

In modern society, especially, retention of information about oneself is extremely important. We may, for one reason or another, wish or be compelled to reveal such information, but situations abound where the reasonable expectations of the individual that the information shall remain confidential to the persons to whom, and restricted to the purposes for which it is divulged, must be protected.... Invasions of privacy must be prevented, where privacy is outweighed by other societal claims, there must be clear rules setting forth the conditions in which it can be violated.

As archivists we must be sensitive to developments within the society of which we are a part. This timely book focuses our attention on a very topical and important issue in our society and our profession. What would happen if this book were to be read by the various privacy commissioners who have jurisdiction in Canada? What would their investigations reveal of the practices of the archival institutions covered by their respective mandates? How would these archives measure up to protecting the privacy of individuals not from some ethical perspective but against a legal standard? It makes one wonder....

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**Privacy versus Access: Papers from a Seminar on the Issues of the Right to Privacy, the Right of Access to Information, and the Dilemma of the Records Custodian.** STEVEN STUCKEY and KATHRYN DAN, eds. Dickson, Australia: Australian Society of Archivists Inc., ACT Branch, 1991. 124 p. ISBN 0947219 04 8.

The subject of access and privacy has been a matter of much discussion and debate among the users and custodians of records in recent years, as freedom of information and privacy legislation spreads from one regional and national jurisdiction to the next. In April of 1991, the Australian Society of Archivists, ACT Branch, convened a seminar on the subject. *Privacy versus Access* is the published proceedings of that seminar. The papers represent a range of opinion, observation and reflection from the various perspectives of the users, purveyors and subjects of information, as well as those of its watchdogs, creators and custodians.

The interests and concerns of the users and purveyors of information are represented in contributions from a genealogist, a biographer, a biomedical researcher and a journalist, each of whom explores his particular research domain and the privacy issues endemic to it. Also explored are the ambiguities and tensions associated with self-regulation. Both the biomedical research community, through the National Health and Medical Research Council's Medical Ethics Research Committee, and the journalism community, through the Australian Journalists' Association and the Australian Press Council, have introduced self-regulation measures in an effort to determine the circumstances under which the desire for access should override the obligation to protect information of a personal nature. The Medical Ethics Research Committee, for example, has developed ethical guidelines and discussion papers of relevance to the medical research community and recommended the establishment of institutional review boards. The Australian Journalists' Association, for its part, has enshrined the obligation to "respect private grief and personal privacy" in its code of ethics and defined "topics of public interest," that is, those of legitimate concern to the general public or to any section of

the public. Though the mechanisms are far from perfect, it is clear from the contributors' comments that self-regulation is of value to, and enhances the credibility of, research professionals.

A different set of perspectives is provided by the watchdogs, creators and custodians who exercise varying degrees of authority over the regulation and administration of access to government records containing personal information. The principles and practicalities of the Australian *Privacy Act* and the *Archives Act* are explored in separate papers given by the Australian Privacy Commissioner (Kevin O'Connor) and the Director of Access Client Services at the Australian Archives (Jim Stokes). O'Connor, for example, outlines the *Privacy Act's* attempts to regulate the collection and dissemination of personal information; and to balance competing claims for access and privacy through the public interest determination process that has become a prerequisite to the granting of research access to personal information. Stokes outlines the privacy provisions of the Australian *Archives Act* which establishes statutory rights of access and appeal for records more than thirty years old and also a set of exemption categories closely related to those in the *Freedom of Information Act*. The *Archives Act* provides for the exemption of "information or matter the disclosure of which ... would involve the unreasonable disclosure of information relating to the personal affairs of any person (including a deceased person)." The difficulty of interpreting the meaning of "unreasonable disclosure" and the laborious process of review necessitated by the sheer volume of records containing personal information will be familiar to any archivist or records manager who has attempted to administer freedom of information and privacy legislation. Stokes also points out the conflict that exists between the right of correction mandated by freedom of information legislation, which, in Australia (and Canada), is indefinitely retrospective, and the traditional prohibition on altering archival records.

Although presented in the context of access issues, some of the questions raised in the two papers point to larger issues, for example, the legitimacy of collecting and maintaining certain kinds of personal information. The Privacy Commission reviews the arguments for and against the destruction of secret police files and records created by government security and intelligence services. A number of questions are presented. Is destruction good for individuals who have been subject to surveillance? Should individuals who have been subject to surveillance have better access to records about them? How are the interests in anonymity of informants, operatives, associates and families protected if there is an access system? Though he provides no definite answers to these questions, the Commissioner does offer some interesting insights into the issue.

How should archivists deal with allegedly incorrect or malicious information in archival records? That question is posed by Jim Stokes who points out that the internment of Australians of Italian descent during World War II and the surveillance of alleged communists and fellow travellers resulted in the gathering of personal information, the veracity and legality of which has been challenged in recent years. Stokes cautions against confusing the question of whether the government was wrong to have undertaken such activities with the question of whether some of the information gathered in the course of these activities is in fact incorrect. Given the impossibility of reopening and reviewing each case and a reluctance to impose a wholesale closure on records, the Australian Archives has considered "placing a general disclaimer notice in their research rooms pointing out that the public release of a file does not necessarily imply that the information which it contains is wholly accurate."

The legitimacy (or lack thereof) of maintaining personal information collected for a particular purpose is also the subject of a paper given by the Australian Statistician, who provides a historical survey of the anti-census campaigns in Australia, the Netherlands, the United Kingdom and Germany that led to the determination of official statisticians to respect privacy principles in relation to access to census data. Since 1971, the practice of destroying individual census forms has been reaffirmed by successive Australian governments on the grounds that "the purpose of the census is to gather statistical information and the legal obligation on people to answer census questions is accompanied by strict measures to ensure the confidentiality of the information provided." The Government has determined that the retention of information on identified persons or households for research purposes is inconsistent with that purpose and with that guarantee of confidentiality. Not surprisingly, although that determination is a just one given the societal values it takes into account, it has met with strong criticism from the research community and the Australian Archives. Perhaps in response to this criticism, the legislation requires that the decision to destroy the census forms be reviewed with each new census.

*Access versus Privacy* suffers from the usual weaknesses associated with published proceedings. The quality of the papers varies considerably; some of the contributors are guilty of making personal and occasionally self-serving observations and unsubstantiated speculations about the wishes and interests of the donors and subjects of information. Because the seminar on which the proceedings are based was directed at an audience of archivists and records managers with a more or less shared set of references, the contributors make frequent reference to events and acronyms without explaining their significance or meaning. The contributors also assume that the reader possesses a firm grasp of the Australian legislation in the areas of freedom of information and privacy. The relationship between and among the various pieces of legislation is, in consequence, occasionally confusing.

The proceedings nevertheless present a judicious balance of the relevant issues associated with the administration of access to personal information, issues that transcend national borders and that are clearly relevant to North American archivists. And while the contributors do not always offer definitive answers, they certainly ask the right questions.

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**The Grey Fox: The True Story of Bill Miner — Last of the Old-Time Bandits.** MARK DUGAN and JOHN BOESSENECKER. Norman: University of Oklahoma Press, 1992. xxiv, 260 p. ISBN 0-8061-2435-0 \$24.95.

This is the first full-length biography of Bill Miner, one of the most notorious bandits of the United States and Canada's first and best-known train robber. The title, *The Grey Fox*, is taken from the widely acclaimed film about Miner which won seven Genie awards in 1983. This book traces Miner's criminal career chronologically. Miner's life of crime commenced in 1865 in California when, at the age of eighteen, he robbed his employer of \$300. It came to an end with his death in a Georgia prison in 1913. During the course