demand for and expectation of ready access to archival material online, the 'digitise and display' model brings benefits for the management of archival collections. Mailing out photocopies of records has already resulted in archives acquiring a new community of 'remote users', unimaginable in the times before the technology of document reproduction. Technology makes it possible to capture and preserve those copies in digital form to be re-used the next time a copy is requested without recourse to the original record. Archives can undertake projects to display on their websites digital copies of popular records which can be viewed free of charge by anyone with access to the Internet. The availability to all of a copy online from which further prints can be made virtually eliminates the

need to retrieve the original record ever again, saving handling costs and reducing deterioration of the record under a new paradigm of 'copy once, make accessible everywhere and forever'.

Although this is a positive outcome with substantial benefits for institutions and their users, there are some issues for archives in providing access online. This paper considers some of those issues and how as a profession we have already tackled them and how we may do so in the future.

The *Macquarie ABC Dictionary* defines access as follows:

1. the act or privilege of coming; admittance; approach.
2. way, means or opportunity of approach.<sup>2</sup>

Access derives from the Latin *accessus*, meaning *approach, access; means of approach, entrance*.

The basic meaning, therefore, is to approach a location; in the context of archives, to go to the place where the archives are kept.

There is also a permissive aspect of 'access': merely visiting an archives in itself does not result in access. Here we may distinguish between two processes in making records available both in a reading room and online. In an initial process we can call 'legal compliance', the documents must meet the condition of being accessible in the legal sense. Before an archives or library makes a document available in its reading room or online in digital form, it needs to be satisfied the material can be legally provided to a researcher or displayed online. The considerations will vary among jurisdictions and institutions and depend on the nature of the document and the relevant access regime. For government records there will be a public access regime established under legislation that determines what can be or should be released to the public and the grounds for exempting information from public release.<sup>3</sup> In some jurisdictions the government archives determines under the legislation what is released; in others, only material which has already been cleared for public release by authoring departments is transferred to government archives.

For non-government material there will be agreements with depositors and legal owners establishing under what conditions the material can be released and to whom.

There are other legal considerations,<sup>4</sup> such as privacy legislation. The online environment presents another set of legal compliance issues. Copyright legislation may prevent an archives or library from displaying digital copies online without permission of the owner of copyright in the document or photograph. There will also be legislation which makes it illegal to display certain content. For example the *Australian Broadcasting Services Act 1992* regulates online content. Schedule 5 of the Act defines prohibited content in relation to Internet content hosted in Australia. These restrictions are enforceable by the Australian Communications and Media Authority which can issue interim and final take-down notices.<sup>5</sup>

In the second process an archives or library, having determined which material it can provide in compliance with its obligations, has to decide how it will make this material available. Here we enter an area not of legal regulation but involving discretion, ethics, community sensibilities and expectations, and professional judgement – the ethical dimensions of reference services.<sup>6</sup> These questions may well come up in displaying materials in exhibitions, but the online environment brings these into much sharper focus.

This article concerns the processes under the control of archives, the choice of how to make collection material available. The advent of technology that allows easy copying (photocopying followed by digital copying) means in reality that once any sort of copy is provided to the public its ultimate dissemination is beyond the control of the institution that made the first copy available. People can scan a copy and make the digital copy available on their own site or a social media website.

In pre-Internet days the fact that a collection item was, in the legal sense, available to any member of the public did not mean that it was in fact easily accessible by all the public. There were physical barriers to access such as the location of the archives, the retrieval process, the willingness and skill of the archivist, and the perseverance and knowledge of the researcher. There were exceptions, such as exhibitions and published collections of archival material. However, for the most part archives were accessible only within the archival institutions.

Archives New Zealand has considered these issues and coined the

phrase 'practical obscurity', which it defines as:

The principle that private information in public records is effectively protected from disclosure as the result of practical barriers to access ... [including] travel to view the record, the passage of time, and the limits of indexing.<sup>7</sup>

Practical obscurity relates to the number of people who 'practically can access the information and easily match it with other information rather than whether the information is formally available for viewing'.<sup>8</sup>

The effect of making records accessible on the Internet diminishes those practical barriers. A collection item copied on an institution's website with a searchable descriptive title may need little or no archival skill or experience to locate, nothing more than a web browser. This represents a huge increase in the real accessibility of collection material. Although this is a boon for researchers, and in particular for family historians, some in the community may not be comfortable with access online to records containing personal information about them, or a family relation, which they consider sensitive. A correspondent to the National Archives of Australia recently wrote:

I am happy for a reputable researcher to view my record for serious purposes but I don't want just anyone viewing it online.

Another person wrote:

My concern is purely the ease with which the documents are now available online ... somewhat ironic, considering that ease of access is one of the most attractive aspects of the service you provide!<sup>9</sup>

The first person makes an interesting distinction between the reputable (and therefore in their mind trustworthy and discreet) researcher who views records on the premises of the archives and the casual online browser whose intentions are unknown: between physical access in a reading room which they suppose acts as an informal filter for those whose intentions may be suspect and unmediated online access through the Internet.

In this space between what is legally available and what is perceived by

individuals or the community as acceptable to place online, archivists play a role in balancing competing interests – the demand for open access and the demand for managing access to sensitive information (whether sensitive for an individual or sensitive for a community). The choice of what to display online may be dictated by resources available for digitisation so that only certain iconic collection items are digitised and displayed. An institution may let the users decide what is to be digitised by establishing a service where researchers can pay to have selected material digitised.

The question for archivists and librarians is whether we can in theory make available online any and all material which we can legally make available in our public reading rooms, and if not, why not, and on what basis do we limit access to material online which we would make available in our reading rooms.

The literature before the digital age reveals, as one would suspect, little attention to the issues around publication of archival material by archives except in respect of copyright.<sup>10</sup>

Perhaps more surprising is that this issue continues to receive little attention to the present day. Elena Danielson, who barely mentioned publication in her discussion of archival ethics in an article from 1989,<sup>11</sup> wrote in 1997:

The use of technology ... has in effect made the privacy issue more difficult rather than less. It is one thing when an isolated historian looks at a private letter in a quiet reading room, it is different to have that letter available on the Internet for millions to see instantly ... The thorniest area remains the conundrum of respecting privacy in an open society that with the Internet is increasingly becoming a wide open society.<sup>12</sup>

Danielson does not go on to provide answers to this issue, nor do any of the other authors in the same publication even raise the issue.

Danielson's concern seems not to have resonated with other commentators. One seeks in vain in the main English language archival journals over recent years for a substantial contribution to this topic.<sup>13</sup>

Certainly issues of privacy, legislative frameworks and archives are

discussed, but with no reference to the implications of direct access to archival material online.<sup>14</sup> What is noticeable is the continued use of terms such as 'disclosure' and 'access' in a purely formal, legalistic sense.<sup>15</sup> Valge and Kibal use 'access' in their historical sketch of archives from medieval times to the current (2007) situation in Europe with no mention of the increased accessibility to records facilitated by modern technology. Heather MacNeil in two important contributions on the ethics of privacy and personal information discusses disclosure as an all-or-nothing process and does not tackle the issue of different levels of disclosure.<sup>16</sup> As recently as last year Paul Macpherson, in advocating free online access to archives to replace access through reading rooms, does not raise the issue of making personal information available online.<sup>17</sup>

An explicit recognition of the issue is found in Martin Levitt's 2005 discussion of creating a website to document the eugenics movement in the United States.<sup>18</sup> In this instance names and other details were deleted from online versions of documents, which could be viewed in their entirety by researchers consulting them in the archives.<sup>19</sup>

My point is simply that concepts of disclosure, access and accessibility underpin any discussions of privacy and ethics, yet there is little recognition of Danielson's 'thorniest area'.

The political dimension of suppressing information embarrassing or unpalatable to governments has been canvassed, although not with specific reference to the mode of access.<sup>20</sup> However, the subject under discussion here is not the relationship of archives with government but the relationship with the community and individuals.

The material that may cause concern to individuals or to the community if it were to appear online broadly falls into two categories. First, there is personal information that might concern the subject or a near relative. This includes data such as middle name, names of immediate relatives, date and place of birth, employment reports, results of aptitude tests, and applications for immigration. We need to recall we are speaking of information which has already been assessed as releasable under the relevant legislation or access regime. Second, there is an ill-defined category of 'inappropriate' or 'unacceptable' content – material that might offend, distress or concern members of the community who have no direct connection with the material.

One colleague from a cultural institution, referring to particular records of potential sensitivity, spoke in terms of 'crossing the line', saying 'we would never display those sorts of images on our website, we would not cross that line'. But who draws the line? We will not find it in any legislation as we are discussing material which is not legally prohibited.

The two categories are quite different in the issues they raise. The release of personal information online balances a right of the public to know (this may be a statutory right to access government documents) against an individual's right to privacy in regard to themselves or immediate members of their family. The issue of inappropriate material and community acceptance is less clear-cut.

I would like to explore these in turn.

The *Archives Act 1983* which governs public access to the records of the Australian Government which fall into the open access period gives, among the several categories of information which are to be exempted from public release:

33 (1) (g) information or matter the disclosure of which under this Act would involve the unreasonable disclosure of information relating to the personal affairs of any person (including a deceased person).

No doubt when the Act was drafted, 'disclosure' in the context of an archives was thought to refer to availability in the public reading room or to supply of a photocopy. The question was whether it was reasonable or not to make the information available to an individual in a reading room or to an individual requesting a copy. With the increasing demand for remote access to archival materials, including the possibility of making this material available to a world audience on the Internet, 'disclosure' has become a multi-level concept – providing an original record to one researcher in a reading room; mailing a photocopy to one or several researchers; making a digital image of the record available through the institution's online catalogue where it cannot be found through a web browser; or making the digital copy available through an archival portal where it can be located by web browsers. Can reasonable disclosure of personal information in a



reading room become unreasonable disclosure if the same information is made available on the Internet?

The case of the eugenics website described by Levitt is very instructive. Here names of individuals and families which were considered reasonable to disclose in the reading room were deleted from the online copies of the documents. Here there was no single access decision – the same information was open and closed, disclosed but not disclosed, available and unavailable, depending on the mode of access.<sup>21</sup>

It is an accepted principle of determining the release of personal information that its sensitivity decreases over time – the less current the information the more the balance tips in favour of public disclosure.<sup>22</sup> The traditional criteria for assessing the sensitivity of information have been contents and currency.<sup>23</sup> However, disclosure is no longer merely the decision arrived at from consideration of these factors, as the *mode* of disclosure itself is a factor in determining the sensitivity of the information as witnessed in the eugenics website – information which from the lapse of time was considered no longer too sensitive to be disclosed in the public reading room was nevertheless judged too sensitive to make available online.

The issue is the same with information in item descriptors. There is a need to consider the matter of sensitivity in the context of an ascending ladder of disclosure from entry in a card catalogue, entry in a database available only to visiting researchers, entry in an online database not searchable by web browsers, to item descriptions fully searchable by standard web browsers. Each step represents a higher level of disclosure.

It is no longer a simple case of disclosure or non-disclosure of personal information; the archivist must now decide what is a reasonable degree of exposure of that information. This issue is explicitly recognised in one of the criteria used by the UK national archives in deciding to take down online content:

The material acquires sensitivity through being available on-line, although an FOI/EIR exemption need not be applied to on-site access to the same information in paper format.<sup>24</sup>

The model proposed by Paul Macpherson, of making access to online copies the only means of accessing archival material, does not take this issue into account. The collective good may well be served by online access as a more efficient means for the archives to deliver material and as an easier means of access for the majority of researchers, but should this override the concerns of those whose personal information will be available online?

The second category of material which raises issues in relation to online access is that which risks offending the community at large.

There are two trends that should be noted: (1) a public expectation of immediate online access to collections of cultural institutions is growing; and (2) developments in Australia and overseas relating to online content are indicative of a growing awareness of and concern for the nature of some online content.

In Britain the Internet Watch Foundation (IWF), a non-government charitable body founded in 1996, provides an online service for the public to report content on the Internet they consider to be potentially illegal. The IWF produces a blacklist of Internet sites, mainly child pornography URLs and content it judges to contravene UK laws. Many UK-based Internet service providers use the list to filter content. IWF operates in informal partnership with the police, government, public and Internet service providers. It covers child pornography, racist material and criminally obscene material online.<sup>25</sup> In 2006 the British Telecom group introduced Cleanfeed technology which blocks access to sites listed by the IWF.

In Australia the government has been implementing its cyber-safety plan. In May 2008 the government committed \$125.8 million dollars over four years to a range of cyber-safety measures including law enforcement, filtering and education. Legislation for mandatory filtering has been deferred until completion of a review of the Refused Classification category which may mean legislation will not be introduced into Parliament before 2013.

Filtering would block content using a blacklist of prohibited sites maintained by the Australian Communications and Media Authority (ACMA), sites defined as prohibited under Australian legislation in

place since 2000. ACMA is a statutory authority within the federal government portfolio of Broadband, Communications and the Digital Economy. ACMA is responsible for the regulation of broadcasting, the Internet, radio communications and telecommunications. One of its aims is 'fostering an environment in which electronic media respect community standards and respond to audience and user needs'.<sup>27</sup>

In Australia the government has given additional funds to ACMA to improve existing online reporting mechanisms so that the public can easily report prohibited online content. As a result, ACMA has developed the Cybersmart website which includes an online complaint form and an email address.<sup>28</sup> The complainant lists the site where the material is found and why the content would be considered prohibited. For the latter there is a choice of reasons from a drop-down menu that includes adult nudity, violence, child pornography, Internet gambling, promotion of drug use, crime or terrorist act, and 'other potentially harmful and/or offensive material'. At this site the public can complain about any content on the World Wide Web. If the content is hosted in or provided in Australia and is prohibited, ACMA will direct the content service provider to remove or prevent access to the content from their service, but does not handle complaints about, among other matters, defamatory content, intellectual property infringements or privacy violations.

ACMA confirmed to the author that the complaint mechanism does apply to any Internet content including that made available by Australian government agencies and cultural institutions. ACMA said it would treat such complaints on their merits, and if the material was legally prohibited or if the content warranted it, the case would be referred to the Classification Board for formal classification. Unless the material qualified as legally prohibited, ACMA would not investigate further but refer the complainant to the relevant content provider.

Although it is most unlikely that any cultural organisation, government or otherwise, would display illegal content on its website, the point is that communities and governments are feeling the need to exercise greater control over some online content. Where archives and libraries may encounter this phenomenon is when they display material which, while in no way being illegal, may nevertheless cause distress or concern or be perceived as distasteful.

I consulted colleagues from other institutions for examples from their experience of material which caused concern or at least prompted discussion about online display:

- anatomical drawings and medical photographs (of procedures and conditions);
- photographs of dead bodies;
- an index of body parts gathered during wartime for research on the effects of modern munitions;
- World War II Japanese propaganda leaflets with graphic depictions of sexual acts;
- photographs of clothing worn by a child at the time she died in notorious circumstances;
- photographs of semi-naked indigenous women;
- detailed description of a sexual assault in an official investigation file;
- coroners' reports; and
- photographs of murder or accident victims.

Given that most libraries and archives would have some material of this sort such that they might think twice about making it available online, the question concerns which measures they adopt to decide whether to make this material available online, and what actions they take in response to complaints about material already online.

Such measures involve establishing 'defensible procedures' which lead to consistent and rational decisions.<sup>29</sup>

One option is to establish a panel of representatives from the institution and external stakeholders to advise management, either by endorsing guidelines or as a review board to which particular cases could be referred. In the case of the eugenics website, an editorial review panel was established as an advisory board to provide ethical guidelines for the site.<sup>30</sup> The National Archives of the United Kingdom convenes a panel to consider requests to take down material from its website. The panel is chaired by one of the directors with a core of staff members and others who bring special expertise for the particular case.<sup>31</sup> Archives

New Zealand has established a Digitisation Strategy Committee which considers and approves proposals to make archives available online.<sup>32</sup>

Archives New Zealand has been trialling a procedure under which privacy impact assessments are produced for each proposal to make descriptive information or archives available online. The impact assessments consider the amount of personal information contained in the records, the age of the records, the extent to which the personal information is already in the public domain, how widely the records have been used and whether similar information is available online.<sup>33</sup>

Decisions could be made informally on a case-by-case basis. An institution may reach decisions on what to digitise through consensus following discussion among staff involved in selection or loading of online content with referral to management if there is any doubt. This is what some institutions are doing now in Australia.

Any such approach can be supported by guidelines or an online editorial policy developed by the institution, formally endorsed by management and available to staff and the public. An example is the Australian Broadcasting Corporation's Editorial Policies document which is available on its website.<sup>34</sup> At 169 pages it covers all aspects of television, radio and Internet broadcasting, including balance in reporting and content policies.

Another approach would be to endorse a sectoral or industry guideline for online content that would cover cultural institutions (museums, galleries, archives, libraries). On 16 July 2008 there was released in Australia a new industry code of practice for providers of online and mobile phone content, approved by ACMA. It was the first industry code under the new Schedule 7 of the *Broadcasting Services Act 1992*.<sup>35</sup>

The other aspect of self-regulating online content is developing procedures to respond to complaints about existing content.

The Takedown Policy of the National Archives of the United Kingdom states: 'As a general rule information published on a website will be considered to be in the public domain and will be removed from that website only in exceptional circumstances'. The policy says material will be taken down temporarily on receipt of a request from a member of the public or a government department, and the case

will be considered by a panel of members of staff which will approve continued withdrawal only if the case meets one of seven criteria. These include: release in error; change in circumstances; infringement of copyright; defamatory or obscene nature; breach of privacy under the *Data Protection Act 1998* (UK) or the *Human Rights Act 1998* (UK); causing a department serious and real administrative difficulties; and, acquiring sensitivity through being available online.<sup>36</sup>

The National Archives of Australia (NAA) has developed a policy for when people express concern that information about themselves is contained in records which are available in digital copy on its website. In these cases the NAA will remove the digital copy of the record from public display but maintain the record's legal availability to the public so that it can still be viewed in the public reading room of the NAA and a copy provided upon request.

On the technical side, an institution may develop a system of levels of access so that material that might be regarded as offensive or could distress young children is available online only to registered researchers who are provided with password access to online material from the collection which does not appear to the general public.

The foundation of these approaches is that institutions successfully develop a consistent, defensible and transparent editorial policy on online content. This is no easy task, as the ABC Editorial Policies document expresses it: 'Questions of taste and decency in the Australian Community are complex. Individuals and groups may have different standards and these may change over time'.<sup>37</sup>

MacNeil writes that privacy is the right to 'a reasonable degree of secrecy, anonymity and solitude. Of course, the concept of "reasonable degree" constitutes a continually negotiated criterion'.<sup>38</sup>

In the end, the benefit of informing the public of our history through surviving records made available on the Internet will in most cases outweigh concerns over adverse public reaction to the unsavoury nature of some of those materials. Levitt writes of the eugenics site: 'to truly appreciate eugenics as an example of science gone awry and to illustrate eugenical thinking the site necessarily exhibits what can only be characterised as distasteful material'.<sup>39</sup>

## Conclusion

The conversion of archives and other cultural institutions from keeping places to online publishers has been swift and continues to gather pace. As Fleckner points out, 'from the perspective of the use of technology ... the world of archives in 1975 was not significantly different from that of 1900' but 'in a few brief years ... we had achieved a degree of accessibility and integration in the archival world never before imagined'.<sup>40</sup> Even if the total conversion to online access urged by Paul Macpherson is never reached, online access to collections will become for most users the preferred and expected form of access. Access regimes developed in the pre-digital age and envisaging 'disclosure' as merely placing a file in front of a researcher in a public reading room are in the process of adapting to the new realities. Archives and libraries in making their collections accessible online are redefining the notions of 'access', 'accessibility' and 'disclosure'. In the process, the consideration of 'access' and 'disclosure' in purely legal terms is being broadened to include the mode of disclosure.

Government and society expect government agencies, including publicly-funded cultural institutions, to increase their online presence. Government bodies in Australia are being required by the Australian Government, through legislation and policy, to release more information sooner.<sup>41</sup> At the same time the online environment is becoming more regulated with the government encouraging codes of practice and self-regulation for commercial content providers. In this environment of seemingly opposing pressures for greater disclosure of information online and greater regulation of online content, cultural institutions are articulating and documenting their policies and practices in relation to online content.

Chris Adam, the Regional Archivist, Christchurch Office, of Archives New Zealand, writes:

Over this quarter of a century the focus of access concerns ... has now moved beyond appropriate control of access to restricted archives to the appropriate control of access to all archives. It seems to me that currently the most

interesting debate is not around access per se, but around how widely can unrestricted archives be disseminated ... The debate is no longer about whether a file should or should not be restricted but about how easy access should be to it. It perhaps does not help that society can apparently hold a sensitive concern for personal privacy at the same time as social networking applications are thriving on the web and family historians demanding access to more and more personal information online.<sup>42</sup>

### **Acknowledgements**

*I would like to acknowledge colleagues from various institutions in Australia who contributed their thoughts and experience on the issues raised in this article, and especially Chris Adam, the Regional Archivist, Christchurch Office, of Archives New Zealand, for stimulating discussions on this topic and for making available to me his recent paper and draft policies from Archives New Zealand.*

### **Endnotes**

<sup>1</sup> John A Fleckner, 'The last revolution and the next', *Journal of archival organization*, vol. 2, no. 1/2, 2004, provides a good overview of the 'revolution in archives' brought about by new technologies such as automated catalogues, word processing, PCs, email, the World Wide Web and desktop scanning technologies which have facilitated the production of digital copies for display online. We can add to this the new social media applications known collectively as Web 2.0.

<sup>2</sup> *Macquarie ABC Dictionary*, Macquarie University, NSW, 2003.

<sup>3</sup> For example, the *Archives Act 1983* establishes a statutory public right to access to Australian records in the open access period and section 33 of the Act sets out grounds for exempting material from public release, qualifying the general right of public access established in the Act.

<sup>4</sup> However, the Australian *Privacy Act 1988* does not apply to Australian government records in the open access period.

<sup>5</sup> Website of ACMA, available at <[http://www.acma.gov.au/WEB/STANDARD/pc=PC\\_100420](http://www.acma.gov.au/WEB/STANDARD/pc=PC_100420)>, accessed 20 April 2011.

<sup>6</sup> Terry Eastwood, 'Public services education for archivists', in Laura B Cohen (ed.), *Reference services for archives and manuscripts*, Haworth Press, New York, 1997, p. 34.

<sup>7</sup> Archives New Zealand, draft policy paper, January 2010.

<sup>8</sup> *ibid.*; a point made by Elena S Danielson, 'The ethics of access', *American archivist*, vol. 52, Winter 1989, p. 58, in relation to the commitment of time and travel budget for a researcher to locate a particular file in a mass of unprocessed records: 'From the



researcher's point of view, not much difference exists between the legal restrictions and the difficult physical access, because the result, or lack of result, is the same'.

<sup>9</sup> Both quotes from correspondence received at the National Archives of Australia.

<sup>10</sup> For example, the following dealing with ethics are silent on this matter: David E Horn, 'The development of ethics in archival practice', *American archivist*, vol. 52, no. 1, Winter 1989, pp. 64–71; Elena S Danielson, 'The ethics of access', *American archivist*, vol. 52, no. 1, Winter 1989, pp. 52–62; and, Ann Clifford Newhall, 'Access to archives and privacy: the twenty-third International Archival Round Table Conference proceedings', *American archivist*, vol. 52, no. 1, Winter 1989, pp. 99–101.

<sup>11</sup> Danielson (see note above).

<sup>12</sup> Elena S Danielson, 'Ethics and reference services', in Laura B Cohen (ed.), *Reference services for archives and manuscripts*, Haworth Press, New York, 1997, pp. 109–10.

<sup>13</sup> The journals consulted are: *Archival science*; *Archivaria*; *Journal of the Society of Archivists*; *American archivist*; *Archives and manuscripts*; *Journal of archival organization*.

<sup>14</sup> See, for example, the following where one might expect some treatment of this: Jaak Valge and Birgit Kibal, 'Restrictions on access to archives and records in Europe: a history and the current situation', *Journal of the Society of Archivists*, vol. 28, no. 2, October 2007, pp. 193–214; Livia Iacovino and Malcolm Todd, 'The long-term preservation of identifiable personal data: a comparative archival perspective on privacy regulatory models in the European Union, Australia, Canada and the United States', *Archival science*, vol. 7, no. 1, 2007, pp. 107–27; Malcolm Todd, 'Power, identity, integrity, authenticity, and the archives: a comparative study of the application of archival methodologies to contemporary privacy', *Archivaria*, no. 61, Spring 2006, pp. 181–214.

<sup>15</sup> Iacovino and Todd use 'disclosure' 11 times; Valge and Kibal use 'access' throughout their article.

<sup>16</sup> Heather MacNeil, *Without consent: the ethics of disclosing personal information in public archives*, Society of American Archivists and Scarecrow Press, Metuchen NJ, and London, 1992: for example, pp. 114–18 in a discussion of the appropriate closure period for case files containing personal information, the mode of disclosure is not raised as a relevant factor; Heather MacNeil, 'Information privacy, liberty and democracy', in Menzi L Behrnd-Klodt and Peter J Wosh (eds), *Privacy and confidentiality perspectives: archivists and archival records*, Society of American Archivists, Chicago, 2005.

<sup>17</sup> Paul Macpherson, 'Building a better horse and buggy: the privilege of access in reading rooms over online access', *Archives and manuscripts*, vol. 38, no. 2, pp. 461–78.

<sup>18</sup> Martin L Levitt, 'Ethical issues in constructing a eugenics website', in Menzi L Behrnd-Klodt and Peter J Wosh (eds), *Privacy and confidentiality perspectives: archivists and archival records*, Society of American Archivists, Chicago, 2005, pp. 112–25.

<sup>19</sup> *ibid.*, p. 121.

<sup>20</sup> For an example of an excellent treatment of the political question, see Randall C Jimerson 'Archives for all: professional responsibility and social justice', *American archivist*, vol. 70, no. 2, Fall/Winter 2007, pp. 252–81. Jimerson discusses, with examples including the Heiner case in Australia, the responsibility of archivists and others entrusted with public records to resist political pressure in order to maintain open access to records.

<sup>21</sup> Levitt.

<sup>22</sup> MacNeil 1992, p. 115: 'at the beginning of the nineteenth century most western

countries accepted the principle that public documents might be made available on the expiry of a set time limit'.

<sup>23</sup> *ibid.*, p. 80.

<sup>24</sup> National Archives of the United Kingdom, *Takedown policy*, available at <<http://www.nationalarchives.gov.uk/legal/takedown-policy.htm>>, accessed 20 April 2011.

<sup>25</sup> Website of the Internet Watch Foundation, available at <<http://www.iwf.org.uk/>>, accessed 20 April 2011.

<sup>26</sup> Reported in *The Australian* newspaper on 16 November 2010.

<sup>27</sup> Website of ACMA, available at <<http://www.acma.gov.au/WEB/HOMEPAGE/PC=HOME>>, accessed 20 April 2011.

<sup>28</sup> Australian Government, Cybersmart website, available at <<http://www.cybersmart.gov.au/>>, accessed 20 April 2011.

<sup>29</sup> MacNeil 2005, p. 78.

<sup>30</sup> Levitt, p. 117.

<sup>31</sup> National Archives of the United Kingdom.

<sup>32</sup> Archives New Zealand.

<sup>33</sup> *ibid.*

<sup>34</sup> Australian Broadcasting Corporation, Editorial Policies, March 2007, revised 1 July 2008 and 1 March 2009, available at <[http://www.abc.net.au/corp/pubs/documents/EdPols07\\_updateFeb09\\_FIN%20tools.pdf](http://www.abc.net.au/corp/pubs/documents/EdPols07_updateFeb09_FIN%20tools.pdf)>, accessed 20 April 2011.

<sup>35</sup> Senator Conroy, Minister for Broadband Communications and the Digital Economy, 'Industry Code of Practice to make Internet a safer place for children', media release 16 July 2008, available at <[http://www.minister.dbcde.gov.au/media/media\\_releases/2008/057/](http://www.minister.dbcde.gov.au/media/media_releases/2008/057/)>, accessed 20 April 2011.

<sup>36</sup> National Archives of the United Kingdom.

<sup>37</sup> Australian Broadcasting Corporation, paragraph 11.1.2, p. 64.

<sup>38</sup> MacNeil 2005, p. 69.

<sup>39</sup> Levitt, p. 122.

<sup>40</sup> Fleckner, pp. 10–11.

<sup>41</sup> See, for example, the report of Government 2.0 Taskforce, *Engage: getting on with Government 2.0*, Recommendation 6.2 'PSI [Public sector information] should be released as early as practicable and regularly updated to ensure its currency is maintained'; recent legislative changes will reduce by stages the open access period under the *Archives Act 1983* from 30 to 20 years.

<sup>42</sup> Chris Adam, 2009, quoted with permission from an unpublished paper.