In 2010 I was a member of a Working Group on Access formed by the ICA Committee on Best Practices and Standards. The result of our work, led by Trudy Huskamp Peterson, was the Principles of Access to Archives, adopted by the Annual General Meeting of the International Council on Archives in August 2012, and followed by the release of Technical Guidance on Managing Archives with Restrictions earlier this year. Both are on the ICA website at www.ica.org translated into a number of languages.

Having worked on this project I was keen to implement the Principles in my own institution which is both a public government archives (the university archives) and a collecting archives for business and labour archives holding private records (the Noel Butlin Archives Centre).

There are ten Principles of Access - an initial assessment of our compliance with them produces the following scorecard:

Scorecard

1. Open archives to greatest extent ✓
2. Make known the existence of archives 🔍
3. A pro-active approach to access ✓
4. Restrictions are defined and balanced 🔍
5. Access on equal and fair terms 🔍
As you can see, we mostly comply and that is probably the case for many archives. I'll briefly comment firstly on those principles that we comply with before discussing those which present challenges to us.

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.**

   The public right of access to official University records is enshrined in federal legislation: the Archives Act and the Freedom of Information Act for more recent material. In fact we are the only university in Australia coming within federal jurisdiction rather than state jurisdiction. As a research university, providing access to researchers to the greatest extent possible through the Archives or through our open-access online repository is our default position. The Noel Butlin Archives Centre, collecting business and labour archives, was established for the purpose of access by researchers. It is the basis of every agreement with a depositor that the archives are being deposited for the purpose of research either immediately or at some time in the future. So both our official archives and our private archives comply with this principle.

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

   For such an institution it naturally follows that we adopt a pro-active approach to access. Apart from our online database and website, we post on our own Facebook page. We digitise selected material to put on our open-access Digital Collections website, publish print and online guides, hold regular training sessions for students and others on using the archives, sponsor an annual scholarship in labour history and hold an annual lecture by a distinguished historian which is then vodcast on YouTube. At the end of the month we are holding a Halloween Party for students in the Archives repository. We have been featured in university magazines and local newspapers, documentaries and have worked with the producers of the television program *Who do you think you are?* We contribute to web portals such as the National Library of Australia’s Trove and the Australian Trade Union Archives website.

6. **Institutions holding archives ensure that victims of serious crimes under international law have access to archives that provide evidence needed to assert their**
human rights and to document violations of them, even if those archives are closed to
the general public.

Our compliance with this principle hasn’t been tested yet. We hold some records which
might be interpreted as providing evidence of violation of human rights:

- records relating to the employment of Aboriginal people on pastoral stations which
  reveal discriminatory practices in wages and conditions
- records of membership of trade unions such as the Waterside Workers Federation
  where workers were exposed to asbestos (a violation of the right to safe working
  conditions) and need access to provide evidence of this for compensation

but in both these cases access to the records is not normally restricted. I see this principle
as a lever that we may need to use in the future to convince a depositor that their records
should not be restricted.

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

There’s a right of appeal in the Archives Act which covers our official university archives,
with both an internal reconsideration and then the right of appeal to an independent tribunal,
but there is no formal mechanism for appeal if a company or organisation wishes to restrict
access to their own records. In practice, we do notify the company or organisation when
researchers request restricted material and ask them to review the restriction.

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

Although we have 20 kilometres of archives and only 6 staff, we do not use this operational
constraint to restrict access. We do not charge admission fees for access. We encourage
researchers to use their own portable copying devices – cameras, phones etc to take copies
and provide a digitisation service on a cost-recovery basis.

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

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

Our archivists have access to all closed archives and participate in the decision-making
process on access.

Now moving on to those principles which present challenges to us.

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.

In general terms, we comply with this principle but the commentary which accompanies the
principle suggests that there is more room for improvement. Archivists ‘ensure that
descriptions of their archives are current, accurate and comply with international descriptive
standards in order to facilitate access’. This one sentence in the commentary of Principle 2
has been the most challenging for our implementation of the access principles.

In 1997 the archives had first been threatened with closure and staff suffered four years of
uncertainty and disruption to their operations. Experienced staff left at a time when there was
a great influx of records of former trade unions following the amalgamation of Australian
trade unions into super-unions. A major Australian company which had operated throughout
Australia and the Pacific Islands for over a hundred years imploded and deposited the
contents of its headquarters building with the Archives, dwarfing its previous deposits. The University, as part of the ‘rescue package’ for the archives, had appointed a University Archivist to take responsibility for the official University records, and then sought to transfer 50 years of records to the archives.

In this climate, the currency and accuracy of archival descriptions suffered. The archives’ compliance with international descriptive standards was not maintained as the remaining staff struggled to just to accession material and prepare basic box lists.

The development of an archives database, using ICA-AtoM software, to replace a basic online list of holdings forced the issue on all fronts. The software is based on the ICA descriptive standards ISAD(G), ISAAR(CPF) and others so adopting the software also meant gathering the information to meet the standard. Entry of all deposits and creators of records onto the database also meant that the currency and accuracy of existing finding aids was examined and corrected where necessary.

Another part of the commentary also forced a change of practice: ‘Archivists share draft descriptions of archives with users if final versions are lacking’. It had originally been the practice of the archives not to highlight the existence of archives which had not been processed. However the archives holds many deposits which had been accessioned as ‘Z deposits’ and by necessity (as researchers asked about the existence of later records for particular companies and trade unions) had included reference to the deposits by number in a list of holdings.

With the implementation of the database there was a choice: either to leave all these deposits off the database until they could be processed (which would take decades rather than years) or to describe deposits in a database entry with whatever information we had. We decided on the latter – in some instances there is very little information given beyond a title, date range and the annotation ‘This deposit has not been processed yet.’ We imagined that if we identified material as unprocessed then the very next day we would be inundated with requests for that material. Of course, this didn’t happen – it has required that when researchers request unprocessed material that we impress on them that their use will require more work on their part – maintaining the existing order, and searching through whole boxes rather than being able to go directly to relevant items. They also are made aware that their citations will be to a box rather than at item level and that when the material is processed those citations would change.

Another part of the commentary to principle 2 is also a challenge: ‘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, or if it has been destroyed.’ For the Noel Butlin Archives Centre collections we have been able to implement the first part (revealing the existence of restricted material) but not the second part (revealing the existence of destroyed material).

As a collecting archives, we cannot account for the existence of material which has never been part of the collection. It is the daily work of our archivists to appraise records deposited with us and negotiate with owners to return material of no research value or suggest its disposal. When material is donated to us, it is a condition of the donation that we, as the new owners, will make decisions about its retention or disposal. We document these decisions on file but do not record the existence of material in our database that we have chosen to return or destroy. The situation is different for the official records in the university archives: we do reveal to researchers where material they are seeking has been destroyed under disposal authorities approved by the National Archives by reference to our records database.

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 and respect the rights of owners of private materials.
Access to deposited collections is governed by a variety of agreements with depositors: many were made 50 or 60 years ago and require the archives to consult with the depositor before granting access, without any indication of what material might be restricted or for how long. These agreements have assumed immortality for the organisations and people that we deal with. For example, the Builders’ Labourers’ Federation was a powerful and militant union that was deregistered in 1974 and then again in 1986 after a Royal Commission into its activities. Our agreements with former members who deposited records with us became unworkable once those members had died. So while the restrictions did not nominate a period of time for the restriction, in practice we no longer had anyone to ask and the requirement lapsed. Another example is the Federated Coopers of Australia, a once viable trade union with branches in several states. In the Australian wine industry, the art of making wine barrels has been largely overtaken by the use of stainless steel vats so while our agreement requires that we consult with the current office-holders of the organisation there is no organisation and no office-holders to consult with.

The commentary for this principle also says in part: ‘Archivists negotiate and accept donor restrictions on access that are clear, of limited duration and can be administered on equitable terms.’ Many of these past agreements do not identify restrictions which can be ‘administered on equitable terms’ so this principle and the next one have provided us with the opportunity to review and renegotiate these agreements.

5. Archives are made available on equal and fair terms.

Many of these agreements with depositors refer to access by bona fide researchers. But what is a ‘bona fide’ researcher? Is it required that the person be currently enrolled in a postgraduate course? Or arrive with references from eminent scholars? These requirements are not defined in the agreements. Many of our researchers today are not traditional academic researchers: they are professional historians undertaking research for others for a fee, lawyers representing injured workers, government officials gathering evidence of climate change, heritage architects restoring repurposed buildings such as hotels and warehouses, biographers, journalists, railway enthusiasts, or individuals interested in the history of their family, town or suburb or a particular building.

The agreements also commonly refer to the requirement that researchers in the archives agree to submit a draft of their publication or thesis for approval before publication. There is an assumption that researchers produce a thesis or a printed book when many of our researchers produce documentaries, websites, heritage reports or family histories with a very limited circulation. The requirement to submit a draft is commonly overlooked, although researchers sign to acknowledge their agreement to do this. The ease and speed with which material can be published on a website and be accessible worldwide has made this requirement a burden for both researchers and for the Archives in ensuring compliance. While in the past we could often identify if a researcher published a book or submitted a thesis to our own institution, we can no longer monitor publication and we welcome the opportunity not to have to mediate this step of ensuring that depositors approve of what is published from research on their records.

The renegotiation of agreements is a gradual process: we have been concentrating on the most restrictive agreements. In one case, all records of a particular company were restricted if they were dated after 1958. This has been amended to a 30-year rule so that an additional 25 years’ of material is now available and as time passes there will eventually be no restricted material.

This is not a task to be taken lightly. Some practical hurdles are identifying the current ‘controlling organisation’ which may be a residual company controlling the interests of what
was once a large operation or a super-union which incorporated an earlier smaller trade union. Contact details for smaller organisations and for individuals may be out-of-date or they may choose not to reply to our request.

It’s important that before approaching a company or organisation with less restrictive access in mind, that we have a good understanding of the nature of the records and have already identified any privacy issues. In most cases the agreements were made before there was a Privacy Act in existence in Australia. As you can see from the beginning of a much longer list of depositors with restricted collections, access to personal information is an important issue.

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Deposits</th>
<th>Current controlling body</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIDS Action Council ACT</td>
<td>H8</td>
<td>AIDS Action Council ACT</td>
</tr>
<tr>
<td>AIDS Trust of Australia</td>
<td>H14</td>
<td>AIDS Trust of Australia</td>
</tr>
<tr>
<td>Airline Hostesses’ Association</td>
<td>Z484 only</td>
<td>Flight Attendants’ Association of Australia</td>
</tr>
<tr>
<td>Association of Employers of Waterside Labour</td>
<td>Z746</td>
<td>Liquidated 1995</td>
</tr>
<tr>
<td>Australasian Coal and Shale Employees’ Federation</td>
<td>Z586 only</td>
<td>Construction Forestry Mining and Energy Union</td>
</tr>
<tr>
<td>Australian Agricultural Company</td>
<td>Z173, N75, Z241</td>
<td>Australian Agricultural Company</td>
</tr>
<tr>
<td>Australian Council of Employers’ Federations</td>
<td>Z640</td>
<td>Australian Chamber of Commerce and Industry</td>
</tr>
<tr>
<td>Australian Council of Trade Unions</td>
<td>All</td>
<td>Australian Council of Trade Unions</td>
</tr>
<tr>
<td>Australian Estates Limited</td>
<td>Z200, Z249</td>
<td>CSR Limited</td>
</tr>
<tr>
<td>Australian Federal Police Association</td>
<td>N137</td>
<td>Australian Federal Police Association</td>
</tr>
<tr>
<td>Australian Federated Union of Locomotive Enginemen</td>
<td>All</td>
<td>Australian Rail, Tram and Bus Industry Union</td>
</tr>
<tr>
<td>Australian Federation of AIDS Organisations</td>
<td>H6</td>
<td>Australian Federation of AIDS Organisations</td>
</tr>
<tr>
<td>Australian International Cabin Crew Association</td>
<td>A8, N107, Z465</td>
<td>Flight Attendants’ Association of Australia</td>
</tr>
<tr>
<td>Australian IV League</td>
<td>H5</td>
<td>Australian IV League</td>
</tr>
<tr>
<td>Australian Liquor Hospitality and Miscellaneous Union</td>
<td>Z702-Z736</td>
<td>United Voice</td>
</tr>
</tbody>
</table>

In summary, the implementation of the Principles of Access to Archives has led to improvements in our provision of access:

1. We have in association with implementation of a new database brought our documentation closer to international descriptive standards
2. All deposits have been added to the database even if unprocessed
3. We have reviewed all existing restrictions, both those set by deposit agreements and those imposed by the archives
4. We have begun to renegotiate existing agreements with depositors.

I hope that other archives institutions will be encouraged to undertake their own scorecard in their implementation of the Principles of Access to Archives.