

# Theory, Standards and Implicit Assumptions: Public Access to Post-current Government Records

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*Despite records continuum thinking explicitly defining recordkeeping as capturing, maintaining and delivering authentic and reliable evidence of transactions over space and time, some continuum theorists have implicitly seen a disjunction between the business use of records and the cultural use of archives. This is reflected in records standards. If recordkeeping is a continuum, either public access must be part of the entire recordkeeping process and be encompassed in the standards deriving from the theory, or the theory should explicitly exclude public access to post-current records from the purview of recordkeeping and by extension from recordkeeping standards. This paper argues for the former.*

Six years ago David Bearman quite clearly outlined what he saw as the proper role for the provision of public access in the recordkeeping process when he wrote:

In the long run, archivists and records managers will find that they can give the rear-end tasks of providing access to librarians and information service centres whose mission it really is and focus their attention on generating the metadata on which successful retrieval will be based.<sup>1</sup>

He was not the only professional leader to express such opinions. Prominent Australian archivists felt the same. In his article in the 1994 *festscrift* for Ian Maclean, Frank Upward posed the rhetorical question:

One can ... ask whether a national archives institution should also serve cultural goals outside the continuum.<sup>2</sup>

The cultural goals he was asking about were those related to the retention of and access to what Ian Maclean called the 'cultural end product' of 'records administration', or what would normally today be described as public access, reference, or access and information provision.<sup>3</sup>

Chris Hurley supported Upward's position when in a post to the aus-archivists email list discussing the recommendations of the Australian Law Reform Commission's report on the Commonwealth Archives Act, and asserting the antithetical nature of the provision of public end user access to records, and the provision of frameworks for the continuum of recordkeeping, he asked:

Why, indeed, should a body whose primary purpose is dealing with 'access to records of archival value' be charged with or even thought capable of also providing 'a policy framework ... for ... recordkeeping'?<sup>4</sup>

Lest there be any doubt as to which of these two opposing possible purposes he gives primacy to, he concludes his post by arguing for a separation between the archival (or recordkeeping) authority and what he describes as:

an agency whose 'ultimate purpose' is identifying and managing an archival remnant.

And in a later post arguing for the soonest possible amalgamation of the Australian Society of Archivists and the Records Management Association of Australia he writes:

Ultimately I could live with those with an 'historical records' orientation peeling off.<sup>5</sup>

These quotations, and the theoretical position behind them, besides illustrating the inferior status of access in our profession, are also, whether they consciously intend to do so or not, putting forward an argument that public end user access to records that no longer have any business use is not part of the records continuum. They are arguing that, irrespective of where that access takes place and irrespective of the regime used to provide access, what is occurring is access to 'archival remnants' in 'information service centres' for what Hurley calls 'cultural' and 'artsy' purposes.<sup>6</sup>

This is not just the view of a few prominent professional thinkers. It is also reflected explicitly in the application of the dominant professional theory, and implicitly in the priority given to the explication of that theory.

Before turning to the theory I feel compelled to make a disclaimer (and that I do feel so compelled is one echo of the argument that I am making). I am not trying to overthrow the records continuum. I see it as the best and most compelling model of

the whole recordkeeping process. But a model is a model. It illuminates reality. It should not be seen as a tool that prescribes action. It should not be given status as an ideology to limit, invalidate or circumscribe thought.

When theorists try to turn explanatory models (especially models which seek to explain, even in part, human behaviour) into all-embracing systems, they run the risk of ceasing to reflect and explain reality and attempting to mould reality to fit into the perfection of their system. If empirical evidence is not reflected in a model, or if the model is at odds with the intuitive reality of our own experience, then it is the model that needs adjusting, not our minds that need re-educating.

There are actually two models of the continuum used in professional discourse in Australia, often interchangeably.<sup>7</sup> The first is the 'simple' model, that outlined in Australian Standard 4390 and embodied in its definitions and in which, in David Roberts's words, 'the continuum is more a concept than a model ... [and which] because of its implications for professional practice ... is very much a mindset'.<sup>8</sup>

As Roberts summarises:

It recognises that the processes of [dealing with records] are so interrelated, overlapping and integrated - especially in the electronic environment, but not confined to it - as to render the traditional distinctions pointless and even counterproductive ... it recognises that records do not magically become something else when we decide that we should keep them as archives ... and that archives are simply records that we have appraised as having continuing or enduring, as opposed to identifiably finite, value.<sup>9</sup>

The second is the sophisticated and graphically explained model developed by Frank Upward and Sue McKemmish at Monash University and described in Upward's 'Structuring the Records Continuum' articles in the November 1996 and May 1997 issues of *Archives and Manuscripts*.<sup>10</sup>

In this version the conceptual location of access to the collective memory is on the evidential axis in the fourth dimension of the model. Upward describes this dimension as being for 'building, recalling and disseminating collective memory (social, cultural or historical)'.<sup>11</sup>

There is nothing in either of these descriptions of the concept of the continuum, or in the sophisticated model itself, which can be read as prescribing an inferior status for access. Indeed, in any disinterested reading of the words public access has to be seen as equally as important as any other part of the recordkeeping process. The inferiority comes from the way the words are understood and from a hierarchically prioritised reading of the theory.

In the model, records are defined by contextuality and transactionality.<sup>12</sup> Because of this there is an implicit assumption that the pluralised memory to which the record

may contribute is a memory of, and bounded by, transactions. It mentally limits the legitimate use of the record to purposes linked to these transactions and their context. And, because of this mental limitation, it assumes that recordkeeping systems in which records are created that capture, maintain and deliver authentic and reliable evidence of transactions over space and time will automatically meet the pluralised collective memory needs of communities and societies.

If one accepts that perfectly created recordkeeping systems automatically and inexorably serve the collective memory needs of their societies, then one can also see why those who provide reference and access services do not really have much of a role to play. They provide a process interface between users and the records but add no real value to the process. That value has been added when the recordkeeping system was designed and implemented and when the record was created. In time, when perfectly designed electronic recordkeeping systems are ubiquitous, public end users will access records in the same way as those using the records in the course of business. Then even the process interface will not be needed and reference and access archivists will quietly fade away.

Of course – in part – the well-designed recordkeeping system and the well-created record do meet the needs of many public end users. What some users want from archives is evidence of transactions; authentic, reliable evidence in both macro and micro context. But it is a commonplace that records created for one purpose can be used for other purposes; that records contain information, often not dependent on context or the nature of the transaction they record, which end users value – and use.

In practice, archives (and recordkeeping systems) know and accept this. Systems and opportunities exist to retain records for purposes other than their transactional-evidential value. Increasingly in an attempt to address this need, various forms of public consultation are undertaken and codified and, in some jurisdictions, mandated.

However user consultation and public representation still sit uneasily with the theory. If good recordkeeping and adherence to standards is all that is needed to create and maintain the records that are the best authentic evidence for pluralising memory, why is end user client input necessary?

It is necessary because of the demands of citizens, the ultimate and real owners of the records, who more and more insist on it. In Australia citizen demand is not going to go away nor is it going to decrease. Community understanding of citizen rights is expanding and ‘rights’ of access to government records are only going to grow over time.

The question that needs to be asked therefore is can these citizen demands be embraced in the recordkeeping theory or are they going to be seen by recordkeeping theorists and practitioners as something outside the purview of recordkeeping, even if it is

something that their institutions are forced to deal with. Whatever the answer is, the issue can't be ignored.

There are two ways of dealing with it. The first is to accept the hegemony of the records continuum as it is generally, if implicitly, portrayed and accepted at the moment, and as exemplified in the positions expressed by Bearman, Upward and Hurley. It is to accept that public reference, access and information provision, while something that takes place in institutions called archives or record centres, and, although it is something demanded by citizens and mandated by governments, is not an essential part of the work of archives as archives. It is rather something that could be relegated 'to librarians and information service centres'.

The alternative is not to accept that public end user access is outside the continuum but rather to argue in terms of the theory itself that the collective memory to be pluralised by archives should be determined as much by those whose memory it is as by those who, acting on their behalf, create the records which become that memory.

If public access is part of the continuum, in practice as well as in territorial claim, then that means that it must be reflected at all stages of the recordkeeping process, not just assumed to follow automatically from the rest of good recordkeeping. At the moment this is not the case.

The Australian Standard for Records Management, AS 4390, in its Foreword defines records management as:

The function of managing records to meet operational business needs, accountability requirements and community expectations ... records management is concerned with ... managing the records continuum, from the design of a recordkeeping system to the end of the records' existence ... <sup>13</sup>

It further defines the records continuum as:

the whole extent of a record's existence. Refers to a consistent and coherent regime of management processes from the time of the creation of the record (and before creation in the design of recordkeeping systems), through the preservation and use of records as archives.<sup>14</sup>

The standard itself therefore defines its boundaries as covering the whole of the records continuum, the whole of the existence of a record.

But one looks in vain in seeking to find any guidance in the standard related to public access. Despite the territorial claim that the standard covers the 'use of records as archives' 'to the end of the records existence', it in fact does no such thing.

Indeed there is hardly any mention of access at all. In the approximately 40,000 words in the standard, the word 'access' occurs only three times (and all in relation to access for business use) and the word 'accessibility' occurs only twice. There is one clause that

refers to use of records after current use has ceased, two mentions of 'use of records as archives' and two of 'community expectations', as well as a few references to 'valuing records for long-term retention' without any explanation or discussion of what these phrases mean.

Compare that meagre total to, for example, the over 4 000 words outlining in detail the requirements for archival storage or even the 230 words on methods of allocating reference numbers to records.

There is an argument, echoing the position outlined earlier that perfectly created recordkeeping systems automatically and inexorably serve the collective memory needs of their societies, that specific reference to access is not required in the standard. In this argument if the recordkeeping system is designed in the way outlined in the standard, if responsibilities for the system are determined as the standard provides and if control, appraisal, disposal and storage are implemented in conformity with the standard, then everything necessary will have been done to provide optimal public access.

A well-constructed and well-operated recordkeeping system may create and retain for the ideal time, and provide perfect and appropriate access to, all necessary records required to document and account for business transactions. In doing this it may create and maintain a perfect third-dimension corporate memory.

But the collective memory of a society is a different thing. What I choose to remember is going to be different from what you choose to remember. And my choice of memory is no less real and no less valid than yours. Only in totalitarian societies is it considered appropriate to determine 'scientifically' what the collective memory is to be.

Nor did the people who wrote this standard start from the theoretical position that there was no need to include access in it. At the draft stage a section on the distribution, use and accessibility of records was prepared, and was circulated for comment in 1995. It was heavily criticised and the standard proceeded without it.<sup>15</sup>

That alone is instructive. Had the draft section on appraisal and disposal been poorly received, would the standard have proceeded without it? Had the draft section on storage been poorly received, would the standard have proceeded without it? Clearly it wouldn't have. Work and effort would have been put into reworking and improving the sections so that a full, complete and useable standard was developed.

A records standard without reference to appraisal or storage would have been, rightly, considered to be no records management standard at all. No one would have thought it worthwhile proceeding with a standard which did not include these important aspects of the recordkeeping process.

Why then was it thought possible to proceed without a section on access? Again there are the same two possibilities:

- an ideological assumption that good recordkeeping processes are all that are required to pluralise collective memory; or
- an implicit view that public access is not really part of the recordkeeping process.

There is passing mention in the standard of the possibility of records being of value outside their transactional-evidential business use. The sole real recognition of this possibility is Clause 6.4.3 of Part 5, the clause in the standard that requires appraisal analysts to evaluate potential post-current use of records, by stakeholders with interests in preserving the record longer than the internal users of the organisation.<sup>16</sup>

This clause dictates that records may be kept for stakeholders with ‘enforceable’ and ‘legitimate’ interests but is totally silent as to guidance on what constitutes ‘legitimate interests’. And, unlike any other part of the standard, this clause requires the application of a cost-benefit analysis. While this may just be an imprecisely worded recognition that it is impossible and unnecessary in any recordkeeping system to retain all records created, its actual wording yet again implies that post-current public use of records is an added extra, a luxury that may not be able to be afforded, not an essential part of a recordkeeping system, even a recordkeeping system that is created in conformity with a standard that is explicitly and consciously claiming to represent a records continuum.

The new international standard for information and documentation – Records management, ISO 15489 – despite being directed primarily at the management of business records, makes a better attempt than AS 4390 at seeing public access as part of the recordkeeping process.<sup>17</sup> At Section 4, Benefits of records management, it includes:

Records enable organizations to ...

- protect the interests of ... future stakeholders ...
- provide evidence of business, personal and cultural activity,
- establish business, personal and cultural identity, and
- maintain corporate, personal or collective memory.<sup>18</sup>

At Section 9.2, Records retention, among paragraphs echoing the words of AS 4390, it includes among records that could be considered for continuing retention, records that:

contain evidence and information about activities of interest to internal and external stakeholders.<sup>19</sup>

How activities of interest to stakeholders are to be determined is left unstated and despite its aspirational intents ISO 15489, like AS 4390, in practice treats public access as of no real consequence and leaves detailed consideration of it uncovered by the standard.

In the recordkeeping world view under discussion – that argued for by Bearman, Upward and Hurley, that seen in the hegemony of an implicitly prioritised view of continuum theory, that interpreted in practice by AS 4390 and more recently by ISO 15489 – the traditional distinction between records and archives, between records managers and archivists has been overturned, but division has not been eradicated. It has been replaced by a new division between records and archival remnants, between recordkeeping professionals and those who manage such an ‘archival remnant’. The continuum is not a continuum. Yet, both the concept and the model of the records continuum and the implementation of it outlined in AS 4390 claim to comprehend the ‘whole extent of a record’s existence’. If this means what it says, it must include public end use of records. How can this contradiction be explained?

One way is to see public access to archives as a cultural activity that uses records not as records but as cultural and informational artefacts whose recordness, contextuality and transactionality are only part of their utility. Perhaps records which, according to an implementation of AS 4390 or continuum concepts, no longer have any need to be retained for use as records, but which are required by citizens for cultural purposes, have reached the end of their existence as records. The object – be it physical or digital – continues in existence but loses its recordness. Cultural access is to a conceptually new object, an ‘archival remnant’ if you will.

A linguistic trick such as this might seem to some to save the continuity of the continuum, but it is equally damaging to the theory by making the concept of the pluralisation of collective memory meaningless in terms of recordkeeping. One should not have to go into linguistic contortion or logical evasion to maintain an otherwise excellent and productive theory.

Public access to the collective memory of society reflected in and stored in government records is a vital, real and equal part of the records continuum and therefore must be a vital, real and equal part of the dominant philosophy of our profession and our institutions. The legislation that governs government archives mandates public access as one of their functions, and in no case is it prescribed as an inferior function. It is inconceivable that any Australian parliament will change this.

Records created by governments, if they are retained, are, in the end, retained solely because citizens want them kept so that they may use them. All records eventually lose all business and evidential use. No surviving record from the Roman Empire has any current business or legal-evidential purpose or utility. Yet there are very few people



who would argue for the destruction of any of those records. They are valued. People want to use them. They are kept, and cared for and documented, solely for purposes of access to the information and cultural resource that they contain.

All records that are kept for long periods will eventually be kept solely for these reasons – for access to the information and cultural resource that they contain. Our archives already contain many records which have lost all their business utility and for which no legal or quasi-legal evidential purpose remains but which we intend to keep, for all practical purposes, forever. Our governments spend substantial sums of money maintaining these records. Citizens, when asked, expect them to do so.

The reason for the recent public opposition in South Australia and Queensland to the plans of the National Archives of Australia to move to smaller repositories and relocate records was not because citizens there thought that government business transactions would be made more difficult or through any fear that such a move would compromise their legal rights or water down the accountability of government by destroying evidence relating to government transactions. Rather it was because they felt that they were being deprived of a cultural resource; one that they were entitled to, and – perhaps equally so – one that they felt they were entitled to define.

It was because:

- in the end (hedged in as this statement may be with caveats about the business purpose of records, why they are created, how they are created, why they need to be managed in certain ways, why certain records must be retained for business purposes and for accountability and as evidence) the reason records are kept permanently is because people want to have access to them; and
- in the end (admittedly again with caveats, this time phrased in the philosophy of not doing harm to others and acting within the law) in our sort of society, our sort of democracy, the reason why any person wants to have access to information, and the information any individual wants to access, is no-one else's business. It is not the business of governments, or their officials, and it is not the business of do-gooders or those who know best.

What is kept beyond the period required for business, evidential and accountability reasons should be what people want to be kept. Yet, despite greater attempts than ever before in our profession's history to set up structures to listen to ordinary users and potential users, and despite the presence, albeit embryonic, of the technological wherewithal to be able to start making realistic attempts at meeting expressed user needs, because access is ascribed an inferior position in the way we think about recordkeeping, we are less likely now to keep those records which people want than we have in the past.

Our functional appraisal schemata are based on an analysis of business requirements. And that is as it should be for the business use of records, for accountability purposes and in order to retain appropriate records as evidence of transactions. It is a different matter however when the task is to determine which records should be retained as our society's collective memory.

An argument that our archives' role in pluralising a collective memory is limited to pluralising the memory of business transactions as business transactions and that therefore the results of our functional appraisal schemata are the only appropriate way of determining what should be retained permanently, is asserting one or more or perhaps all of these possibilities:

- that any information that any citizen could possibly want from a government recordkeeping system will be identified through functional appraisal;
- that citizens have no right to expect government archives to provide them with any information they may want other than information relating to government business transactions, even if that information is identifiable and potentially retrievable and available;
- that archives are different from other government agencies that have citizens as direct clients and should not be required to give these clients what the clients want, but rather what the professionals in the agency know is good for the clients; or
- that the records continuum is not a continuum and that there is a life-cycle disjunction between the business use of records and the cultural use of archival remnants.

The first of these defies intuitive commonsense and can be discounted from the experience of any reference archivist or by a brief discussion with any group of experienced archival users. The second and third are at odds with current democratic theory and the expectations of Australian society. Archives, at least in their public access and cultural roles, are not the playthings of ideologically driven professionals but are there to meet the needs of citizens. Some may implicitly argue for the fourth possibility but the theory explicitly denies it.

What is the alternative then? It is to assert that, just as Australian government archival institutions have multi-faceted roles, so are the reasons for keeping records multi-faceted. Records must be created and kept to meet business, accountability and evidential requirements. Functional analysis and its related appraisal schemata are how this is done. But records, created for business reasons, which have outlived any business, accountability or evidential requirement, may still be required by citizens to be retained

for other purposes. These purposes do not have to satisfy tests devised by recordkeeping professionals. Citizen demand should be sufficient.

There are four usual objections to this position:

- *That the public does not know what it wants while archivists are trained to do it.* The nature of citizens' rights and client needs go to the heart of the nature of the business – or businesses – government archives are in. Access by the public to the records of governments, even after they have served their business purposes, is a democratic right. It is both a concomitant right for citizens – and good business practice for archives – for citizens to have retained for them those records that they, the clients of archives, wish to access.
- *That we can't keep everything.* The answer to that is that we don't have to. Most records currently retained ostensibly for public use are clearly never required by users. Most records of enduring value in archival custody will never be used for any purpose.<sup>20</sup>
- *That current users cannot speak for future users and that consequently what current users may want retained will probably not be what future users would have wanted retained for them.* This may well be, and probably is, true. But, as noted above, what archivists have retained to date certainly does not meet those needs either.
- *That it is not practical, that it's just all too difficult.* How can you get some reasonable consensus on what should be retained in a reasonable timeframe and at a reasonably efficient cost? This is no real objection at all. Designing electronic recordkeeping systems is difficult. Creating and applying functional appraisal schemata is difficult. Developing national and international standards for records management is very difficult. The recordkeeping profession does these things and thinks it is important to do them and to do them well.

Archives New Zealand has recently promulgated an Access Standard.<sup>21</sup> It provides detailed guidance on rights of access and how access is to be provided. It doesn't however address the critical question of to what is access to be given. The Public Service Quality Group of the Public Record Office of England and Wales has produced a draft Standard for Access to Archives with the same thrust and the same shortcomings.<sup>22</sup> Nonetheless, that these jurisdictions felt the need to produce such standards show the confusion in the theory and illustrate the failings in the existing Australian situation.

Public access can be left till later or covered in a few throwaway lines in standards if it takes place outside the continuum, if there is a life-cycle disjunction between records and archival remnants. If, however, recordkeeping is really a continuum, public user access must be part of the entire process. It must start in the mind of the designer of

the recordkeeping system. It must be of as much real concern at every stage of a record's existence as any other facet of recordkeeping. The only way this will happen is for public user access to be included in national and international standards for records management as of equal importance to all the other parts of the recordkeeping process.

## ENDNOTES

- 1 David Bearman, 'Item Level Control and Electronic Recordkeeping', *Archives and Museum Informatics*, 1996, p. 19.
- 2 Frank Upward, 'In Search of the Continuum' in Sue McKemish and Michael Piggott (eds), *The Records Continuum: Ian Maclean and Australian Archives First Fifty Years*, Ancora Press in assoc. with the Australian Archives, Clayton, Vic, 1994, p. 126.
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- 5 Chris Hurley, 'Re: ASA/RMAA Tango', aus-archivists email list, 25 February 2000, at [www.asap.unimelb.edu.au/asa/aus-archivists/msg01750.html](http://www.asap.unimelb.edu.au/asa/aus-archivists/msg01750.html).
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- 7 David Roberts, 'Continuum and Life Cycle Models', aus-archivists email list, 21 February 1999, at [www.asap.unimelb.edu.au/asa/aus-archivists/msg01182.html](http://www.asap.unimelb.edu.au/asa/aus-archivists/msg01182.html).
- 8 *ibid.*
- 9 *ibid.*
- 10 Frank Upward, 'Structuring the Records Continuum', *Archives and Manuscripts*, vol. 24, no. 2, November 1996 and vol. 25, no. 1, May 1997.
- 11 Frank Upward, 'Structuring the Records Continuum, Part One: Post-custodial Principles and Properties', *Archives and Manuscripts*, vol. 24, no. 2, November 1996, p. 281.
- 12 Sue McKemish and Frank Upward (eds), *Archival Documents: Providing Accountability through Recordkeeping*, Ancora Press, Clayton, Vic, 1993, p. 1.
- 13 *Australian Standard. Records Management, Part 1: General*, AS 4390.1-1996, Standards Australia, Homebush, NSW, 1996, Foreword, p. 4.
- 14 *ibid.*, 4.22, p. 7.
- 15 David Roberts, 'The New Australian Records Management Standard', presented at 'Sustainable Change: Getting to the Heart of Our Challenge', annual meeting of Government Archives and Records Administrators, Sacramento, CA, 16-19 July 1997, at [www.records.nsw.gov.au/publicsector/rk/sacramento/sacra\\_1.htm](http://www.records.nsw.gov.au/publicsector/rk/sacramento/sacra_1.htm).
- 16 *Australian Standard. Records Management, Part 5: Appraisal and Disposal*, AS 4390.5-1996, Standards Australia, Homebush, NSW, 1996, 6.4.3, p. 7.
- 17 'New ISO Standard for Managing Business Records', ISO Press Release 814, 5 February 2002.
- 18 ISO 15489, Part 1, Section 4: Benefits of Records Management, International Standards Organisation, Geneva, 2001, p. 4.
- 19 *ibid.*, Section 9.2: Records Retention, ISO, Geneva, 2001, p. 12.
- 20 In 1997-98, 0.37% of open-period records of enduring value held by the NAA were accessed by public researchers. Figure extrapolated from information in the NAA *Annual Report 1997-98*, NAA, Canberra, 1998, pp. 19 and 26.
- 21 Archives NZ, *Access Standard*, at [www.archives.govt.nz/statutory\\_regulatory/standards/access/content\\_frame.html](http://www.archives.govt.nz/statutory_regulatory/standards/access/content_frame.html).
- 22 Chris Pickford and Iain Watt, 'Standard for Access to Archives - A Working Document', at [www.pro.gov.uk/archives/access/yaarchives.pdf](http://www.pro.gov.uk/archives/access/yaarchives.pdf).