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IN THE SERVICE OF PEOPLE – ETHICS OF ACCESS AND THE EUROPEAN UNION HISTORICAL ARCHIVES

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Abstract:

In 1996, the International Council on Archives adopted a Code of Ethics for Archivists. Article 6 of the Code calls for the widest possible access to archives and impartial services to all users as guiding prerogatives for archives. Coupled with the ICA's Principles of Access to Archives, the role of archivists in providing access to archives has been well defined internationally.

This paper analyses the international ethical frame for access outlined by the International Council on Archives and confronts its prerogatives with the access rules and practice at the Historical Archives of the European Union (HAEU). The HAEU operates in a transnational context with multilingual holdings and a broad geographic user scope, coupled with the need for digital access to finding aids and archival material.

Key words:

Access, ethics, transnational archives, role of archivists

Izvleček:

V službi ljudi – etika dostopa do arhivskega gradiva in Zgodovinski arhiv Evropske unije

Leta 1996 je Mednarodni arhivski svet (MAS) sprejel Kodeks etike za arhiviste. Šesti člen kodeksa nalaga arhivom zahtevo po naširšem dostopu do gradiva in nepristransko nudenje storitev vsem uporabnikom. Če upoštevamo še MAS-ova Načela dostopa do arhivskega gradiva, lahko rečemo, da je vloga arhivista pri dostopu do arhivskega gradiva tudi mednarodno dobro opredeljena.

Prispevek analizira mednarodni etični okvir glede dostopanja do arhivskega gradiva, kot ga je zastavil Mednarodni arhivski svet, in primerja njegove zahteve s pravili dostopa in prakso Zgodovinskega arhiva Evropske unije. Ta deluje v nadnacionalnem kontekstu in hrani večjezično gradivo, njegovi uporabniki pa prihajajo z mnogih geografskih območij, kar povečuje potrebo po digitalnem dostopu do iskalnih pripomočkov in arhivskega gradiva.

Ključne besede:

dostop, etika, nadnacionalni arhivi, vloga arhivista

1. Introduction

Archives provide evidence of human actions thus, are subject to ethics and laws, in particular as regards equal and impartial access to archives. The principle of equal access to archives is implicit in the legal foundations of democratic societies, and archival legislation, codes of ethics and professional codes of conduct explicitly refer to this principle as a citizens' right and a public responsibility (see Iacovino, 2006, pp 33 and 160; SAA Code of Ethics, 2020; Joint SAA and ALA Guidelines on Access, 2020).

The ethics of access to archival holdings has been identified in scholarly studies as "a thorny problem" (cited in Danielson, 1989, p. 53). It requires a balance between the interests and authorities of archival producers and depositors, the standards and procedures in place in archival institutions, and the requests of the public and of researchers for access to information. While the archivists may be concerned about the opening of restricted archival documents and act as mediator, the public is generally calling for the principle of open and equal access and does not realise the complexity of the issue (Danielson, 1989, pp. 54 and 59).

On the international parquet, the question of ethics of access to archives can be complex due to language issues, wide geographic scope of the target audiences, diverse cultures of depositors and archival producers on the one side and the public on the other, and the lack of a specific archival tradition with the consequence of diverse access rules and records declassification procedures in place (Winn, 2015, pp. 7-9). The International Council on Archives, during its 13th session of the General Assembly in Beijing, China, on 6 September 1996 adopted a Code of Ethics for archivists, which in its article 6 also refers to ethical questions on access to archives. Established in 1948 by UNESCO, the ICA is the reference point for the global archival community and its efforts in professionalization and international cooperation. The ethical guidance of the 1996 Code was confirmed, when in November 2011, UNESCO endorsed the ICA's 'Universal Declaration on Archives,' the first universal statement from the United Nations recognising the unique global value of archives for humankind and when a year later the ICA's Committee on Best Practices and Standards Working Group on Access formulated its 'Principles of Access to Archives' (UNESCO, 2011).

In the preface to its Principles of Access to Archives, the ICA defines access as "the availability of records/archives for consultation as a result both of legal authorization and the existence of finding aids" (cited in ICA, 2012, p. 3). Access is considered a product of physical and intellectual availability of documents and reflects the ability of users to retrieve and use these documents in person or online. Finding aids and inventories are considered vital elements of access.

The ICA's Code of Ethics calls for the widest possible access to archives and outlines that archivists should produce appropriate finding aids for all materials in custody, offer impartial advice and service to all users, and employ available resources to provide a balanced range of services. In their service to citizens, archivists should answer courteously and with a spirit of helpfulness to all reasonable inquiries about their holdings. The aim of archival services should be to encourage the use of archives to the greatest extent possible while consistent with institutional policies, preservation requirements, legal considerations, individual's rights, and deposit agreements. It is the duty of archivists to discourage unreasonable restrictions for access and use of archives and any acceptable restrictions should be clearly stated, justified and limited in duration. Where restrictions exist, archivists should explain to users why these exist and apply these equally. Finally, archivists should observe faithfully and apply impartially all agreements made at the time of acquisition, but, also in the interest of liberalisation of access (ICA, 1996, article 6).

2. The Historical Archives of the European Union

The European Union emerged from the Declaration by French Foreign Minister Robert Schuman of 9 May 1950 in which he called for the establishment of a European Coal and Steel Community. This regional community grew from the 1951 Paris Treaty establishing the European Coal and Steel Community, through the Treaties of Rome establishing the European Economic and the European Atomic Communities to a regional, transnational, political union of states with the Maastricht Treaty in 1992. From initially six Western European members it expanded to include nowadays 27 member states.

In 1983, by Council Regulation 354/83, the institutions of the European Communities decided to open their historical archives after 30 years and one year later the European Commission signed a contract with the European University Institute in Florence, which became the host of the new Historical Archives of the European Union (HAEU).

The HAEU is the official depository home for the historical documents of the EU institutions, bodies and agencies. It opened its doors in December 1985 and preserves and makes available to the public the EU institutional archives at Villa Salviati in Florence. The holdings comprise the main European institutions, such as the European Parliament, the Commission, the Council, the Court of Justice, the European Investment Bank, and the Court of Auditors. In addition, the Economic and Social Committee and a growing number of European agencies, such as CEDEFOP, EUROFOUND and the European Environment Agency. The documents selected for opening to the public are shipped to Florence after 30 years.

In addition to the institutional holdings, the HAEU also hosts more than 200 deposits of private papers from political leaders, pioneers of European integration and high EU officials, archives of European movements, associations and European organisations, e.g. European Space Agency and the European Free Trade Association, and various collections, including photo, poster and other audio-visual materials.

3. Ethics of access to EU historical archives

Access to archives is framed by legal provisions, international standards, ethical codes and professional best practice (Iacovino, 2006, p.27). In the case of the European Union institutions, access to historical archives is ruled by Council Regulation 354/83. In its latest amendment of 2015 (Council Regulation 496/2015) it prescribes that access shall be given to historical archives of the EU after the expiry of the 30-year period, to any person applying for it and agreeing to abide by the rules established for that purpose. The Regulation also defines that the historical archives are usually made accessible in copy form, either in microform or, systematically since 2015, in digital copy.

Public access to EU institutional archives is limited by data protection provisions outlined in Regulation 1725/2018. Data protection for private papers deposited at the HAEU is ruled by the EU's data protection rules laid down in Presidential Decision 10/2019 of 18 February 2019. Main reasons for access restrictions arise in the field of private and commercial interests, including intellectual property. The access to EU institutional documents prior to the general opening to the public after 30 years is ruled by the Access to Documents Regulation (EC) 1049/2001.

As transnational archives, the HAEU's holdings contain documents in numerous European languages. The language factor constitutes a potential access barrier for researchers. The French language prevails in most historical documents, while more

recent documents of EU institutions, and in particular from the European Parliament, represent all official languages of EU member states. While the French language is predominant also in the finding aids and inventories, some inventories of private papers have been redacted in English, Italian or German, depending on the will of the depositor and the available language resources at the HAEU.

Diverse cultures on the archivist and the user sides raise different understanding and expectations as regards access to archives, which may lead to limiting the user experience in archives. The access to the archives is predetermined by the legal framework, the accountability and transparency provisions and the recordkeeping practice in the depositing institutions. As public officials, archivists are responsible to maintain the citizen's trust in the organisation they work for and stand for accountability, transparency, and responsiveness towards the public (Iacovino 2006, p. 157; Eastwood, 2010, p. 165).

In the EU institutional context, each institution developed over time its own file keeping practice. The HAEU has the role of acting as single and central access point to these different holdings and of coordinating a coherent and user-friendly access to all archival sources for the public and research community. While the HAEU so far has no specific code of ethics in place, as suggested by the ICA's Code of Ethics, it has redacted rules governing the access and use of its archival holdings. Whenever users decide to extend their consultation beyond the online inventories and finding aids, they are required to adhere to these rules governing access and use. They may either register on the online platform of the HAEU to get access to digital copies or register in the reading room to obtain access to microfiche copies or, whenever no consultation copy is available, to the original archives.

The HAEU's access rules for EU institutional archives are based on the Regulation 354/83 in its last amendment of 2015, while private papers are opened to the public by decision of the HAEU Director, in line with the intentions of the depositor, respecting the EU institutional access provisions for EU historical archives and, as much as possible, other potentially applicable access rules of public or private entities concerned. Ethical requirements set in the HAEU access rules also refer to the conduct of users consulting archival material online or in the reading room. In the reading room of the HAEU for example, users are requested to avoid unnecessary noise and any actions that may disturb other users.

4. The role of archivists

The ICA Principles of Access to Archives assign specific tasks in the provision of access to the archivists:

“Archivists support a culture of openness, but accept 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 provide appropriate access by considering professional ethics, equity and fairness, and legal requirements.” (Cited in ICA, 2012, p. 6).

Archivists have a responsibility for the provision of access, they must understand and consider the principles of law and ethics, the due requirements of their organization and depositors, and the rights and needs of researchers and citizens who request access to archives. They take a leading role in the decision-making processes on access and communicate archives open to the public as well as the existence of documents that are

still closed to the public in order to allow for derogations and appeal in case of denial of access. They promote open and equitable access and minimize restrictions of accessibility, and | formulate appropriate access policies (ICA, 2012; SAA, 2020).

Ethics of access to archives in a transnational organisation is framed by its multi-lingual and multi-cultural context and the wide geographical spread not only of users but also of archivists. International archivists acquire their education, knowledge, competences and work experience in many different ways and locations. Fluency in either English or French with a good knowledge of the other is a common requirement, as well as the knowledge of international standards and tools. Furthermore, intercultural skills are a core requirement for the job. Characteristics such as openness, creativity, and flexibility are important in addition to the technical knowledge and skills.

The ethics of access to archives in the HAEU's transnational context bears the notion of integration and harmonisation of the different archival practices or 'schools' that archivists bring into the organisation, and the methods, tools, processes, and technical vocabulary, which they acquired, depending on their national education and following work experience. Open-mindedness and willingness to continuous learning on the one side, and normalisation and standardisation on the other, are the prerequisites for ethical archival work in a transnational environment.

With the extension of the modern digital user community towards non-expert citizens, new ethical questions in providing access to public documents emerge. These users require simple and user-friendly search and retrieval tools and individual support by archivists. The Archives have to adapt and extend their services and opening hours and invest into online services through the internet (Hofman 2012, pp. 26-28; Boadas i Raset, 2010, p. 105).

Further to the online access to archival descriptions and inventories, users expect more and more the availability of digital copies of archival material within digital reading rooms, and the digitisation of holdings has become key in ethical access to EU archives. The approach of the 2015 Regulation, which requires that all archival documents must be digitised before they are opened to the public after thirty years, is quite unique. Access to the public is given primarily via digital copies and online, and only in exceptional cases via the original paper documents. An effect of the digitisation of access through databases and download platforms is the loss of skills necessary to use traditional finding aids, and some researchers may go as far as only consulting online resources, omitting those which are not digitally available. This democratisation of online access to archives has thus numerous ethical consequences on the access provision by archivists (Chenard, 2014, p. 195).

5. A diverse research community

“As custodians of unique cultural heritage materials, it is our responsibility not only to preserve these materials but to give access to them as fairly and equitable as possible, especially unique materials housed outside their countries of origin.” (Cited in Ramos, 2009, p. 16).

The notion of geographic distance between the location of archival material and that of the user is particularly relevant in a transnational archives like the HAEU. Its users cover a large geographical area. In 2021, the HAEU's digital platform counted 1.337 registered users from 92 countries who downloaded archival material, while the platform reached 247.626 visitors from 210 countries. The reading room at Villa Salviati registers approximately 1.000 research sessions, 10.000 file consultations and 150 new users registering every year.

The wide geographical spread of users requires a strong digital access strategy. To provide modern and user-friendly services, the HAEU introduced in 2005 its first online database for the publication of its inventories. The paper inventories in the reading room got out of use and their printing was abolished in 2013. Further to the availability of inventories in its online database, the Archives started in 2007 a digitisation strategy with an average of initially 1.500, nowadays 3.000 paper files digitised per year. While the digitisation activities of the HAEU concentrate on institutional and private papers that bear particular preservation risks and that show a high user demand, the EU institutions introduced in 2015 the systematic digitisation of institutional archives before their transfer to Florence for opening to the public.

In 2005, access to the EU historical archives was facilitated by the introduction of archival descriptions based on the international standards ISAD (G) and ISAAR (CPF). Since 2013, the HAEU has also been coordinating the harmonisation of archival descriptions amongst the depositing EU institutions. Another step towards improving user services and access to archives was taken recently with the implementation of ISO 9001 quality management for which certification was obtained in December 2021.

To evaluate the satisfaction of users with the HAEU's access services, online and onsite user satisfaction forms were introduced in 2021. The surveys cover questions on the overall quality of user services, the ease of use of the HAEU's database and digital consultation platform and the quality of retrieval, consultation and download of archival material from the digital platform.¹

6. Conclusion

Granting access to archives is one of the principal tasks of archivists. While promoting a culture of openness, archivists also apply restrictions as required by law, ethics, data protection and other justified requirements. The policies they redact and the archival practice must be led by transparency and respect for equity and fairness towards access. By playing an important and active role in formulating access policies, which calls for integer, competent and well trained professionals in the field.

The transnational context of the Historical Archives of the European Union creates specific challenges in the provision of equal access due to language barriers, the broad geographic scope and diverse expectations of users, and different archival practices in EU institutions. The international research community calls for digital access and online consultation of finding aids and archival material, which adds to the complex context in providing access to EU institutional archives. The redaction of a specific code of ethics on access to archives for HAEU archivists could therefore be an appropriate tool, as suggested by the ICA's international endeavours in providing equal and impair access to archives.

¹ 22 feedback forms were filled in 2021 with a general user experience rated at 4,04. 72 respondents rated the ease of use and gave an average 4,26 points. The ease of retrieval was rated by 69 users at an average 4,07.

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POVZETEK

V SLUŽBI LJUDI: ETIKA DOSTOPA DO ARHIVSKEGA GRADIVA IN ZGODOVINSKI ARHIV EVROPSKE UNIJE

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Arhivi hranijo dokaze človeških dejanj in so tako predmet etike ter zakonov, še posebej v luči enakopravnega dostopa do arhivskega gradiva. Načelo enakega dostopa do arhivskega gradiva je osnovno v pravnih podlagah demokratičnih družb in arhivskih zakonodajah, etični in strokovni kodeksi pa posebej poudarjajo to načelo kot pravico državljanov in javno odgovornost.

Etika dostopa do arhivskega gradiva zahteva ravnotežje med interesi in obveznostmi ustvarjalcev arhivskega gradiva ter hraniteljev, kakor tudi med standardi in postopki v arhivskih ustanovah in zahtevami javnosti ter raziskovalcev do dostopa do informacij. Medtem ko so arhivisti kot posredniki zaskrbljeni glede preširokega odpiranja zaprtih arhivskih dokumentov, javnost na splošno zahteva prost in enak dostop ter se ne zaveda kompleksnosti tematike.

Etični kodeks Mednarodnega arhivskega sveta zahteva najširši možni dostop do gradiva in poziva arhiviste, da pripravijo primerne iskalne pripomočke za vse gradivo, ki ga hranijo, nudijo nepristranske nasvete in storitve vsem uporabnikom ter uporabijo vse vire, ki so na voljo, da uporabnikom zagotovijo uravnotežen spekter storitev. Arhivisti naj bi bili uporabnikom na voljo in jim nudili pomoč pri vseh smiselnih poizvedovanjih o ohranjenem gradivu. Cilj arhivske službe naj bo vzpodbujanje uporabe gradiva v največji možni meri v skladu z institucionalnimi politikami, zahtevami hrambe in zakonodaje, pravicami posameznika in dogovori o hrambi.

Zagotavljanje dostopa do gradiva je osnovna naloga arhivistov. Ob promoviranju kulture odprtosti pa arhivisti upoštevajo tudi vse omejitve, ki jih predpisujejo zakonodaja, etika, zaščita podatkov in druge utemeljene zahteve. Politike in arhivsko prakso morata voditi transparentnost in spoštovanje enakosti ter pravičnosti glede dostopa. Pomembna in aktivna vloga pri oblikovanju politike dostopa zahteva številne, sposobne in dobro izobražene strokovnjake na tem področju.

Nadnacionalni kontekst Zgodovinskega arhiva Evropske unije pomeni posebne izzive pri zagotavljanju enakosti dostopa zaradi jezikovnih ovir, širokega geografskega spektra in različnosti pričakovanj uporabnikov ter različnih arhivskih praks v evropskih ustanovah. Mednarodna raziskovalna skupnost zahteva digitalen dostop in spletno pregledovanje iskalnih pripomočkov oziroma arhivskega gradiva, kar še poveča kompleksnost glede zagotavljanja dostopa do arhivov evropskih ustanov. Oblikovanje posebnega etičnega kodeksa glede dostopanja do arhivov za arhiviste Zgodovinskega arhiva Evropske unije bi lahko bila pot k zagotavljanju enakega in nepristranskega dostopa do gradiva.