

The Problem of Confidentiality in a College Archives

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THE DEAN of an eastern school recently declared that all student discipline records were "privileged" and would not be released to anyone without the student's written permission. Such a policy seemed both timely and enlightened until a sister institution with a medical school returned all admissions applications to the dean because he had not answered the question about the disciplinary record of the applicants. The issue was resolved, but not before the problem of confidentiality and its relation to the purpose of the university had been widely discussed. College and university archivists are frequently involved in the formulation and enforcement of security regulations, and it is important that they give some thought to the rationale behind their actions before they are faced with a problem similar to the dean's.

The necessity for a responsible records policy in educational institutions is obvious in the light of recent public discussions about classified research and statements about student rights and because of the nature of academic records. A basic regard for human values makes it necessary to avoid any improper disclosure that would harm or embarrass individuals. Also, it is a matter of professional obligation to protect the confidential information inherent in the educative process and upon which judgments of character and ability are based. And, finally, the physical security of the record from loss or destruction is the particular concern of the archivist. If the need for restrictions is admitted, it is then logical to establish the foundation of authority upon which policy can be based.

Part of this authority comes from two widely accepted principles of our society; namely, the right of privacy and the right of ownership. Both of these rights are buttressed by legal redress if they are invaded in a grievous manner, and archivists should be aware of the precedents of usage relating to libel, fair use, common-law copyright, and scholarly research that govern actions in this area and of the materials in their possession which may be subject to them. We are perhaps more familiar with these principles as they appear in our practices of preserving the administrative history of record groups and of observing the prerogative of the office of origin.

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In the case of public institutions there is frequently a public records law that provides a statutory base for the care of records. All records created by a public institution are not necessarily public, however, and the archivist must be thoroughly familiar with the provisions of the law governing his particular holdings. Paralleling this in private institutions, an unhurried decision should be written into the authorization of the archives both to guarantee the integrity of the document and to assure the cooperation of the creating offices with the archival operation. In the day-to-day activity of the archives, the careful exercise of professional judgment is an essential part of the base of authority and the source of confidence that will allow the archivist to accomplish his task.

Turning from these less obvious, but no less important, aspects of the problem of confidentiality, one may usefully examine some of the ways in which a policy of restrictions may be created and implemented. The flexibility that may appear in the types of restrictions is almost as varied as the number of record groups in the archives, but for the sake of clarity in dealing with administrators and donors the basic types should be described in the archival procedures or the records manual. This description should include:

Sealed. Materials under this description would be completely unavailable, even for processing, for a specified period of years. While such a classification is occasionally necessary to insure privacy, it should be used sparingly and for as short a period as possible.

Closed. These collections should be processed, but they may be examined only by scholars with the written permission of the donor or the office of origin. This is frequently the public designation when archives are maintained primarily for the internal use of a private institution. It may have been inappropriately used on some occasions to cover inadequate staffing or processing, but developing professional integrity will discourage this abuse.

Restricted. Papers bearing this designation would generally be available for research, but users would be required to obtain the permission of the donor before citing or quoting for publication. This is also the broad term most frequently used to indicate some lack of access. The particular conditions are then indicated in a memorandum attached to the collection.

Opened. Access to such records would be controlled only by the physical condition of the record and by scholarly courtesy. Some collections might proceed on a predetermined schedule or upon review through one or more of the above categories to this one. Commitment to the freedom of scholarship demands that this reclassification be done as rapidly as the needs of the office of origin will allow.

It should be noted that these classifications do not include material to which access is restricted by government. Oral history programs may have additional problems.

Usage has developed at Cornell University another category, which we call "restricted to the discretion of the archivist." With the consent of the donor, it may replace any of the last three types of restrictions listed above. It places the responsibility for the care and use of potentially sensitive material squarely on the desk of the archivist and requires that he review each request for the use of papers carrying this designation. It may require the archivist to judge such things as the nature of the research project, the credentials of the user, the security of the records, and the continuing responsibility of the repository to the world of scholarship. He must also be prepared to discuss the nature of the restrictions and to justify his actions to his superiors. This flexibility may expose the archivist to occasional criticism, but the risk is far outweighed by the convenience to both the office of origin and the user.

Upon the transfer of every group of records to the archives, the nature of any restrictions on it should be clearly established with the office of origin either through a written agreement or through reference to the appropriate paragraph in the records manual. If a restriction is imposed, the containers and the public information about the collection should be clearly marked to call attention to it. A strict adherence to restrictions is essential for the confidence and cooperation of the administration. While enforcement is the responsibility of the archivist, it must also be the duty of every staff member who serves the public. Internal procedures should be established to require the user to verify over his signature that he is aware of the restrictions and will abide by them.

An efficient system requires the destruction of certain restricted material from time to time. The office of origin should be notified before the papers are destroyed, and it should then be accomplished by staff members either through shredding or by incineration so that confidentiality is maintained. Discarding into garbage cans or baling for wastepaper should be avoided.

American colleges and universities are generally committed to the discovery and dissemination of information. It is therefore inappropriate for the records of these institutions to be encumbered with more than the absolute minimum of restrictions. Though conceding that some restrictions are necessary to protect privacy and to secure an unaltered record, the academic community must insist that its best work can only be accomplished in an atmosphere of inquiry and freedom. The archivist, both by working for exact definition and enforcement of restrictions and by the use of professional discrimination, must achieve the balance between openness and confidentiality which will further the educational value of the material and will be most compatible with the role of the university in a free society.