Archivists at Risk: Accountability and the Role of the Professional Society

Glenda Acland
and
Sue McKemmish
What is the accountability of a professional association to society?

- The role of RK in public accountability of government and corporate sector
- Accountable RK in a democratic society
- Accountable RK and the role of the professional society:
  - ARANZ and the Court Case
  - ASA and the Heiner Affair
- Lessons for the future?
The role of recordkeeping in public accountability

- facilitating good governance
- underpinning accountability mechanisms
- constituting corporate, national and societal memory
- constructing individual, community and national identity
- providing authoritative sources of information
Proper recordkeeping serves two purposes

- First it is a prerequisite to effective accountability. Without it critical scrutiny by the Parliament, the Auditor-General & Ombudsman can be blunted.
- Secondly records themselves form an integral part of the historical memory of the state itself.
- A RK regime that does not address both requirements is inadequate
- A separate body should be entrusted with the general oversight of public records, equipped with powers adequate to these purposes. (Report of the Royal Commission into WA Inc, Part II, p.4.6, 1992)
Accountability in recordkeeping

- What is an accountable RK regime?
- What is the role of the archival authority in an accountable RK regime?
- What characterises failures in RK accountability?
- What organisational & societal risks are associated with failures in RK accountability?
Accountable recordkeeping regimes

- Accountable RK regimes at macro level
- Independent recordkeeping authority with powers adequate to its purposes
- Professional standards and best practice promulgated and accepted by society
- Compliant RK systems at micro level
- Alliances between accountability players and stakeholders
- Trust of accountability stakeholders
Benchmarks of Accountable RK Regime at micro level

- RK responsibility, which exists at all levels of organization (CEOs, managers, records managers, system administrators, individual employees), is identified & specified
- RM program in compliance with requirements of regulatory environment
- RM policies, standard procedures & practices documented, promulgated & implemented
- Best practice Records systems be implemented, monitored and reviewed
- Training programs address RM roles and responsibilities of all employees
What is a recordkeeping regime?

- A unified framework of identified policy objectives & implementation directives, & a consistent strategic orientation that operate throughout a jurisdiction over time. Within a recordkeeping regime, an integrated set of laws, rules, policies, directions & procedures are acknowledged, enforced & monitored. Responsibilities & accountabilities are specified. (Monash Records Continuum Research Group, 1998)
The role of the archival authority: Carlin’s Vision

- Not a dusty hoard of ancient history, but a public trust on which our democracy depends
- Ensures for the Citizen and the Public Servant, for the President and the Congress and the Courts, ready access to essential evidence that documents the rights of citizens, the actions of government, the national experience
The role of the archival authority: the “single mind”

Concerned with the delivery of effective public recordkeeping regimes to support democratic accountability & the preservation of collective memory, & to assure public access to “essential evidence” of government activity in a world in which records are increasingly captured, managed & made accessible in electronic networked environments. (Australian Law Reform Commission, 1998)
Macro level failures

- Piecemeal recordkeeping regimes
- Inadequate recordkeeping law
- Weak or non-existent links with other accountability players & mechanisms
- Archival authorities not “equipped with powers adequate to their purposes”
- Lack of professional standards and benchmarks for recordkeeping best practice
Micro level failures

- Failure of Cabinets, senior ministers, public servants, police officers, boards of directors, CEOs and businessmen and women to make records in the first place
  - “keep them faithfully” once made
- Deliberate cases of illegal destruction
- Inadequate corporate recordkeeping systems in both the public and private sector
Organisational risks linked to RK accountability failures

- Lack of evidence that an organisation did something under contract or according to regulation
- Inability to find mission critical information
- Loss of proof of ownership, rights, obligations
- Lack of documentation of who knew what when
- Inability to locate in its proper context information that may be incriminating in one context & innocent in another
- Inability to demonstrate that policies and procedures were in place and consistently followed (Bearman, 1994)
Societal risks associated with RK accountability failures

- Functioning of society & its institutions impaired
- Evidence of the rights of people as citizens & clients lost
- Inability of societal watchdogs to call to account governments, corporations & individuals
- Loss of collective, corporate & personal identity
- Loss of individual, corporate & collective memory
- Inability to authenticate and source mission critical information
Example of recordkeeping accountability failure

- The “Sports Rorts” Affair

- See PDF file of newspaper cuttings
Challenges to accountable public RK & independence of archival authority

- Action of NZ government in subsuming the archival function to the cultural heritage function by diminishing the administrative autonomy of the National Archives, and compromising the Chief Archivist’s capacity to act independently.

- The Heiner Affair and position taken by Qld Government on role of State Archivist.
New Zealand Case: Issues

- What characterises an independent archival authority?
- What powers are adequate to its purpose?
- What is the role of an independent archival authority in the delivery of public RK regimes that support democratic accountability, preserve collective memory, assure access to essential evidence relating to citizens’ rights?
Heiner Affair: Issues

- destructions in 1990 of records of abortive Heiner inquiry - John Oxley Youth Centre management
- legality of destruction of records to which access being sought by an intending litigant
- role of failures in RK accountability in alleged mis-management of State institutions & child abuse
- role of government archival authority in disposal authorisation
- archival appraisal and disposal practice
Role of professional associations

- To promote accountable RK regimes
- To advocate archival mission, accountable public RK and role of independent archival authority in a democratic society
- To take direct action to establish accountable RK regimes, e.g. standards, best practice
Role of professional associations

- To articulate relationship between failures in RK and accountability crises
- To challenge actions that threaten accountable public RK and role of independent archival authority
- To challenge statements that misrepresent archival mission
What did ARANZ & ASA do?

- ARANZ legal challenge to actions of NZ govt
- ASA Position Statement of 18 March 1999
- Based on view of accountable public RK regimes and the role of independent archival authority as outlined
- Reference to national & international archival law, RK standards & best practice, mission statements of archival authorities, findings of Royal Commissions & Inquiries into accountability crises, corruption and mismanagement
Accountable to who for what?

- What is a professional association accountable to society for?
- What role should a professional association play in a recordkeeping accountability crisis?
- How can it best position itself to play this role?
- What lessons can we learn in this regard from the ARANZ Court Case and the role of the ASA in the Heiner Affair?
Discussion Issues

- What accountability do RK professional associations have to society?

- What lessons can we learn in this regard from the ARANZ court case?

- What lessons can we learn in this regard from the Heiner Affair?