ARCHIVES AND MANUSCRIPTS
2021, VOL. 49, NOS. 1–2, 62–87
https://doi.org/10.1080/01576895.2020.1864427

Routledge
Taylor & Francis Group

ARTICLE

The language of the GDPR: translation issues and archival issues in four non-English-speaking countries

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ABSTRACT

This article examines how key archival terms and concepts included in the General Data Protection Regulation (GDPR) have been translated into Italian, Slovenian, Finnish, and Icelandic languages. The study identifies a number of translation issues in each language, and reflects on the reasons for such mistakes and their impact on the archival practices affected. Mistranslations appear to be related to insufficient investigations of specific, local uses of archival terminology on the part of the translators, lack of involvement of archival professionals in the process of translation, and problems with the interpretation of the legal system and the archival traditions involved.

KEYWORDS

GDPR; translation; Italy; Slovenia; Finland; Iceland

Introduction

In 2016, the European Union (EU) adopted the GDPR (General Data Protection Regulation),[1] a piece of legislation intended to strengthen the protection of personal data, which under the EU Charter is a fundamental right. As per current usual practice within the EU institutions, the GDPR was first conceived and developed in English by an international committee of experts, many of whom were non-native English speakers, and subsequently translated into the other 23 official languages of the EU by professional translators. The EU multilingualism policy and its shortcomings are addressed in the first of the case studies included in this article, which focuses on the Italian translation of the GDPR. One of the founding members of the EU, Italy represents the Southern European linguistic and archival traditions within this research. The other case studies involve Slovenia, which was chosen because of its being a relatively recent independent country, Finland, as a representative of Nordic European languages and traditions, and Iceland, which by not being an EU member state, shows that the effects of inaccurate or incorrect wording used in European legislation may extend beyond the EU.

The notion that frames this study, and that will be further elaborated in the conclusion, is that the use of English as a *lingua franca* – a phenomenon that has become increasingly pervasive in professional, academic, and every-day communication since the

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19th century – is not a neutral choice, and may result in conceptual slippages or false equivalences.[2] The issues of mistranslation or misinterpretation this article wishes to bring to the attention of the archival community concern archival terms, as well as more general terminology having archival implications, that have travelled through different languages, different juridical and cultural systems, and different archival traditions, in the regulated context of both international as well as local norms and standards.

The GDPR is just a case in point – and indeed, this article also touches on the international standard for records management (ISO 15489)[3] and various national archival laws. It is not our intention to criticise the effectiveness of the GDPR as a legal instrument or to question any of its provisions. Our goal is to highlight some of the difficulties inherent in both standardising and translating records-related concepts and actions. Through the four case studies included in this article, we aim to demonstrate the important consequences that translations which are oblivious of specific archival traditions may have for the communities involved and their consolidated practices and understandings.

The initial case study provides a detailed examination of major translation mistakes one may find in the Italian version of the GDPR, and reflects on the difficulties involved in lawmaking in a multilingual political entity as the EU. The second case study takes us to Slovenia, a young country whose archival practices may be seen as more fluid and receptive to new terms than those of countries with longer established archival traditions. By considering the translation of the GDPR into Finnish, the third case study points out that both those who authored and those who translated the GDPR did not pay sufficient attention to the fact that basic archival terms, such as, 'archives' and 'disposal', do not have the same meaning in all European countries. The process of translation of the GDPR in Iceland, and the extent to which Icelandic archivists have been involved in it, are the main focus of the fourth and last case study.

The article concludes with a discussion of common issues emerging from the four case studies, and some initial thoughts on the responsibilities we share as members of an international archival community in relation to the language(s) we use. In this regard, the authors of this article acknowledge that the translations included in the following sections (from Italian, Slovenian, Finnish, and Icelandic languages into English) are theirs.

Reading the Italian version of the GDPR in the context of EU multilingualism[4]

The Italian version of the GDPR presents a mistake in the translation of the term 'record', which could have serious consequences for the archive sector. Moreover, art. 4(6) of the Italian version of the GDPR contains a definition of *archivio* (archives) that is disconcerting in two respects: a) the definition does not correspond to what Italian archivists mean by *archivio*; b) in no other language version the term defined in art. 4(6) is equivalent to what has been translated in Italian as *archivio* (in English, the term used is 'filing system', in French, it is 'fichier', and so on). However, it would be a mistake to consider such a double semantic misalignment – between *archivio* and its definition, and between *archivio* and its translations – to be just a matter of mistranslation.

To be sure, the mistranslation of 'record', that will be addressed later, and the awkward use of *archivio* in part derive from the difficulty of translating archival terms. But it is also a consequence of the peculiar features of EU multilingual law-making process. The first part of this section briefly looks at EU legal multilingualism, while the second one discusses the use and misuse of archival terms in the Italian version of the GDPR.

The EU has 24 official languages, which enjoy equal status:[5] Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, and Swedish. Citizens of all member states have a right to read EU law in their own national languages. Thus, EU law is published simultaneously in the different official languages. And it is discussed and approved by institutions – the European Parliament and the Council – that are multilingual, with translation of documents and simultaneous interpretation in 24 languages.[6]

The translation of EU laws (that is, treaties, regulations, directives, and decisions) constitutes a formidable challenge. Legal translation 'is often regarded as the most demanding type of translation, as the translator must simultaneously be an interpreter of a legal system'.[7] Within the EU, common law and civil law countries coexist. In addition to that, one should consider that terminological differences exist even among countries that share the same legal system, since many legal terms take specific meanings according to national legal traditions, and do not have a direct equivalent in other legal contexts. Moreover, the EU developed a 'specific EU legal and expert terminology that is often exclusive only to the EU legal system'.[8] There is a rationale behind the creation of a specific EU legal terminology: 'If a concept in the EU legislation should have an autonomous meaning, clearly distinct from the national concepts, this autonomous nature should be reflected at the level of language.'[9] As a consequence, in EU legal acts one can often find neologisms and semantic innovations (that is, the use of already existing words with a new meaning).[10]

The EU employs thousands of interpreters and translators, including specialised teams of 'lawyer-linguists', whose specific task is to ensure that all new legislation has the same meaning in every EU language.[11] Despite investing a considerable amount of resources in order to enforce a non-discriminatory linguistic regime – to the tune of one billion euros a year[12] – the EU cannot afford to be fully multilingual at every single step of the legislative procedure. Currently, as a general rule, the Commission drafts proposals in English, and at some stages, the discussion of these proposals is conducted in English. English, however, is not the mother tongue of the majority of the individuals participating in legislative procedures. This fact has contributed to the development of a specific variety of English.[13] As Jeremy Gardner put it,

> Over the years, the European institutions have developed a vocabulary that differs from that of any recognised form of English. It includes words that do not exist or are relatively unknown to native English speakers outside the EU institutions [...] and words that are used with a meaning, often derived from other languages, that is not usually found in English dictionaries.[14]

EU official documents and pieces of law are thus written in a variant of English that could be difficult to understand even for English native speakers, who nicknamed it Eurojargon, Eurofog, Eurospeak (echoing Orwell's Newspeak),[15] or Brussels Eurish.[16]

Needless to say, at times, controversies about the precise meaning of EU laws that read differently in different languages arise and can end up before the Court of Justice of the European Union (CJEU), which interprets EU law at the request of the national courts and tribunals.[17] When disputes concerning the precise meaning of a piece of law arise due to diverging language versions, the CJEU grants the same authority to the different versions, even if the text was at some stages discussed only in English.[18] To grant more authority to one language version over the others would be contrary to the principle of equality of all citizens and all official languages under EU law.

CJEU judges and national courts are thus supposed to interpret EU law in the light of all 24 language versions. As a matter of fact, it seems that the CJEU itself is unable to keep up to this principle of full equality of all languages, but it limits comparison to the most widely spoken, starting with French which is the working language of the Court.[19] Due to the objective difficulty – if not impossibility – of comparing 24 language versions of a text, the interpretation of EU law by the CJEU also draws on other criteria, such as, 'putting greater weight on the context and general scheme of the provisions and on their object and purpose' rather than 'adopting an excessively literal approach to the interpretation' of the text.[20] Such an approach to the interpretation of EU laws mitigates the negative consequences of any mistakes in the translation of archival terms appearing in the GDPR. Yet, serious consequences remain, because one thing are the sophisticated interpretative skills of CJEU judges, and a totally different matter are those of archivists or anyone having the authority to take decisions concerning archives.

Archivists who have even only a cursory knowledge of the GDPR know that this new regulation sets strict rules regarding the processing of personal data, but it also grants derogations to most of them, in case of processing for 'archiving purposes in the public interest'. But what does 'archiving purposes in the public interest' mean, according to the GDPR? The point is addressed in recital[21] 158, albeit in a convoluted manner:

> Public authorities or public or private bodies that hold *records of public interest* should be services which, pursuant to Union or Member State law, have a legal obligation to acquire, preserve, appraise, arrange, describe, communicate, promote, disseminate and provide access to *records of enduring value* for general public interest. (emphasis added)

In Italian, the term 'record' has been translated as *registri* (registers). The outcome is a sentence that makes little sense for archivists, lawyers, or laypersons.

The English term 'record' does not have a direct equivalent in Italian, and is translated differently according to the context. In Italian, the same term *documento* may be used both in the sense of 'record' and in that of 'document'; when needed, specifications or adjectives are added. Italian archivists generally translate 'record' as *documento archivistico* (archival document);[22] but it can also be translated as *documento* (pl. *documenti*) without any specifications.[23]

As other Latin languages, Italian uses the same term, *archivio*, to refer both to 'records' and to 'archive'. In recital 158, a good translation of 'records' might have been *documenti d'archivio*, or even better, *archivi*, similarly to the French version, where 'records' is translated as *archives*.

'In the EU context, translators and terminologists make their choices based on three basic criteria: consistency, accuracy and clarity. [...] Above all, the target text has to be internally consistent.'[24] A misguided deference to the consistency criterion is probably at

the origin of the mistranslation of 'record' into Italian in recital 158. Elsewhere in the GDPR, 'record' is indeed used with a different meaning, and has been rightly – in that context – translated as *registri*. Article 30 dictates that controllers should create 'Records of processing activities' (in Italian, *Registri delle attività di trattamento*). The translator did not realise that – considering the polysemic nature of the term 'records' – translating it with the same term in different contexts entailed mistranslation rather than consistency.

At a first glance, the use of the word *archivio* in art. 4(6) of the Italian version of the GDPR, as an equivalent of 'filing system', may also seem like a case of mistranslation; but the issue here is more complicated than that. In the English version, art. 4(6) contains a definition of 'filing system' that reads: 'any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis.' In Italian, 'filing system' means *sistema di archiviazione*;[25] it is never translated as *archivio* (archive). And in fact, the term *archivio* that we find in art. 4(6) is not a translation of 'filing system', but of the French word *fichier*.

One should, at this point, consider that the GDPR did not create the definition of 'filing system' contained in art. 4(6), but inherited it, so to speak, from the 1995 Directive on personal data protection that it replaced.[26] The Directive was first drafted in French,[27] which was a fairly common practice at that time. Until the early 1990s, French played the role of *de facto lingua franca* for EU institutions that English plays nowadays.[28] In art. 2 (c), the Directive provided a definition of '"personal data filing system" (filing system)' that is identical to the definition of 'filing system' now appearing in the GDPR, art. 4(6). The only difference between art. 2(c) of the Directive and art. 4(6) of the GDPR is the term that is defined. In the GDPR, 'personal data' was dropped, and what has remained is only 'filing system'. This change has increased lexical confusion: in the Directive, it was clearer than it is in the GDPR that 'filing system' assumes such particular meaning only when applied to data protection laws.

In French, the term defined by art. 2(c) of the Directive was '"fichier de données à caractère personnel" (fichier)', which was translated into Italian as '"archivio di dati personali" (archivio)'. Initially translated into English as '"personal data file" (file)',[29] the term ultimately became '"personal data filing system" (filing system)'. The definition of 'filing system' had an impact on the material scope of the Directive, as it has now on the scope of the GDPR, which applies to the processing of personal data by non-automated means only when personal data 'form part of a filing system' (art. 2.1).[30]

The *Dictionnaire de l'Académie française* defines *fichier* as a 'set of *fiches* ("index cards" but also "records") relating to the same subject and classified in a given order'.[31] The term *fichier* was much used in the 1978 French data protection law[32] (which did not define it) and in the Belgian 1992 privacy law, which defined it as 'a set of personal data, constituted and kept according to a logical structure intended to permit systematic consultation'.[33] The definition of *fichier* contained in the GDPR, and previously in the Directive, is more confusing (the Advocate General of the CJEU labelled it as 'rather cryptical'),[34] but it is still consistent with these definitions.

In English, the translation of *fichier* as 'filing system' produced a semantic slippage. English-speaking archivists define 'filing system' as 'a group of conventions, methods, and procedural rules according to which documents are sorted, classified, cross-

referenced, stored and retrieved.'[35] In the EU data protection law, 'filing system' ended up referring not to a procedure, but to the product of such a procedure. In Italian, there is no direct equivalent to *fichier*. It usually translates as *schedario* (card index), an inappropriate term in this case. The Italian law implementing the data protection Directive preferred to translate it as *banca dati* (data bank),[36] a term that better matches the definition, but which is not fully appropriate either.[37]

In the context of the EU data protection laws, the use of 'filing system' and of *archivio* with the specific meaning defined in such pieces of legislation may be considered semantic innovation rather than mistranslation. However, the use of 'filing system'/'*fichier*'/'*archivio*' as equivalent terms in other contexts would amount to mistranslation. Alas, EU translators are likely to perpetuate this kind of error, because one of the guiding principles for EU translators is that 'translation has to be consistent with other EU legal acts, so that there is consistency within the EU legal order'.[38] This principle may have multiplying effects on mistranslation. Moreover, EU multilingualism creates transitive relations among mistranslations, further multiplying the impact of errors: since *fichier* has been translated as 'filing system' and as *archivio*, then 'filing system' equals *archivio*. Translation tools used by EU translators include IATE (Interactive Terminology for Europe), a database designed to support the multilingual drafting of EU texts, based on previous translations of EU laws, court decisions, and other documents.[39] If one searches IATE for the translation of 'filing system' into Italian, one gets *archivio* as the most 'reliable' translation.

There is thus a real danger that future EU acts concerning archives will be mistranslated. Furthermore, at a national level, Italian lawmakers might mistakenly consider the definition of *archivio* contained in the GDPR to be an all-purpose definition, and use it in laws concerning the archives. Archivists will have to be vigilant to prevent this from happening.

Translation issues in the Slovenian Archival Law and in the GDPR

Slovenia is a young country, which was created in 1991 after the fall of socialistic Yugoslavia, and became a full member of the EU in 2004. After experiencing a totalitarian regime which produced a large number of victims due to many types of violations of human rights for more than 50 years,[40] the importance of archival records for redressing injustices in Slovenia is very well recognised by both governmental authorities and citizens.[41] Key to our discussion is the definition of archival records, which is determined by the Archival Law (Protection of Current Records, Archival Records and Archives Act (2006/2014)):[42]

> Archival records shall mean records with lasting importance for history, other sciences and culture, or *lasting importance for the legal interests of legal and natural persons*; archival records shall be considered a cultural monument. (emphasis added)

Based on this definition, the Slovenian National Archives has the exclusive right to proclaim any records as archival.[43] That is why archives are obliged to look after the records through their whole life cycle and to ensure they remain unaltered.

Slovenian archival theory and practice have been facing a few issues with archival terminology that predate the GDPR. It is, therefore, necessary to delve into these issues before turning to an analysis of the Slovenian translation of the GDPR.

The definition of an archival record mentioned above does not apply to *all* archival records. In fact, it is meant only for those archival records, which are (or shall be) preserved in archives, public or private. The term 'archival record' according to the Archival Law gives records a status of cultural monument. Archival records that are preserved, for instance, in libraries do not hold the same status as archival records that are kept in public archives.[44] Yet, the term 'archival record' is used for manuscript collections held by libraries, which don't hold the status of archival records (and 'cultural monument' as such) according to the Archival Law. The term 'archives' on the other hand is in use in state administration and by researchers for archival buildings as well as for any archival records whatever their storage (in a building, on the web, and so on.). This general use of the term 'archives' can also be seen in the English translation of the Slovenian Archival Law,[45] and the Slovenian archival professional community recognised this as an issue. With the introduction of electronic archiving, as a necessary consequence of the emerging of born digital records and electronic records management, it started to be obvious that there was a great gap in the terminology. IT terminology was primarily in English, and as a consequence, English terms started to be introduced into Slovenian texts. Žumer noted that since 2001, due to the harmonisation of Slovenian regulations, the international records management standards (ISO 15489) was implemented in all regulations dealing with administrative business (office business and archiving) in the public administration, in any new archival regulations, as well as in numerous laws from other fields.[46] That was the time when the Slovenian archival community was forced to deal with foreign terminology affecting the field of archiving.

Archival terminology in Slovenia used to be always in Slovenian language, even during the times of the ex-Yugoslavia,[47] when the Slovenian language had a special status and was officially used in all areas of Slovenian life and society. Indeed, there had always been efforts to harmonise archival terminology. In addition to the Elsevier's Lexicon of Archive Terminology,[48] the Dictionary of Archival Terminology,[49] and dictionaries of Eastern-European countries,[50] the Association of Archivists of Yugoslavia published a dictionary of archival terminology in Croatian, Serbian, Slovenian and Macedonian languages with related terms in English, French, German, Russian and Italian.[51] A new challenge regarding terminology emerged when common international standards of archiving emerged. This was also recognised by the Minister of Culture, who in 2017 appointed the Group for Archival Terminology.[52] The task of this expert group was to establish the proper vocabulary, especially in the field of international standards regarding e-archiving. Once this work is completed, it will be of great help to archivists as well as to professionals in other governmental bodies.

Slovenian archival terminology does not fully fit English archival terminology due to very different historical and current archival practices. In Slovenia, we deal with two types of records. The first type involves records that are in use by the records creator until they are destroyed or sent to a competent archives. These records are referred to by the Slovenian term *dokumentarno gradivo*, which, in the translation of the Slovenian Archival Law into English, became 'documents'.[53] A proper translation would be 'records', 'current records', or 'records of current business'.[54] The Slovenian word for archival records is *arhivsko gradivo*, which in the same translation, became 'archives'. In the same act, the term 'archives' is used for two different things: archival institutions (namely, the National Archives), and archival records.

Creators of public archival records are 'entities under the public law'.[55] Since their function as public service is of public interest, 'all their records are of public interest'. They create records, out of which competent archives select archival records. They hold three typologies, or groups, of records. The first one consists of active records, the second of non-active records (which are held in this second group for two years after they stop being active), and the third group consists of records which have to be preserved according to a retention schedule. After the selection of archival records from the third group, all records that remain with the records creators as non-archival are not destroyed, because their retention period is 'permanent'. So the 'creators of public archival records' have to preserve some records as long as these entities exist. These 'permanent' records may never become 'archival records' and thus may never be preserved in public archives. Yet, they must be stored and preserved for archival purposes on the grounds of their public interest, as Slovenian archives may eventually declare them as archival at any moment during their life cycle. Also, the preparation of records for transferring to competent public archives requires some data processing, which is considered to be for archiving purpose in public interest.

In comparison to the English translation of the Slovenian Archival Law, which, as we have seen above, cannot be considered adequate, the GDPR does not present great translation problems. However, there are issues of interpretation and lack of proper terms, as will be examined next.

As a piece of legislation which applies to many areas of interest, the GDPR was written without paying particular attention to the archival and records management practices of individual EU member states. Some may say that it was written with no attention to archival practice at all, despite the fact that archiving has a prominent role in the GDPR.[56]

In this analysis, we will focus on the translation of the following terms: record, recording, document, documenting, filing system, and record-keeping.

The Slovenian language has several different words for 'record', all with slightly different meanings: *zapis* (as written information), *dokument* (as a written document, which is not necessarily official, for example, a letter), *gradivo* (as all written pieces in an archival fonds), *evidenca* (as a register), *kartoteka* (as medical records, or records in a personal medical file). In the Slovenian translation of the GDPR, the term 'record' is mostly translated as *evidenca*, that is 'register'. The problem that arises with the use of *evidenca* is that registers in Slovenian archival practice are recognised as archival records. The way *evidenca* is used in the GDPR includes registers that do not necessarily have the characteristics of archival records, and that might have different structures, as well as functions that may be different from those of official or unofficial registers.

The term 'medical records' in recital 63 of the GDPR was translated as *kartoteka*. According to this translation, only those records that belong to a personal medical file are protected by GDPR provisions. But medical records can also be stored in other files (not only in a personal medical file, or *kartoteka*). Luckily, this translation does not seem to affect current practice, as it is mentioned in the GDPR only as an example.

'Recording' can be translated as *zapisovati* (making records, writing down, making notes), *zabeležiti* (making a note), *snemati* (making audio/video recordings), *evidentirati* (making an entry into a register, or making a record just as information). In recital 62 of the GDPR, the term 'recording' is translated as *shranjevanje*, which actually means storing or preserving, and therefore the translation is not quite accurate.

The terms '*document*' and '*documenting*' are simply translated as *dokument* and *dokumentirati* in the GDPR. Here we are facing a lack of interpretation, since *dokumentirati* may mean to record something permanently, or to preserve records/documents related to a certain issue and use them as a proof. But it can also mean the same as the verb 'to record'. It must be noted that the noun 'document' and the verb 'to document' in the Slovenian language are rarely used in archival terminology. They are mostly used by non-archival professionals, and in the case of the implementation of international laws or standards, which contain those two terms and are translated.

According to the GDPR, 'filing system' refers to 'any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis.' It was translated as *zbirka*, which actually means 'collection'. Here, it must be added that this term for filing system was introduced in the Slovenian language by IT-specialists, so archivists have to be careful when using it.

The Slovenian archival community is still in the process of defining an archival terminological corpus that is adequate to its needs and properly related to international terms. For this reason, the term 'record-keeping' in recital 13 of the GDPR has not been translated effectively in the Slovenian version (*vodenje evidenc*, which means keeping registers). The Slovenian archival terminology currently in use in the country mostly follows a 2008 publication by Vladimir Žumer,[57] where the term 'record-keeping' is actually described as *pisarniško poslovanje* (records operations), which includes processes of creating and preserving records as well as maintaining their facilities.

During the process of implementing the GDPR into Slovenian legislation, Slovenian archival professionals were invited to give their input, as personal data are involved in records as defined by ISO 15489. Based on the GDPR, the Slovenian government has developed a Personal Data Protection Act (ZVOP-2)[58] and has invited archival experts to review it. The above-mentioned issue regarding 'records', which was translated as *evidenca* (register), has been taken into consideration. The special advantage Slovenian professionals have in relation to archives and the GDPR is that the Personal Data Protection Act does not apply to archival records (if one excludes the processes for preparing archival tools for users), but only to records that are still with the records creators. Nevertheless, archival involvement is necessary, in order to ensure that records that are deemed to become archival are protected from destruction or any changes to the records are carried out according to the GDPR.

As this analysis of the translation of some terms included in the GDPR into the Slovenian language has shown, there are notable divergences between English and Slovenian texts. By borrowing from Bajčić, we can say that 'translation implies a communicative act that must transcend linguistic, cultural, and legal barriers and allow rights to function in multiple languages, either on national, international or supranational level.'[59] In order to be able to translate a term properly, it is necessary to understand what that term 'means in the legal, business or other system in which it is applied and within which it produces some effect.'[60] Starting from that, it is possible to 'compare the extent to which a notion in the legal system of the targeted language, that is, the language into which it is translated, coincides with the notion of the original language from which it is translated. The degree of concordance is determined by a conceptual

analysis that examines the content, effect and scope of the terms being compared'.[61] Understanding translation and how it works is definitely another task for archival professionals who are called to harmonise archival theory and practice at an international level.

The Finnish translation of the GDPR: an opportunity for archival theory?

Finland joined the European Union in 1995. When the GDPR was published in Finnish in 2016, the official translation gave the term 'archives' a new meaning – although without explicitly defining it – that is incompatible with the existing usage of the term. Before the GDPR, archives, *arkisto*, referred both in Finnish professional terminology and in Finnish legislation to all the information that was received or created in relation to the functions of public sector organisations regardless of the information's age or need for future preservation.[62] A record, *asiakirja*, was, at least conceptually, part of the archives from the moment of its creation or receipt. A Finnish textbook noted, 'a record is archived when it is fresh'.[63] However, in the GDPR translation, *arkisto* is described as only that part of the information that is not used for its original purpose anymore and that is preserved for historical and other research purposes.[64] Thus, the translation changed the concept's legal meaning in Finnish.

In the EU law-making process, the English version of a new law or regulation is usually the one that is drafted by non-lawyers or non-native speakers; other language versions are drafted by translators.[65] Without knowledge of the exact GDPR-making process, it is impossible to say what kind of understanding of archives lies behind it. However, it is obvious that the GDPR, or at least its Finnish translation, reflects concepts that come from English-speaking countries. Hence, a possible explanation for the mistranslation of 'archives' is that the person making the translation, possibly from an English GDPR original, was not aware of the term's specific connotations in Finnish professional and legal usages. Nevertheless, once the GDPR was accepted without anyone noticing the error, the translation became binding. New legislation must be compatible with the GDPR and, thus, subsequent Finnish legislation must follow the same usage.

So far, the most important example showing the consequences of this translation mistake is the new Finnish Law about Public Sector Information Management[66] that came into effect on 1 January 2020. Anglo-Saxon conceptualisations included in this new law do not limit themselves to the archives alone. They extend to related concepts and actions. Because in its traditional Finnish meaning, an *arkisto* also contains recent information that is in the custody of an agency and has only temporary value, the borderline between agency and archival institution has not had the significance that is now given to it in the GDPR. As an indication of this, a concept like 'disposal', which has no equivalent term in local professional terminology, has been introduced in the new Finnish law mentioned above. According to this law, agencies must have a plan describing 'when the information is transferred to an archives . . . or destroyed' (5 § 3). When the current Finnish Archives Act (831/1994) is renewed in the coming years, this is going to be the legal framework that it must fit in.

It would be an error to see the change simply as a linguistic issue. This is more than just a question of how things are 'labelled'. Like the example of disposal shows, language is the tool that we use to structure our actions and group them together. It

is also the tool that defines the domain of records and archives management, the professional groups that are recognised, their responsibilities, and the actions that are possible. While defining new narrower limits for the archival domain, the text of the Law about Public Sector Information Management unfortunately does not explicitly recognise records management as a function or records managers as actors in organisational information management. Thus, there is a void when it comes to records management.

Terminology and practice are tightly intertwined. Both are products of historical developments. Jaana Kilkki has examined how expertise in recordkeeping has been construed in professional discourse by the National Archives of Finland that has normative authority in the field as a national expert in recordkeeping. In her study, Kilkki identifies three phases. In the first phase, *archival discourse*, legitimised by the Archives Act of 1939, intervention by the expert institution and the overall mandate for recordkeeping specialists were confined to the non-current phase of the life span of records. At that time, the archival discourse was – in the Anglo-Saxon meaning of the term – an archives-oriented system of thought, speech, and action. In the next phase, *recordkeeping discourse*, following the issuing of the Archives Act of 1981, the domain of intervention by the expert institution was expanded proactively to the active phase of the lifespan of records. Management of active records was first designated as 'archives creation' and later as 'records management'. In the last phase, *records management discourse*, starting with the Archives Act of 1994, proactive intervention by the expert institution was conceived as taking place even before records are created. Thus, the mandate of recordkeeping experts expanded from records to the processes of the records creating agencies.[67]

In short, in every phase, Finnish archival professionals intervene on the records' lifespan at an earlier stage than before. Initially, the focus was on records as a residue of the organisation, then, it was on records still actively used and managed by the organisation, and finally, it has moved to the functions that create the records. Records management has at the same time grown organically from archives management, and there is now no clear separation between them.

The National Archives has drafted archival acts, and its specialists' conception of problems and solutions in the field of recordkeeping has been carried over to legislation.[68] The National Archives has led development in public sector recordkeeping by its regulations and instructions. Records management in organisations has been backed up through archival acts. Since the year 1981, the acts have required that every public sector agency must keep a Records Management Plan (in Finnish *arkistonmuodostussuunnitelma*, literally 'archives creation plan') in which retention times of records, access restrictions, and need for registration are proactively defined.

In this context the GDPR brought a gust of wind from another world where archives is strictly demarcated from the active phase of information management and there is no provision for ephemeral information. This is problematic because it contradicts current practices, roles, and existing local literature that cannot be rewritten to reflect new conceptualisations. The change is perhaps most acutely felt in universities, where students must internalise contradictory discourses in their studies. In the long run, it may lead to a differentiation between records professionals working in organisations, on one hand, and those working in archival institutions with cultural-historical mission, on the

other hand. So far, these two groups have been inseparable: they have joint education, shared associations, and the same professional journals.

Nevertheless, it is for the moment unclear how the change will impact Finnish recordkeeping. Some professionals have voiced concern over the change in concepts.[69] There is a danger that limiting the domain of archives conceptually may lead to a diminished sphere of influence for professionals and archival institutions. Archival authorities, institutions, and archival professionals in general need power to take care of their mission in society, that is, to be agents and deliverers of accountability. This power is limited by social and technological constraints.[70] Some interest groups, including lawyers and administrators, have suggested that the power of the National Archives over public sector information management in Finland be reduced.[71] This is one of the issues that has been causing concern among professionals.

On the other hand, anecdotal evidence suggests also that opposite development may be possible: when *arkisto* is stripped away from the vocabulary of the active stage information management, old-fashioned and incorrect connotations about records and archives management may disappear and recordkeeping professionals would be in a better position to take part in organisation's information governance. 'No-one in organisations knows its information like we do', some professionals have assured to the author of this section in private discussions. Thus, whatever concepts are in use, no other professional group would be able to replace recordkeeping professionals.

Regulations issued by the National Archives have no explicit theoretical background – and professionals have implemented them without interest in their theoretical background – but the Finnish ideas fit well together with records continuum thinking[72] and views expressed by David Bearman,[73] among others. Although the Finnish development – transfer of focus from records to functions – echoes the development of international archival theory, and it is unknown to what extent there have been foreign influences, the approach seems largely home-grown. Ideas and practices either precede those of international theory or evolve concurrently with it from the national background. Eljas Orrman states that ideas of Pentti Renvall, 'the most notable archival theoretician in Finland, and in Nordic countries in general',[74] can be seen behind the development. Renvall argued in the 1940s that daily management of records should be based on the functions of the organisation. Renvall stated that the function is the actual record creator, not the organisation, and that planning of records processes and records' registration should be distinct from the management of archival records.[75]

Interestingly, the GDPR incident may result in emphasising the importance of archival theory. Finnish records professionals have generally avoided theoretical discussions. The ethos has been to seek practical solutions to concrete problems at hand without generalisations or discussions about broader implications or purpose of the work. Therefore, for most professionals, methods in themselves have become goals, and the difference between a method and the purpose for which it has been followed has largely disappeared.[76] Nevertheless, there is always a low-level 'theory' at work: it may be rudimentary, trivial, unspecified, or implicit, but there is always some conception of why something needs to be done in some particular circumstance.[77] Yet, for most records professionals, archival theory seems distant and irrelevant for their daily work. The role of archival theory, if any, has been to provide professionals with 'archival credo, periodically confessed on congresses, conferences and in similar occasions', as Jozo Ivanović

wrote.[78] The collision of the GDPR with Finnish professional practices caused a crack from which archival theory leaked into the 'real world'. Professionals are perhaps now more aware about how abstract views of records life cycle and definitions of concepts impact their daily work.

Finally, the Finnish version of the GDPR includes a mistranslation that has nothing do with archival theory. We are referring to recital 158, which has already been identified as highly problematic, when we discussed the Italian translation of the GDPR earlier in this article. As it is well-known, 'record' has several meanings including 'database entry', which in Finnish is *tietue*. The term 'record' in recital 158 has been translated into Finnish as *tietue*, while the correct translation would have been *asiakirja*, that is, record in a recordkeeping sense. Thus, in the Finnish translation, recital 158 refers only to records in a database. This hardly was the intention of the lawmaker. This once again shows what a treacherous minefield terminology is.

The Icelandic translation of the GDPR: outcome and process

Iceland is not a member of the European Union. However, the EEA Agreement (the Agreement on the European Economic Area), which entered into force on 1 January 1994, brings together the EU Member States as well as three EEA EFTA (European Free Trade Association) States – Iceland, Liechtenstein, and Norway[79] – in a single internal market. The three EFTA States, however, are not full members of the union.[80] The agreement 'provides for the inclusion of EU legislation covering the four freedoms – the free movement of goods, services, persons and capital' and 'covers cooperation in other important areas such as research and development, education, social policy, the environment, consumer protection, tourism and culture'.[81] Iceland, as one of the EEA States, has agreed to introduce the EU legislation pertaining to the four freedoms mentioned above into Icelandic law. That is the reason why Iceland had to enact equivalent legislation in line with the GDPR.[82] The new Icelandic legislation for personal data protection and the processing of personal information entered into force on 15 July 2018. The EU GDPR is now, therefore, the law of the land, albeit indirectly.[83]

This section is divided into two parts. The first discusses the translation itself by comparing concepts/words in the English version with the Icelandic one by using a discourse analysis method. The second part presents an interview study, its methodology, and data collection to illustrate the process or execution of the translation, that is where, by whom, and how it took place.

When the English and the Icelandic versions of the GDPR are compared by means of discourse analysis,[84] conflicts between the GDPR translation and the Icelandic archival and records management literature and terminology come to light. The following examples are among the most obvious issues, but there are more to be found. The concept of 'record(s)' is translated as *skrá(r)*, but in the Public Archives Act,[85] as well as in manuals and regulations published by the National Archives, the word(s) being used is (are) *skjal (skjöl)*.[86] This is consistent with the Icelandic/international standard on information and documentation, records management, ÍST ISO 15489 – published in an Icelandic translation several months before the final translation of the GDPR was issued – where the word 'record(s)' is translated as *skjal (skjöl)*.[87] It should be noted that in the

GDPR, also 'register(s)' is translated as *skrá(r)*, and this is in harmony with the established records management and archival tradition.

'Record-keeping' is translated in the GDPR as *skráahald*, a word that is never used by the profession in Iceland. The word *skjalastjórn* is used instead in the above-mentioned publications in relation to this concept. 'Medical record' is translated as *sjúkraskrá*, which is an acceptable exception, as that word is now in common use and a part of the language. The extensive use of the word *skrá* in the GDPR may stem from influences from the translation of several international management standards, where 'record(s)' is usually translated as *skrá(r)*.[88]

The concepts of 'personal data' and 'personal information' are both translated as *persónuupplýsingar* in the Icelandic version of the GDPR. In Icelandic, the word 'data' is *gögn* and 'information', *upplýsingar*. That is the same understanding that is to be found in the ARMA glossary of records management, where information is described as 'Data that has been given value through analysis, interpretation, or compilation in a meaningful form', and data is 'Any symbols or characters that represent raw facts or figures and form the basis of information'.[89] It may be that the English version of the GDPR does not make such a clear difference between 'data' and 'information'. Furthermore, the GDPR may not give the same meaning to these concepts as that found in the ARMA glossary.

Translation from one language to another can be difficult, especially when languages are profoundly different. The Icelandic language does not have as many words as the English language. In Icelandic, for example, the word *skjal* is used both for the English 'record' and 'document'. The definition of 'record(s)' according to ISO 15489–1:2016 is: 'Information created, received, and maintained as *evidence* … and as an asset by an organisation or person, in pursuit of legal obligations or in the *transaction* of … business.'[90] The English language has a different term for the concept of 'document'. In the ARMA glossary, 'document' is defined as 'a single archival, record or manuscript item. Usually physically indivisible.'[91] Hence, it goes without saying that it is sometimes impossible to translate a text word for word, and rephrasing becomes necessary to avoid misunderstandings.

The purpose of the second part of this study is to present the results of interviews held in April and May 2020 concerning the execution of the translation of the GDPR into Icelandic. The aim was to interview individuals who were known to be well acquainted with the translation process. Table 1 gives an overview of the nine participants.

Table 1. The interviewees.

Interviewees	Organisations	Media
1. Data Protection Authority	Data Protection Commissioner	email
2. Permanent Secretary	Ministry of Justice	email
3. Deputy Director	Ministry of Justice	email, Cell Phone
4. Division Manager	National Archives	email, Teams Meeting
5. City Archivist	Reykjavik Municipal Archives	email, SMS, Cell Phone
6. Head of Records Management	Arion Bank	email, MSN, Cell Phone
7. Chief Executive	Ministry for Foreign Affairs/Translation Centre	email, Cell Phone
8. Translator A	Ministry for Foreign Affairs/Translation Centre	email
9. Translator B	Ministry for Foreign Affairs/Translation Centre	email

Table 2. The main themes.

Main themes revealed from the interviews	Interviewees
1. Ministry of Justice was responsible for the translation.	1, 3
2. Ministry for Foreign Affairs/Translation Centre was in charge of the translation.	1, 3
3. The translation was repeatedly reviewed by the Data Protection Authority.	1, 3
4. The legislation covering public archives was not used as a guide.	4, 5, 6, 7, 8, 9
5. Icelandic translation: ÍST/ISO 15489–1:2016 was not used.	4, 5, 6, 7, 8, 9
6. Manuals and the regulations of the National Archives were not used.	4, 5, 6, 7, 8, 9
7. Glossary of Archival and Records Terminology (R. Pearce-Moses, 2005)[a] was not used.	4, 5, 6, 7, 8, 9
8. Multilingual Archival Terminology (ICA, 2012)[b] was not used.	4, 5, 6, 7, 8, 9
9. Glossary of Records Management and information Governance Terms (ARMA International, 2016) was not used.	4, 5, 6, 7, 8, 9
10. The expertise of specialists at the National Archives, the University of Iceland, the Icelandic Records Management Association and municipal archives was not sought out.	4, 5, 6, 7, 8, 9
11. The Data Protection Authority did not suggest to the Translation Centre to consult the above-mentioned specialists.	4, 5, 6, 7, 8, 9
12. The Ministry of Justice did not direct the Translation Centre to consult the specialists from these institutions.	4, 5, 6, 7, 8, 9
13. The specialists mentioned above did not offer their services or assistance in the translation process.	4, 5, 6
14. Their help would have been welcomed if it had been offered.	4, 5, 6, 7, 8, 9
15. A group of other specialists were involved in the translation but not the specialist mentioned above.	7, 8, 9

[a]Society of American Archivists, *Dictionary of archives terminology*, 2020, available at <*https://dictionary.archivists.org*>, accessed 11 May 2020. Supersedes Richard Pearce-Moses, *A glossary of archival and records terminology*, Society of American Archivists, Chicago, Ill, 2005, available at <*https://www2.archivists.org/glossary*>, accessed 11 May 2020.
[b]International Council of Archives, 'Multilingual archival terminology', 2012, available at <*https://www.ica.org/en/online-resource-centre/multilingual-archival-terminology*>, accessed 11 May 2020.

The interviewees were purposively chosen.[92] Snowball sampling[93] was used for selecting interviewees 3 (suggested by 1 and 2), 7 (suggested by 3) as well as 8 and 9 (suggested by 7). All communications took place electronically because of the COVID-19 pandemic. One of the goals of the study was to find out whether the translators used accepted vocabulary utilised by archivists and records managers, which they would find, for example, in laws, regulations, rules, and standards.

Interviewees are referred to using numbers from 1 to 9 in Tables 1 and 2. Grounded theory was used to analyse the transcribed texts from the interviews.[94] Fifteen main themes were revealed by the analysis. They are shown in Table 2. The two translators (Translator A and B in Table 1) were sent eight questions via email, and four of these questions reflected the themes covered in themes 4–10.

According to the Deputy Director at the Ministry of Justice (interviewee 3):

> The Ministry of Justice is responsible for the translation and the bill introduced to Parliament is presented by the Ministry. The translation had begun already in the year 2016. The Ministry for Foreign Affairs Translation Centre undertook the translation. The Centre is responsible for translating all of the various EU documents. It is not to my awareness that these documents that you mentioned were used in the translation.

The Deputy Director suggested that we contact the Chief Executive for the Translation Centre, who could provide information about 'the composition of the translation group and the execution of the translation'. She also mentioned that the process had been complicated and extensive, and that the draft was upon completion immediately delivered to the Data Protection Authority for review. 'The review took many months, or years, and the draft was also placed on the website of the Data Protection Authority [https://www.personuvernd.is/personuvernd/frettir/nr/2215] so that anyone interested could make their

comments.' No special attention was paid to the fact that anyone could offer comments on the translation, she added. 'The translation just sat there. The Ministry of Justice relied very much on the Data Protection Authority regarding the translation.'

The consultation process regarding the legislation was not exemplary, according to the Division Manager at the National Archives (interviewee 4): 'everything was done at the last minute'. He mentioned that the National Archives was not a specialist in GDPR-related matters: 'This is not part of our normal work.' He mentioned that the Archives had commented on the bill, but the comments were about the content, not about concepts or the wording. 'The Public Archives Act is a special legislation as regards the GDPR. If there are any conflicting paragraphs, then the Public Archives Act takes precedence. Alþingi [the Parliament] agrees with us on that.' The National Archives' assistance was not sought with regard to the translation of the GDPR, but if it were, then the Archives would of course have been more than willing to help, according to the manager interviewed. It was also revealed that the Archives did not take any initiatives to offer their assistance. The manager mentioned different legislation and different uses of concepts by professionals. 'Regarding the GDPR you have the Data Protection Authority, regarding the Public Archives Act then there are the National Archives and "our professional circle".'

The City Archivist of Reykjavik (interviewee 5) had this to say:

> The wording is better in the law considering our use of words. Nowhere is there a mention of *skjalastjórn* [records management], neither in the law nor the GDPR. Record-keeping is translated as *skráahald*. That is never used in "our professional circle".

She then mentioned that she found it 'very strange' that both 'information' and 'data' were translated as *upplýsingar*. '"Data" means "*gögn*"', she said. The assistance of the Municipal Archives was not sought regarding the translation, according to the interviewee, and it was also revealed that the Archives did no offer their help for the translation. But, she concluded: 'The translation of many concepts is very strange. The Icelandic translation of ISO 15489 is not used. It would be possible to proof read the GDPR and suggest a better translation in the future.'

The Chief Executive of the Translation Centre with the Ministry of Foreign Affairs (interviewee 7) commented:

> This [the translation of the GDPR] was just done according to our normal process. We receive a list of directives that are to be made part of the EEA Agreement. These directives are several hundred each year or 8–10 thousand pages. GDPR was classified as an important document.

He mentioned that the next step in the process was to talk to the translators, known as the A group, who take care of legal issues, community affairs, and protection of privacy. According to this Chief Executive, the translation of the GDPR was drafted based on other regulations that do exist. This is the basic directive since 2001. Many changes have, however, taken place since 2001, and therefore there are many new concepts and words. The draft was then carefully reviewed by the Data Protection Authority, and many versions were sent back-and-forth. The draft was also posted on the consultation webpage of the Ministry (https://samradsgatt.island.is/oll-mal/$Cases/Details/?id=31 – 21 April 2017), where the general public would have the opportunity to place comments.

The draft was open to everyone. The translation started on 12 May 2016, and the final version was sent for publication in July 2018, subsequent to an extensive review. He said:

> We do it in such a way that we review the translation in consultation with specialists that the Ministry in question suggests that we contact. But we are of course mostly bound by previous examples – other directives, other regulations – and we may not alter the translation unless there is obviously something wrong. We need to translate each paragraph, sentence by sentence, and we may not alter the punctuation, not omit anything, even though it may sound strange in Icelandic. This is a straitjacket of sorts but we try to do this as well as we can, and call in experts for assistance.

When asked whether assistance from specialists in records management and/or archival sciences would have been welcomed, the Chief Executive replied affirmatively. 'But finally, we must have the deciding vote to say yes or no.' He mentioned that the process had been long, the translation was sent out for comments, but then nothing happened, until people realised that the GDPR was about to be implemented. When asked if laws, standards, and guidelines relating to records management or archives had been used, the reply was 'no'. He continued:

> Anyway, I do not think so, but I can point out the translators to you who could answer that question. […]. It should nevertheless be a part of the work procedure to seek out Icelandic laws and make it rhyme as well as possible, but one must take care not to localise it too much.

He then added: 'I would have thought that archives were a little international.' The interviewee also admitted that he had been 'endlessly contemplating some words'. He mentioned that the word *skrá* (record/register) had been used for two or three concepts in English. 'This had started to become a little complicated.' The main cooperation was with the Data Protection Authority. He concluded:

> But it is a good thing to have many participate, and of interest for the future when a revision will be coming out within a few years. The world is changing so fast with social media, tracking apps and so on. We are always looking for good experts that can be of assistance to us.

The Head of Records Management at the Arion Bank (interviewee 6) was of the opinion that the professional vocabulary of records managers and archival professionals was not taken into consideration, when it came to translate the GDPR. She said that no one consulted with her, although she was 'the only individual in Iceland with CRM [Certified Records Manager]'. In her opinion, 'the same vocabulary that we use is not being used [in the GDPR] nor are the same concepts. I also believe that the Icelandic Records Management Association [IRMA] was not asked to assist in the translation.' And she added, 'We would have been more than willing to help on this project.' When asked whether she or the association (IRMA) had volunteered to help with the translation, she admitted that they did not. According to this interviewee, there were many concepts that could have easily been translated correctly by consulting ÍST ISO 15489:2016, as well as appropriate guidelines and laws. She mentioned words such as *skrá* in the translation, and emphasised that '"record" should be "*skjal*", and "record-keeping" should be "*skjalastjórn*", not "*skráahald*".'

As the chairman of the Committee supervising the translation of ÍST ISO 15489, the author of this section should perhaps have been more vigilant in relation to the translation of the GDPR, and should have brought the Committee's work to the attention of those in charge of translating the GDPR. However, volunteering assistance that is not being asked for can also be interpreted as mistrust. Nevertheless, improved communication on both parts would have been for the better. The study reported in this article also aimed at encouraging cooperation among different key specialists regarding future translations of the GDPR or other legislation. The hope is that it will inspire translation experts to reach out to subject-expert communities.

Conclusion

All the examples of 'bad translation' offered in this article show how language, culture, thought, and practice are all interrelated. Different languages do not represent the social reality in the same way,[95] and translation becomes particularly challenging when it concerns domains that are context-dependent, as law and archives certainly are. All GDPR versions examined stumbled upon the most basic archival terms, such as, record and archives. Looking for reasons for such misunderstandings – whose consequences should not be underestimated, as pointed out in all our case studies – we concluded that both those who drafted the GDPR in English as a *lingua franca* and those who translated it into multiple languages failed to recognise the highly contextual and contested nature of the archival discipline. In other words, this article confirms what is accepted as a fact, that is, that archival terminology is a minefield, even more so when appropriated by non-professionals from outside the information sector. Calling on experts from different archival traditions would mitigate the risk of creating false and misleading equivalences.

One of the lessons gleaned from the cases examined is that inaccurate or incorrect wording used in European legislation that is bound to be reused in other legislative texts may have widespread effects that might even have repercussions for the profession as such. As highlighted in the Italian case study, the principle of consistency that dominates legal translations within the EU may have unintended consequences that only subject experts are able to detect. The Slovenian translation of the GDPR has exacerbated terminological issues that already existed in the context of national legislation concerning the archival domain. In Finland, the introduction of new terms and the mistranslation of existing ones may help expose the theoretical paradigms underlying archival practice, which would otherwise go unnoticed. And finally, the Icelandic case showed that even in countries where legal translations are not carried out by official EU translators, similar issues emerge.

Since the 1990s, the area of scholarship known as translation studies has experienced a so-called 'cultural turn', that is, 'a move away from texts to the interface between translation and culture, as well as politics, or [. . .] to "the larger issues of context, history and convention".'[96] Yet, when considering how laws, regulations, standards, and multilingual dictionaries tend to be created and communicated, one may think that we are still immersed in the old 'equivalence paradigm', that is, a translation approach that privileges assimilation and does not acknowledge the characteristics of the target culture.[97] Archival professionals and scholars should embrace the 'cultural turn' in translation,

and look critically – as we have tried to do in this article – at translations that ignore the socio-cultural contexts in which texts live and translation takes place.

While it is great to have a common language that allows information sharing and collaboration without borders, it is our duty as keepers and shapers of history to raise awareness of the Anglocentrism inherent in current practices of knowledge mobilisation and translation. By refraining from using English unreflexively, or as if it were a neutral and universal language, we could already contribute to what translator Lawrence Venuti calls an 'ethics of translation'.[98] A further step in this direction would be the use of the English language as a tool to expose diverse traditions – a phenomenon known as 'foreignization' in translation studies – rather than assimilate, or 'domesticate', them.[99] This article represents an initial attempt at 'foreignizing' fundamental archival ideas by showing the limitations of the GDPR as a 'domesticating' legal instrument. We hope it will inspire more studies of this kind within the archival domain, which is still very much anchored in the equivalence paradigm.

Notes

1. European Union, Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data, and Repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), *Official Journal of the European Union*, L119, 4.5.2016 (2016), pp. 1–88. Available in 24 languages at <https://eur-lex.europa.eu/eli/reg/2016/679/oj>, accessed 30 June 2020.
2. Lisa Evans, 'Language, translation and accounting: towards a critical research agenda', *Accounting, Auditing & Accountability Journal*, vol. 31, no. 7, 2018, pp. 1844–1873. English as a lingua franca (ELF) involves many variations of the English language used by non-native speakers to communicate in multilingual contexts. 'ELF benefits from functional flexibility and from its wide geographic spread' (Evans, p. 1847), and there are studies showing that ELF affects cognitive processes.
3. International Organisation for Standardisation, 'ISO 15489–1:2016: Information and Documentation – Records Management: Part 1: General', 2nd ed., ISO, Geneva, 2016.
4. Giulia Barrera's acknowledgements: Doing research in times Coronavirus lockdown, I had to rely more than ever on the help of archivists, librarians and friends. I wish to warmly thank Alexandra Devantier (Archives of the European Parliament), Iolanda Mombelli and Carlos Van Lerberghe (Central Archives of the Council of the European Union) and Sylvia Pérez (Historical Archives of the European Commission) who searched for me the EU archives, in order to reconstruct the drafting history of Directive 95/46/EC. Warm thanks for their help also to Cristina Ivaldi and her colleagues of the Biblioteca centrale giuridica (Rome) and to Geneviève Kivits (Bibliothèque du Parlement fédéral, Brussels). I am very grateful to Giovanni Michetti for finding for me references to 'filing system' in ISO standards and for discussing with me the topic of this paper. Many thanks for their help also to Annalisa Bucalossi, Roberta Pergher and Marina Caporale.
5. Regulation No 1 determining the languages to be used by the European Economic Community (1958); EU Charter of fundamental rights, art. 22; Treaty on European Union, art. 55, and Treaty on the Functioning of the European Union, art. 20 and 24.
6. For a short description of the EU legislative procedure, see <*https://europa.eu/european-union/law_en*>, accessed 25 March 2020.
7. Aleksandra Cavoski, 'Interaction of law and language in the EU: Challenges of translating in Multilingual Environment', *Jostrans*, no. 27, 2017, p. 58.
8. ibid., p. 59.

9. European Commission, Directorate General for Translation, *Study on Lawmaking in the EU Multilingual Environmen*t, Publications Office of the European Union, Luxembourg, 2010, p. 74.
10. ibid., pp. 72–3.
11. Manuela Guggeis, 'I giuristi linguisti e le sfide per garantire concordanza, qualità redazionale e corretta terminologia giuridica nei testi normativi dell'Unione Europea' ['Lawyer-linguists and the challenges of ensuring consistency, editorial quality and correct legal terminology in the normative texts of the European Union'], in *Il linguaggio giuridico nell'Europa delle pluralità. Lingua italiana e percorsi di produzione e circolazione del diritto dell'Unione europea. Atti della Giornata di Studio* [*Legal language in a Europe of pluralities. Italian language and production and circulation paths of European Union jurisprudence. Seminar Proceedings*], Roma, Senato della Repubblica, 2017, pp. 49–66. Irene Otero Fernández, 'Multilingualism and the Meaning of EU Law', European University Institute Department of Law, PhD dissertation, 2020, pp. 42–4.
12. Freddy Drexler, 'La qualità del diritto alla prova del multilinguismo come fattore di complessità della procedura legislativa' ['The quality of the law and the challenge of multilingualism as a complicating factor in legal procedures'], *Il linguaggio giuridico* [*Legal language*], p. 49.
13. Amanda C Murphy, 'Mediated Language in Non-native Speaker Texts from the European Commission,' in Christopher Taylor (ed.), *Ecolingua. The Role of E-corpora in Translation and Language Learning*, EUT Edizioni Università di Trieste, Trieste, pp. 173–84.
14. Jeremy Gardner, 'Misused English words and expressions in EU publications', European Court of Auditors, 2016 p. 3.
15. Domenico Cosmai, 'Il linguaggio delle istituzioni comunitarie tra creazione terminologica e resa traduttiva' ['The language of EU institutions between terminological innovation and translation performance'], *Rivista internazionale di tecnica della traduzione/International Journal of Translation*, no. 5, 2000, p. 2.
16. Michael Skapinker, 'Brussels dialect is a gift to the EU's foes', in *Financial Times*, 21 May 2014.
17. Directorate General for Translation, 'Quantifying quality costs and the cost of poor quality in translation', in *Quality efforts and the consequences of poor quality in the European Commission's Directorate-General for Translation*, Publications Office of the European Union, Luxembourg, 2012, pp. 36–8.
18. CJEU, judgement in the case C-207/15 P, Nissan Jidosha KK v EUIPO, 22 June 2016, paragraph 43. See also CJEU, judgement in the case C-294/16 PPU, JZ v Prokuratura Rejonowa Łódź, 28 July 2016, paragraph 38 and the case law cited in such paragraph.
19. Otero Fernández, p. 188.
20. CJEU, Case C-338/95 Wiener S.I. GmbH v Hauptzollamt Emmerich, Opinion of Mr Advocate General Jacobs delivered on 10 July 1997, cited in Otero Fernández, p 154. See also CJEU, judgement in the case C-207/15 P, paragraph 43.
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Disclosure statement

No potential conflict of interest was reported by the authors.

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