

State Archives and Issues of Personal Privacy: Policies and Practices

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Abstract: This article reports the results of a survey of the fifty state archives on the public policy issues of personal privacy and access to restricted records for social research. The evidence suggests that although one-third of the sample respondents recognize the dilemma of competing values, most do not find it difficult to decide which value is preeminent. The findings suggest that policies and practices for responding to requests for restricted records are not well developed. Institutional constraints place a low priority on access to confidential records for social research, archivists are not well informed about confidentiality and access statutes, and archivists are not politically active.

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FROM THE LATE 1960S THROUGH THE EARLY 1980s legislation on information collection, management, and use was enacted. These laws responded to the multiple values, conflicts, and competing forces of a pluralistic society. They were designed to protect privacy, reduce administrative discretion and abuses of personal information, maintain confidentiality of records, improve access to government records, create mechanisms for accountability and efficiency, and support research uses of government records. A significant amount of case law also accumulated during this period, and statutes and rules were regularly modified in response to public concerns and new information.

Although administrative abuses were checked during this period, administrative discretion was not eliminated. Responsibility for adjudicating, balancing, and reconciling contradictory and competing laws rested with public agencies. Administrators had little guidance. One consequence was that they were left to cope with the ambiguity and uncertainty engendered by information policies that incorporated multiple objectives and lacked clear standards and mechanisms for reconciling competing interests.¹

This uncertainty was also visible among archivists, Margaret Hedstrom suggested. It led archivists to avoid resolving the competing values of personal privacy and access to restricted records for research activities. This dilemma, she noted, made archivists reluctant to "become involved in determining [how to regulate] personal infor-

mation because they viewed their role as ambiguous."²

To examine the archival response to these competing values, an exploratory survey of the fifty state archives was carried out in 1982. This article reports the results of this survey. Part one describes the survey, and part two reviews the findings. The final section discusses implications of the study for the archival profession.

The Survey

Archival policies and practices are the result of the incremental development of a wide array of formal and informal political and administrative relationships that are built up historically as law, administrative rule, and custom. An array of social values are embedded in these relationships. Policies and practices are also the result of the resources allocated for administering the institution.³

This suggests that a study of archival policies and practices must address at least three issues. First, it must take into account the value structure that underlies state statutes and archival policies and practices governing records retention. Second, it must examine institutional relationships because these relationships govern records retention and release policies and practices. Third, it should identify the political and economic environment that leads administrators to develop policies according to what they deem most critical for maintaining their programs.

The literature on public administration

¹For an examination of the bureaucratic response to these policies in state health and welfare agencies, see Alice Robbin, "A Phenomenology of Decisionmaking: Implementing Information Policy in State Health and Welfare Agencies" (Ph.D. dissertation, University of Wisconsin-Madison, 1984).

²Margaret L. Hedstrom, "Computers, Privacy, and Research Access to Confidential Information," *Midwestern Archivist* 6, no. 1 (1981): 6.

³It should also be noted that policies and practices may result from idiosyncratic factors, such as the interests and activities of particular individuals within the archives.

devotes extensive attention to organizational policies and practices and the culture in which they operate, yet studies of the archival institution do not appear in this literature. Nevertheless, policies and practices developed for administering records warrant investigation. Policies and practices regarding the retention of health and social services (H&SS) records, for example, are important not only as an archival issue concerning these records' volume, structure, administrative cost, and historical significance, but also as exemplars of the complex set of administrative relationships that the institution establishes with other governmental agencies and of the competing social values that confront the archivist.

H&SS records reflect a commitment to improving the social welfare of the citizens of the state, the need for the state to probe deeply into the personal lives of its citizens in order to make intelligent decisions on the basis of detailed information, the requirement that the state be publicly accountable for the provision of services, and the archives' commitment to preserve a record of governmental activities.⁴ Implied in these values, many archivists would contend, is also the commitment to make these records available for historical research. These competing values, then, become embedded in the laws, rules, and institutional relationships that govern the archives' ability to administer H&SS records.

The survey reported here focused on how these competing values were translated into the daily operation of a state

archives in the form of policies and practices for administering H&SS records, excluding criminal justice records. The survey obtained information on topics related to the privacy-access debate. These topics included knowledge about privacy, confidentiality, and open records laws; knowledge about provisions for researcher access to confidential health and social services records; policies and practices concerning access to these records; the institutional relationship with originating agencies; responses to the public debate on privacy and access; and the importance of researcher access to H&SS records, relative to other issues facing the archives. Information was also obtained on whether it was difficult to balance these competing values and to decide to release identifiable records to researchers.⁵ A small amount of biographical history, including job tenure, was obtained from each respondent.

Each state archivist or individual in an equivalent position, as identified through the 1980-1981 National Association of State Archivists and Records Administrators directory, received a questionnaire between December 1981 and March 1982. The cover letter requested that the questionnaire be completed by the individual responsible for public records and by someone who had been with the institution for some time. Length of tenure was deemed essential (and more important than status) for obtaining an accurate and comprehensive perspective of the archives' relationship with other governmental units and the decision-making

⁴For a perceptive analysis of the changing value structure that underlies social work case files, see David Klaassen, "The Provenance of Social Work Case Records: Implications for Archival Appraisal and Access," *Provenance* 1, no. 1 (1983): 5-30.

⁵This survey was part of a larger study of the bureaucratic response to the effects of confidentiality and privacy laws on access to confidential administrative records by the social research community. Between Fall 1980 and December 1982, a comparative study was carried out in West Germany, Italy, and the United States by Paul Müller, Guido Martinotti, and Alice Robbin. It was supported by the Volkswagen Research Foundation. The final report is entitled *Forschungsfreiheit und Datenschutz im internationalen Vergleich. Endbericht* (Köln: Zentralarchiv für empirische Sozialforschung der Universität zu Köln, June 1983).

Status of Respondents		
Status ^a	Number	Percentage
Permanent/Acting State Archivist	29	62
Deputy State Archivist	2	4
Records Manager/ Head of Public Records Office	4	8
Middle-Level Archivist ^b	6	13
Researcher/Research Assistant	6	13
Total	47	100%

^aThe titles of those individuals performing responsibilities for public records' administration varied; thus functional activity was more important than title.

^bThis is equivalent to Archivist II in Wisconsin.

Table 1

Length of Tenure in Current Job		
Tenure	Number	Percentage
1 year or less	11	23
5 years or less	27	57
9 years or less	39	85
16 years or less	47	100

Table 2

process relating to access to confidential records. This sample was not designed to describe the archival profession and, therefore, no generalizations regarding the entire profession are made based on the biographical information obtained in the survey.

Forty-seven (94%) of the question-

naires were returned, representing all geographic regions of the country. As shown in Table 1, twenty-nine (62%) of the respondents were the permanent/acting state archivist.

The respondents' tenure in their current position, reported in table 2, varied from one year or less to sixteen years.

A follow-up telephone interview was conducted with each of the forty-seven respondents. The topics included the archives' relationship with records creators, the role of the archives in state government, the archivist's sensitivity to the political nature of his or her role, major issues confronting the archives in 1982, and the degree of ambivalence or uncertainty associated with implementing privacy and access laws and administrative rules.

Thirty-four (72%) of the forty-seven reporting institutions administered H&SS records, seven (15%) did not, and six (13%) administered other types of confidential records (e.g., inmate case files). The archives that did not administer confidential H&SS records were included in an analysis of a subset of topics from the mail questionnaire. These topics included knowledge of the relevant laws, the archives' role in the passage of the state's privacy statute, and competing values. These questions were deemed relevant because, regardless of the type of records administered, all states have some form of privacy, information practices, ethics, confidentiality, and/or public records laws, and each of their legislatures has debated these issues.⁶

Responses to the mail questionnaire and telephone interview were coded and computerized. Descriptive statistical analysis was carried out using SPSS (Statistical Package for the Social Sciences).⁷ The following discussion does not report all of the data.⁸

Findings

This section reports data collected about (1) the archivist's level of knowledge about state privacy, confidentiality, and open records laws and provisions for research access to confidential H&SS records; (2) archival policies and practices for H&SS records; (3) the archives' relationship with the creating agency and whether archivists wanted this relationship modified; (4) politics and the archivist; (5) the archivist's response to the debate on privacy and access; and (6) the archivist's perception of important issues facing the archives in 1982 and the relative importance of access.

(1) *Knowledge of State Statutes.* A review of privacy, confidentiality, and open records laws on access to confidential H&SS records revealed varying degrees of inconsistency, ambiguity, and conflict in the fifty state codes. Nevertheless, almost three-quarters (72%) of the archivists said there were no conflicting state laws, including court or administrative orders, on disseminating or limiting access to H&SS records administered by the archives. Very few of the archivists acknowledged that these laws were subject to interpretation.

Research indicated that a number of states had either omnibus or special provisions to permit research or statistical use of confidential records. The archivists were asked, "Do any of these [H&SS] statutes include a special provi-

⁶See Alice Robbin and Linda Jozefacki, comps., *Public Policy on Health and Welfare Information: Compendium of State Legislation on Privacy and Access* (Madison: University of Wisconsin, Data and Program Library Service, 1983).

⁷The descriptive statistics presented in the following section vary according to which question was asked of what group. All forty-seven respondents answered the questions on knowledge of state laws, the political debate, the dilemma of competing values, and problems facing the institution. Thirty-four answered questions on policies and practices if their institution retained H&SS records. The number of respondents for each question also varies according to the amount of information that was "not ascertained."

⁸A more extensive report of the findings, including a copy of the questionnaire, can be obtained directly from the author.

sion for research access?" Fifteen (34%) replied yes and twenty-six (57%) no; three (6%) did not know (one was not ascertained). Twenty-two (47%) of these responses were incorrect, with the archivists unable to identify correctly even one statute. Knowledge of access provisions for these records did not increase with length of tenure. In fact, archivists who were new to their jobs were more familiar with the laws than those who had held their positions for a longer time.

(2) *Policies and Practices.* Archivists were asked whether they had made any changes in the accessioning of and access to confidential records because of recent laws. Of the thirty-three responding, only seven (21%) had made changes in the way records were accessioned, and eleven (33%), in access. The changes included the following decisions: not to administer confidential records, to develop interagency agreements, to legislate changes so that restrictions would be lifted after seventy-five years, to leave the final decision on access to the agency of origin, and to screen requests more closely. Leaving responsibility for access to the originating agency was the change most often cited.

Large-scale organizations such as state agencies have written and unwritten policy statements. Formal statements reflect the need for standard operating procedures (SOP) and a consistent institutional response. SOP guide members of an organization in their decisions and become a basis on which a particular action is rationalized and legitimated. Not all organizations have formal, written policies. Custom or informal policy may also dictate responses, and are as effective as formal rules. As one archivist noted, "We have working arrangements with several agencies. They were afraid that because of the confidential nature [of the records], they couldn't control access. So we have an informal agreement.

. . . This seems to work. There is a real reluctance, unless you are able to assure them, regardless of what the law says, to deposit records with the archives."

Thirty-five archivists responded to the question of whether written policies on access to confidential H&SS records existed. Eighteen (53%) had written policies, and seventeen (47%) had not. Of those archives without a written policy, fifteen had unwritten, informal ones. One archives was in the process of writing a policy statement, and one archives had neither a formal nor an informal policy. In general, access decisions were left entirely to the originating agency, unless there was an interagency agreement.

Requests for access to confidential H&SS records constituted a very small percentage (approximately one percent or less) of the total number of requests the archives received. Almost all such requests were made by the originating agency. Researchers made few requests. Furthermore, few archivists followed up researcher referrals with a telephone call to the originating agency to smooth the way for a researcher or pursued access on behalf of a researcher.

Reasons for rejecting researcher requests for access varied. As shown in Table 3, the two major reasons for rejecting researcher access were state statutes and the lack of necessary resources to permit access or prepare the records.

(3) *Relationship with the Originating Agencies.* Archival institutions have legally established roles as state agencies. Their primary role is custodial. Archivists were asked a series of questions about the kind of relationship the archives had with the originating agencies. The originating agency usually played a decisive role in determining access; the archives had only a modest influence on such decisions.

Seventy-two percent of the respondents (N=23) said that the relationship of the

Reasons for Rejecting a Request for Access		
Reason	Number ^a	Percentage
Law or policy	19	90
Lack of originating agency resources to permit access or prepare records	5	24
Lack of archival resources to permit access or prepare records	4	19
Inadequate assurances for protecting confidentiality	3	14
Proposed research of no use to agency	1	4
Proposed research poorly conceived and designed	1	4
^a Multiple responses were permitted.		

Table 3

archives with the state agencies was either straightforward or neither good nor bad, depending on the historical relationship that had been established. Twenty-two percent (N=7) said the relationship was good because there was negotiation and the agency was willing to change its position if there were disagreement. Six percent (N=2) commented that it was an adversarial relationship.

The follow-up telephone interviews revealed more precisely the types of relationships that the archives had established with the state agencies. Some archivists noted that their institution had no “muscle” to enforce its authority and could not compel adherence to retention schedules. The agency’s compliance depended on “cooperation and good will.” One archivist commented,

Many times an agency will say that a record is restricted. Then we go back and try to pinpoint them to a statute or law. . . . In the confidentiality [area] they think they know all about what should be done with

the records. . . . Most of the time we try to adhere to the agency’s request and try to work out compromises. That’s what we’ve been able to do so far. We try to work as best we can with the agency and not rock the boat.

Frustration was also expressed about agencies’ attitudes towards confidential records. While some archivists suggested that agencies were not stonewalling but rather were very concerned about confidentiality, other archivists offered some variant of the following: “Everybody [in the state agencies] thinks their records are confidential. If you let people make the decision, every record would be confidential.” Another commented,

There are several agencies which have refused to cooperate. They’re still maintaining all their records. You have a law, but there’s not much we can do except attempt to persuade them. . . . They have this mentality that they are a custodian. So, for some reason, “This is

mine," a tendency to hang on [to the records]. It's not so much secrecy, [but] maintaining a hold on what's theirs. "Who are you to come in and tell me? These are our records. Who are you to tell me we have to do this?"

Further discussion of the relationship with state agencies revealed that a plurality (43%) of the respondents believed that the originating agencies were unaware of the archival role or historical nature of public records.

The custodial nature of the archival role appeared to embody proscriptions for taking initiative. Archivists were asked whether they wished to modify their role in decisions about access. Of thirty-four responding, eleven (32%) felt that the archives should have no discretion. One archivist, for example, commented, "We take a very conservative view. We're not going to jeopardize our position in the state. They [the agencies] need to have confidence in us. We don't gain much by having a liberal policy. There's a [chance of a] law suit. We want to protect the departments and the persons." Twenty-three (68%), however, believed that the archivist should have more discretion or be responsible for decisions about access. This position was unrelated to how long the individual had been an archivist.

Many respondents explained that discretion was necessary because the archivist was the expert and understood the value of the records. One said, "We feel that being records experts and knowing the body of the records in the archives, we [can] make some decision about what is pertinent." Another remarked, "In a way, I hate the idea of having discretionary power, but it is the only way to make sure that the agencies have some sense of the historical utility of these records."

As custodians, the archivists wanted a role in determining policy for records

under their jurisdiction. One suggested that "the archivist should have a role in interpreting some of the hard and fast rules that benefit scholarship. He should have latitude in making the law work to the benefit of the [researcher, to be able to] find a way of making the regulations work, so that the agency is satisfied and the researcher is satisfied."

Under what conditions would access be permitted to a researcher? Table 4 shows that archivists conditioned access decisions on protecting personal privacy; that is, their first priority was to maintain the confidentiality of individually identifiable records.

(4) *The Political World.* Archivists were asked whether a privacy of information practices act had been passed in their state, whether they had participated in the legislative process leading to its passage, and whether the law embodied the archival community's concerns. The questionnaire also asked whether the competing values of privacy and access for research created a dilemma in decision making.

According to the survey, twenty-six (55%) of the forty-seven states had passed either privacy or information practices laws or both; sixteen (34%) had passed neither. In five (11%) of the states, respondents were uncertain or did not know whether such laws had been passed. In fact, almost all states had passed some version of a privacy law. Several archivists noted that their states had passed a law and modified or repealed it, indicating some debate on this issue; however, in only a very few states had the law been subject to extensive public debate. Fifty-two percent of the respondents said that the privacy and confidentiality laws had not met their needs for records retention. In the states with laws satisfactory to the archivist, a statute of limitations had been imposed and agencies had to justify closing their

Conditions Under Which Access Permitted		
Conditions	Number	Percentage
Privacy rights adequately protected	8	36
Records open/Records not closed by law	6	27
Research needs demonstrated/Records made available for research	5	23
All of the above	3	14
Total	22	100%

Table 4

records.

Very few archives had participated in the legislative process. Representatives from only nine archives had provided testimony. The telephone interviews revealed two reasons for the lack of participation. First, there were structural problems within and outside the agency that translated into a lack of visibility and political clout. Second, archivists generally did not actively participate in the political process.

The governmental structure prohibited archivists from communicating directly with the legislature and from clearly identifying their unique status to other state officials. The custodial function of the archives was not a highly visible one. Consequently, the archives tended to be a low priority on the political, administrative, and legislative agendas. In many cases archives were not independent state agencies, archives and records management functions were combined, or several agencies performed custodial functions. If the senior staff of the archives' parent agency (including legislative liaisons) were unaware of the potential archival in-

terest in legislation, archival needs were not communicated to appropriate legislative staffs. One archivist explained how the organizational structure impeded visibility. "Since we're a division of the state historical society, some legislators have some difficulty in thinking of the archives per se. . . . The state historical society has done well in the last couple of years, but it does blur our own identity."

Internal political problems within the archives' parent agency, related to the agency's institutional structure, also inhibited the more aware archivists from clearly communicating their needs. As one said, "Unless I can get them [the three top people] convinced, then I'm not going to get adequate funding." Some archivists were prohibited from contacting or lobbying legislators and also from having any contact with the agency head who directed and controlled all political activity. Not to follow the informal rules of hierarchy was to risk losing one's job. As one archivist commented, "Because of our administrative structure, if I can't get past my own people, I'm never going to get anything. Going outside, you're at

risk, quite frankly, of losing your job. It's a management, a political problem, both, a combination. Probably, a lack of understanding. It's not being purposely done."

The telephone interviews also revealed that most archivists, like most of the citizenry, were not very political.⁹ Less than one-quarter (N=11, 23%) of the forty-seven respondents regularly interceded on behalf of a research client to assist in obtaining agency release of a records series, negotiated with agencies, mobilized support of the archives' constituencies, or lobbied the legislature to change the laws or to defend the budget. Thirteen (28%) of the respondents participated in at least one of these political activities from time to time in their current job. The remaining twenty (42%) played a passive role; they rarely or never acted politically. New entrants into the profession (tenure of between one and seven years) were the most active.

A few archivists manifested a knowledge of politics. They described how they generated constituency and departmental support, how they operated according to the rules of the game, how they constantly monitored legislation, and how they used their knowledge of the system to lobby on behalf of their institution. For example, one archivist who described how policy was controlled by the director of the agency commented, "Of course, that does not prohibit us from [contacting] individual researchers, and having them lobby more directly on our behalf." Another, describing the state archivist's success with state agencies and his knowledge of the limits of negotiation and bargaining, explained,

[He] did it the right way. He went out to the agencies and did a good lobbying campaign. After discus-

sion with the agencies, [he] came up with a seventy-five year period. Those agencies [that objected] were exempted. He planned ahead. He suggested that I just try to get [the legislation] in, and get the agencies that would object [to] rise up in their objections. Then, I would know who objected and could work with those agencies.

(5) *The Debate over Privacy and Access.* The questionnaire and telephone interviews elicited archivists' views on balancing the competing values of confidentiality and access. One objective was to determine whether they found it difficult to balance the competing values of personal privacy and release of confidential records for scholarly research. A second objective was to determine whether they were reluctant to make a decision either to release or deny access to confidential records. As Table 5 shows, neither uncertainty nor ambivalence seemed to play a central role in the archivist's reluctance to make a decision.

Of the forty-seven respondents, about one-third (N=15) found it difficult to balance these competing values. Nineteen percent (N=9) indicated that they felt some ambivalence in reaching a decision, while seventy-seven percent (N = 36) said they did not. One archivist commented, "I strongly feel that it is a greater civic virtue to respect personal or confidential information about people than that [the information] be available without restriction. I don't believe that social research has been hampered in any appreciable way by the current rules of limited access." Another archivist, however, responded with great certainty, "Access *should* be for research."

These remarks contrasted with several ambivalent remarks. "Can we be judges?" "It's not a black or white

⁹See, for example, Warren E. Miller, Arthur H. Miller, and Edward J. Schneider, *American National Election Studies and Data Sourcebook, 1952-1978* (Cambridge, Mass.: Harvard University Press, 1980).

Difficulty Balancing Values and Uncertainty of Response				
	Difficulty Balancing		Uncertainty of Response	
	Number	Percent	Number	Percent
Yes	15	32	9	19
No	31	66	36	77
Not ascertained	1	2	2	4
Total	47	100%	47	100%

Table 5

issue.” “Should we be the ones to make the decision?” Other comments indicated that archivists relied on the legal and institutional framework when deciding and avoided personal responsibility for making a decision. “It’s the agency’s responsibility, not ours.” “If it’s closed, it’s closed.” “The law and not the archivist should decide.” “Clear legal standards should be developed.” “The agency should decide.”

The archivists most frequently encountered difficulty in determining access when the institutional or legal structure did not provide adequate cues. This occurred when the law did not close specific records and the archives and the agency disagreed about the conditions for release, when it was unclear whether the information was actually confidential and it could be harmful to families if released, or when confidentiality conflicted with appraisal requirements. If the difficulty could be resolved by applying standard operating procedures, such as removing identifiers, convincing the agency to

release the records to the archives, or gaining agency approval to release the records, archivists experienced no internal dilemma.

(6) *Major Issues Confronting the Archives: How Important are Privacy and Access?* Every working day, archivists are confronted with problems that need to be solved. Some issues have higher priority than others. Attending to access may suggest that this issue is central to the archivist’s frame of reference. One question in the telephone interview was designed to assess the relative importance of personal privacy and access, in order to place the competing values dilemma in perspective with archival issues.

The archivist was asked to name the five most important issues confronting the archives and to rank them in order of importance, from the most to the least important. Responses were then classified in four categories: political, economic, intellectual and physical control over the records, and access.¹⁰ Access was, as one archivist noted, part of intellectual con-

¹⁰Political issues were two-fold: (1) building constituency support and (2) developing relationships with originating agencies, including concern and conflict about the institution’s role in the record-keeping process and its statutory authority. Economic issues were budgetary concerns, including space and staff. Intellectual and physical control included collection building, new technologies, national data bases, and preservation. Access was concern about confidentiality and the vagueness of state statutes. These categories were created after a content analysis of the responses.

Rank Ordering of Major Issues Confronting the Archives in 1982											
Type of Issue	Issue #1		Issue #2		Issue #3		Issue #4		Issue #5		
	N	%	N	%	N	%	N	%	N	%	
Political	12	26	6	12	8	19	7	20	3	12	
Economic	22	47	21	45	12	28	6	18	4	16	
Control	13	27	16	34	20	47	17	50	8	32	
Access			4	8	2	4	4	12	10	40	
Total	47	100	47	99	42	98	34	100	25	100	

Note: Percentages are calculated on N responding because some people did not name a third, fourth, or fifth issue.

Table 6

trol; but, for the purposes of this study, access was classified as a separate issue. Table 6 shows how archivists ordered these issues.

Economic issues (the state's economy) dominated the archival agenda in 1982 and were ranked as the first and second most important issues faced by most state archives. Forty-seven percent of the forty-seven respondents named economic issues as the most important issue; forty-five percent cited them as the second most important. Staff, conservation, space, appraisal, processing, and description, for example, were perceived as largely dependent on the availability of resources during this difficult economic period when budgets were being slashed. After economic issues, intellectual and physical control of the records was the second most frequently cited area. It was consistently cited in all five categories. Political issues were noted by twelve respondents (26%) as the most important issue, but were not frequently mentioned as the second, third, fourth, or fifth most important issue.

Table 6 shows that access (confidentiality) was not a salient issue for most of the archivists. None of them ranked it as the most important issue. Only ten respondents cited it as the second, third, or fourth most important issue; ten (40%) named it as the fifth most important issue. As one respondent commented, "Somewhere down on the list, seven or eight, you'd get into confidentiality." Another said, "Confidentiality? It's no big deal. Ranks at the very bottom of our worries at this point."

Those archivists, however, who responded that privacy and access were important issues suggested that all the other issues (e.g., economic, intellectual and physical control, and statutory authority) came and went and could be taken care of with money. Privacy and access were, according to them, moral questions that would maintain their place on the public and legislative agendas.

Conclusions

Hedstrom's thesis—that archivists were

uncertain about how to respond to the dilemma of the competing values of personal privacy and access to records—provided the impetus for this investigation of archival policies and practices regarding confidential health and social services records. The study was designed to call attention to the institutional relationships that structured the archives' development of policies and practices, to the level of knowledge that archivists had about their statutory and political environment, and to the degree to which the institutions attempted to modify their environment through political action.

This survey provides evidence that in 1981/82 many archives had not developed formal policies and practices concerning access. Policies and practices were determined largely by their relationship with the originating agency, which de facto decided retention schedules. Archivists generally preferred institutionalizing the decision-making process through the legal system and standard operating procedures. They were not satisfied with the current statutory situation. Archivists overall appeared relatively uninformed about the statutory environment in which they operated. Their knowledge of statutes was relatively modest.

Some uncertainty existed. Nevertheless, most archivists contended they experienced no dilemma when balancing the competing values of privacy rights and access, nor did a large majority have difficulty making a decision about access. Either the right to privacy was deemed the principal value, or the right to access for the benefits that research could bring to society outweighed the privacy right.

The findings carry three important messages. First, knowledge of laws is essential for records retention. Archivists

need to acquire more information. It is perhaps banal to repeat the oft-stated remark that "knowledge is power," but it remains true.

Second, the privacy-access dilemma is linked to the structural location of the archival institution within state government. The originating agency is powerful, and it has nearly total control over the creation, processing, and use of its records.¹¹ Statutory protection is weak because of the lack of legislative oversight in records retention; there is neither the interest nor the time for legislators to become involved in administrative functions.

Third, records retention is a political process. The legal mandate for the archives' custodial function defines and reinforces its passivity. Its weak position in state government suggests that improving the current situation for records retention requires organizing and mobilizing constituency support outside and inside the institution in order to modify the statutory authority of the archives. Few archives had the resources to do this during the budgetary crisis of 1981/82; they were too busy trying to survive. Nevertheless, archives will almost always be underfunded; thus, they must make a concerted effort to modify their status in the governmental system.

The creation of an autonomous National Archives indicates that the archival and scholarly community *can* be a powerful political coalition on behalf of preserving a record of this nation's history. In the same way, political activism at the state and federal levels will be required to promote the preservation of records, the public's right to know, and clear standards for protecting confidential records and promoting research activity to create new knowledge.

¹¹See Robbin, "Phenomenology of Decisionmaking."