

Freedom of information: To what extent are public archives accessible?

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In 2000, the Council of Europe issued a Recommendation aimed at improving access to archives in the member states. Together with the Vera and Donald Blinken Open Society Archives (OSA Archivum) in

Budapest, Fraunhofer ISI evaluated how these recommendations have been implemented and how accessible the archives are more than 20 years on. The researchers also investigated the technological, legal and political challenges facing freedom of information.

Two articles from the research are published in [*Archives and Records*](#) and [*Preservation, Digital Technology & Culture*](#).

Archives are of central importance for functioning democracies, as they not only safeguard important historical documents, but also make a significant contribution to the transparency of state institutions. Especially in the period after the end of the Cold War, archives provided the public with access to previously inaccessible documents and information, which played an important role in coming to terms with the past and protecting cultural heritage.

The Council of Europe's Recommendation for improved access to archives

In this context, the Council of Europe adopted Recommendation R(2000)13 in 2000, which proposed a coordinated European policy for better access to archives along with possible measures to achieve this.

In order to find out how access and freedom of information have developed since then, a team of researchers from Fraunhofer ISI and the Open Society Archive at the Central European University Budapest conducted an online survey of archives and their users, supplemented by qualitative interviews with experts.

The survey was aimed at all 46 national archives of the Council of Europe member states, 40 regional or municipal archives as well as 77 academic institutions and 103 civil society organizations representing the

most important archive user groups.

The results of the survey showed that, although national legislation in most countries is now broadly in line with the Recommendation more than 20 years down the line, actual accessibility does not always reflect this. For instance, the number of countries in which public archive facilities are exempt from general access regulations has not changed significantly from the situation at the time of the adoption of the Recommendation and stands at 39%.

Furthermore, 12 countries still have secret archives. For some former Eastern Bloc countries, it emerged that, in some cases, there are no aids for finding restricted archive holdings, meaning that researchers could not apply for special permission to access such documents. In addition, some archives still refuse access to researchers due to "insufficient qualifications" without any further justification or because documents are allegedly "not relevant" for a research topic.

The survey also revealed certain fundamental conflicts of interest between the desire for openness and the protection of rights: In 87% of countries, for example, access to certain documents is restricted for data protection reasons. About 73% of the archives surveyed also indicated that they see advantages in the availability of documents online in principle, but also pointed to legal uncertainties such as copyright issues. Many archives complain that there is no guidance on how to resolve this conflict of interest.

The challenge of digitalization and AI

To date, only a small proportion of documents, about 5%, have been digitized and users believe there is still great potential here. Expectations with regard to the possible use of artificial intelligence are also high, for example in structuring unsorted [document](#) collections. However, using

AI could also lead to problems if, for example, algorithms cause distortions.

Dr. Michael Friedewald, who heads the Information and Communication Technologies Business Unit at Fraunhofer ISI and coordinated the Council of Europe study, summarizes the key findings, "Overall, the Council of Europe member states have largely incorporated the Recommendation on access to archives into their respective national legislation.

"This applies, for example, to Croatia, Estonia and Switzerland, where the Recommendation has been implemented very comprehensively and access to information is now very good. Other countries such as Romania or Austria fare less well here.

"In some Eastern Bloc countries such as Bulgaria, the state socialist past is still very much in evidence and access to archives and the information they offer is more problematic. As expected, freedom of information is well established in most Western European countries, but even here not all aspects of the Council of Europe Recommendation have been implemented.

"This is partly because there has not been any external pressure to change this, as was the case in Eastern Central Europe due to the reappraisal of the state-socialist past. Although the Council of Europe does not have any instruments that are legally binding, it could nevertheless call on the member states to intensify cooperation between archives and other public repositories such as libraries and museums.

"This could then lead to concepts on how individual [archive](#) collections can be better brought together or how to open up access to new groups of users. In order to further improve access to archives and freedom of information, the rights for the protection of personal data and to

informational self-determination should be more closely aligned by the competent European institutions."

More information: Michael Friedewald et al, Access to Public Archives in Europe: progress in the implementation of CoE Recommendation R (2000)13 on a European policy on access to archives, *Archives and Records* (2023). [DOI: 10.1080/23257962.2023.2285954](https://doi.org/10.1080/23257962.2023.2285954)

Michael Friedewald et al, Preserving the Past, Enabling the Future: Assessing the European Policy on Access to Archives in the Digital Age, *Preservation, Digital Technology & Culture* (2024). [DOI: 10.1515/pdte-2024-0003](https://doi.org/10.1515/pdte-2024-0003)

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