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Breaking rules for good? How archivists manage privacy in large-scale digitisation projects

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ABSTRACT

Digital archives are a popular way for archivists to provide access to their important collections, but they also create more opportunities for private information within these collections to be disseminated widely and without consent. This is especially true of collections of the recent past, which often include materials and testimonies from living individuals. This paper draws on interview data collected from 13 archivists at four institutions that created digital archives of Civil Rights Movement-era materials. Despite clear professional obligations to protect individual privacy, the author found that archivists relied on open-access policies to justify their projects and digitisation labour itself.

KEYWORDS

Digitisation; privacy; access to information; ethics; labour

Introduction

The claim that 'archives are public goods' seems uncontroversial.¹ Public goods, I assumed, were material and cultural facilities that are open and serve the social interests of *everyone* in a society – but this definition is actually more attuned to common goods.² The highway system is an example of a material common good, and civil liberties are an example of a cultural common good.³ In contrast, public goods and interests are of particular importance to liberal democracies.⁴ Public goods and interests are defined and enforced by a political majority who imbue these facilities with their standards and values, which might conflict with the values of various minorities.⁵ When we call archives 'public goods', we should note the moral limitations of this definition.

Archives in liberal democracies do support various public interests, such as greater accountability, transparency and access to information, but these interests should not be seen as universally valued or distributed. There are always individuals who experience harm under a political regime that values access to information, whether that harm be privacy infringement or contributing more information for fewer benefits.⁶

How then, might archives better serve *common* social interests? Digital archives are one of the leading solutions. Archival research was once limited to individuals (often scholars or graduate students from prestigious research institutions) with the financial means to visit the repository.⁷ Digitisation opens the archives to everyone (at least, anyone with an Internet connection), leading to claims that digital archives are democratising.⁸

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Digital archives may seem like an equitable quick fix, but like their physical counterparts they still ask marginalised groups for the highest contribution to these projects – because while digital archives create more democratic access, they also create more opportunities for the private and/or sensitive information within archives to be disseminated widely, and often without consent.⁹ From the Society of American Archivists' (SAA) Core Values Statement and Code of Ethics, archivists have a responsibility to 'protect the interests of the donors, individuals, groups, and institutions whose public and private lives and activities are record[ed] in their holdings... particularly for individuals and groups who have no voice or role in the collections' creation'.¹⁰

The objective of this article is to determine how archivists negotiate their competing interests of providing open access to archives against maintaining individual privacy. There is no question that many archives contain deeply personal, sensitive or embarrassing information, or even private information protected by federal law. As digital archives become commonplace solutions for meeting institutional mandates of providing access, archivists must consider the moral limitations of their work.

Literature review

Digitisation is a high-priority project for many archival repositories.¹¹ Massive digital projects such as HathiTrust, the Digital Public Library of America, the Google Books project and the Internet Archive have rekindled the dream of building a digital Library of Alexandria. Brewster Kahle, founder of the Internet Archive, has called for heritage institutions to think large in terms of digitisation, arguing that universal access to all knowledge is possible with new technology.¹² Creating digital archives is challenging for many repositories in the United States, especially as federal funding for many cultural heritage institutions is extremely scant. The Online Computer Library Center (OCLC) research division published an executive summary on digital access to special collections and archives in 2010, reporting that almost half of archives respondents would need outside funding to support digitisation work.¹³ 'Grants are the lifeblood of most digital projects,' writes Cokie G Anderson, noting that many digital projects require significant institutional resources and long-term planning to complete as well.¹⁴ Mark Greene, credited as the co-creator of the 'More Product, Less Process' approach to archival processing, suggests that digitisation challenges stem from 'boutique' approaches in which archivists identify, describe and digitise at the item level instead of en masse.¹⁵

The logistical challenges of finding the time, money and labour to support large-scale digitisation tend to distract from ethical dilemmas wrought by digitisation, such as privacy. From the SAA's Core Values Statement and Code of Ethics, archivists

[establish] procedures and policies to protect the interests of the donors, individuals, groups, and institutions whose public and private lives and activities are record[ed] in their holdings... particularly for individuals and groups who have no voice or role in the collections' creation, retention, or public use.¹⁶

The Australian Society of Archivists outlines a similar commitment in their Code of Ethics:

Archivists shall protect personal information gained under privilege and contained in records in their custody. Subject to relevant legislation and/or conditions of records transfer, archivists shall neither disclose nor enable others to disclose, personal information that would identify individuals as subjects of case files without their consent.¹⁷

While archivists concern themselves with the privacy rights of donors, second parties (record creators, such as a letter writer, who have no agency in the disposition of their materials) and third parties (individuals represented in archives but not donors or creators, such as the subject of a letter) in principle, privacy conflicts with values that respect and promote access to information.¹⁸ Digital archives – accessible to anyone with an Internet connection – facilitate access, but create new spaces for privacy violations to occur on a much larger scale.

It is worth outlining the distinction I make between 'private' and 'sensitive' information in archives and acknowledging that my conceptions of both are entrenched in Western, predominately American, legal traditions and moral philosophies. According to the SAA's Glossary of Archival and Records Terminology, private information is 'personal information or activities protected from unauthorized use by another', while sensitive information refers to 'potentially embarrassing' facts that individuals may wish or expect to be private.¹⁹ Private information, rather than sensitive information, enjoys more robust legal protections in the United States even though private information may not be as personally valuable as sensitive information.²⁰ For example, educational records and personal health information are protected in the United States under the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA), respectively, but information contained in public records, such as vital records, vehicle registration and driving records, real estate records and court records (to name a few), are not.²¹ Ruth Gavison notes that the way law has developed in the United States to protect privacy 'is completely out of place in most of the contexts in which privacy is deemed valuable' to individuals.²²

Extricating privacy's legal boundaries from its value to individuals has fomented access policies that are either overly cavalier or careful, with the former opening all records to the public regardless of potentially private content and the latter sealing all records for a predetermined time.²³ Archivists working with papers of living individuals have the benefit of being able to work with donors to identify information to be redacted or restricted, but this approach has been criticised for sanitising important records.²⁴ Sealing records for a predetermined time can preserve donor trust in archives, but frustrates researchers who are prevented from accessing records of the recent past.²⁵ Given the variety of institutional missions and cultures, collection policies and constituencies of archival repositories, it is unsurprising that 'one size will not fit all' in terms of managing private and/or sensitive content, even among similar collections within the same repository.²⁶ Ironically, a middle-ground approach – partial redaction or restriction - is often the most dangerous. Archivists who try to manage privacy as part of a donor's request or of their own volition may put themselves at higher risk for litigation.²⁷ Any evidence of negligent management could lead the repository or an individual archivist into a costly legal battle.

Digitisation work has ushered in new processes to help ameliorate privacy risks, including careful selection and curation, contacting donors for permissions, obscuring or redacting private and/or sensitive information, crafting public disclaimers to alert

online researchers and posting take-down policies for online material.²⁸ Identity theft, widespread information sharing and unwanted exposure are prominent concerns for many individuals in the Digital Age.²⁹ The 'practical obscurity' of private and/or sensitive information in physical collections is troubled by digital archives, which enable immediate, precise searching across full-text documents by a global audience. Archivists can only hope that Internet researchers will not use the information they might uncover carelessly or maliciously.³⁰

Privacy is a complex issue for archivists to negotiate, especially given recent efforts to make visible the archives of historically and presently marginalised, underserved and/or isolated communities. My decision to study digital archives of the Civil Rights Movement in the United States was twofold. First, the Civil Rights Movement is generally written about as if it were a single historical event with clear geographical and temporal boundaries - it is not. Attempts to create comprehensive knowledge in archives tend to present narratives that lump together disparate efforts as part of the larger, nationally recognised Civil Rights Movement. Many major granting organisations in the United States support digitising 'hidden' collections of historically and presently marginalised communities, such as the 'freedom fighters' of the Civil Rights Movement.³¹ According to Jacquelyn Dowd Hall, public imagination of the Civil Rights Movement is formulaic and reductionist, championing a 'satisfying morality tale' for the history textbooks.³² Whether digitisation initiatives will change perceptions remains to be seen. Second, many of the individuals represented in Civil Rights Movement-era collections are still living, compelling archivists to think deeply about the private and/or sensitive information in these materials.

There are few examples of how privacy is managed by institutions digitising Civil Rights Movement-era material other than the well-litigated case of the Mississippi State Sovereign Commission records. The commission was established by the state legislature in 1956 to spread anti-integration propaganda as well as investigate individuals and groups who might threaten segregation. While Civil Rights organisations and affiliated individuals were the most obvious targets, citizen spies paid by the commission would often collect any information that could be seen as deviant, including 'allegations of illegitimate births, child molestation, homosexual activity, drug abuse, and financial improprieties, regardless of factual support'.³³ By the time the commission was disbanded in 1973, the Mississippi 'spy files' contained information on over 87,000 individuals.³⁴

In 1977, the Mississippi House of Representatives voted 81 to 16 to destroy the files of this 'unfortunate' period in state history.³⁵ Owing to the efforts of former Lieutenant Governor William Winter, the Mississippi chapter of the American Civil Liberties Union and the Mississippi Department of Archives and History (MDAH), the records were saved from destruction but remained sealed to protect individuals who participated in the state-funded campaign of misinformation, surveillance, harassment and violence from being publicly outed.³⁶ In 1996, a national ad campaign announced the opening of the records following a review period. Local newspaper *The Picayune Item* reported that 'due to the personal and sensitive nature of some of this information... persons may submit a written request to the MDAH to determine if their name appears in the files'.³⁷ Individuals classified as victims could redact any or all personally identifiable information from their records, while individuals classified as actors

(commission members, journalists and citizen spies) could only petition to have this classification changed.³⁸ In 2001, MDAH digitised the collection, creating a name index linking the approximately 87,000 victims or actors to materials in the digital archives.³⁹

The legal battle to open the records lasted over two decades and illustrated the deep divisions among plaintiffs/victims about how best to open the records.⁴⁰ Privacy plaintiffs worried that 'complete and unfettered disclosure of the files does not give appropriate protection to the constitutional privacy interests of various persons in not having government-gathered sensitive personal information about them released', while access plaintiffs demanded the files be opened completely.⁴¹ This divergence of opinions among the victims resulted in the nationwide ad campaign that preceded opening the records, yet the 2001 digitisation project was met with curiously little fanfare. The decision to digitise the State Sovereignty Commission records supports the notion that digitisation has become a standard for access, and archives are biased towards policies of open access even when access might 'further violate[s] the privacy rights of victims of illegal surveillance' according to privacy plaintiffs.⁴²

Many have argued that restricting access to archives owing to private and/or sensitive information is unjust in a democratic society which values accountability, transparency and the public's right to access information.⁴³ Archivists acknowledge the risk in providing online access to archives but given the size of many collections it is difficult (and labour-intensive) to identify these risks. Furthermore, determining what is sensitive or embarrassing information (rather than legally protected information) is often a personal judgement, further complicating the process.⁴⁴ Steven Bingo argues that 'our goal should not be the creation of hard and fast boundaries, but rather the identification of tools that will help evaluate risk and provide confidence that reasonable steps are taken to protect privacy'.⁴⁵ Bingo suggests using Helen Nissenbaum's theory of contextual integrity⁴⁶ to advance a meaningful framework for ascertaining privacy risks in digital archives. Unfortunately, few other tools exist. Lawrence Cappello articulates this hypocrisy well: 'We decry the privacy problems raised by the digital age while simultaneously wondering what solutions, if any, are at our disposal to balance these concerns with the clear advantages in efficiency and convenience digitisation affords.'⁴⁷

Methods

I collected the data analysed in this paper in response to a demonstrated need to understand how archivists understand and negotiate issues of informational privacy in the context of creating digital archives. My study aimed to answer the following research questions:

- (1) How do archivists manage large-scale digitisation projects at their institution?
- (2) How do archivists manage donor and third-party privacy in their work on largescale digitisation projects at their institution?

This paper draws on interview data collected from 13 archivists at four institutions who all worked on creating a digital archive of Civil Rights Movement-era material at their institution. I refer to the four institutions using the following pseudonyms: the State Archive (SA), University Archive (UA), Independent Archive (IA) and Digital Archive (DA).

I employed a sequential purposive sampling approach. I contacted the SA first because I was most familiar with their project. Their website listed similar online resources for studying the Civil Rights Movement. From this list, I added three more participant sites (the UA, IA, and DA). One additional organisation I contacted did not respond. The only criteria I used for selecting institutional participants were (1) the institution identified as an archive, and (2) the institution created a large-scale digital archive of Civil Rights Movement-era material. From the start of this research project, I knew I wanted to compare how archival repositories managed large-scale digitisation projects in terms of their particularised workflows and ethical considerations. Purposive sampling enabled me to gather more robust samples for making these comparisons.

I then reached out to my main contacts at the four participating institutions to set up in-person interviews that lasted approximately an hour. Each contact was asked to provide names and contact information for staff or volunteers (current or former) who also worked on the Civil Rights Movement digital archive. This resulted in nine additional interviewees, described by site and position title in Table 1.

Data collection occurred over a five-month period in 2017. In-person interviewing took place in a location of the interviewee's choosing, when possible. All interviews were audiotaped and transcribed verbatim using a professional transcription service. Interviewees were given a description of the research project and gave informed consent using a form approved by the University of Wisconsin-Madison's Educational and Social/Behavioural Institutional Review Board.

Interviews began with basic, closed-ended demographic questions. The remainder of the semi-structured interview process was arranged to allow participants to think about (1) their roles and responsibilities during the digitisation project, and (2) how they internalised or realised issues of privacy during the project. Interviewees were provided with a copy of the interview questions, though they were encouraged to ask questions of their own and modify lines of questioning. The flexible interview created many opportunities for probing follow-up questions as well as deeply reflective discussions about the professional responsibility to maintain privacy. At the end of

Independent Archive (IA)	Webmaster
	Director of the Media Archives Digital Archivist
	Librarian II
Digital Archive (DA)	Associate Director
	Digitisation Specialist
	Digitisation Assistant
University Archive (UA)	Digital App Manager
State Archive (SA)	Head of Digital Collections and Services Metadata Librarian Emerging Technologies Archivist Digitisation Assistant Volunteer

Table 1. Interviews by site and position title.

every interview, I allowed interviewees to ask me questions about the process and my research intent, which led to many interesting conversations and new lines of thought.

I used thematic analysis (TA) to discern themes and patterns in the interview texts. TA builds a foundation for theoretical understanding of a large, text-based dataset.⁴⁸ I followed the six-step process for TA recommended by Virginia Braun and Victoria Clarke (2006), which is organised as follows: (1) familiarising myself with the data, (2) generating initial codes, (3) searching for themes, (4) reviewing themes, (5) defining and naming themes, and (6) producing a report of how themes contribute to the overall narrative.⁴⁹

To validate my research, I assessed my findings based on their dependability. Dependability criteria consider the various meanings, interpretations and intentions of interviewees by giving them a chance to respond to and impact analyses.⁵⁰ Following this definition, I asked my four main contacts to review a summary of my findings, including codes and code definitions, that emerged from the interviews held at their institution. This process resulted in only slight semantic changes from the Webmaster at the IA.

Results

Moral justifications for large-scale digitisation

In this section, I describe how archivists morally justify creating digital archives of Civil Rights-era material and examine how these justifications fit within professional obligations to maintain individual privacy. Interviewees cited institutional mission statements, strategic plans and collection policies that mirrored the SAA's language regarding the importance of access: 'Archivists promote and provide the widest possible accessibility of materials. [...] Access to records is essential in personal, academic, business, and government settings, and use of records should be both welcomed and actively promoted.'⁵¹ The full Core Values statement also suggests archivists limit access owing to personal privacy, but many archivists see their responsibilities to maintain individual privacy and promote access as values in conflict.⁵² The statement acknowl-edges that archivists should balance these 'competing principles' in their own practice.⁵³ Overwhelmingly, interviewees' justifications favoured open-access principles that prioritised (and accelerated) their digital projects.

Providing online access to Civil Rights Movement-era materials was rationale enough, especially when materials were in inaccessible formats. The DA's Civil Rights-era collection was primarily in obsolete film and video formats. The Director of the Media Archives noted that these formats were 'at a disadvantage prior to the Internet in terms of the kind of research that could be done', and that online access would pave the way for new opportunities to study the Civil Rights Movement. The digital project served the institutional mission by providing farreaching access to otherwise inaccessible media and presenting a more 'comprehensive and diverse picture of the history and culture' of the area, according to the DA's Associate Director.

The grant that jumpstarted the DA's digitisation project also included building an online portal for all Civil Rights Movement digital archives beyond the scope of material held by the DA. They accomplished this by aggregating content digitised by other institutions:

[W]e used Google Alerts to scan for new Civil Rights collections. We send... a letter requesting permission to use the information... then we either harvest the data... or we ask the institution for a spreadsheet of their metadata that we generate into XML. (Librarian II)

The Librarian II managed this workflow, which included a lot of metadata clean-up – creating or updating subject headings and 'regularizing dates' and other fields to meet current standards for archival description. Sometimes the data from other institutions were too difficult to work with, which limited the DA's ability to provide meaningful online access. 'We do our best to include everyone, but... sometimes partners may not have item level metadata available, in which case we'll just link out to their collection instead of providing lists of items that people can access,' said the Librarian II.

The SA did not wait to secure a grant but built their digital archive using existing resources and a 'make-it-happen' attitude, according to the Digitisation Assistant. She described how one of the senior staff members at the SA was listening to a book on tape in the car about the Civil Rights Movement, which motivated him to investigate what Civil Rights-era materials the SA had to offer. 'And [he] was like, "Oh my God, we have a ton." [S]o it was sort of this... luck happenstance, according to him... [i]t all just kind of came together,' she remarked. While the project was justified under an institutional mission to promote access ('[T]he Web is the way to do that most effectively,' argued the Head of Digital Collections and Services) and a strategic plan in which digitisation was an emerging but promising technology initiative, the project found strong support from the SA's collection policy, which expressed an institutional tradition of collecting material from social movements representing a diverse array of political viewpoints.

By the time I interviewed UA staff, the UA had restructured its strategic plan to include digital initiatives to better meet their institutional mission of increasing access to important historical collections. According to the UA's Digital App Manager, digitisation also ensured long-term preservation, which was becoming a more pressing concern: '[I]n the past four years, we've been hit by two tornadoes,' she said. The UA justified digitising their Civil Rights-era collection using their strategic plan as well as their collection development policy, which supports documenting regional history, especially as it relates to underrepresented communities. The Digitisation Specialist believed the digital archive was an invaluable community resource, given that many local high schools weren't teaching students about Civil Rights Movement even though many significant events, organisations and people from the Movement hailed from the state.

While the UA's digital archive served the local community, the materials held by the SA had been geographically separated from their points of origin or creators for decades, which staff acknowledged as a limitation. '[M]aterial that we have in our collection, you have to come [here], you have to come to our building, you have to... know it's there,' the Metadata Librarian said. Digitisation made the collection more accessible to potential researchers who would not have thought to look for Civil Rightsera materials at the SA given its geographic location. 'And through the wonders of search engines and Web crawlers, [the collection is] pretty readily available when you do a Google search,' he continued.

The IA is unique among participant sites because it is primarily maintained by one individual (the Webmaster) unfamiliar with the SAA's Core Values Statement and Code of Ethics. The digital archive was built to be a tribute to former Civil Rights Movement volunteers but became an archive when the community 'became more and more unhappy' with how the Civil Rights Movement was being depicted and taught.

[T]he phrase we use is from the bottom up and the inside out because we feel that the way the history of the Civil Rights Movement is being portrayed today... severely distorts it and in a way that really angers us. [S]o we want a place where we can tell our story as we lived it, as we saw it, in our words, with our own interpretation.

Most of the digital archive maintenance still falls to the Webmaster, but he draws support from a small advisory board made up of former Movement volunteers.

It was difficult to isolate interviewees' justifications for digitisation that also acknowledged obligations to attend to private and sensitive information. The Head of Digital Collections and Services at the SA asserted that archivists and donors – even the donors from long ago – were 'biased toward openness'. The Metadata Librarian at the SA echoed this point, attesting that the Civil Rights Movement was a public endeavour: 'I mean very little of what [donors were involved] with, I would say, were private activities. [T]he people who are involved in the [Civil Rights Movement] were doing so publicly.' A former Civil Rights Movement volunteer himself, the IA's Webmaster confirmed this sentiment: '[W]e did our work in a... fishbowl. We were spied on totally.' The history of routine surveillance by the government and white supremacist organisations like the Ku Klux Klan may seem to support the reductionist assumption that the Civil Rights Movement was entirely public in nature, but even the Webmaster refuted this notion. He wondered:

We went to great lengths ... to keep lists of names of who we were working with out of the hands of the Klan or the police. Now, 50 years later, we are posting documents of contact lists and letters signed by people and all this stuff... well, how risky is this?

Ultimately, the Webmaster and his board of volunteers concluded that open access supported their goal of setting the record straight over imposing restrictions.

Others suggested that the possibility of self-curation could support digitisation. The UA's Digital App Manager considered how much material was removed by donors. 'If a donor... [doesn't] want that in the historical record, well, will they really donate it to you to begin with?' she asked. The Digitisation Assistant at the SA looked at every photograph in the collection as part of her role, noting that she felt like the photographs were 'already edited for public consumption'. The Director of the Media Archive at the DA considered the way in which material was captured could support further public dissemination. '[T]he news cameras were there to document what was happening. They were just doing their job,' she said. Even still, she wondered what the lasting consequences of digitising footage of people protesting desegregation. 'I was wondering if they would ever be identified or if anyone would ever call them out for being in that footage. And I don't know why I thought so locally about it, but that's what I thought,' she admitted. '[W]ho were these students? Are [they our] donors now?' The Digital Archivist at the DA agreed that their project created new opportunities for personal humiliation, particularly for 'the people who would be embarrassed because they ... were on the wrong side of history'.

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Considering privacy in digitisation work

Digitisation work often undermines attempts to attend to private and/or sensitive information. Institutions without guidelines for selection require archivists to make personal decisions about the appropriateness of digitising individual items. But in large-scale digitisation work, halting the process to evaluate materials at the item level was unjustifiably time-consuming. The Associate Director of the DA remarked that in 'large scale digitisation, you know, you can't possibly go through and... mark everything that might possibly have privacy issues if you're going to [...] be able to digitise at scale'. The Metadata Librarian at the SA echoed this sentiment:

[F]or the vast majority of materials we did not go through on an item basis. [...] [W]hen you're talking about 35 or... 40,000 pages of material, if we had attempted to do privacy at an item level, we simply would not have done the collection.

Interestingly, several interviewees had responsibilities that allowed for item-level scrutiny, but little decision-making authority. As already mentioned, the SA's Digitisation Assistant looked at every photograph in the collection as part of her role, checking restriction statements and evaluating each image as it was scanned. 'It's [a] very slow process,' she said, but one that allowed her to 'become intimately aware' of the contents of each photograph. The Volunteer at the SA also worked closely with the materials as part of her work indexing and tagging the collection. 'Really, I was reading every document. I might have been the only person who's ever read every document,' she confessed. She began her work with lists of terms developed by the Head of Digital Collections and Services but grew determined to index every name she came across: '[I]t turned out that the lesser known people were more important, actually, than the bigger names in many cases, and I thought to myself they ought to get some recognition for their accomplishments.' Similarly, she exercised scrutiny when she found materials she considered private and/or sensitive. Within a cache of documents marked for digitisation, she found interview assessments from individuals rejected from volunteer positions with Civil Rights organisations. She decided to 'recommended that we not digitise it at all. [W]e... withdrew it because this [project] is supposed to be about the volunteers who actually did this project, not the people who had been rejected.' The assessments, she remarked, contained 'pretty damning or damaging comments' about named individuals' mental capabilities or their opportunistic reasons for volunteering.

Privacy and sensitivity determinations were usually individual determinations unless the records contained medical or educational information protected under current American statutes. While the DA staff were on the lookout for medical or educational information in their own collection, they exempted themselves from reviewing content aggregated from their institutional partners. The Associate Director conceded that 'we cop out a little bit' by expecting their partners to attend to these issues. Because the DA does not own any of the content from other archival repositories, they cannot restrict or redact material upon request. UA staff also looked closely for clearly private information like social security numbers and 'envelope' information, such as home addresses. This information would be redacted by cropping it out of the digital image or placing a black box over the content.

Both the UA and the SA contacted donors for permission before digitising. The SA sought permissions first out of consideration of their donors, who could not have anticipated the scope of access afforded by the Internet when they donated their materials in the 1960s. '[T]he idea would be that researchers would come and use [their papers] in the reading room,' the Metadata Librarian recalled. 'No thought whatsoever to basically broadcasting them to the world, you know, digitally. [...] [T]he donors' initial permissions really didn't apply.' The UA and the SA had similar workflows for reviewing the original donor agreements, locating or researching contact information, and reaching out to donors for permissions. The Digital App Manager at the UA also included second parties in this process. 'The result was we got a lot of permissions,' she said. The UA and SA were unable to secure permissions from every donor or second party, however. Many individuals did not respond to the contact or could not be located at all. If there were outstanding questions about private and/or sensitive content, the UA staff would often digitise materials for preservation and wait to post them to the digital archive. It is part of the 'long game' that archivists must play to ensure access while still being good stewards to their donors, the Digital App Manager alleged. Orphaned material was usually digitised anyway by the UA and SA, though both digital archives include instructions to facilitate user take-downs of objectionable material.

The IA's Webmaster tried to build consent into his digitisation workflow from the beginning. As the digital archive was under development, the Webmaster attempted to reach out to all named second and third parties for permissions, but the process quickly grew too time-consuming. 'Nobody ever got back to us,' he admitted. 'I said [...] we'll just go ahead and post. If somebody comes and says, "Hey, please, I don't want that," we'll take it down.' Since there is no antecedent physical repository, all donations arrive with the expectation that material will be posted online: '[O]ur default assumption is that people... want their story told, want their history recorded, want their participation remembered. And the rare occasions where that is not the case, we say okay, fine... we'll take it down.' Although the Webmaster did not know about the SAA's Core Values Statement and Code of Ethics, contacting second and third parties for permissions and articulating a take-down process are similar measures taken by the institutions professionally obligated to maintain individual privacy. The Webmaster went a step further to address how restricting sensitive information supported the IA's mission of 'setting the story straight.' When he found information about a volunteer's sexual history documented in the collection, it was removed from the collection entirely. '[O]ur philosophy is this site is where we tell our story in our words as we want to tell it,' explains the Webmaster. 'So if somebody says well... I wanna change it, okay.'

Discussion

There is a perception that digitisation serves the 'greater good' and public interests by making cultural heritage materials widely available online. This claim is analogous to pre-Internet justifications for public archives. Eric Ketelaar examined how the right to access information in public records depositories and archives is crucial for sustaining democracy and the public's trust in democratic processes.⁵⁴ Again, it is worth reiterating that my conceptions of democracy and the right to access information are both drawn from American legal traditions and Western moral philosophies. This paper does not attempt to make claims about the intrinsic 'good' of digital archives to populations living under different political structures or regimes. Furthermore, in analysing digital archives of the Civil Rights Movement in the United States, my conclusions are necessarily tied to a specific social, political and geographic context.

The claim that archives – and by extension, digital archives – serve public interests within a liberal democracy is not uncontroversial.⁵⁵ Archives in liberal democracies create a sense of accountability, transparency and access to information, but maintaining these values comes at the expense of asking marginalised groups for higher contributions for fewer benefits.⁵⁶ This argument is also uncontroversial – access to archives has been historically controlled by privilege and power.⁵⁷ While marginalised and underrepresented groups have always been *present* in archives, their stories have been told 'through the lens of dominant, powerful social groups or societies,' writes Zinaida Manžuch.⁵⁸ Digital archives may seem like an equitable quick fix, but like their physical counterparts they still ask marginalised groups for the highest contribution to these projects – because while digital archives create more democratic access, they also create more opportunities for private and/or sensitive information within archives to be disseminated widely, and often without consent.⁵⁹

Heather MacNeil argues that the right to access information 'must be weighed against the potential injury to the individual in each situation where the two rights collide'.⁶⁰ At all four sites, privacy *was* a consideration when constructing the digital archive, but the rights of the many often outweighed the rights of the few. As the DA's Librarian II noted, 'People want more coverage. They don't want less.' According to 'More Product, Less Process' proponents, spending limited time and resources to determine which items to digitise would severely restrict what users want – more online access.⁶¹

At the DA, the Assistant Director stated that staff digitised materials within the boundaries of what was legally acceptable under FERPA and HIPAA, but since most of the digital archive was material aggregated from partner institutions, she was less certain that 'privacy was... something, in all honesty, that entered into our decisions'. She (and others at the DA) admitted that, '[A]s an aggregator... those decisions get made at the partner level.' Other institutions recognised similar concessions, evaluating privacy based on established legal precedent rather than on personal grounds. The Emerging Technologies Archivist at the SA acknowledged this tension: 'There's some expectation that maybe those stories should not be told for a while because they're too recent and too emotional or too... you know, too private. There's no law against us making this available.'

Of course, the SA and other institutions *did* consider donor expectations in the digitisation process. In fact, the SA and the UA had similar workflows for seeking out donors, sharing PDF copies of their materials and asking for permission to post these materials to the digital archive. Most respondents said yes. The SA's Head of Digital Collections and Services recalled only one conversation that went sour:

The only time that a conflict arose was with that donor who was not a donor of ours, but the person whose diary we had that he had never wanted to have duplicated at all and came in as... part of someone else's collection. And that came up first because we wanted to put it online, and he said no.

A few months later, the author of the diary contacted the SA after a researcher sought him out after reading his diary in the physical repository. According to the Head of Digital Collections and Services,

he was furious, just furious that we had not destroyed [the diary]... and that we had dared share it with a scholar. [W]e did not destroy it [after that]. We did not return it to him. It's still in the collection if anybody should find it, but we didn't digitise it or put it on the Web.

The SA's decision to retain the diary is not unusual. Many repositories rely on conceptions of ownership where there is a single records creator or donor to simplify records transferal.⁶² This practice creates situations like the one described by the Head of Digital Collections and Services, in which a creator's wishes may be compromised to provide public access to records in perpetuity.

Large-scale digitisation presented problems for maintaining the myriad expectations of donors and second and third parties, which prompted archivists to find ways to justify digitisation beyond the common refrain that digital archives are public goods. The Digitisation Assistant at the SA explained that many of the collections were accessioned in the 1960s by way of white volunteers:

[I]t seemed like a lot of what [the volunteers] dealt with was people who were concerned about giving stuff because of privacy and trust between these poor, rural, people of colour or Civil Rights organizations and this white institution, it just wasn't there. So... it seemed to me, and looking over the materials, too, they only gave the things they were comfortable with being public.

This anecdote is particularly telling, given a wealth of critical research into how archives have maintained power structures and denied marginalised and underrepresented groups agency over their own heritage materials.⁶³ Community archives, like the IA, are a necessary countermeasure. They are often created and run by people who identify as members of historically or presently marginalised or underrepresented groups.⁶⁴ As a former freedom fighter himself, the Webmaster saw the IA as an opportunity to 'tell our story as we lived it, as we saw it, in our own words, with our own interpretation'. Most importantly (and perhaps most unlike traditional archival repositories), community archives are motivated by a need for archives to be *corrective* – through (re)constructing personal histories and identities, engaging with archival materials (rather than passive curation) and building archives as spaces for communication, participation, activism and political mobilisation.⁶⁵ In their work on participatory community archives, Anne Gilliland and Sue McKemmish note that:

[C]ommunities who frequently feel that their historical experiences, identities, ideologies, and perspectives are not adequately reflected in the official record... are often more focused on the immediate needs and politics of the community than on the long-term preservation of the materials they hold.⁶⁶

The IA is emblematic of this. The Webmaster had no use for archival standards of description. Instead, he directly engaged with the digital archive by writing articles and annotations meant to contextualise materials. Similarly, he showed no hesitation in redacting or restricting information entirely. Edits were equally important functions of the narrative.

This is not to suggest that the rest of the participant sites did not work directly with communities in their digital projects, but it does demonstrate how the institutional mission statements, strategic plans and collection policies of the SA, UA and DA already biased towards open access are not paying adequate service to the needs of the individuals and communities represented within the materials. Creating digital archives is often complex and detail-oriented work, but not in a way that supports analysing collections at the item level for private and/or sensitive information. This kind of item-level scrutiny would prolong an already time-consuming project or even prevent it entirely.

Therefore, the production of digital archives is sustained by amplifying certain interests, such as access to information, over other legitimate considerations in decision-making processes. Evidence of this was apparent. Selection decisions at the SA were made deliberately broad to allow for more materials to be digitised during the one-year project, which became a three-year project for the Volunteer:

[P]retty soon [the SA was] digitising [material]... farther and farther from what they had said. And I was seeing a lot of the same material in many folders, so I would be re-indexing the same stuff over and over again.

Other content decisions were completely outsourced, as was the case at the DA, which aggregated metadata from partner institutions to add to their online portal. Even if archivists had personal misgivings, the value of access to information usually compelled them to digitise. The UA's Digitisation Assistant said that

we want to make sure people who are a part of these collections... have a choice in what is shown to the public. Maybe what is shown to the public isn't always nice, maybe we do retain that image for public viewing, but they always have an option to contact us about it.

Furthermore, he said, individuals involved in something as history-defining as the Civil Rights Movement might have a responsibility to make their records available to the public through digital archives. The UA's Digitisation Assistant was the only interviewee that did not waver when asked to articulate how his own values might undermine the importance of access to information:

[I]f there was a [collection on me] in the future, and I did something horrible... no one should be concerned that my privacy is being trampled on because it's so important to history. Maybe it's more important that that information be kept around and everyone has access to it.

Most notably, digital archives are sustained by curtailing the interests of vocal minorities, like the SA's diarist. Archives serve public interests (rather than common interests) through digitisation work. Attempts to serve common interests with digital archives must be community oriented and responsive to individual wishes to be *excluded* as well as included. 'It has become somewhat commonplace to conclude that digital archiving does represent a more democratically accessible and cost-effective

means of preservation than the physical housing of similar materials,' asserts Kate Eichhorn.⁶⁷ In her work on feminist and activist archives, she acknowledges that access to physical archival repositories 'remains a highly fraught contact zone', but that building a more democratic archive must be achieved with more than just digital access.⁶⁸ Many communities have legitimate reasons to resist digitisation of their archives. Some archives are 'defined by their materiality' and geography, both of which would be undermined by digital access; while others eschew digitisation because physical formats are more accessible and desirable among marginalised communities.⁶⁹

Digital archives are already common tools for archivists seeking to enhance access to their collections, but the work generates difficult moral conundrums that are almost impossible to address meaningfully. Digitisation work is inseparable from a public interest in access to information above all else.

Conclusion

In this article, I have described how justifications for creating digital archives of Civil Rights Movement-era material do not support professional responsibilities or personal values to maintain individual privacy. I have also shown how large-scale digitisation work itself undermines the degree to which archivists can meaningfully consider privacy issues in these collections. While archivists argue that online access is rationale enough to justify a digital project, limiting the agency of individuals knowingly or unknowingly documented in these collections enhances the possibility of privacy infringement and (re)traumatisation of victims. In her work on archival amnesty, Tonia Sutherland argues that information communication technologies enable further structural inequality and violence, rather than making the public more aware of it.⁷⁰ Large-scale digitisation, and the work structures that support it, is emblematic of this dissonance.

Digital archives are public goods. They complement archivists' professional values *and* user expectations for online access to information. Mission statements, strategic plans and collections policies all designed to help archivists identify and select items for digitisation are so broadly construed that they could be used to justify building a digital archive of just about anything. Cokie G Anderson provides a helpful heuristic for institutions embarking on digitisation projects, which includes asking esoteric questions like 'Whom do we serve?' and whether digitisation meets the needs of that community.⁷¹ These questions weighed less heavily on interviewees at institutions that already had the financial means and institutional resources to complete a digital project.

Digital archives are public goods. They are built on principles of open access to information and not on the privacy interests of individuals represented in the collections. This is not to say that donors and second and third parties always had privacy interests – according to anecdotes from interviewees at the UA and SA, most donors had no concerns about digitising their materials and were supportive and enthusiastic of their projects. Only a few individuals requested their materials not be included in the digital archive. This does not erase the fact that digitisation work often relies on 'More Product, Less Process' approaches, which limits archivists' ability to adequately meet their professional responsibility to maintain individual privacy, or contemplate how to maintain and protect 'sensitive' information.

Digital archives *are* public goods, but this definition has clear moral limitations. They may provide the public with more immediate access to information, but do they support marginalised communities by addressing their immediate 'identity, memory and accountability needs', repatriating their cultural property or protecting their private and/or sensitive information?⁷² They may contribute to a democratic goal of storing 'all the world's knowledge' for the connected public to access, but are they exacerbating the privacy problems wrought by Digital Age technologies?⁷³

Big archival data, made possible by digitisation and other processes, is not on the horizon – it is already here. For many interviewees, controlling their own personal information on the Internet was important. At the same time, they acknowledged that data-gathering technologies and companies probably would find ways to access this information anyway. 'I think it's inevitable that that information will be available at some point,' admitted the SA's Emerging Technologies Archivist. Though he conceded that his digital footprint was at risk, he felt in control over personal information represented in physical materials:

I'm a journal writer. [T]here are things in my journals that I would prefer not to be public. [T]he thought of me donating that, and then having somebody turn around and digitise it... gives me some shudders... but I can control that by essentially not donating it.

The professional responsibility to consider individual privacy is not absent from digitisation work – if anything, it is reinforced by the possibilities of 'rote, mechanical procedure[s]' that inevitably converge with data-gathering companies and technologies whose values are even further removed from a public or common interest in privacy.⁷⁴ The Digital Age has already chipped away at our sense of informational privacy as convenient and efficient technologies become routine and normalised. Archivists are poised to make an important decision. For once, let's not make it convenient.

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