



# InterPARES 3 Project

International Research on Permanent Authentic Records in Electronic Systems

TEAM Canada

## Proposed amendments to SAA ethical code – InterPARES Response:

Generally, we commend and endorse the amendments as proposed. They will, if adopted, result in a far stronger and more robust ethical framework which meets your core organizational need for an aspirational (and legally neutral) code while still satisfying the need to set a strong ethical standard for the profession. Our recommendations follow:

### General:

- We strongly endorse the SAA's proposal to enact a complementary Statement of Values. We echo the CEPC's recommendation of 10/15/2010 that the Statement and Code should be explicitly complementary and that the differences between the two be clearly explained. Further complementary documents (case studies, bibliographies, and links to the SAA glossary) should be integrated into a dedicated "ethics" section of the SAA website.
- We also endorse the CEPC's suggestion that monitoring and updating the Code and Statement of Values should be an ongoing process, and recommend that the CEPC or some equivalent body be made permanent and tasked with this purpose.
- The Code is a deontological document, and should speak in terms of what archivists *do*. Conditional references (archivists should...) ought to be made active. This does not mean language cannot be aspirational – use phrases like "strive to" and "take steps to" rather than "should".

### Title I:

- Consider the term "fairness" here – this usage is imprecise and is not defined in the SAA glossary.
- Does "reliability" here refer to the informal meaning set forth in the SAA glossary or to the formal meaning in the sense of diplomatics? The latter is more robust.
- The second sentence of the third paragraph should be changed to "*This Code is linked with the 'Core Values for Archivists' – together they provide guidance to archivists and serve as an introductory overview of the archival enterprise to the rest of society.*"
- "Users" should be changed to "users of records".
- The reference to 'community-state-nation' falsely universalizes the juridical structure of the United States and implies that documents created outwith these juridical structures do not fall within the purview of the Code.
- "Justice" is not defined in the SAA glossary.

### Title II:

- Consider the term "unbiased" here – this usage is imprecise and is not defined in the SAA glossary.
- This section implies that archivists collaborate with and respect even with institutions that do not uphold the Code and that not cooperating with institutions on ethical grounds is invalid.

**Title III:**

- Ensure that the term “professional judgement” is clearly understood. A definition may be merited.

**Title IV:**

- The issue of “conflicts of interest” is very thorny – consider, for example, that self-policing almost always implies a conflict of interest. Since this is an aspirational code, you are putting potential adherents in the position of acknowledging that if their employing institutions should come to expect unethical behaviour of them they have no choice but to comply to avoid conflicts of interest – they have no legal or organizational recourse.

**Title V:**

- This section does not make allowances for the peculiarities of the digital environment – obsolescence, migration, etc. – nor does it make any reference to documenting custodial history or provenance. Furthermore, the use of the term ‘identity’ is semantically and philosophically imprecise. We recommend that the text be amended as follows:
- *“Archivists ensure the authenticity and continuing usability of records in their care by documenting and protecting those records’ unique archival characteristics and taking all steps to ensure that the records’ physical and intellectual integrity are not compromised by tampering, corruption, neglect or obsolescence. They document the circumstances of records’ creation and custodial history wherever possible when records come into their care. Archivists do not wilfully alter, manipulate, or destroy data or records to conceal facts or distort evidence. They thoroughly document any actions that may cause changes to records in their care.”*

**Title VI:**

- “Minimizing restrictions and obstacles and maximizing access tools” is syntactically cumbersome and semantically imprecise.
- In our view it is *imperative* that this section contain some reference to the *maintenance* of accessibility by archivists – born-digital materials and even analog electronic materials are subject to the ever-present risk of technological obsolescence and this needs to be explicitly addressed here as it cannot be sufficiently addressed under Title V above. In a born-digital realm, authenticity, preservation and access are all integrated. Some explicit reference to the migration of digital materials might be prudent here.

**Title VII:**

- Existing legislation as well as ongoing legislative trends regarding personal privacy in the United States risk making the first sentence of this title disingenuous. Archivists’ commitment to privacy should not be merely contingent on the law. Consider changing the first sentence to something like “Archivists recognize that they are largely responsible for upholding democratic ideals of privacy”.

**Title VIII**

- Again, some explicit reference to digital media may be appropriate here. “Natural physical deterioration” no longer covers the full range of deteriorative mechanisms to which the records in our care are subject.

**Title IX (Removed)**

- We strongly endorse the SAA’s decision to excise this title from the Code.

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