

Archives - Guardians of the Truth: Between Data Protection and Use of Archives

PETER PAVEL KLASINC, PH.D., ASSIST. PROF.

Archival councillor, Head of the Archives and Records Management Studies Department at AMEU ECM, Director of the International Institute of Archival Science of the University of Maribor and of the International Institute of Archival Science Trieste/Italy - Maribor/Slovenia headquartered in Trieste
e-mail: peter.klasinc@guest.arnes.si

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ABSTRACT

Archives have only recently been referred to as the guardians of memory, because they have been receiving and protecting archival records that, in principle, others deemed as constituting the memory of a nation and of a State. Their role has changed in recent times. Today, public archives and archivists must take over the role of active seekers of the truth, which means that, first, they must seek and find documents that reveal the truth and appraise them as archival records; then, they have to bring those records into the archives and have them arranged, described and carefully preserved. Social reality has changed, therefore the paradigm of archival science has changed, in turn. Archival material is actually a kind of proving material for interesting research and discussion, for specific facts or activities, for the foundations of the rule of law, to help citizens protect their rights and, last but not least, for the search for *truth*. Archives as guardians of the truth must protect confidential, sensitive, legal and other information contained in archival material, and carefully regulate the use of archives for scientific, academic, administrative, public, publishing, exhibition and other purposes.

Key words: archives, guardians of the truth, data protection, use of archives

1 Introduction

The interpretation of the new paradigm¹ of archival science, developed by professors at the Department of Archives and Records Management at Alma Mater Europaea - European Centre (Maribor) during their preliminary discussions, is based on an assessment of the archives, which have been only recently referred to as the guardians of memory. The social role of archives has been changing in the last years. Until now, archives have received and protected those records that, in principle, others deemed as constituting the memory of a nation and a State. Archival records were protected as a cultural monument by means of individual (archival) acts (*Melik in Jeraj, 204, pp. 51-58*).

In the recent history of the development of archives, these have been differently defined and have also differently developed around the world. On the one hand, we can observe a significant development of archives as institutions of cultural, scientific and educational importance; on the other hand, though, archives have not yet defined their position in the environments where they operate, because their existence is often associated with related institutions such as museums, galleries, libraries, collections of documents, etc.

The new paradigm places archives in the position of acting as guardians of the truth. Archives and, of course, archivists are thus becoming active seekers of the truth, which basically means that, in a given working process, they have to search for documents that reveal the truth. These documents are

1. A new paradigm was first published in: Archives guardians of truth, in Maribor / Slovenia 12.3.2016 and published on the back cover of the Proceedings of peer-reviewed contributions entitled Archives in the Service of Man - Man in the Service of the Archives, issued by the 4. International Scientific Conference Alma Mater Europaea - European Center Maribor, Maribor, 2016. The new paradigm is the result of the work of the expert committee at the Archival Science and Records Management Studies Department at AMEU ECM, led by Assist. Prof. Dr. Jelka Melik.

then classified as archival records - which does not conflict with the definitions of archival records provided by positive archival provisions - thus ensuring that they are taken over to the archive, where confidential, sensitive, legal and other information is protected. It is necessary to carefully regulate the use of archival records for scientific, academic, administrative, public, publishing, exhibition and other purposes. This new paradigm of archival science and the new role of archives as guardians of the truth will be able to establish themselves where possible, that is to say, where social reality will come to a change.

According to this paradigm of archives as guardians of the truth, we can refer to archival records as evidence of the truth, too. The latter must appear in surveys and discussions, as well as it must be reflected in specific facts or activities related to the environments where archival records are produced - in other words, truth constitutes supporting evidence for the existence of the foundations of the rule of law. Truth primarily serves to help the citizens protect themselves and their rights.

The new paradigm does not affect the core of the functioning of the archives, which is still represented by institutions that in many countries offer great support to research, as well as to educational and cultural activities.

2 Between protection and use of archives²

Perhaps it is wise to remember that State archives have been formed in Europe since the end of the 18th century, yet until the end of the 19th century they were in principle not accessible to the general public. It is true that the French Revolution in 1794 brought along new positions on archival records, since these were supposed to be openly accessible to the wider public. According to the then-current definition, activities in the archives belonged to the nation and archival records were available to all citizens (see *Riječnik arhivske terminologije, 1972*)³. Therefore, the enforcement of the principle of public archives and user access to the archives is not new, because in history this has been the case for at least the last 220 years. It is true, though, that aspects related to the use of archival records, on the one hand, and aspects related to data protection in archival records, on the other hand, are currently changing (*Melik, 2014*).

Today, we are facing fundamental questions regarding data protection in archival records, which we are resolving in the framework of studies and scientific research work by looking for answers to questions about the respect of privacy, protection of sensitive data and legal protection. In recent times, all these issues have been closely linked to the protection of personal data and human rights⁴.

Specifically, I must point out that there is no boundary at all between data protection in archival records and the use of archival records themselves.

The use of archival records for scientific purposes is well positioned where there is good cooperation with scientific institutions. These studies are getting year by year more and more extensive and they represent a significant progress in taking archival records into account and in raising their significance.

Parallel to the scientific purposes of archival records, but from an opposite perspective, the question regarding the use of archives for administrative and legal purposes is also being raised. This issue

2. About the topic Use of archival records see: *Atlanti*, no. 4/1994, 186 pp. Contributions on the theme Users and Technical Questions in Archives prepared by Hermann Rumschöttl, Gerald Gaenser, Danièle Neirinck, Josef Maršal, Peter Pavel Klasinc, Juhani Saarenheimo, Grazia Tatò, Akos Koroknai, Michel Duchein, Martin Modrušan, Benjamin Haspel, Stojanov and Peter Dusek were presented; *Atlanti*, no. 6/1996, 137 pp. Contributions on the theme The Public in Archives were presented by Michel Duchein, Imre Ress, Juhani Saarenheimo, Galina Baranova, Peter Pavel Klasinc, Grazia Tatò; *Atlanti*, no. 8/1998, 186 pp. Contributions on the theme Informatics and Users in Archives were presented by Hermann Rumschöttl, Trudy Huskamp Peterson, Grazia Tatò, Benjamin Haspel, Rosine Cleyet-Michaud, Michail Larin, Rolf Hagstedt, Elisabeth Schöggel Ernst, Peter Pavel Klasinc, Ken Hall, Peter Horsman, Mahnus Hakon Olafson, Martin Modrušan; *Atlanti*, no.12/2002, 174 pp. Contributions on the theme Protection of Archival Records were presented by Walter Brunner, Peter Pavel Klasinc, Josef Hanus, Ugo Cova, Privalov in Michael Larin, Galina Baranova, Benjamin Haspel, Javier Aguado, Magdalena Marosz, Azem Kožar, Zlatko Vezjak in Peter Andresen.

3. Among newer publications see also; Glossary at: www.ias-trieste-maribor.eu. and others alike, such as ICA etc.

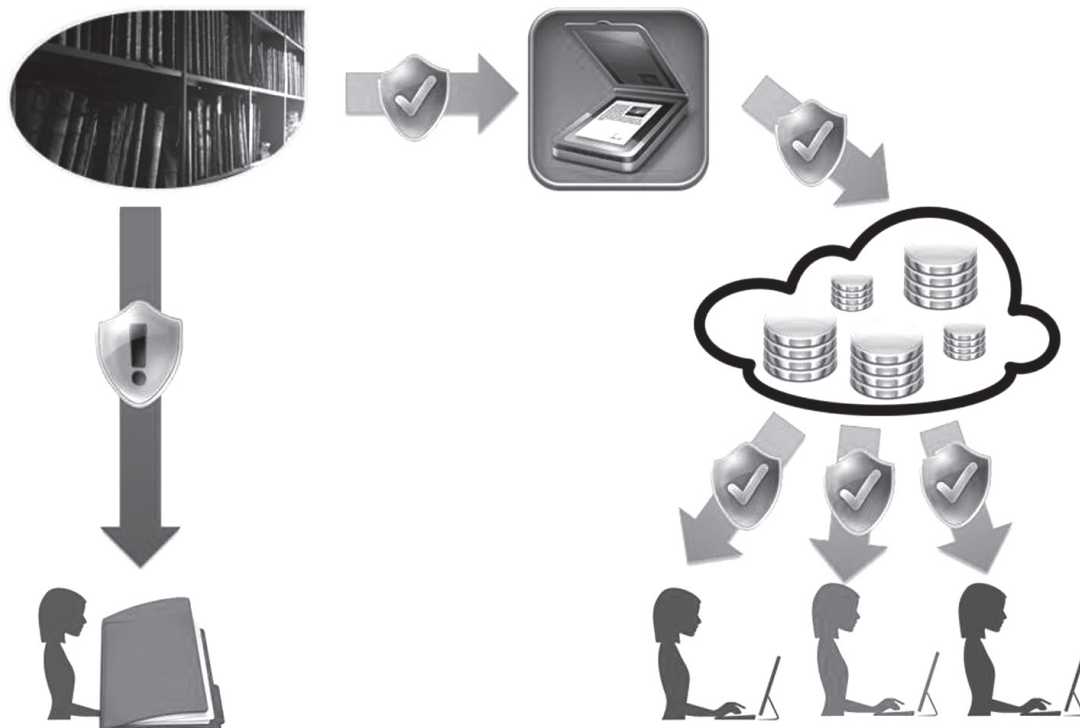
4. On the access to archival records and their use were writing: Hedbeli, 2005, Nataša Pirc Musar, 2006. As far as the European framework is concerned, see Zdenka Semlič Rajh, 2006, all in Tehnični in.... Maribor.

finds a place in the theory and practice of archival work, because the amount of archival records held by archives around the world was mainly created in administrative, legal and similar institutions. Archives are thus sometimes considered to be a kind of extended arm of the Public Administration (see Hedželi, 2005; Klasinc, 1983).

A very important aspect related to the use and protection of archival records for public purposes is represented, in recent times, by publications, transcripts and presentations of archival records in specific works. In this respect it might be necessary to draw attention to two areas: firstly, to the exhibition of archival records, which is related to issues regarding the exhibiting activities of archives and other institutions that, for such exhibitions, make use of archival material; secondly, to the public use of archival records at various conferences, symposia or publicly open meetings.

In preparing this paper I have realised over and over again that it is almost impossible to set boundaries between data protection, which involves privacy, sensitive data and legal interest, and the use of archival material, whether the latter is meant for scientific, administrative, public or similar purposes.

The fact is that the problem is dealt with separately in certain areas of archival theory and practice, but a good example of symbiosis of the two practices can be found in the way that mass digitisation - which involves the protection and use of archives - has been handled.



In the above picture we intend to show the place (a depot, an archival storage area) where archival records are stored. Archival records are taken from it, digitized and transmitted via the Internet or other IT connections to the wider public. The public can be widely spread, and can also respond to a great extent to the digitized format of archival records. Once the digitization process is completed, archival records are returned to the peaceful depots of the archive's premises, where they are kept under ideal conditions and only rarely taken again from the depot after being digitized. Such exceptions must be precisely defined and should be rarely resorted to.

I intend to leave aside the projects regarding the digitization of archival records with the creators, since digitization is about a special form of use, accessibility and preservation of archival records in digital form.

3 Different views and practices⁵

Certain views on the use of archival records in some national archives are based on definitions of the role of the archives themselves, where it is stated that archival material represents a “unique road to the past”, and that archival records are intended for use by individuals and organisations. Some practices reveal specific priorities in the use of the archival material that has been recently used many times - for instance, research on family history or the use of family archival collections. Where there is greater publishing activity, archival records are given for use in issuing guides, inventories, archival sources, published documents from one or several different archival funds and collections. As far as studies of this type of archival practice are concerned, we run into the situation of being put in the position to provide public use on the one hand, while on the other hand we comply with the legal protection of personal data or with the protection of human rights and the like (*Klasinc, 2015*).

These relations between data protection and the use of archival records are generally regulated by legal norms, which mainly differ from country to country. For this reason, we need to understand the recommendations developed by the International Council on Archives, which are also to be found in the Code of Ethics for archivists, in the Universal Declaration on Archives and in the Principles for the use of archival records.

Some archival institutions are addressing the problems related to the use or protection of archival records in a context of interdependence with the purposes of scientific research, which in some countries serves as a means of democratization.

Although the use of archival material is regulated by specific legal acts, usual practice shows examples of uncontrolled access to archival records. This can occur when large volumes of archival records are given for use, especially when the user did not even mention his/her interest in them.

When it comes to the protection and use of archival records, we have to hold back from the practices in force in non-archival institutions, such as libraries, museums, galleries, etc., as well as private funds, extensive church archives, monastery archives and, perhaps, even notarial archives, which of course have a different status.

Preparations for exhibitions play an important role in the use of archival records, since they are estimated by archival experts as the most important and most popular way to present an archive and archival records, and as an interesting way for the general public to access certain types of archival material, too.

The scientific research purposes of the use of archival records are affecting education-related processes, since various historical researches could not be imagined without the use of records from different archival funds. Besides, archivists are often called for to determine the funds that would be suitable to deliver education.

Specific questions relating to the protection and use of archives incur in the process of conservation and restoration of archival records. An especially important role, of great responsibility, is the one played by conservators, as they are prolonging the life of archive records, which must be properly documented.

In general, as regards the introduction of the principles of data protection, on the one hand, and the use of archival records, on the other hand, we may well find that the clichés of confinement, restricted access to archives and archival institutions as the ones hiding or having to hide certain documents, are following one another in some environments.

The new paradigm “archives - guardians of the truth” can be relatively easily supported by im-

5. In 2001 the Archival society of Slovenia published a miscellany of the XX Arhival congress in Ptuj with the main topic being Archives and users. Authors of the published papers are the following: Jelka Melik, Emica Ogrizek, Slavica Tovšak, Katja Zupanič, Vesna Gotovina, Darinka Drnovšek, Suzana Čeh, Jedert Vodopivec and others.

plementing optimal procedures for the use of archival records, especially if we accept the fact that archives are also a kind of extended arm of the administrative state institutions. Such change in the enforcement of archival records' use can be justified as a possibility for national economies to develop, because this way they could resort to archival records' data for a variety of changes or improvements to the functioning of the economy. Such material will even better serve the economic development when digitized and arranged so that those in charge of the development of the economy can smoothly and easily access to it and debate on it.

Archival documents that appear in publications of various kind are definitely authentic, but questions of authorship, selection and publication remain open. As far as my personal practices are concerned, I can say that the publishing of archival sources can be done only by the principle of "sine ira et studio." The archivist and the serious user decide on the publication or non-publication of a document. I, myself, was forbidden from doing research work in the Archives of the Archdiocese of Zagreb (Croatia) for reasons related to the publication of archival records.

We justify our giving archival records to exhibitions also by saying that through the exhibited material we are presenting the "charm of the first copies", thus widely opening the access to data from archival records. Once the catalogue to the exhibition is published, a certain document is presented to the public and, at that same time, also protected.

Archival science and history - as we know it in Europe, mainly - somewhere meet within these efforts regarding the protection and use of archival records. To conclude, I would like to mention two projects, Icarus or Monastery, the systems used to scan archival collections in the Slovenian regional archives - SIRAnet - and those used at the Archive of the Republic of Slovenia - ARSdatabase. Similar systems are known across Europe: ARCHIVES PORTAL EUROPE, E-ARK, ENARC and others.

4 Final thoughts

It can be concluded that the problems relating to data protection and the use of archival records are multifaceted and are to be dealt with by considering every level, both in large national archives and in smaller city archives that operate in different parts of the world. For a better positioning of the archives in the world, it may be necessary to agree on a more open access to archival documents.

The issue of privacy should be solved, but most of all an answer to the question of copyright and the right to copy archival records is needed. Possibly, these are themes for discussion on the part of contemporary archival theory and practice. However, it is still necessary to insist on the independence and total freedom of scientific research activities from hindrances. As a matter of fact, another question has been open for some years, that it to say, how these scientific research activities are supposed to be defined in the job descriptions of employed archivists (*Toplak, Klasinc in Semlič Rajh, 2014; Delovno gradivo, 2015*).

Another undefined situation is when an archivist becomes a researcher, too, since in comparison to other researchers attending the archive, he/she is in a higher position. Here is the reason why archivists engage in history studies more than they do in archival science's. With the implementation of digitization, archives can equalise the relationship between archivists and external researchers (*Duranti, 2013, pp. 45-52; Kožar, 2013, pp. 75-82*).

Archives have to take care for the long-term preservation of archival records - without regard to whether the latter are produced on classic or modern media - and perform all activities on which depend the protection and use of the archival records that are preserved as a written cultural heritage of the country where a specific archive operates (*Klasinc, 1992*).

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