

## THE “WHY” OF ARCHIVES; THE “I” IN ARCHIVES

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On the weekend of April 14, 2002, the people of East Timor voted for a president. As part of the coverage of the vote, CNN television interviewed the United Nations’ administrator of East Timor, a Brazilian man named Sergio Vieira de Mello. He explained how difficult it was to start a new government in East Timor. When the UN arrived, he said, they found that there were “no records, no archives.” Nothing. The departing Indonesian troops wanted to deprive the Timorese of their history by destroying the records and archives, Vieira de Mello said.

Vieira de Mello’s comment succinctly provides the two basic justifications that a government has for maintaining archives:

\*the practical need for governmental efficiency, in using both its current records and those of past administrations, and

\*the legal and historical needs of the citizens to have access to the records of their government.

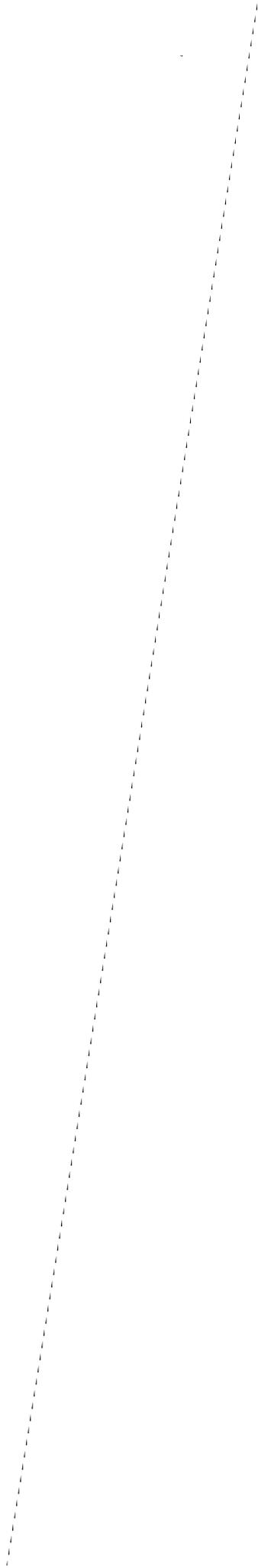
These two justifications apply whether we are talking about paper records of the nineteenth century or the electronic records that are created today.

In this paper I will make the case for archives, then discuss the interests and responsibilities of each government official with respect to the records. Along the way we will look at the special issues raised by the advent of e-government and by electronic mail generally.

### **The Why of Archives**

Archives embody a set of relationships.

1. First of all, there is a relationship between the action or transaction and the record itself.
2. Second there is the relationship between the existing records and the efficient functioning of government
3. Third is the relationship between the citizen and the government, and the increasing demand for accountability and transparency in government, inevitably involving questions of access to the records of government.
4. The citizen has rights and benefits conferred or guaranteed by the government, and the records of the government serve as evidence of those rights. These records help define the specific relationship between the government and the governed.
5. The public researcher also has a relationship with the record, whether conducting research for an academic purpose or for personal interests.



6. Finally, the nation as an entity has a relationship with its archives, which reflect the growth and functioning of the government and its role in the development of the nation.

Let me discuss each of these briefly.

1. The action and the record. Any business or organization needs to create records that adequately document its business activities. Documenting some actions may be required by law (think of a drug company testing new products; it will probably be required by law to keep the testing records because of the potential harm of the drug to the health of people who take it). Other documentation may be required by internal rules of the organization: for example, an organization may require that subordinate offices report weekly in writing. Most records, however, are created as a by-product of doing business. Most people do not come to an office in the morning and say, "I am going to create records today." Instead they say, "I am going to issue visas" or "I am going to investigate that activity" or "I am going to prepare my lawsuit for court." In the process of doing the activity, records are created.

Government employees have special responsibilities for documenting their activities, because of the requirement to account to the citizens for the activities of the government. And this responsibility is heavier as the person progresses up the governmental ladder. If, at the lowest ranks, minutes are not taken of a meeting or a report is not sent, it may be a small problem the next day or next week, nothing more. If minutes are not kept of Cabinet meetings, however, history suffers.

2. The record and the efficiency of government. Once created, records are used for their original administrative purpose. In addition, records are often used to conclude the fiscal obligations that the original record reflects (such as a purchase order or a travel ticket) and to audit the fulfillment of those obligations. Finally records may be used for legal purposes of the government: regulation, authorization, punishment, reward.

For records to serve these purposes they must be preserved; they must be readable; and their chain of custody from one office to another and from one officer to another must be known. And here we must talk about the role of electronic records in today's government.

In 2002 the government of Korea reported that it handled "more than 80 percent of its documents electronically." The percentage has only gone up since then. That means that these electronic records—and documents created or received by an organization in the course of business are records—must be managed. Electronic records are of many types. The earliest were statistical databases, and these still form an important part of the records of government. Then word processing was introduced, often as a replacement for a typewriter, but later as part of an electronic desktop that includes spreadsheets and word processing and presentation software, along with electronic FAX capabilities. Just as officers were getting used to the electronic desktop features, email burst onto the scene and overwhelmed all communications styles.

Managing electronic records is a *management* issue, including:

- A policy issue
- A business practice issue
- A technical issue



A training issue.

What managing electronic record is not is - - a choice. We have to manage electronic records. We have to manage databases, we have to manage the desktop, we have to manage email.

You may be saying to yourself, "Email is not a record. It's just, well, electronic talking." Let me tell you why I think it is a record and what your choices for managing it are.

Email meets all the tests of what a record is. First of all, it is information that is fixed on a medium so that it can be conveyed over space and over time. Second, it is created or received by an organization; in your case, the government. Third, it is created or received in the pursuit of the organization's legal obligations or in the transaction of business. The government is conducting business by email today, and that make it a record.

You don't have many choices for managing email. First, you could decide not to save email at all, reasoning that whatever business is conducted electronically is not very important. However, the very fact that so much email traffic is going on in government today undermines that argument entirely. Second, you could decide, as a policy issue (remember managing electronic records involves policy issues, and this is an important one of them) that you will require all government employees to print their email messages, both sent and received, and file them in the paper files. This would be a giant paper burden, but more important, it would probably be very difficult to get your employees to comply with this requirement. Third, you could decide that every employee should summarize all email in official documents—which would probably be created by word processing, another form of electronic record—and then save them on paper. Compliance with this sort of policy is likely to be even worse. Or you could decide to save them electronically. That is really your only practical choice, given the volume of messages that government is generating today.

Let me suggest some reasons why not managing electronic records is an unacceptable risk to government.

First of all, without management you get an uncontrolled accumulation of records. You end up acquiring more computer storage space because you don't know what to save and what to delete. Obsolete information exists, clogging the system, even growing to the point that it slows down computer operations. And this uncontrolled information is hard to search when you need a particular item.

Second, not managing electronic records risks inadvertent and unauthorized destruction of records. One of the features of electronic systems is that each person makes the decision of what information to save and what to toss. In paper systems, often an aide or secretary took the completed paper and put it in a file. Destroying paper could, of course, happen, but it took a little more effort to clean out a file drawer or rip up a multi-page report. The "delete" key changed all that. Unless you manage the electronic records—and here I am talking about managing the business practice—you have no idea what records will exist when you need them. It is true, of course, that computer operating staffs delete records from the systems, but these are usually done in accordance with internal rules for upgrading systems or deleting older files. The real problem is usually not in those practices, but in the complete freedom that the individual sitting at the keyboard has to save or delete, with implications for the business memory of the entire organization. The management of these problems includes important personnel training issues—for *everyone who touches a keyboard*.



Third, if electronic records are not managed, institutions can confront unnecessary delays or breakdowns in the business process. Here are a couple. One: If your system operators do not make and preserve the systems documentation and metadata when the system is installed or when it is customized, you may be unable to understand the data later. What does a 2 in the seventh column mean? Does it mean that the person was female or does it mean that the person was handicapped? Two: If the electronic data is dormant and the institution updates the software on which it was run but does not migrate the data to the new software, when you need the data you may have lengthy delays while you migrate the data and then verify that the conversion was accurate. Imagine, for example, if the government is required to produce a key record in court but must tell the court that it will take weeks to produce it because it was maintained using obsolete technology. There are important issues of technical management as well as business practice management.

Fourth, if a government does not manage its electronic records, there is a lack of accountability on electronic transactions with the government (for example, filing tax returns electronically). In the worst case, the government can risk undermining the faith of the population in doing business with the government electronically.

Finally, not managing electronic records risks the loss of evidence of the operations of the institution and the loss of historical information contained in the records.

3. The records and the transparency and accountability of government. We all understand that the ultimate legitimacy of government comes from the people of the nation. Government employees are accountable to the citizens. And while no government can be perfectly transparent immediately, for reasons of national security, if for no other reason, the government's actions must ultimately be completely transparent to history.

Accountability and transparency require two actions by the government: preservation of the records and access to the records.

This does not mean saving every record of every government agency. Most records are needed until their administrative uses, including their legal and fiscal uses, are complete, and then they can be destroyed. It is only a small percentage—as low as less than 1% in some agencies like the postal services or as high as 40% in agencies like intelligence agencies—that needs to be saved for subsequent use by citizens.

Wise selection by archivists is crucial.

The need for accountability and transparency spreads across all three branches of government: legislative, judicial, and executive. One is not fully understandable without the others. Furthermore, the need for accountability and transparency reaches to all levels within each branch. Governments need to preserve records throughout the breadth and depth of the government.

Take a simple example. If we save only the decision of the Supreme Court, but not the records that show the reasoning behind the decision, we have accountability, perhaps, but not a transparent understanding of the reasoning. So we save the reasoning. But the reasoning is



unclear without knowing what the two sides argued, so we save the filings of the plaintiff and the defendant. Then we need to understand how the case reached the Supreme Court, so we save the proceedings in the two lower courts. Finally, we want to understand the position that the Ministry of Justice took in the lawsuit. While we have the filings, we want to know the policy decisions behind them. So we need the records of the Minister of Justice and the records of the branch (civil, criminal) in the Ministry that handled the case. If the case involved another agency of the national government, such as the Forest Service, we will want to retain the pertinent records of that agency, too. Finally, we may find that this was so important that the Prime Minister was briefed before the Ministry took a position on the case, and of course we need the Prime Minister's briefing records. If, after the case is over, the Supreme Court's decision was so controversial that the National Assembly decided to investigate and legislate, then we want to ensure the preservation of the records of the relevant committee in the Assembly and the records of floor debates and decisions in the body as a whole.

With all those records, at various levels of government and across all three branches, we finally can say that we have the evidence of what the government did.

Preservation, and the selection of the records to be preserved, is one part of the management required by the government. Access is the other.

Governments around the world have, over the past thirty years, been adopting Freedom of Information acts, Privacy acts, Data Protection acts, Open Meetings laws, and similar openness acts. It is hard to generalize about this legislation, except to say that the acts must be studied carefully in order to understand their actual application. Many of them have exemptions that are important. For example, the US freedom of Information act, applies only to the executive branch, not to the Congress or the courts, and within the executive branch does not apply to the President or to the operations of a large part of the Central Intelligence Agency. Furthermore, for the rest of the US executive branch, nine categories of records are exempt from immediate release. The point here is not to suggest that more government records ought to be restricted. It is, rather, that when governments and citizens agree on the balance between openness and temporary restriction of records, the decisions arrived at need to be clear to all parties involved.

Access to records, moreover, involves both the rights of the government and the rights of citizens. Just as the government has a need to protect certain types of information on national defense, for example, so too does the citizen want to make sure that information in the records of government on him or her or from his or her business is protected from unwarranted disclosure to his or her neighbor or employer. Both the interests of government and the interests of citizens must be reflected in the access laws. And it must be understood that access laws are about time: the question is when the records will be open, not if.

4. The record and the rights and benefits of citizens. Among the most important records a government holds relating to persons are those that establish the facts of their existence, identity, and marital status. These facts are essential in establishing a whole host of collateral rights, such as the rights to property, to the privileges of citizenship, and to social benefits of various kinds. A further important category of records relating to persons is that body of records that establishes fact regarding government services, either civil or military, in order to ensure that these persons have rights to pensions and to other benefits. There are innumerable other classes of records that are also important to persons in support of their rights or that



support their claims against the government for some benefit. These records are not necessarily permanent, but they must be maintained long enough so that all the rights and benefits can be fulfilled.

Two examples. I expect my government to maintain the portion of my record of government employment that ensures that my pension will be paid, and I expect that portion to be retained until I die and the benefits are completed. Then it will be destroyed. To use another example, you may know that during the Second World War the United States put entirely blameless US citizens of Japanese ethnicity into concentration camps in various Western US states. The records of the administration of these camps, which were operated by the federal government, included the lists of persons who were incarcerated. In the late 1980s, after years of lobbying by the citizens who were in the camps, the government decided to pay compensation to them. The lists of persons in the camps were very important evidence in deciding who had legitimate claims for compensation.

5. The researcher and the record. Let me quote from an illustrious American archivist of the twentieth century:

The end of all archival effort is to preserve valuable records and make them available for use. Everything an archivist does is concentrated on this dual objective. He reviews and appraises public records to determine if they should be kept or destroyed, and in doing this he has in mind the future use that may be made of them. He brings records into his building for such use. He houses and repairs records so that they will be preserved and used. He administers records in such a way that an arrangement that served official needs will also serve scholarly needs. He describes them in finding aids so that their content and character will be made known. He intercedes with government officials to lift restrictions so that records will be open for use. He provides access to records under conditions that will satisfy both government officials and the general public and makes records equally available to both.

The archivist does not take a position on research. The archivist makes no political judgment about the wisdom of any particular subject of research or any interpretation of the information found in the record. Whether it is the person looking for early maps of the city where she lives or the historian trying to understand population movements between rural and urban areas, the archivist serves them all. What *is* crucial here is that the records are made available, along with information about where they came from (the creating agency) and what has happened to them (the chain of custody from the creating agency to the archives).

6. The records and the nation. The people of a nation can understand their history only if they understand their government's history. Records help people understand how we go to where we are and how our system evolved to make today's world. Without records, without archives, a sense of disconnection overwhelms us. We are not our records—that is a romantic idea—but our records help explain us as people, and government records help explain us as nation-states.

Records are not just for the people of the nation. In an interconnected world, the records in one institution or one nation shed light on activities in other parts of the world. No record, to paraphrase the 17<sup>th</sup> century British poet John Donne, is an island.



## **The “I” in ArchIves**

Finally, then, what does each government employee have to do with an archives? What about the “I” in the archives?

Each government employee has at least three relationships with an archives: as a creator, as a beneficiary, and as a citizen.

### **As a creator**

First, of course, all government employees create records. It is up to them to ensure the adequacy of documentation of the activities of their offices. But it is more than that.

In 2001 the International Organization for Standardization, which is a United Nations body based in Geneva, Switzerland, and to which China is a member, issued an international standard for records management. The standard says that an organization—such as a government—should define the authorities and responsibilities of all employees involved in records management. “These,” says the standard, “are likely to include the following categories.

“a) Senior management should be assigned the highest level of responsibility for ensuring a successful records management programme. Senior management support is translated into the allocation of resources at a lower level. It promotes compliance with records management procedures throughout the organizations.

“b) Records management professionals have primary responsibility for the implementation of [the standard]. In particular, they establish the overall records management policies, procedures, and standards for the organization and implement the processes outlined in [the standard].

“c) Managers of business units or organizational groupings are responsible for ensuring that their staff create and keep records as an integral part of their work and in accordance with established policies, procedures and standards. They provide the resources necessary for the management of records and liaise with records management professionals on all aspects set out in [the standard].

“d) Others in the organization have specific records-related duties. They include, in particular, staff responsible for security, staff responsible for designing and implementing systems using information and communication technologies, and staff responsible for compliance.

“e) All staff create, receive and keep records as part of their daily work, and should do so in accordance with established policies, procedures and standards. This includes disposing of records only in accordance with authorized disposition instruments.”

Each of you will find yourselves described in at least two of those elements.

### **As a beneficiary**



Just as I am a former national government employee and expect the government to pay my benefits, you are a government beneficiary both at present and in the future. You may also have other claims upon the government for particular actions or for protection of certain assets, but at the very least you surely have a stake in the proper management of and protection of your personnel record. And as the traditional Human Resources Management based on a paper record system gives way to an electronic HRM system, you have every interest to ensure that electronic records are well managed and preserved.

As a citizen

We integrate our understanding of who we are with the larger whole. We live in the light of the present, as informed by the past. We understand our government through what it does, and through our taxes we pay for it to be efficient and accountable. Our lives are reflected in the records left preserved in the archives. Our benefits are ensured, and the claims of our heirs are protected through the records. We are all the "I" in archives.

