## Professional ethics and practice in archives and records management in a human rights context
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# Professional Ethics and Practice in Archives and Records Management in a Human Rights Context*

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*This article contains a survey of ethical codes adopted by the Archives and Records Management (ARM) professional associations in Anglophone areas in the 1990s and notes that such codes are in effect standards to set beside other standards. The Museums Association code of ethics is compared, because it is aimed at institutions and not at individual professionals. It can be observed that institutional aims contain a strong ethical component. This is backed by procedural standards and guidelines required by new legislation in the UK (notably Freedom of Information and Data Protection). ARM professionals are faced with growing tensions in the interfaces between them and creators of records, owners of records, users and data subjects. Ethical decisions are constantly being demanded in all these areas. There is then a review of ARM responses to the human rights movement internationally, ranging from the ethical code proposed by the Quintana Report (1997), through subsequent discussions at CITRA, the Vienna Congress of the International Council on Archives (2004) and the University of Liverpool conference on archives and political pressures (2003). The article concludes by proposing that codes of ethics should be extended to direct the work of institutions as well as of individuals, that ethical principles embedded in procedural standards and guidelines should be recognised and codified, and that human rights issues should be explicitly recognised in ARM services through mission and policy statements.*

### Introduction

> Ethics at large may be defined, the art of directing men's actions to the production
> of the greatest possible quantity of happiness. (Jeremy Bentham)[1]

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Practitioners in archives and records management (ARM) may not be accustomed to connecting questions of professional ethics with happiness. It is an elusive subject, probably shunned by most (until the day comes when trouble arrives and conduct is called in question); but in fact ethical questions are involved in all work programmes. National and international developments over the last two decades have intensified this involvement. For many of us there has been a move from a world in which archival ethics were largely concentrated on the completeness and availability of the historical record into one in which they are more likely to be concerned with the accountability of public services or the happiness of users. Ethical questions are increasingly likely to be of direct concern to anyone working in the ARM environment. Jeremy Bentham's principle, however, is of value because it reminds us that a workable code of professional ethics is not primarily for use in extreme situations, but is a tool for the support, comfort and happiness of those whom it guides.

This article does not deal with the theoretical basis of ethical codes, nor with the distinction between deontological and teleological approaches.[2] It is a work-in-progress report, and does not seek to offer any definite finding or proposal. It approaches the subject from the point of view of the development of a research programme. Underlying all the matters mentioned is the question, what is the role and importance of research in the field of ethics and conduct? The article also suggests some areas in which research would seem to be required, and some areas in which established professional standards have been or should be altered.

## Codes of Ethics as a Professional Standard for Institutions

This study is based upon the published work available for archival institutions in the English-speaking world. This means, in effect, the British Isles, North America, Australasia, South Africa and the International Council on Archives. It would be desirable for future research to take into account the experience of other linguistic areas. In particular, it would be useful to consider the experience of Eastern Europe and the former Soviet territories; and also the experience of Latin American countries, most of which are now faced with the problems of managing and providing access to the archives of former repressive regimes. One may also point to countries in South-East and East Asia which have experienced such regimes, but where it is not evident to us that recognised archival codes of conduct have been developed.

A preliminary observation that might be made is therefore that a future research programme might usefully begin by assembling relevant information internationally.

All the Anglophone archival organisations (and those directly affected by them) became aware of the need to codify ethical behaviour in their professional spheres during the 1990s, but there were some earlier beginnings:

- Society of American Archivists: 1955, revised 1980, revised 1992, revised 2005.
- Association des Archivistes de Quebec: 1991.
- Association of Canadian Archivists: 1992, revised 1999.

- Association of Australian Archivists: 1993.
- Association of New Zealand Archivists: 1993.
- Society of Archivists (UK and Ireland): 1994.
- International Council on Archives (ICA): 1996.

During the same period, large numbers of professional or trade associations were doing the same thing. The Americans, responding to the earlier development of professional ethical codes in the library world[3] and also to a distinctive legal culture, have been both first and last in this field.

During the 1990s, an interest in codes of ethics was to a great extent run in parallel with an interest in technical standards. For example, the ICA developed its widely accepted standards for archival description over much the same period as its code of ethics. The two developments are certainly linked; indeed, one of the themes of this article is that a code of ethics is one of the standards required for professional programmes in ARM.

Although the codes listed above are quite similar, there are some interesting differences. For example, acceptance of its code (of conduct, not of ethics) is a requirement for membership of the Society of Archivists. The latest code of the Society of American Archivists (2005) is the most succinct of all, and a tendency towards brevity is apparent.[4] All these codes are subject to the general criticism that they are so general as to border on blandness and possibly none of them would really be much help if a tricky ethical situation were to arise in a work context. This characteristic is nicely demonstrated by Karen Benedict's practical American handbook, since few of the 40 hypothetical cases set out in it employed solutions derived directly from the Society of American Archivists' code.[5] The reason for this blandness is noted in most of the general introductions to the codes: ARM professionals work in such a wide variety of situations that there would need to be specific codes for each. Here lies another possible area of research. There is usually a significant divide between those working in government or other public services, and those in private and specialist sectors. The recent expansion of records management, and the ramification of legislative requirements, has increased the scope of these differences. What is omitted from the existing codes is any degree of precision in dealing with the relationship between ARM professionals, their users, their employers, the creators of the materials held, or the data subjects their materials affect.

Why must we have a code of ethics? There have been many attempts to answer this question. One answer suggested by this article is that the existence of tensions in the professional arena in some sense automatically generates such codes, in one form or another. Problems arise at every interface and these interfaces occur in every ARM situation, whether in the public or in the private sector. The four-fold interface, employer–creator–user–data subject, seems to stand in the background in most cases. ARM professionals usually find themselves in the middle of this complex set of relationships, though the relative importance of each of the parties varies according to the precise situation.

ARM professionals always work for an employer, whose demands and programmes are or should be set out in clear terms, in the form of mission statements and policy guidelines. Mission statements are often effectively codes of ethics in themselves, in that they look at the broadest outcomes in a context of value judgements. Policy guidelines often do not exist or have not been updated quite to fit current needs. Where this is so, there is a need for the ARM personnel to make an input in suggesting proper terms by which to guide the direction of their work. Making this input is one of the essential elements of professional work and it might therefore properly feature in any code of ethics. The relationship between ARM workers and their users also varies greatly according to the situation of each. It is in this area that most of the difficult questions arising from privacy, data protection, freedom of information or intellectual property will arise.

Like all standards, codes of ethics have to be reviewed and maintained. This process is occurring in all the professional associations listed above. However, a significant development has been the code adopted by the UK Museums Association (MA). The MA began work on its codes in 1977. Initially it set out to provide separate codes of ethics for professional employees and for their governing authorities. These codes were elaborated in 1996–99, and finally in 2001 the MA amalgamated the whole into a single code applicable both to institutions and to the professionals working within them.[6] This code is intended to be studied and followed by everyone in the museum environment, including members of the museum's governing body. Since, like ARM institutions, museums are varied in their nature and status, it is interesting that the MA felt it could issue a code which would effectively cover all types. By aiming the code at the institution itself, its government and staff, it sought to provide what looks like an effective general cover for the range of work done, and the device proved useful in solving some of the difficulties that arise in the application of ethical codes.

The museums code lays down a number of general principles that are expected to be expressed in the specific mission statements and policy guidelines developed by each organisation in the sector. These include seven 'Principles of Public Life' (selflessness, integrity, objectivity, accountability, openness, honesty and leadership) and nine principles which the public can expect of museums (holding collections in trust; a focus on public service; inspiration, learning and enjoyment; community involvement; honest acquisition; long-term interest in the collections; recognising the interests of creators; support for the environment; sharing of research; and review of performance). Like the principles expressed in the archives codes these are of course very broad and sweeping, but they do provide a basis for each institution to develop its own, specific, codes of practice. In particular, we may note the importance of assuring the permanent continuance of the institution as custodian: this is a point where archival codes are probably weakest. Another aspect is that the code demands a close relationship between the ethical code itself and guidelines that direct specific work procedures.

Probably it would not be possible for the ARM professions to adopt the same approach, and aim their ethical prompting at organisations rather than at the

individuals within them. This is because of the great variety of archives services, and the fact that often there is no institution as such: the ARM service is embedded in the employing organisation. However, it is interesting to note that The National Archives *Standard for Repositories* has, in its most recent manifestation, come to include many of the characteristics of a code of ethics written primarily for governing bodies of discrete archival institutions.[7] This standard is, of course, addressed to institutions and not to individuals. Its language shows this throughout, for example:

> In the case of a small repository where no appropriately qualified professional staff can be employed, the governing body should formally seek regular advice ...[8]

This is one example of a standard which is visibly developing into an instrument of guidance that includes some elements of a code of ethics for governing bodies. It also includes relatively detailed descriptions of practices, so that the ethical element is combined with more specific guidance. Later on in this article we shall see that the same development is occurring in other standards.

## Current Developments

The most prominent of the changes facing ARM professionals at the present time are those arising from new legislation, in particular the laws governing Data Protection, Environmental Information, Freedom of Information and intellectual property. These new laws, which were introduced in the UK over a decade or so up to 2005, have caused a great and rapid expansion in ARM work opportunities and also in codes, standards and guidance directly relating to compliance with the law.[9]

Implementation of the new legislation has involved the government in initiating measures to guide practice, including the appointment of an independent public official to oversee at least some of the measures. The new laws have caused many government departments to take much more seriously the questions of records management that were always inherent in their work. They now have to appoint specialist staff and observe increasingly specific standards. These new standards show very definite signs of having been written to include ethical concerns, and to establish environments in which ethical practices can flourish. For example, the draft *Standard for Access to Archives*[10] has an ethical tone throughout. It sets out to interpret the effect of government programmes to establish accountability and effectiveness criteria for all public services, such as quality management provisions, consumer criteria, 'Service First' and 'Best Value'. The result is a document which reads very much like a statement of ethics backed by practical guidelines. For example, it sets out the principles of responsiveness for public services, based on the work of the National Consumer Council. These are:

- The right [of the public] to know the criteria for access.
- Choice of possible alternative means of access.

- The right to information about the service.
- The right to redress.
- The right of representation.[11]

It also specifies the principles established by the International Standards Organisation for quality management: customer focus, leadership ensuring unity of purpose and direction, full involvement of people at all levels, close association of resources and activities, integrated management, continual improvement, and factually based decision-making.[12]

The draft access standard also takes into account the requirements laid down in particular circumstances by funding agencies such as the Heritage Lottery Fund, which generally include statements of purpose such as making source material accessible to the public, especially to previously disadvantaged groups, and may include clauses aimed at enforcing this extension of user rights.

Much of the guidance offered in these standards, especially those items expressed in terms of 'should', might not strictly be classed as ethical, but as matters of good practice and procedure. Some commentators have been quite definite about making this distinction.[13] The argument here is that codes of ethics are proving themselves in practice not to be abstract statements of higher principles, but are thoroughly mixed in with procedural guidelines, management directives and policy statements.

A number of very detailed guidelines have already appeared or are in the process of being drafted and opened for consultation. These may be aimed immediately at the public services, particularly those of government departments and others, but all the same they have been drawn up in collaboration with professional associations and advisory bodies. One such is the *Code of Practice for Archivists and Records Managers Under Section 51(4) of the Data Protection Act 1998*.[14] This is a very practical working document, and is not a code of ethical practice. However, it strays across the boundary in several places. As an illustration, the section on corporate responsibility suggests that 'anyone collecting personal data should be candid about why they are doing so'.[15] Later, a whole section is devoted to the responsibilities of archivists:

> archivists will generally not be expected to inform the subjects of data they (further) process for research purposes because to do so would involve disproportionate effort. The unfairness of not so informing data subjects is minimal where records are either to be kept closed for a long period or to be used only for research which will be anonymised. However, it would be unfair not to inform a particularly famous individual of the processing of his data if he himself was not the donor or depositor and the data are being dealt with in a special way…[16]

When we see the word 'unfair', and when we see the possibility of situations where professionals have to make a decision where fairness is a criterion, we know we are in the realm of ethical codes of behaviour.

Looking round at work in progress on professional standards in the various sectors, it seems clear that we shall have more of these substantial sets of rules,

interpretations and guidelines, that they will be concerned with principles of management, and that governing authorities will be included as recipients of the advice.

One point might now be emphasised, which seems to mark a significant development in our basic understanding of our professional mission: that is, in our ethical behaviour. It is now tacitly understood that in appraisal, informational values (in Schellenbergian terms) are now to be taken as equal (sometimes greater) in importance with evidential values. Although The National Archives still bases its advice on appraisal on the findings of the Grigg Committee in 1954,[17] which explicitly rejected the idea that records should be retained because they contained information on individuals (although providing for the separate appraisal of 'particular instance papers'), it is now accepted that archivists will find much of their work devoted to giving access to records which document the experience of individuals. This change of focus was experienced at Liverpool University in the 1980s with the deposit of the archives of Barnardo's, the National Children's Home and other similar bodies. The ethical and practical problems of dealing with users who required access to these were commented on by Deborah Jenkins in 1998.[18] We can hardly doubt that in future many of the most difficult ethical decisions will be made in the area of personal information, dominated by privacy concerns. Nowhere are strong ethical guidelines more necessary than where questions of access to personal data are involved.

Developments like this seem to be leading us away from what had originally appeared to be an important characteristic of codes of ethics: their general applicability and international spread, as illustrated in the ethical code promulgated by the ICA.[19] Guidelines for data protection in Britain are obviously local and specific in their application, however much they may be apt for copying and adapting elsewhere. However, international interest in ethical questions has continued and there have been some remarkable developments.

## The Human Rights Movement

It seems that there is, or there ought to be, a close connection between professional ethics and our professional activities in relation to human rights. On the face of it, it is not easy to formalise this connection, although of course human rights must necessarily belong in the realm of ethics. It is possible that the developments outlined above may suggest a way in which the connection can be made. In any case, a concern for human rights has been an increasingly important element in ARM work for some time. This concern arises, in the first place, from the fact that the history of the twentieth century is so very much a history of political repression and the struggle to recover from that repression. Every continent has a place in that history.

When UNESCO began to take its interest in archives seriously, by appointing a series of full-time specialist officers in the early 1970s, it probably became inevitable that it would at some stage initiate programmes to develop the human rights

implications. Formally speaking, this development began in 1997 with the publication (with the ICA) of a specially commissioned report (the Quintana Report) on the archives of security services of former repressive regimes.[20] The report followed a session of the International Round Table on Archives held in Mexico in 1993. The repressive regimes considered were those of 13 countries in Latin America, Europe and Africa but in the following years the realisation grew that an experience of extremely repressive government (or indeed persecution) was common to most parts of the world.

The Quintana Report approaches the question of professional ethics from two perspectives. In the first section it proposes a number of rights which could be established and protected by international law. These are divided into two, collective and individual:

*Collective Rights*

1. The right of peoples to choose their own path to political transition;
2. The right of people to the integrity of their written memory;
3. The right to truth (i.e. information on what actually happened);
4. The right to identify those responsible for crimes against human rights.

*Individual Rights*

1. The right to discover the fate of the disappeared;
2. The right to know what information on individuals is held;
3. The right to research (i.e. access to the archives);
4. The right to amnesty for victims;
5. The right to compensation and reparation;
6. The right of restitution of confiscated goods.

The report also lists the headings for a proposed new Code of Ethics covering this area:

The Code of Ethics should include the following points:

- The documents of repression are part of the patrimony of the people. They must be preserved in their integrity, serving as a memento of intolerance, racism and political totalitarianism.
- Archivists are the executors of the will of the people during periods of transition.
- The individual rights of victims of political repression take precedence over historical investigation.
- The archive should not dispose of any document through selection criteria based on its value for historical research.
- Archivists are not censors. The law determines which documents are to be made available and how.

- If the legislation is not sufficiently detailed, archivists may interpret it in the light of legal advice from experts in administrative law. In cases where individual privacy and the right to historical investigation are opposed, a solution may be provided by the use of reproductions of the original documents with names of victims or third parties deleted.

- Archivists must handle with the utmost care all requests for certification or validation of photocopies used in order to validate the claims of victims of repression or of other individuals.

- Archivists must establish controls necessary to protect documents containing sensitive information. Documents of repression should be kept within the general archives, but in separate strongrooms with special security. Only archive personnel should have access to these documents.

- Archivists must limit the use of automated databases relating to victims of the repression to what is necessary for the exercise of 'habeas data'.[21] These databases should only be used as finding aids. No other administrative or governmental use of them should be authorised.

This suggested code introduces a number of ideas that have not appeared in the established codes issued by the Anglophone associations. Not all of them look very practical, and in fact some of them are not properly elements in a code of ethics (rather they are administrative proposals). In particular, the proposal fails on one vital point: a code of ethics should not only limit the field of action by employers, creators, users or professionals, but it should protect all of those people, should they become involved as innocent parties. Because it would lay the whole ethical burden on archivists, the proposed code would be difficult and perhaps dangerous to comply with.

Since the Mexico conference, the question of human rights has continued to occupy attention at international meetings. The CITRA conference for 2003, held in Cape Town and attended by Nelson Mandela and Desmond Tutu, was wholly devoted to the subject. The conference report shows that no substantial progress has been made either with developing the professional code of ethics or with extensions of international law; though it is clear that archives are now acknowledged to be part of the cultural property of a nation.[22] The conference resolutions concentrated on the preservation of the materials, and on encouraging governments to allow their national archivists to control them. They are also urged to respect 'archivists' independence and freedom of conscience, as well as their professional ethics, as defined by the [ICA] Code of Ethics...'

At the International Congress on Archives at Vienna in 2004 the conversation continued but the situation was the same. The variety of cases mentioned was widened (including, for example, the question of records management in the dioceses of the Catholic Church in America affected by cases of child abuse), but no further action was successfully taken on the development of a code of ethics.[23] There were also sessions on the implementation of the existing ICA Code of Ethics, so that we can observe that there was not necessarily any direct connection between the two

subjects in the mind of the organisers. However, the ICA's human rights group has published a version of the description standard ISAD(G) which is specifically geared to the interchange of archival information concerning human rights.[24]

Two papers given at the Amsterdam 2005 I-CHORA conference on the history of archives and records threw further light on aspects of professional ethics. The first of these was by Astrid Eckert, on the denazification of German government archivists after the Second World War.[25] As with other aspects of archivology, looking at a question from a historical point of view is often illuminating. This paper pointed out that in 1939 80 per cent of German archivists were members of the Nazi party, though almost all of them survived the inquests held afterwards. From an ethical point of view, what did they do wrong? They acted in accordance with law and with what was commonly regarded as good citizenship, in their social milieu. From a historical standpoint we can see that they had subscribed to a structured ruling ideology that had proved to be wrong from the broad human point of view. A similar situation may well have occurred in countries subject to the Soviet system. We could ask ourselves whether we too have come to subscribe to a structured ideology which after time will be seen to be detestable. That remains a question for current debate. However, this is not idle or frivolous speculation but an important pointer to the nature and use of ethical codes. The whole heart and purpose of such codes must be to direct both institutions and individuals towards a good, satisfactory and truthful goal.[26] Therefore, that codes of ethics should be directed in the first place to institutions, and that their mission and policy statements should reflect the ethical principles in them, is of first importance.

The second subject of interest was introduced by two papers, by Eric Ketelaar and Tom Adami, and concerned the archives and records of the International Criminal Tribunals, for Rwanda and Yugoslavia, respectively. Both courts, very properly, have employed ARM professionals, and in the Yugoslav case a very expert consultant archivist.[27] The question posed was, to whom do these records belong? A narrow answer, of course, is that their owner is the International Criminal Tribunal, or behind that, the United Nations. Both organisations have currently operative rules regarding their records management. However, a broader answer would be that all stakeholders have a kind of ownership. These stakeholders, of course, are largely the families of the victims of the atrocities recorded. An even stronger case could be made for this broad ownership of the records of the Truth and Reconciliation Commissions of South Africa and elsewhere. Such an ownership concept would surely support a development of professional ethics in an institutional direction.

## The Liverpool University Centre for Archive Studies (LUCAS) Conference on Political Pressure and the Archival Record, 2003

LUCAS organised this conference on the question of archives under political pressure from something of a different viewpoint. It was set up on the principle that all archives services are subject to political pressures of some kind, that this was an

international problem, and that a wide variety of different situations would come to light if examined. A number of cases where professional ethics were involved, or possibly involved, were documented.[28]

Of these, the two with most immediate general resonance for professional ethics were the Heiner case in Australia and the Papon/Einaudi case in France. Both are of general concern to the ARM professions, and have raised issues that have not yet been resolved.

- In the Heiner case, records bearing upon an investigation into possible child abuse were destroyed by order of the Government of Queensland, although they were known to be relevant to forthcoming litigation. The archives statute of Queensland contained a provision that destruction of public records could not take place without the consent of the State Archivist. This consent was given, and the subsequent debate has centred upon the criteria that should be used by archivists in such cases.[29]
- The Papon/Einaudi case arose in Paris in 1999. Two archivists were disciplined and have had their careers interrupted, because they allowed a user to see a finding aid that contained the information that certain files existed although they were not yet open. They did not show the files in question to the user. This raises a matter not yet fully determined in the profession, and one which is covered by one of the Quintana points. There was, of course, a strong presupposition that public interest would demand the release of the information. Papon, the subject of the enquiry, had been a Nazi official responsible for many deaths.[30]

At the end of the conference three proposals were made relevant to the ethical question. The first was based on the Heiner case. Here was a major issue of professional conduct. The state legislation apparently gave the archivist powers which many of us would envy, or at least consider desirable, forbidding any destruction of state records without her consent. But the statute did not specify the grounds on which that consent could be based: would she be restricted to considerations of long-term research value, or not? She had clearly been placed under a great deal of pressure from her political leaders. If she had decided to make a stand, take further advice or refuse consent, she would have needed very strong support from her colleagues and her professional association. This was not forthcoming. One of the most difficult aspects of the ethics question is that professional associations are rarely willing to come out strongly in support of a colleague in difficulties, because the issue is frequently one which might reflect on the good standing of the association itself, or upon that of other colleagues, also members of it. It also takes a long time to discuss and agree on the relevant principles. Probably the only support that might be effective in such a case would have been that of an independent public arbiter.

The Heiner case is still rumbling on in Australia. The LUCAS group proposed that means should be sought to set up a register of current difficult cases, and that this should be maintained by some suitable organisation. This was made a proposal at the

Vienna Congress but was not adopted there. In the meantime we understand that a postgraduate student at Edith Cowan University may be taking up the issue as a research project.[31]

The second proposal was that teaching on codes of ethics and practice should be made a component of archival training courses. This is probably already done in most cases. In 1998 the Archives Department at University College Dublin ran a seminar at which Eric Ketelaar challenged the college students on issues of professional ethics.[32] The questions he posed concerned the discovery of compromising documents in a deposit of private papers; informing other researchers of this discovery; access to sensitive documents; finding valuable documents in waste bags; and the observance (or otherwise) of the wishes of a creator.[33]

## Conclusion

To summarise, all the ARM professional associations in the countries studied have produced codes of ethics or of conduct. These look quite similar to each other, and are necessarily very general. The fact that they were created at the same period as were the standards for technical aspects of ARM work underlines that codes of ethics are also standards, and have the same advantages and disadvantages as those standards.

In the meantime, new legislation and new approaches to record-keeping have shown us that ethical questions are relevant to a great range of work situations and activities, and also that institutions have to behave ethically as well as individuals. It appears likely that codes of ethics may be more effective if they are addressed to institutions as well as to individuals.

In the UK, guidelines and rules for implementation of legislation have begun the work of specifying the ethical components of compliance, and of drawing up a series of very detailed guidelines. These are of course specific to closely defined jobs, but the broad ethical issues are relevant to similar jobs in all countries. The ICA's examination of ethical questions in connection with human rights and political repression has shown that there is a close similarity between guidelines dealing with these, and guidelines dealing with compliance issues.

A number of highly publicised cases where colleagues were involved in politically sensitive situations were brought out at the LUCAS conference, and some work is in progress towards establishing extensions to codes of conduct that might be of practical support to ARM workers placed in difficult situations.

It is clear that every aspect of ARM work has an ethical dimension. Most prominent, perhaps, are the activities included under appraisal (determining whether or not documents will be retained or destroyed) and access (determining whether or not documents will be made available to any or some users), but there are ethical problems wherever there is an interface between the ARM professionals and their employers, the creators of their materials, the data subjects within these, and their user publics.

It has to be admitted that the whole area is difficult and elusive. Everyone agrees that ARM professionals (like everyone else) should acknowledge and put into

practice high standards of objectivity and fairness. Everyone agrees too that all institutions, public and private, should observe high standards of openness and morality. Problems arise as soon as we try to imagine situations in which these standards might be put under tension. Further problems arise when we try to devise rules that will protect employees from unfair treatment. Research will help to clarify these issues; education will help to direct individuals. It will have to be carried on in national contexts, but the results should be transportable to the international scene. In some way the results should take effect in law, especially in international law.

## Notes

[1] Bentham, *An Introduction to the Principles of Morals and Legislation*, ix, 12, cccviii.
[2] This is explained in Dingwall, 'Trusting Archives.'
[3] Summarised in Benedict, *Ethics and the Archival Profession*, 4.
[4] Available from http://www.archivists.org/governance/handbook/app_ethics.asp (accessed February 2006).
[5] Rick Barry, review of Benedict, *Ethics*, available from http://www.mybestdocs.com/barry-r-aa-bookrev-benedict.htm (accessed February 2006); also see a fuller review in *The American Archivist* 67 (2004): 299 – 305.
[6] Museums Association, *Code of Ethics for Museums*.
[7] The National Archives, *Standard for Record Repositories*.
[8] Ibid., section 2.3.
[9] The National Archives' *Framework of Standards* now includes a section named 'Best Practice Guidelines'. Some of these may be included in the list of codes of ethical practice, e.g. those on public access, appraisal and staffing. Available from http://www.nationalarchives.gov.uk/archives/framework/standards.htm (accessed February 2006).
[10] Public Services Quality Group, *Standard for Access to Archives*.
[11] The original source is cited as Potter, 'Consumerism and the Public Sector.'
[12] Public Services Quality Group, *Standard for Access*, section 0.4.
[13] Chris Hurley, 'Ethical Dilemmas in Records Management,' RMAA (NSW Branch) Lunch-Time Seminar, 6 April 2004. Available from http://www.sims.monash.edu.au/research/rcrg/publications/0406RMethicsCH.pdf (accessed February 2006).
[14] Public Record Office, Society of Archivists and Records Management Society, *Code of Practice for Archivists and Records Managers Under Section 51(4) of the Data Protection Act 1998*, Version 2 submitted to the Information Commissioner on 20 April 2002, available from The National Archives website. This draft is being revised in ways which may affect the excerpts quoted.
[15] Ibid., 2.2.1.
[16] Ibid., 4.2.6.
[17] *Report of the Committee on Departmental Records*.
[18] Jenkins, 'The Courage of One's Subjectivities.'
[19] Adopted at the International Congress on Archives in Beijing, 6 September 1996. Available from www.ica.org/biblio/code_ethics_eng.html (accessed February 2006). For an historical account of their formulation see Bos-Rops, 'The ICA Code of Ethics.'
[20] Quintana, *Archives of the Security Services of Former Repressive Regimes*.
[21] This curious term was probably devised in a context and at a time when Freedom of Information laws were not generally in force, but seems to have become established since.

[22] Proceedings of the International Conference of the Round Table on Archives (CITRA), Cape Town, South Africa, 21–25 October 2003, *Comma* 2004.2. Available from http://www.ica.org/citra/english/citra_eng_2003.html (accessed February 2006). See, in particular, Guy Braibant, 'Archives et droits de l'homme,' 57–59.

[23] Available from www.wien2004.ica.org/fo/programmes (accessed February 2006). See in particular the session on human rights.

[24] Available from www.ica.org/biblio/ISAD(G)%20Human%20Rights%20intro-application.pdf (accessed February 2006).

[25] Eckert, 'Managing Their Past.'

[26] McCabe, *The Good Life*.

[27] Adami, '"Who Will Be Left to Tell the Tale?"'; Ketelaar, 'The Archives of the UN International Criminal Tribunal for the Former Yugoslavia.'

[28] Procter, Margaret et al., *Political Pressure and the Archival Record*. See also Barry, 'Ethics Issues for Creators, Managers and Users of Records.'

[29] There is a considerable literature on this case; summaries appear in Williams, Procter, and Cook, *Political Pressure and the Archival Record*. See also Lindeberg, 'The Rule of Law.'

[30] Thomassen, *Archivists Between Knowledge and Power*. The two archivists were Brigitte Lainé and Philippe Grand, senior archivists in the City Archives of Paris: for an account of the various trials, see www.perso.wanadoo.fr/felina/doc/arch/avril_2004.htm (accessed April 2005).

[31] Information from Mark Brogan, Lecturer in Recordkeeping and Internet Studies, School of Computer and Information Science, Edith Cowan University, 2004.

[32] Ketelaar, 'Professional Ethics.'

[33] This case refers to the novel Cooley, *The Archivist*.

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