INFORMATION WITHOUT BORDERS
A VIEW FROM THE ARCHIVE

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ARCHIVE COLLECTIONS

Archives collect unique, authentic and trustworthy records produced by governments, organisations, families, and individuals during their day-to-day activities or business.

And while archival records have enormous political, social, cultural and historic significance, they are rarely created for the purpose of commercial exploitation.

There is no tradition of the collective management of unpublished archival works; indeed, is it even possible to have collective representation of the authors of the types of works ordinarily held within archives?
UNIVERSAL DECLARATION ON ARCHIVES (2011)

We undertake to work together in order that:

Archives are made accessible to everyone, while respecting the pertinent laws and rights of individuals, creators, owners and users.
Archivists want to make their collections as accessible as possible to as many people as possible.

Making archives accessible often involves making copies for users and institutions outside one’s own jurisdiction.

- government records (unpublished)
- non-gov. records (unpublished)
- business records (unpublished)
- private papers (unpublished)
- photographic records (unpublished)
- published works (articles/books)

- private study
- scholarly research
- legal research
- genealogy
- local history
- exhibitions
USER EXPECTATIONS

[W]e must recognize that in the 21st century, if something is not online, it might as well not exist

William J Maher, Society of American Archivists
SCCR 26 (December 2013)

Users are demanding, they’re unforgiving, and more and more they are very unimpressed if archivists cannot produce or provide material online

Lesley Richmond, Glasgow University Archivist
quoted in Deazley and Stobo (2014: 28)
In addition to the *information* contained in archival records, they also have value as *evidence* of actions. The evidential value of archival records gives them great power – as legal documents, as evidence in court, and as agents of accountability ...

Duff, Flinn, Suurtamm and Wallace (2013: 332)
MAU MAU UPRISING (1952-59)

In June 2013 the British government agreed to pay £19.9M compensation to settle an action taken by five Kenyans who participated in the Mau Mau uprising. The settlement was in recognition of the role that the colonial administration played in subjecting Mau Mau rebels to torture and other forms of ill-treatment in British prison camps in Kenya.
The British government admitted the existence of a vast archive of documents and records, many of which corroborated the claimants' accounts of abuse.

‘The documentation is voluminous. The government and military commanders seem to have been meticulous record keepers’

Mr Justice McCoombe

Extensive records from across the former British empire have been stored secretly for decades at a secure government ‘research centre’ (Hanslope Park, Buckinghamshire)
There is no political power without control of the archive …


[A] country does not become fully democratic until each of its inhabitants has the possibility of knowing in an objective manner the elements of their history

Council of Europe (2000)

Recommendation on a European Policy on Access to Archives

Evidence / Accountability / Memory / Identity / Social Justice
The prediction, prevention and elimination of genocide through research, education and the dissemination of information and advice.
IMPACT ASSESSMENT ON THE CROSS-BORDER ONLINE ACCESS TO ORPHAN WORKS (2011)

POLICY OPTIONS

- do nothing
- statutory exception for L&As to provide online access (non-commercial purposes)
- extended collective licensing
- L&A could seek specific licences to provide online access to OWs
- centrally granted state licence
- mutual recognition of national solutions

Impact Assessment on the Cross-border Online Access to OWs COM (2011) 289 final
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IMPACT ASSESSMENT

- internal market
- international knowledge gap
- operating costs and risks for L&A
- researchers and consumers
- cultural diversity

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Welcome to Archives and Copyright: Developing an Agenda for Reform

This resource has been produced as an orientation point in critically assessing how copyright shapes the work of archives as it relates to preservation and access. It recognises that the copyright regime enables and facilitates the work of archivists, but that it can also inhibit and frustrate that work. As such, it considers what role a risk-based approach to copyright compliance might play in making it easier for archivists to preserve their collections appropriately, and in making those collections as accessible and as useful as possible.

The resource contains transcripts and short videos of the discussions at ‘Archives and Copyright’, an RCUK-funded Symposium hosted by the Wellcome Trust on 27 September 2013.

The symposium was generously funded by the Wellcome Trust; and the production of this resource by the Archives and Records Association UK & Ireland, and the British & Irish Law Education and Technology Association.

This is a beta version, and we will continue to add further materials to the site.

Comments are welcome to: contact@create.ac.uk