

Privacy: balancing the needs of researchers and the individual's right to privacy under the new privacy laws

Summary of outcomes and conclusions

This Round Table, which was held in Canberra on 9 August 2002, brought together more than sixty privacy experts, scholarly researchers, lawyers, archivists, records managers, librarians, genealogists and government officials. Delegates heard presentations on the need to protect personal privacy and recent legal developments, the interests and concerns of researchers including ethical issues, and the implications for archivists, librarians and records managers.

Small and plenary group discussions then considered the following questions:

1. Does privacy persist after death? If so, under what circumstances and what reasonable privacy protections should be applied in relation to deceased persons?
2. Should data and records ever be altered or destroyed to protect privacy? If so, under what circumstances and with what safeguards?
3. What legislative change is needed to

address identified deficiencies, overlaps and inconsistencies in the current regulatory regimes in Australia?

4. What codes of ethics and research practice are needed to govern researcher behaviour with regard to the protection of personal privacy for those matters that cannot or should not be subjected to legislation?

Discussion was vigorous and wide ranging. It was agreed that many of the complex issues explored warranted further discussion and consideration in suitable forums convened by the various stakeholder groups represented. For example, the need to ensure that censorship is not exercised in the name of protecting personal privacy was a topic that was identified as warranting further discussion.

Conclusions

In relation to the four questions discussed, participants of the Round Table's final session reached the following conclusions (two speakers, Roger Clarke and Chris Puplick, who left the Round Table early, have asked that they not be associated in

any way with these conclusions):

1. This Round Table acknowledges both the value of access to personal information for legitimate research purposes and the vital importance of ensuring the right of individuals to reasonable levels of privacy protection. As such, this Round Table asserts that there is an obligation on researchers, records creators and custodians of personal information to institute and observe codes of ethical practice and regimes of information access that respect and guarantee the right to privacy and the cultural concerns of indigenous Australians.
2. This Round Table asserts that, while deceased individuals do not have a right to privacy, the privacy of living people may sometimes be infringed by the provision of access to information on deceased persons who had relationships with people still living.
3. This Round Table asserts that records should never be destroyed solely for the reason of protecting personal privacy. Rather, this Round Table asserts that the need to protect personal privacy should be addressed through suitable access regimes and researcher codes of ethical practice, both of which require sanctions for unethical and/or unauthorised privacy infringements. Similarly, this Round Table asserts that records should never be invisibly altered to correct personal information that is thought to be misleading. Rather, this Round Table asserts that the desire to correct misleading personal information in records should be accommodated through mechanisms of transparent alteration and/or the linking of misleading records to supplementary comments, corrections and amendments.
4. This Round Table supports the pursuit of a harmonised, comprehensive and consistent cross-jurisdictional legislative regime of access to personal information in Australia encompassing privacy, archives/public records, and freedom of information legislation.

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The most accurate library in the world?

Dr Kenneth Marks, Dean of University Libraries, University of Nevada Las Vegas, claims to have the most accurate library in the world.

'Since embracing the technology of Digital ID Management, the benefits are real and much greater than expected' he says. 'By reading all of the shelves in our library, we not only found some cataloguing errors, but weeded the collection, checked the stacks for shelf order, and found many items that we thought were lost.'

'Here is one statistic to ponder: our degree of accuracy of accessibility is now approximately ninety-nine per cent.'

Dr Marks is visiting Australia for a series of Digital ID Symposiums in October: Monday 21 October at the Carlton Crest Hotel in Brisbane; Wednesday 23 October at Crest Hotel Parramatta; and Friday 25 October at the Melbourne Exhibition Centre. There are sessions at 10:00am and 2:00pm each day — and admission is free.

In addition to gaining another insight into the world of Digital ID Management, every person who attends one of the sessions has the chance to win a Personal Development Award of a trip to Dr Marks' library in Las Vegas — and then on to Toronto in June 2003 as a fully registered delegate to the American Library Association's conference.

To book a place e-mail memurray@mmm.com. ■