

Counterpoint

The Access Dilemma*

In the not too distant past archives were seen as a repository for records rather than a place where researchers could obtain access to information. The recent focus on their information function has meant that archivists have emerged from a relatively obscure position to one much more in the public eye. It is they, rather than the original owners or donors of collections, who will be charged with administering access policy. A little information spawns demands for greater access, either under the guise of more accurate scholarship or because in Lord Acton's words: "to keep one's archives barred against historians is tantamount to leaving ones' history to ones' enemies".

The very word "access" implies a conflict of interests because something desired is being denied, otherwise there would have developed no concern about the availability of documents on deposit. The genesis of contemporary discussion of access policy is found in three trends that emerged simultaneously in the late sixties. In the first place, accountability became an important feature of public jargon about the operation of governments. As the Green Paper on Legislation on Public Access to Government Documents recognized in its introduction:

A democratic society is one in which the exercise of governmental power is undertaken not by an elite according to its own precepts, but by an executive accountable to the public itself for the goals of government action and the effectiveness of government performance in their achievement.

... Effective accountability—the public's judgement of the choices taken by government—depends on knowing the information and options available to the decision-makers. Assessment of government depends upon a full understanding of the context within which decisions are made.

Public accountability was seen by many interested citizens as offering the most effective check on bureaucratic power and one means of effecting this was through increased public access to bureaucratic information. The impact of this thinking on archivists would probably have been minimal if it had not been for two parallel developments, the increase in the number of researchers and in the collection of materials.

Rapidly increased interest in social science research in the late sixties accompanied by funds that made such research possible brought forth a horde of avid researchers from

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graduate schools across the country. Their focus was mainly on new subjects, involving original research and governmental operations at all three levels, which forced archives to improve their facilities and procedures for accommodating their new clientele. Archives also acquired more funding for uncovering and obtaining acquisitions at this time and most governments began to preserve rather than destroy their records which, after 1969 when a deposit and access policy was announced by the federal government, began to be deposited in public archives. In short, the natural consequence flowing from the conjunction of a philosophy demanding preservation and researchers seeking the information that archives were obtaining was the emergence of questions on access. Since archivists will have the primary responsibility for implementing access policy it seems appropriate that, at this stage of the public debate over access legislation, they address themselves to some of the questions to be posed in administering access to their collections, whether they be private, institutional or governmental in nature or as is so often the case, a mixture of all three.

Who is to determine whether access is to be granted? Is this authority to reside with the repository, the originator, the owner-depositor, an executor, an organization, or an institution? This question becomes very important if access is to be granted on the basis of subjective criteria rather than the arbitrary imposition of a uniform date after which all material becomes available. If the archivist is to be given this authority in perpetuity by the donor then does this mean that the donor has, in surrendering all control over access, transferred to the repository the donor's right of privacy or the protection of the confidentiality or privacy of third parties who are described without their knowledge in these documents? Certainly few donors would wish to get involved in determining the precise conditions of access and if archivists were to place too many obstacles in the way of the donors, it may well have an adverse effect upon their future acquisitions. Few aged donors would be prepared to screen their files in order to insure that they contain no information that could adversely affect the operations of institutions described nor are they likely to be aware that the revelation of such information may have an injurious effect upon the privacy of another individual who may wish to consider the revelation of such information as grounds for liable or slander. Indeed, if donors were asked to consider such questions before depositing their collections, archivists are likely to find few donors or executors of estates who would assume such responsibility unless the collection had a substantial monetary value. Who, then, should advise the donor on the contents of the collection and what restrictions may be applicable in order to avoid troublesome correspondence? Does the archivist serve the interests of the donor, or the inquisitive researcher, or both? The issue becomes even more complicated when the donors retain ownership but allow the archives to administer access with or without their knowledge. Finding aids may have to become access aids as well.

To whom access may be granted is another difficulty facing archivists with limited space and resources. Should privileged access be given to former users, official biographers or "serious" scholars? Many have been the complaints of those denied access because official biographers have an unusually long and exclusive use of important collections. The enterprising biographer may wish to be the middleman between the donor and the repository with serious consequences for the archivist who may not obtain a pure collection. If access is restricted to former users or indeed donors, then it is possible to argue that a public archival institution has in fact become a cheap personal archival storage area. If, on the other hand, anyone is allowed access upon demand then few archivists would be able to cope with the demands of undergraduates or high school students seeking a taste of original research in primary materials at the request of their professors or teachers. Furthermore, proximity to an archival institution provides an advantage for students who require no funding for utilizing facilities whereas students in more distant institutions would be denied such privileges by virtue of their location. Certainly, greater access for all will force archivists to spend more resources on making their collections available outside of their archives.

What is secret information in a democratic society? Much attention needs to be devoted to the whole question of classification and declassification. Without the benefit of any automatic declassification system, how long a document retains its classification is not an easy matter to decide unless the institutions or archivists are able to engage qualified people to screen records in the interests of the originator or responsible authority. Such unresolved issues as boundary delimitations make the retention of classified documents even one hundred years old of great benefit to those wishing to discover historical precedence and confirmation for court cases. Moreover, there is a question of reclassification. Does, for example, the fact that on 18 May 1974 India exploded a nuclear device change the sensitivity of information dealing with the exchange of scientific information on nuclear physics between scientists in the two countries? If such information is to be found in both government and private collections in widely dispersed archival repositories, this also poses problems in determining whether material has been released by one archivist when in good conscience an archivist in another institution consistently denies access. In the past, archivists have been fearful that they would be played off against each other by demanding researchers and this prospect will increase unless some broader means are found for co-ordinating the release of copies of documents that are found in several collections in different archival institutions that come under different levels of government

The archivist is also confronted with the problem of access to government papers found in private collections. For a variety of reasons officials often retain such documents in their private collections and when these are deposited in the archives the question becomes whether the donor or the originator, who really owns the material, should control access. For example, can an archivist on the instructions of any donor freely make available information in a private collection to which researchers are denied access in an appropriate government record series? Perhaps this raises the whole question of what types of collections or portions thereof archivists should accept as *private* collections. This issue is likely to be compounded by more liberal access to government records since officials may well develop a two-tier system of records in order to avoid control of personal or sensitive information in information banks. If this was the effect of such legislation, then archivists would have a much more difficult task in collecting the complete operational records of institutions.

When does information become of such an age that it can be released? It is easy to adopt the day of origin as the basis of release but this implies that all records are of equal sensitivity. In general a thirty-year rule applies in Canada but there is also a degree of flexibility since responsibility centres may release material prior to its public release or the thirty-year rule. It has yet to be determined whether documents which retain their sensitivity or demand protection because of the privacy of the individual continue to do so once the originator or the subject has died. Nor have we developed any universal regulations applying to specific types of records such as personnel policy or intelligence. Without some written guidance and in the absence of any declassification of certain types of records, it will be the archivists' lot to grant or deny access and accept the consequences.

How is access to be granted? This is a particular problem for archivists who must administer considerable resources for the handling of an ever increasing paper burden. The Department of External Affairs currently creates an original paper record at the rate of one quarter of a mile of shelf-space per year, and it is not alone in its contribution to the enormous weight of paper created by bureaucracies. Archivists therefore, have the difficult problem of determining whether resources, collections or easily segregated portions thereof will determine availability. For example, it might be easy but hardly justifiable to close large portions of records because of the sensitivity of only a few documents when there are insufficient resources available for screening out such documents prior to the release of files. At a time when archival resources are unlikely to expand, it is appropriate to ask who should bear the cost of access and what demands

archivists can place on researchers for the specific identification of documents which they have not seen. Can the archivist be expected at the drop of a researcher's request slip, to immediately produce documents that are not easily retrievable in a large unorganized collection or series? If resources are directed to serving researchers then who will be left to organize more recent acquisitions? Should the cost of producing these documents be met by the researcher, the taxpayer, or the institution? It would be all too easy for access demands to determine archivists' priorities. While this may not present immediate problems for description, it could have disastrous consequences if allowed to determine policy on acquisitions and retention since researchers, like fashion designers, tend to have their own fads which govern the content and form of their requests.

Unless controlled, access could become a luxurious burden on our society and archivists will have to consider their liability for the improper release of information. None of these issues are easily resolved but it will do no good for those whose profession makes them most responsible for the implementation of access policy, to hide their heads in documents in the hope that others will resolve these issues or that the storm will blow over.

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University Archives: An Academic Question

In his report on the status of Canadian Studies, which he recently prepared for the Association of Universities and Colleges of Canada, Professor T.H.B. Symons identified the major problem confronting archives and archivists as a lack of public awareness of their existence and work. Most archivists would heartily agree with this assessment and readily concede that the vast majority of Canadians remain woefully ignorant of the indispensable role that archives and archivists play in preserving this country's most important cultural asset, its historical records. The academic community, to whom Symons' remarks are primarily addressed, might also agree with his statement. It is doubtful, though, whether they would appreciate that they themselves formed a significant segment of those characterized by Symons as archivally unaware.

Nor might it seem surprising if academics do so exempt themselves. After all, the patrons of *public* archives—the only kind of archives that existed for many years—have traditionally been academic historians and political economists. Although patronage of archives has become more broadly based in recent times, academics continue to make up a significant percentage of archives users. Further, members of the historical profession, individually and collectively, have played a leading role in having public archives established in the first place and in ensuring that they were staffed by persons having some familiarity with the principles of historical research. Through associations such as the Learned Societies, the Association of Universities and Colleges of Canada, the Canada Council, the Humanities and Social Sciences Research Council, and Royal Commissions, the academic community has helped to formulate and influence government policy with respect to public archives. Ostensibly, then, the academic community appears to be fully cognizant of the aims and needs of archives and to be fully supportive of them. In reality, things are not as rosy as they appear. In articles written by historians and social scientists in which archives are referred to, in remarks made by historians in panel discussions with archivists, and even in Symons' chapter on archives itself, the impression is given that the academic community does not fully understand the role that archives were intended to play.

The purpose of archives, as perceived by the academic community, is to assemble