

Agents of democratic accountability



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Censorship is not often an issue that exercises the minds of archivists. Primarily this reflects the fact that almost all archival research is conducted by adults. Unlike libraries, which have substantial numbers of young users, there is an expectation in archives that researchers are old enough and responsible enough to be able to have access to pornographic or seditious material if and when their research leads them in the direction of such material.

This is not to say that users have totally unrestricted access to the holdings of archival institutions. On the contrary, archives are far more likely than libraries to hold material under restricted access. Such restrictions result very commonly from the need to protect personal privacy, a reflection of the often highly sensitive nature of many of the original personal records held in archives. The other most common causes of access restriction are the need to protect commercial-in-confidence records of organisations and corporations and the need to protect government information in the interests of national security. Of course, for government records, the standard thirty-year rule applies whereby records do not become generally available until after the passage of a generation.

So, while archivists are very practiced at administering access restrictions to their holdings, they do not usually think of these restrictions in terms of censorship. Recently, however, there has been an increasing emphasis in archival discourse on the need for archivists to do everything in their power to ensure that access restrictions are kept to an absolute minimum. Balancing the right to personal privacy with the wider 'right to know' is always a tricky ethical dilemma for archivists. Archivists take this issue very seriously indeed, as can be witnessed by the existence of privacy codes and position statements issued by both the Australian Society of Archivists and the Australian Council of Archives.

Restrictions on confidential and security-classified records are in many ways even more politically contestable. In the past archivists tended to accept passively and apply rigidly access restrictions determined by their political or commercial masters. In recent decades archivists have become more questioning of their role in societal power structures. If access to information is power, then restricting such access is a political act that supports the existing power elite. Rather than acting as instruments of state/commercial power and control, today's archivists are more likely to see themselves as active agents of democratic accountability and openness. It is not enough to help preserve the nation's documentary heritage, access to that heritage has to be maximised.

Professional associations such as the Australian Society of Archivists have consistently lobbied governments for more liberal access regimes for public records. Archivists have fought hard, but not always successfully, to assert their right to act as independent arbiters of access — in other words to shift the power to determine access conditions away from those who might have a conflict of interest in relation to access. We have argued that it is dangerous to give the right to restrict access to records to those who might have something to hide that should not be hidden.

The thirty-year rule itself is a bone of contention. Freedom of Information (FOI) legislation has improved access to government records from the so-called 'closed period'. In practice, however, FOI has been cumbersome, slow, expensive and hedged with too many exemptions. Governments with something to hide have become adept at using 'cabinet-in-confidence' or 'commercial-in-confidence' as means of hampering legitimate democratic scrutiny and accountability. Many commentators have argued that there is simply no justification for a blanket closure of the records of decisions made by democratic governments on behalf of the

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people they are meant to serve. My own view is that all public records should be openly available for scrutiny unless there is a very good reason why they should not be. At the moment, however, the reverse philosophy holds sway — that all public records under thirty years of age are hidden from view unless someone can establish a good reason why they should not be.

The combined spread of electronic record-keeping, the internet and metadata standards has now given us the capacity to make records widely available from the very moment of creation. But the decision to utilise this capacity is a political one where the power equation is stacked heavily in favour of those who prefer to keep their activities secretive. Record-keeping professionals have started to join forces with journalists and other agents of democratic openness and accountability to alter this situation, but the struggle will be a long and hard one. In Sweden, citizens have had the democratic right for 150 years to walk into any government department and ask to inspect the records of that department created on the previous day. This is a right that the Swedes are justifiably very proud of and which they guard jealously against any bureaucrat who might attempt to subvert it. In comparison, FOI in this country has a very long way to go indeed.

I would argue, therefore, that while archivists may not think that censorship is an issue for them, it is in fact a very real issue that affects them every single day they come to work. While this article has focussed on the administration of access conditions, I have not even mentioned the potential censorship implications of records disposal regimes. The orderly destruction of records, a necessary component of any decent record-keeping regime, is of course the ultimate denial of access. The professional archivist has a duty to ensure that such destruction decisions are made on the basis of sound philosophies and principles and that the processes are open, transparent and fully accountable to the community.

In conclusion, an emerging censorship issue that archivists are going to have to grapple with is the potential need to censor those records that are made available over the internet, either in their original full-text electronic form or as digitised surrogates. While the researchers who visit archival reading rooms may be almost always 'adult and responsible', there are no such guarantees in cyberspace. Online content regulations will apply to archival websites as much as any other website. This is perhaps an issue for some future Australian Society of Archivists position statement or professional code of best practice. ■

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