

**INTERNATIONAL COUNCIL ON ARCHIVES**

**COMMITTEE ON BEST PRACTICES AND STANDARDS  
WORKING GROUP ON ACCESS**

**Principles of Access to Archives**

**DRAFT**

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## PREFACE

Access is the availability of records for consultation as a result both of legal authorization and the existence of finding aids. Since 1994 the International Council on Archives (ICA) has published four standards on archival description: ISAD(G) in 1994, ISAAR(CPF) in 1996, ISDF in 2008, and ISDIAH in 2008. These standards cover finding aids, one of the two key elements of archival access; they have transformed the practice of description. This statement of *Principles* focuses on the other element of access: the legal authority to consult archives.

The International Council on Archives has long been concerned with the question of access to archives. In the wake of the political changes in Europe at the beginning of the 1990s, European archivists developed an “Outline of a Standard European Policy on Access to Archives,” which was adopted as an ICA position at the Annual General Meeting in Edinburgh in 1997. The Outline, however, focuses almost entirely on access to official governmental archives, with only one statement on access to non-governmental records: “It is recommended that attempts should be made to bring arrangements for access to private archives in line with those for official archives, whenever that is possible.”

Two additional ICA documents underscore the importance of access as an element of archival practice: the *Code of Ethics* of 1996 and the *Universal Declaration on Archives* of 2010. The *Code of Ethics* states in principles 6 and 7:

*Principle 6. Archivists should promote the widest possible access to archival materials and provide an impartial service to all users.*

*Principle 7. Archivists should respect both access and privacy, and act within the boundaries of relevant legislation.*

The *Universal Declaration on Archives* notes

*the vital necessity of archives for supporting business efficiency, accountability and transparency, for protecting citizens rights, for establishing individual and collective memory, for understanding the past, and for documenting the present to guide future actions,*

identifies one of the vital roles of archivists as

*making these records available for use,*

and pledges that archivists will work together in order that

*archives are made accessible to everyone, while respecting the pertinent laws and the rights of individuals, creators, owners and users.*

In the spring of 2010 the ICA Committee on Best Practices and Standards asked a small group of archivists to discuss whether it was possible to develop a standard of good practice for public access to all archives, governmental and non-governmental. The people of the Working Group represented a variety of archival traditions: Trudy Huskamp Peterson, United

States, Section of Professional Associations, served as chair, with members Sarah Choy, Hong Kong Legislative Council Archives, East Asian Regional Branch; Victoras Domarkas, director of the national archives of Lithuania, European Regional Branch (EURBICA); Chido Houbraken, The Netherlands, records management consultant, EURBICA; Silvia Ninita de Moura Esteveao, national archives of Brazil, Association of Latin American Archivists; Helene Servant, Service interministeriel des archives de France, EURBICA; Maggie Shapley, archives of Australian National University, Section on University Archives and Research Institutions (SUV).<sup>1</sup>

Following an initial meeting in Paris in May 2010, the members of the group drafted two principal documents: a statement of *Principles of Access to Archives* and a technical report providing advice on implementing the *Principles*. The Working Group then invited the chairs of ICA bodies whose members were not represented on the Working Group and whose work often encounters access issues to name a member read the draft, comment on it, and attend a consultative meeting about the *Principles* in Paris in February 2011. The Consultative Group included Didier Bondue representing the Section for Business and Labour Archives, Fatoumatta Cisse of the West African Regional Branch, Kim Eberhard of the Section of Archives of Churches and Religious Denominations; Soufi Fouad of the Arab Regional Branch, Deborah Jenkins of the Section of Local, Municipal and Territorial Archives, Jan Lohman of the Section of International Organizations, Ivan Murambiwa of Eastern and Southern Africa Regional Branch, Gunther Schefbeck of the Section for Archives of Parliaments and Political Parties, and David Sutton of the Section on Literary and Artistic Archives. The Consultative Group agreed that ICA should adopt a set of access principles and made numerous suggestions about the text of the two principal documents.

The Working Group redrafted the two documents, circulated them to the Consultative Group, and again edited the documents. The revised *Principles of Access to Archives*, along with a plan and timeline for general debate on it, was considered by the ICA Executive Board at its meeting in March 2010. The Board adopted the plan and timeline for consultation; because access is a major concern of user groups, the plan sharing the draft with user groups and allied organizations and asking for their comments. The Executive Board also commented on the *Principles*, which were revised taking into account the opinions expressed.

The *Principles of Access to Archives* consists of 10 Principles with a commentary explaining each Principle; the *Principles* and the commentary taken together constitute the statement of professional practice. (This follows the format of the ICA *Code of Ethics*.) The *Principles* are accompanied by *Technical Guidelines* and a brief glossary.

The timeline and plan for consultation is:

2011 June	Draft completed, translated, and sent to ICA membership and stakeholders; comment period opens
2011 September	Second World Conference of Archives Associations, workshop on <i>Principles</i>
2011 October	CITRA, open forum on the draft
2012 February	Comment period closes, revisions completed, sent to Executive Board

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<sup>1</sup>Please note that the members served on the Working Group in their individual expert capacities. The statement of professional practice does not necessarily reflect the official policy or views of the governmental bodies, institutions or organizations with which these members are employed or affiliated.

2012 April                      Executive Board considers draft  
2012 August                    General Assembly considers the *Principles*

The members of both the Consultative Group and the Working Group very much hope that all ICA sections and branches will discuss the draft *Principles* during their meetings between now and February 2012. We would be grateful for any guidance on user groups and other groups that might be asked to comment; please send suggestions to [ica@ica.org](mailto:ica@ica.org).

The archivists who have worked on the *Principles* have found it challenging to encompass the variety of world practices in a single document, but we all believe it is an important initiative for ICA. We recognize that most governments and many institutions have a rich history of managing access. For them, this statement of professional practice is a supplement to those existing processes, permitting those archivists to measure their institutional practices against an external baseline and to strengthen them where appropriate. In those institutions where access practices have been weak or contested, the statement of professional practice provides a guideline to reviewing and revising processes. The members of the Working Group and the larger Consultative Group fully expect vigorous debate about the draft, and we welcome it. Spirited participation will make the final document a robust statement of practice that all archivists will respect. Please join the discussion.

## INTRODUCTION

The fundamental purpose of archives is use. Access service links archives to the public; it determines the information users have about the institution and its holdings; it influences whether the public will trust the custodians of archives institution and the service they provide. Archivists support a culture of openness, but impose restrictions as required by laws and other authorities, ethics, or donor requirements. When restrictions are unavoidable, they must be clear and limited in scope and duration. Archivists encourage responsible parties to formulate clear mandates and consistent rules for access, but in the absence of unambiguous guidelines, archivists determine the appropriateness of access by considering professional ethics, equity and fairness, legal requirements and social traditions, and cultural sensibilities. Archivists have the responsibility to prevent unauthorized access and at the same time provide the widest possible use of archives by monitoring restrictions and promptly removing those no longer warranted. Archivists adhere to the *Principles of Access to Archives* in formulating and implementing access policies.

### **Purpose of the *Principles of Access to Archives***

The *Principles of Access to Archives* provide archivists with an external baseline against which to measure their existing access practices and to support archivists who seek to adopt new or modify existing access rules.

### **Scope of the *Principles of Access to Archives***

The *Principles of Access to Archives* cover both the rights of access by the public and the responsibilities of archivists in providing access to archives and to information about them.

The *Principles* recognize that administering access may also involve restricting access based on the information contained in the archives.

The *Principles* further recognize that in some countries several laws codify access rules that are inconsistent with each other. This is true both of laws covering archives in government custody and laws pertaining to archives in private, non-governmental bodies. Archivists actively encourage governments, parliaments and courts to harmonize access laws.

The *Principles* apply to both government and non-government archives. Differences in the implementation of the principles for public and private archives may occur.

The *Principles* assume that archivists are proactively involved in ensuring the transfer of permanently valuable archives to archival custody where access is more readily available to the public than it is when the archives are in the custody of the originating office.

The *Principles* do not cover general reference service operations and standards of service delivery, nor do they cover the restrictions on access to original items for the purpose of preservation.

Each Principle is accompanied by a commentary; the principles and commentary taken together constitute the *Principles of Access to Archives*.

Following the *Principles* is a technical report. The report does not form part of the *Principles*; rather, it provides a methodology that may be used to implement the *Principles* and provides sample forms that may be adapted for use in various access processes.

### **Responsibilities for implementing the *Principles of Access to Archives***

Primary responsibilities for implementing the *Principles* are shared by administrators, archivists, donors and the personnel of institutions transferring their records to the archival custody.

\*A person within the archival institution or its parent body must have leadership responsibility and accountability for the access program. This official should have sufficient authority to ensure both the timely release and the secure protection of information. Executives of the parent body are responsible for supporting the access programs of the archival institution, providing adequate funding for it and ensuring that its staff members have the professional training and support needed to perform their duties competently in the best interests of users, archives, records creators and donors.

\*Archivists are responsible for all aspects of access control, including the design, implementation and maintenance of access control systems. All staff members must understand the basic principles of access, the need for secure handling of restricted information, and the responsibility not to divulge information unless it has been made public through approved processes. Archivists train new staff members in the operation of the access regime to the extent that their jobs require it

\*Donors and institutional personnel transferring archives to the custody an archival institution recognize that the archives are preserved for access. If certain information must be withheld from public use for a period of time, they are responsible for clearly stating what the information is, the reasons for restriction, and the period of the restriction. Institutional personnel and donors negotiate with the archivists in a spirit of cooperation and trust.

Support for the access program comes from lawyers, computer and security professionals, and declassification specialists. Lawyers must understand the basic principles of archival management and support the archival institution as it balances institutional and user needs within the applicable legal framework. Computer systems administrators are responsible for ensuring that all documentation is accurate and available to archivists and users when required and that restricted material is securely protected from unauthorized access. Security personnel are responsible for securing and monitoring access to archives storage areas, with special vigilance for locations where restricted materials are held. External declassification specialists must provide timely declassification review. They are responsible for knowing both declassification policies and what information is already in the public domain and for making consistent judgments that release as much information as possible.

*Note: In both the Principles and the Technical Guidelines, the word “archives” refers to the archival holdings of an institution, rather than the institution itself.*

## PRINCIPLES OF ACCESS TO ARCHIVES

### **1. The public has the right of access to archives of public bodies. Both public and private entities should open their archives to the greatest extent possible.**

Access to the archives of government is essential for an informed society. Democracy, accountability, good governance and civic engagement require a legal guarantee that persons will have access to the archives of public bodies established by national, self-governing territories and local governments, intergovernmental institutions, and any organization and any legal or natural person performing public functions and operating with public funds. All archives of public bodies are open to the public unless they fall under an exception grounded in law.

Institutions holding private archives do not have a legal obligation to open their archives to external users unless specific legislation imposes this responsibility on them. However, many private archives hold institutional records and personal papers that have significant value for understanding social, economic, religious, community and personal history as well as for generating ideas and supporting development. Archivists working in private institutions encourage their organizations to provide public access to their archives, especially if the holdings will help protect rights or will benefit public interests. Archivists stress that opening institutional archives helps maintain institutional transparency and credibility, improves public understanding of the institution's unique history and its contributions to society, helps the institution fulfill its social responsibility to share information for the public good, and enhances the institution's image.

### **2. Institutions holding archives make known the existence of the archives, including the existence of closed materials, and disclose the existence of restrictions that affect access to the archives.**

Users must be able to locate the archival institution that holds material of interest to them. Archivists freely provide information about their institution and the archives it holds. They inform the public of the general rules for use of the holdings in accordance with the institution's legal mandates, policies and regulations. They ensure that descriptions of the holdings of their archives are current, accurate and comply with international descriptive standards. Archivists share draft descriptions of archives with users if final versions are lacking.

Institutions that give the public access to any part of their archives publish an access policy. Archivists begin with a presumption of openness; they ensure that any access restrictions are written clearly to enable the public to understand them and to enhance consistency in their application.

Users have the right to know whether or not a specific series, file, item or portion of an item exists even though it is withheld from use. Archivists reveal the fact that closed records exist through accurate description and insertion of withdrawal sheets or electronic markers. Archivists provide the maximum information about the restricted material, so long as the description does not disclose the information that is the reason for the restriction. Users have the right to know the reason for the restriction, the date the item was reviewed for access, the

review authority, all records declassification decisions and, if applicable, the date at which the restriction will expire.

### **3. Institutions holding archives adopt a pro-active approach to access.**

Archivists have a professional responsibility to promote access to archives. Archivists use many means to make archives known, including Internet and web-based publications, printed materials, public programs, commercial media and outreach activities. They are continually alert to changing technologies of communication and use those that are available to promote the knowledge of archives. Archivists cooperate with other archives in preparing location registers, guides, archival portals and gateways to assist users in locating records. They proactively provide access to the parts of their holdings that are of wide interest to the public through print publication, posts on the institution's website, or by cooperating with external publication projects. Archivists consider user needs when determining how the archives are published.

### **4. Institutions holding archives ensure that restrictions on access are clear and of stated duration, are based on pertinent legislation, acknowledge the right of privacy in accordance with cultural norms, and respect the rights of owners of private materials.**

Archivists provide the widest possible access to archives, but they recognize and accept the need for some restrictions. Restrictions are imposed by legislation or by institutional policy, either of the archival institution or its parent body, or by a donor. Restrictions ultimately run counter to the societal purpose of archival preservation for accountability and for heritage, and archivists seek to limit the scope of restrictions to information that truly needs temporary withholding.

General restrictions apply to all the archival holdings; as appropriate to the nature of the institution, they cover the protection of privacy, safety, investigatory or law enforcement information, commercial secrets, and national security. The scope and duration of the general restrictions must be clear and public.

Specific restrictions apply only to designated bodies of institutional records and personal papers; they apply for a limited duration. A clear statement of the specific restriction is included in the public archival description of the designated materials.

Access to donated records and personal papers is limited by the conditions established in the instrument of transfer such as a deed of gift, a will, or an exchange of letters. Archivists negotiate and accept donor restrictions on access that are clear, of limited duration and can be administered on equitable terms.

### **5. Archives are available on equal terms of access.**

Archivists provide users with fair, equitable and timely access to archives. Many different categories of persons use archives and access rules may differentiate between categories of users (for example, the general public, adoptees seeking information on birth parents, medical researchers seeking statistical information from hospital records, victims of human rights

violations), but the rules should apply equally to all persons within each category without discrimination. When a closed item is reviewed and access to it is granted to a member of the general public, the item is available to all other members of the public under the same terms and conditions.

Access determinations are made as rapidly as possible following receipt of the access request. Records of public bodies that have been disclosed to the public before transfer to the archival institution, except those made public through illegal or unauthorized means, remain accessible after they are transferred regardless of their content, form or age. If only part of the information in an item has been published or is readily available to the public, access to the released information remains open after transfer; the unreleased information is subject to the normal access policy and procedures. Archivists actively discourage and oppose attempts by governments to enact legislation or issue regulations that close information previously made public, either by reclassifying or by ordering destruction of the materials.

Private institutions holding archives provide equal access to users; however, existing donor agreements and institutional security needs and related constraints may require archivists to make distinctions between researchers. The criteria used by the private institutions for determining selective access are stated in its public access policy, and archivists encourage their institutions to reduce these exceptions to the greatest extent possible.

**6. Institutions holding archives ensure the preservation of, and access to, records that provide evidence needed to assert human rights and to document violations of them, even if those records are closed to the general public.**

The *Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (2005)* of the United Nations High Commission on Human Rights declares that victims of human rights abuses and their families have a right to know the truth about the violations. The *Principles* emphasize the vital role that access to archives plays in learning the truth, holding persons accountable for human right violations, claiming compensation, and defending against charges of human rights violations. The *Principles* state that each person is entitled to know whether his or her name appears in State archives and, if it does, to challenge the validity of the information by submitting to the archival institution a statement that will be made available by the archivists whenever the file containing the name is requested for research use.

Many archival institutions obtain and hold the evidence needed to protect human rights and to contest the violation of human rights. Persons seeking access to archives for human rights purposes are given access to the relevant archives, even if those archives are closed to the general public. The right of access for human rights purposes applies to both public and private archives.

**7. Users have the right to appeal a denial of access.**

When a request for access to archives is denied, the reasons for the denial are stated clearly in writing and conveyed to the applicant as soon as possible. Users denied access are informed

of their right to appeal the denial of access and the procedures and time limits, if any, for doing so.

For public archives, several levels of appeal may exist, such as a first internal review and a second appeal an independent and impartial authority established by law. For non-public archives, the appeal process may be internal, but it should follow the same general approach with more than one level of appeal. Archivists who participate in the initial denial provide the reviewing authority with information relevant to the case but do not take part in the decision-making on the appeal.

#### **8. Institutions holding archives ensure that operational constraints do not prevent access to archives.**

The equal right to access archival records is not simply equal treatment but also includes the equal right to benefit from the archives.

Governmental archival institutions do not charge a fee for access to archives for either national or foreign users. When private archival institutions charge admission fees, they should consider the applicant's ability to pay and the fee charged must not be a bar to use of the archives.

Users living at a distance from the institution holding the archives can obtain copies in a variety of formats in lieu of personal visits. Institutions may charge reasonable fees for timely copying service on demand.

Partial release of archives is a means to provide access when the entire file or item cannot be released. If an archival item contains sensitive information in a few sentences or a limited number of pages, that information is removed and the remainder of the item released for public access. To the greatest extent practicable, archivists do not refuse to redact archives because of the labor required to make redactions; however, if redaction makes the requested item or file misleading or unintelligible, archivists do not redact and the material remains closed.

Archivists do not give special access privileges to preferred groups or individuals. However, the user who is disabled or illiterate may be given special assistance, especially if the research relates to a human rights question.

#### **9. Archivists have access to all closed archives and perform necessary archival work on them.**

Archivists have access to all closed archives in order to analyze, preserve, arrange and describe them so that their existence and the reasons for their restriction are known. This archival work helps prevent the archives from being destroyed or forgotten advertently or inadvertently and helps assure the integrity of the archives. Preservation and description of closed archives promotes public confidence in the archival institution and in the archives profession, for it enables archivists to assist the public in tracing the existence and general nature of closed records and learning when and how they will be available for access. If the closed archives have national security classifications or other restrictions that require special

clearances, archivists comply with the requisite clearance procedures to gain access.

#### **10. Archivists participate in the decision-making process on access.**

Archivists help their institutions establish access policies and procedures and review archives for possible release under existing access guidelines. Archivists work with lawyers and other partners in deciding on the basic framework and interpretation of restrictions, which the archivists then implement. Archivists know the archives, the access restrictions, the needs and requirements of the stakeholders and what information is already in the public domain on the subject to which the records relate; archivists apply that knowledge when making access decisions. Archivists help the institution achieve informed decisions and consistent, reasonable outcomes.

Archivists monitor restrictions, reviewing materials and removing restrictions that are no longer applicable. Closed archives are released when the public interest in the information in the archives outweighs the harm that might be caused by disclosure.