

# The Development and Implementation of an Access Standard at Archives New Zealand

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*In December 2001 Archives New Zealand issued an Access Standard to set out principles for the provision of access to public archives in the New Zealand environment. This paper describes the development of the standard, some of the key issues grappled with in the development and its principal features. This is followed by comment on how the standard has been applied at Archives New Zealand and its further potential.*

## **Development of the standard**

Archives New Zealand began a standard-setting regime in the late 1990s with the intention of developing standards to govern and act as codes of best practice for the main areas of the organisation's activity. The first standard developed was the Appraisal Standard in 1998. This was followed by the Transfer Standard in 1999. Following the development and introduction of the first two standards the process of standards development was reviewed with the aim of building on the lessons learnt. A new methodology was adopted for the development of the next standard, the Storage Standard, which was issued in 2000.<sup>1</sup> This methodology placed considerable emphasis on consultation and stakeholder relations. The Access Standard was the last of the initial

suite of four standards scheduled to help regulate and guide Archives New Zealand's activities, and its development closely followed the model established with the Storage Standard.

A Recordkeeping Framework was also published in 2000 to provide high-level guidance on creating and managing full and accurate records to government agencies. The Access Standard set out to support two of the principles in the Recordkeeping Framework, that records should be useable and tamper-proof. Supporting the Recordkeeping Framework and the four standards is a program of Advisory Notices, which are intended to provide shorter, more specific advice on particular recordkeeping issues.<sup>2</sup> The Access Standard needs to be viewed in relation to these other products and the three previous standards, as it was developed as one of a suite of recordkeeping products. Michael Hoyle, the Manager of the Statutory Regulatory Group, presented a paper to the Australian Council of Federal, State and Territory Archives in 2002 that detailed the development of the standard and put it into context with the overall standards and advice program.<sup>3</sup>

Subsequent to the standard's release Archives New Zealand has redeveloped its standards and advice into a suite of products branded 'Continuum', which has been widely promoted and distributed throughout government agencies. This contains the Access Standard, the other standards and existing advisory notices, plus some additional products, and includes the ISO 15489 Records Management Standard, for which a licence was purchased enabling distribution throughout the New Zealand government.

Archives New Zealand is also redeveloping its legislation and the proposed Public Records Bill contains provisions for the issue of mandatory and auditable standards to government agencies. This has the potential to affect the scope of the standard and how it could be applied, although creation of a mandatory standard would require some redevelopment of the existing Access Standard.

The methodology for the development of the standard was that a scoping paper was produced setting out the objectives of the project and including a project plan by the project co-ordinator, Evelyn Wareham of the Statutory Regulatory Group. The scoping paper aimed to set out the purpose of the standard and the process intended for its development. For the Access Standard, the aim was for the standard to

be a statement of best practice for providers of access to archives. It was not intended to be a standard specifying service parameters that must be met. The scoping paper identified a number of key issues for the standard to consider, including:

- the coverage of the standard
- controls on access
- who gets access, including questions of equity
- how access is provided
- reproduction, publication and copyright, and
- resources and charging.

This was followed by a literature search for codes of best practice from around the world relating to the provision of access to archives and records, which were used as a basis for the development of the standard. The intention was to ensure that the standard was consistent with international best practice but adapted for the specific legislative and administrative environment of the New Zealand government. The literature search included the results of a 1997 CITRA survey of *Practical Arrangements for Access to Archives and Production of Archives*, the United Kingdom's Historical Manuscripts Commission 1997 *Standard for Records Repositories on Constitution and Finance, Staff, Acquisition and Access*, the United Kingdom's 1999 *National Standard for Access to Archives*, the Public Records Office Victoria's 1998 *Access to Public Records* specification, the British Columbia Archives and Records Service 1995 policy *Access to Archival Records and Library Materials* and the Society of American Archivists 1994 *Guidelines for Access to Original Research Materials*.

The standard was developed with the advice and guidance of a working party, which consisted of representatives from operational parts of Archives New Zealand, users' groups, other providers of access to public records, experts on freedom of information and privacy legislation, and Maori. The composition of the working party was influenced by the need for expertise on key issues and a wide range of perspectives. The working party reviewed the results of the literature search, were consulted over the possible structure of the standard, and considered and commented on drafts of the standard as it was developed. An exposure draft was issued to stakeholders and interested parties for wider comment and feedback. This included several focus group

meetings and written comments on drafts of the standard. Feedback on the exposure draft was incorporated into the final standard, which was approved by the Chief Archivist and published in December 2001. The need for extensive consultation had been identified from the experiences of earlier standards and this affected the timeframes that were established for this project. Experience from earlier projects had shown that extensive consultation is vitally important for stakeholders to buy-in to the finished product and that lengthy lead times for providing written comment are necessary.

### **Key issues in developing the standard**

A major problem that the working party grappled with in developing the standard was trying to reconcile the major pieces of legislation governing access to public records and information: the *Archives Act 1957*, the *Official Information Act 1982* and the *Privacy Act 1993*.<sup>4</sup> This posed difficulties in the areas of coverage of the standard, and restricted access in particular. The Archives Act and Official Information Act are concerned only with information and records in the government domain, although they have different methods for specifying their ambit. The Archives Act relies on a definition of a government office and the Official Information Act relies on a schedule of agencies to which the Act applies. The Privacy Act applies to both the public and private sectors, and therefore has a much wider ambit.

The three pieces of legislation are quite different in how they regulate access. The Official Information Act enables access to official information at an item or document level. It enables judgements to be made as to whether access should be restricted at the point at which an access request is made. The Archives Act regulates access to public records over 25 years of age and those within the custody of Archives New Zealand and provides for decisions to be made over restricting access at the time groups of records are transferred into Archives New Zealand's custody. The Privacy Act is concerned with access to information about identifiable individuals or persons. It was determined that the standard should apply to 'archival access' and not attempt to cover records where the Official Information Act or Privacy Act would take precedence over the Archives Act.

This means that the standard covers:

- all records deposited with Archives New Zealand
- records held by government agencies beyond 25 years of age, if the standard is a specified condition of a deferred deposit agreement, and
- public archives held by approved repositories, if the standard is a specified condition of approval.

The standard does not cover:

- other records held by government agencies, for which access is governed by the Official Information Act 1982, and
- Local Authority records, for which access is governed by the Local Government Act 1974 and the Local Government Official Information and Meetings Act 1987.

Therefore, the standard is principally intended to govern access to public archives, the vast majority of which are held by Archives New Zealand, while approved repositories and government agencies holding public archives only have to comply with the standard if it is specified as part of the agreement under which the archives are held. The standard does not apply retrospectively to archives held under agreements that pre-date the development of the standard. This limitation of coverage has some implications, as there is potential for agencies to have to comply with the standard in relation to some public archives they hold but not others. This issue is not expected to be significant to access providers, as they are unlikely to differentiate in the delivery of services irrespective of whether or not the records are covered by the standard. (The standard suggests that agencies holding records not formally covered by the standard may wish to adopt it voluntarily.) What may be more significant is providers being reluctant to invest additional resources to comply with the standard just to ensure that a small proportion of their holdings meet this condition.

There was some support expressed in the consultation phases of the project for the standard to have a broader coverage and for it to be mandatory and for there to be active compliance monitoring. This level of coverage would be difficult to justify given the legislative mandate provided by the Archives Act. It will require the replacement of the Archives Act, for a more consistent access regime to be put in place

across all public records both within and outside of Archives New Zealand's immediate control. This work is currently underway and if the proposed Public Records Bill, currently at draft stage, is passed the status of archival access will be clarified.<sup>5</sup>

The practical application of equitable access aroused considerable comment and deliberation. The ability of service providers to set age restrictions and whether this is equitable or even legal under New Zealand's *Bill of Rights Act* was an interesting issue. A pragmatic response is not to set age restrictions but rather to place reasonable limits on the extent to which resources should be devoted to research by groups like schoolchildren who are likely to struggle with the complexity of archival research. What can be more complex is addressing questions such as the equity of user charges and defining basic access.

Of even greater complexity is addressing partnership requirements for Maori with equity of access. Addressing Treaty of Waitangi obligations distinguishes the Access Standard from the sources on best practice that helped shape it. Most of the conditions and requirements spelt out in the standard are very similar to those in other standards and attempt to address issues that apply to providing access in most jurisdictions. Does a requirement that access providers develop partnerships with Maori imply that Maori researchers should have different or superior services? Such an interpretation is unlikely but it is not unreasonable to assume that partnership with Maori would develop understanding of how services can be developed to enable Maori researchers to utilise the services that are available to everyone.

### **Application of the standard**

Since the Access Standard was approved and published in December 2001 it has been utilised by Archives New Zealand in a number of ways. These have included inclusion in induction programs for new staff, internal self-review, customer satisfaction surveying, service development and specification, and long-term business and strategic planning. These activities have been largely internal and not necessarily particularly visible to users, and the link between the activity and the standard has not always been explicit. Nevertheless, the standard has been a useful tool to assist in evaluating and developing access services.

While it is externally published and has been distributed to a number of interested agencies, both within and outside of government, there is little evidence to suggest that it has been adopted as a code to benchmark service, by other providers of access to records. This contrasts with the Storage Standard which attracted quite a lot of attention from within the commercial records storage and management industry. As a high-level standard that is pitched at the level of principles rather than process guidelines, it may be that other providers are more interested in lower-level statements of service provision that are specific to their own context. This is not necessarily a concern given the scope of the standard.

Within Archives New Zealand, the standard has been used for reasonably informal review of the Reference and Outreach services provided, utilising the compliance checklist. It was known during the development of the standard that there would be aspects of the access services that would not fully comply with the minimum requirements specified. The majority of requirements are met, and generally those that are not had already been identified as areas needing development. The standard has been useful in providing a framework for review. The principles also indicate clearly the features of access provision that are considered to be priorities.

The standard and its compliance checklist is made available to all who are interested in it and its release was widely publicised with Archives New Zealand users. Archives New Zealand has tried to determine the level of user satisfaction with access provision in order to assess the practical application of the standard. However, it was not anticipated that users would pro-actively use the standard to assess Archives New Zealand's performance or refer to it when making suggestions or complaints.

Obtaining user perspectives on compliance with the standard has involved incorporating aspects of the minimum requirements into the annual customer satisfaction surveys that Archives New Zealand has commissioned on specific access services. Current practice has been to survey a different service each year.<sup>6</sup> Therefore a picture of compliance against the standard generally cannot be gained from any one survey. For the Reading Room service in 2002 and the Remote Reference service in 2003, the survey questionnaires were amended to try to elicit information on the minimum requirements. This has only been able to be done to a limited extent as altering questions to match the standard

had to be balanced against the desire to keep questions reasonably consistent with past surveys to gain a long-term picture of user feedback. Additionally, some of the minimum requirements cannot effectively be incorporated into survey questionnaires. Archives New Zealand is currently reviewing its external surveying program. This process will need to try to improve Archives New Zealand's ability to collect and interpret feedback from users in relation to the standard. Written questionnaires are likely to be complemented with other forms of feedback, such as focus groups.

The work done in assessing Archives New Zealand's performance against the Access Standard has been important for identifying services for development and the priority attached to some activities. Most minimum requirements are met and have been over the long term. The areas where assessment has indicated that there could be improvement include:

- Staff familiarity with Maori protocol and tikanga and te reo Maori. A significant proportion of researchers are Maori and without Maori language skills in-house provision of services to Maori speakers and access to records written in Maori will always be difficult.
- Sufficient physical and technical equipment available to enable easy and safe access to all types of records held. While most records can be easily accessed with existing equipment, there are some small quantities of record types and formats of records that Archives New Zealand lacks the necessary equipment to access. These include some film and sound recordings plus some electronic records.
- Active promotion of the access service and use of records to potential users. There is the need to accurately identify the extent to which potential users are aware of the services available and the effectiveness of the current promotional activities.

These areas are being addressed through re-prioritisation and more focus being put on them, and seeking further funding where possible to address areas that are limited due to resource constraints. For instance, Archives New Zealand has made raising its profile with Maori a high priority, which has influenced the choice of outreach activities and



greater involvement with Maori stakeholders, including a Maori consultative committee (which is consulted on all Archives New Zealand activities not just access). A major training initiative has begun for staff and the issue of developing specialist skills in this area is being investigated.

The information gained from compliance review against the minimum requirements of the standard and feedback from customer satisfaction surveys has assisted in medium and long-term business planning. This has been manifested in business plans through analysis of strengths and weaknesses and priority setting for service development and resource allocation. This supports strategic planning for Archives New Zealand as a whole, including through the outcomes and objectives set, the indicators of success, the priority given to potential initiatives and the decisions on what activities further funding should be sought for.

### **Service delivery and development**

For service delivery the standard can pose some interesting questions. For instance, is it equitable to accommodate a request from an out-of-town researcher for a higher than normal number of items to be made available because of limited time. The standard specifies that services are to be provided equitably and consistently, but this does not require a one-size-fits-all approach. It can be argued that if the request is made with sufficient notice to allow it to be accommodated without interfering with the normal provision of service to others, then the equity requirement is being met. It would not be though, if the approach taken is used so selectively that others in a similar situation are treated differently.

The relationship between the requirement for basic services to be provided free of charge and the principles around resourcing and charging can also be challenging when developing and delivering services. How basic are basic access services? The standard specifies that this as including 'provision of facilities or channels to enable records to be viewed'. One interpretation of this could be that there must be at least one access channel free of charge to researchers, even if other channels are charged for, so that researchers always have the option to obtain access to archives free of charge. However, what if the costs of providing any means of access are particularly high, such as when a

viewing copy of a film recording has to be made because only a master copy is held? If resource limitations mean that absorbing the full cost is prohibitive would the access provider be in breach of the basic services for free requirement if they imposed a charge for the reproduction? A strict interpretation would be that they are. A different interpretation would be that the basic services requirement does not apply because the process required to provide access in that circumstance is too complex to be a basic service. Whereas access to reference copies of films would be a basic service and free, the production of them would not be. An alternative interpretation would be the planned production of reference copies of master film records is a basic service and once created access is free, but if a film not planned for reproduction was requested, then special reproduction for the researcher would be beyond the basic service, and possibly liable to a charge.

The minimum requirements under the access channels principle relating to online access requires only that online access be actively planned for rather than provided. This sets an expectation that online access will be provided but does not specify the extent or the speed with which such a service needs to be developed. The aim is to clearly signal that online access should be a priority for service development. In time, it would be expected that this would become a more concrete requirement to provide online access services. For Archives New Zealand this has been an area of priority for service development over the medium term. The extent to which some of the small approved repositories can realistically provide online access is questionable.

### **Further potential application**

As noted Archives New Zealand has primarily used the Access Standard as an internal benchmark for assessing and developing its access services. There are further potential applications of the standard. Most obviously, the standard could be used as the basis of a more formal compliance audit of Archives New Zealand's access program or indeed those of government agencies and approved repositories holding public archives under agreements where compliance with the standard is a condition of deposit. At this point there are so few public archives outside of Archives New Zealand's custody where the Access Standard is a condition of deposit that developing a compliance audit is not a priority. A formal compliance audit of Archives New Zealand against

the Access Standard does not have this impediment, although it would require a reasonable investment in resources and would have to address the issues of who should conduct such an audit (an audit from within Archives New Zealand may have a perceived conflict of interest) and how public the results should be. If a mandatory standard-setting regime is established under new public records legislation this may facilitate the development of a formal compliance audit.

It would be possible to attempt to gain an understanding of how well access to archives in approved repositories and government agencies holding archives under deferred deposit meet the requirements of the Access Standard on a voluntary basis. For instance a self-assessment against the compliance checklist that is then centrally collated would give a fair picture of how well archives outside of Archives New Zealand's custody are made accessible. This would be less threatening than a formal audit and would obviate the need to ensure that the conditions of the deposit specified compliance with the standard.

## Conclusion

The Access Standard has been of considerable benefit to Archives New Zealand as a corporate statement of principles that are to be observed. The process of developing the standard raised a number of issues which has also assisted the development of the proposed Public Records Bill, particularly in terms of reconciling public records legislation with other legislation governing and regulating access to publicly held information. The standard has had a gradual impact on the provision of access services through benchmarking services and assisting the identification of priorities for development, and this is likely to continue.

## Endnotes

1 These standards and the Access Standard can be viewed at [www.archives.govt.nz/continuum/rkpublications](http://www.archives.govt.nz/continuum/rkpublications).

2 These are also found at the above website.

3 Michael Hoyle, 'Standards and Recordkeeping in the New Zealand Public Sector', 1999.

4 This legislation can be found at [www.legislation.govt.nz](http://www.legislation.govt.nz).

5 Official Information Act and Privacy Act requests will have to be directed to the government office responsible rather than the Archives, but access

conditions set for archival access will have to use the criteria set in those Acts to close access to public archives.

6 These are the reading room service, remote reference service, outreach services, and the government loans service.

## Appendix 1 Access Standard summary

The Access Standard has three major parts to it.

The first is an introduction, which sets out the purpose of access to public archives, the scope of the standard and its intended audience and details the structure of the standard. This is followed by a short section summarising legislative responsibilities for access including the access provisions of the Archives Act 1957 and the wider legislative framework for access to public records. The most significant feature of this part of the standard is the scope.

It is suggested in the standard that it could be adopted on a voluntary basis, as has happened with some other Archives New Zealand standards, most notably the Storage Standard.

The second major part of the standard are the nine principles that should be met when providing access to archives. These consist of seven principles relating to provisions for access and two principles relating to controls on access. These principles are:

1. Rights of Access. Access to unrestricted public archives should be provided equitably, without obstruction and without fees and charges for basic services.
2. Partnership with users. Access should be a partnership between access providers and all users of the records, and access providers should develop effective partnerships with Maori.
3. Access Channels. Various channels for providing access to records should be provided in order to open records to a range of users.
4. Documentation and Promotion. Documentation describing records should be produced in a timely manner and made widely available. Access providers should actively promote use of records.

5. Access Facilities. The physical and technical environment for access should be appropriate to the nature of the records and the number and needs of users.
6. Service Quality. Access should be provided efficiently and meet specified standards for quality of service.
7. Reproduction and Use. Services should be available for copying of records, in accordance with legal obligations and conditions of access.
8. Protection of Records. Procedures and physical measures should protect records from unauthorised access, destruction, alteration and removal.
9. Restricted Records and Special Access. The access provider should clearly distinguish, for users, which records are available for public access and which are restricted in consideration of legal and other requirements. Users should be informed of processes for special access to restricted records.

Each principle includes a short description and explains why it is necessary and how it should be implemented. There are also a number of minimum requirements. The principles are intended to be high level, so as not to be too prescriptive and inflexible. It was envisaged that further advice at a more specific level would be developed to support the standard. This has occurred with the development of advisory notices to government agencies on the setting of restrictions for public archives. High-level principles were intended to give access providers sufficient flexibility to shape their services and processes to their specific needs, which is particularly important for the standard to be relevant to agencies holding public archives under deferred deposit or approved repository status.

The third major part of the standard is a compliance checklist. The checklist consists of the minimum requirements for each principle and a row of boxes to select whether each requirement is met, partially met or not met. There is no advice on who should be responsible for measuring compliance and how frequently. This leaves it open for both providers and users to use the checklist as a benchmark.

The standard concludes with appendixes of extracts of relevant legislation, a glossary of terms and a list of further reading on the provision of access, some of which had been used in the development of the standard.