

Access alert!

Balancing the public's right to know*

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The impact of the events of 11 September 2001 continues to be felt across the world. Governments in Australia and overseas are focusing attention on national security, including implementing measures to protect critical infrastructure. Archival accessibility is just one area affected by these measures. This comes at a time when archives are generally being made more accessible and the importance of access is recognised and supported throughout the archives profession.

Events such as those of 11 September demonstrate that today's terrorists can destroy a building by flying a plane, or driving a truck loaded with explosives, into it. While plans and related records may not be necessary to such operations, the devastation of 11 September has heightened government and community concern about potential attacks on infrastructure.

Despite this preoccupation with national security, decision makers need to maintain a balance between the public's right to access the records of government and government's responsibility to protect its citizens.

Government accountability and critical infrastructure

Governments are accountable for the safety of their citizens. Effective counter-terrorism measures, by their very nature, are likely to involve a tightening of security, greater secrecy about certain government activities and protection of critical infrastructure (transport, power, water and communications). It therefore comes as no surprise that the records relating to such infrastructure now receive the same attention from those charged with our security as records relating to more conventional military targets.

Just when the archival and research community was beginning to experience the benefits of various legislative and other measures designed to facilitate increased access to records, access to some records of critical infrastructure is being deliberately closed. Which records should be affected? What do we do about material that has been in the public domain for many years?

Implications for archival access

Access decisions in respect of records that concern our security must take account of concerns over potential wanton loss of human life. These concerns must, however, be balanced against a consideration of legitimate access requirements.

The New South Wales Government's decision to close to public access 'plans and technical/engineering drawings of the Sydney Harbour Bridge, documents containing detailed engineering specifications of bridge construction and photographs which show in close detail technical engineering features of significant bridge structural elements'^{*} is somewhat akin to shutting the stable door after the horse has bolted. When considering the quantity of material about the Bridge and its construction already in the public domain, the stable door analogy is particularly apt.

Are government actions such as these the thin edge of the wedge or is it simply the effect of a government treating its accountability for the safety of those using the Bridge with responsibility? As it was put to State Records, 'if something happened to people on the Bridge [as a result of terrorist activity] and it could be said that the government had taken no precautions to protect the community, the government would be blamed'.

The situation is perhaps more ambiguous in the United States where the PATRIOT (Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) Act has been implemented. Amongst other things, this Act restricts access to certain public records, with the result that there are now concerns about government secrecy and the resulting threats to civil liberties among archives professionals and others.

Is archival access under threat in Australia?

This is potentially the best and worst of times for archives and access to government records. In some ways archival accessibility in Australia has never been more certain. We are busy populating our websites so that even those who are unable to visit our reading rooms can find out about the records and, in some cases, even view selected items from the comfort of their

own home. On the other hand, some records are being closed to public access, including some that have been available publicly for a long time.

In New South Wales the *State Records Act* provides the vehicle for government to express security concerns about the general accessibility of records relating to critical infrastructure in terms of access directions. The obligation for State Records to maintain a register of access directions means there is transparency in the process, with the public being advised both of the existence of the records and of the reason for the closure. The fact that much of the information about our critical infrastructure continues to be widely available in libraries and elsewhere is one of the anomalies of the times.

Conclusion

The events in the USA have alerted us — as citizens not just as archivists — to the need to strongly support the view that archival access is a good thing, essential in fact in a democratic society.

The archival profession is challenged as never before. It must seek to ensure that while advice to decisions makers about archival access should take account of issues of personal and national security, a balance needs to be maintained between the public's right to know and the government's responsibility to provide for the safety of its citizens.

How we make our voices heard is up to us. For archivists, records professionals and their user base the key question is whether archival access can continue to exist along with legitimate national security concerns. If those making access directions do so on the basis of being properly informed and non-alarmist, then in Australia we may continue to enjoy the best of times for archival access.

^{*}State Records NSW: Register of Access Directions (online) <http://www.records.nsw.gov.au/public/Access%20Directions/CPA%20information%202.htm#413>

* Based on a seminar paper presented by Christine Yeats at 'Made Kept and Used: Celebrating 30 Years of the Australian Society of Archivists', Canberra, 5 April 2005