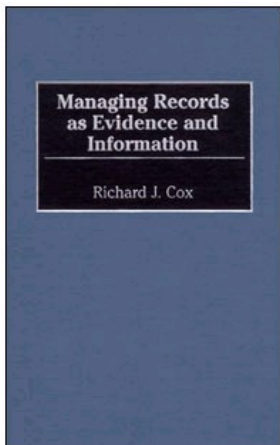


## Cover



# **Managing Records as Evidence and Information**

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Managing Records as Evidence and Information

Richard J. Cox



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## Preface

The concept of “policy” has been used so often and so broadly in the modern Information Age as to become *both* commonplace *and* misunderstood. Federal policies seem to be issued weekly. In our global era, international organizations regularly call for and release policies. All organizations seem to desire a policy on every function and activity or, at the least, to be aware of external policies affecting their work. Citizens demand policies protecting them in a vast range of spheres, from privacy to consumer rights to the use of information generated by and for them. Many worry if they might be working unaware of some policy that should be guiding them, or commence a new project by searching for and being aware of relevant policies.

The nature and impact of policies is a prevalent concern but also constitutes a somewhat uncertain business. Not long ago my school hosted a public lecture on information policy and ethics. During the question-and-answer session, one of my students politely but astutely posed a question about the differences between law and policy. Not unexpectedly, the answer was somewhat muddled, not because the speaker didn’t know how to respond but because it is difficult to discern where law ends and policy begins or how policy differs from so many other rules, guidelines, or even common sense. Law and policy are intertwined in complex ways, and because the process and effectiveness of making laws regarding cyberspace are both very complicated and uncertain, it can only be said that laws constitute part of policy and that policy often supports the application of laws. All of this, of course, is then subject to the outcomes of court cases and the development of professional best practices.

Some of this is not new, only speeded up and exacerbated by the accelerating use of computers from classrooms to courtrooms. Historian Michael Kammen identifies the “most worrisome threats to our freedom” as coming “from the



misuse of electronic data bases, from imprudent government legislation, from environmental degradation, and from those whose business it literally is to manipulate the marketplace.”<sup>1</sup> Policies are being proposed to address these and other concerns. Sometimes they help, sometimes they muddle things more.

The idea of policy has been used freely for hundreds of years. The word itself derives from the Greek concepts of citizenship and government and later focused on organized government systems, the conduct of public affairs, political skill, and the most current concept of any “course of action adopted and pursued by a government, party, ruler, statesman, etc.” Now private organizations are also wrapped up in deliberations about policy, generally meant to relate to internally uniform or regulated actions. And many of these policies, both private and public, relate to the use of information and records, drawing on another aspect of the origins of policy. Policy has long been associated with particular records “policing” action, such as an insurance policy, vouchers, and warrants.<sup>2</sup> But it has been the Information Age that has added an impetus to policy making, not just for information but the unique kind of information provided by records—evidence.

A useful discussion about the nature of policy is found in a monograph by H. K. Colebatch, a political scientist. Colebatch indicates that in government a policy has “coherence” (all the parts fit together in a single system), emanates from the top of the hierarchy, and possesses “instrumentality” (the policy is written in “pursuit of particular purposes”). Colebatch also indicates that in nongovernment organizations the term policy is often “simply the standardization and articulation of practice.” All policies, regardless of the nature of the organization producing them, generate from authority, implies “expertise,” and are “concerned with order” (they build or relate to a system and are consistent).<sup>3</sup>

For the past three decades, policies regarding a variety of information issues have emanated from federal agencies, legislative chambers, and corporate boardrooms. Charles McClure defines information policy as a “term used to describe a set of interrelated principles, laws, guidelines, rules and regulations, directives, procedures, judgments, interpretations, and practices that guide the creation, management, access, and use of information. Information policy can be set at a national level . . . , by state and local governments, and by other agencies and institutions.”<sup>4</sup> A quick substitute of “records” for “information,” and we have a reasonably good sense of the *purposes* of records policies. The substance of records policies, from international to national to local domains, is an altogether different matter.

Despite the present focus on information policy, it is still a relatively new concept and a concept only now beginning to be studied. Robert Burger argues that the difficulties stem from the challenges of understanding (or agreeing on precise meanings of the terms) for “information” and “policy,” while comprehending that “All information policies have a cultural, social, historical, and political context in which they are formulated.”<sup>5</sup> Archives and records policies have been identified as part of the various categories of information policies,

which also include information resources management, information technology, telecommunications, international communications, privacy and confidentiality, computer regulation and crime, intellectual property, and information systems and dissemination.<sup>6</sup> For some, figuring out what constitutes archives and records management adds to the complexity and confusion of determining and regulating information policy. In essence, this is what this book addresses, although one of its primary premises is that *records* are more precisely defined than *information*, even though records are a major source of information.

Many national and organizational policies have been set and discussed regarding records *and* information. Some of this has happened quite recently as the limitations, dangers, opportunities, and benefits of increasingly using electronic records management have become more obvious or the subject of court cases. This is why some records professionals have labored on an international standard, the International Records Management Standard (ISO15489), under discussion for the past few years.<sup>7</sup> The proposed ISO standard suggests that an organization “should establish, document, maintain and promulgate policies, procedures and practices for records management to ensure that its business need for evidence, accountability and information about its activities is met.” The standard also states that “Organizations should define and document a corporate policy for records management. The objective of the policies should be the creation and maintenance of authentic and reliable records capable of supporting business functions and activities, for as long as they are required. Organizations should ensure that the policies are implemented and maintained at all levels in the organization.”<sup>8</sup>

This is why other records professionals, including those at the United States National Archives (NARA), continue to search for policies *and* methods ensuring the long-term maintenance of records in electronic form, albeit not very successfully. In January 2000 a story broke about the loss of a portion of NARA’s own electronic mail, and as one commentator points out, “NARA comes away from this incident with the wrong lesson. Rather than develop a fool proof way of managing electronic mail, one which saves each Federal email at the time of creation in an off line tamper proof records management system suitable for Archival retention, NARA instead points to the incident to justify its ‘you see how unreliable e-mail systems are?’ as further justification for their ‘print out Federal e-mail Records.’ ” Despite a decade-long court case and thirty years of experience with electronic records, much of this failure stems from a policy glitch—the “Problem is that NARA had no internal rule as to when to print and file the Official Records.”<sup>9</sup> The National Archives problems are compounded through state and local governments, colleges and universities, corporations and community organizations, and cultural institutions. Few other archives and records management programs are doing any better.

Another story, breaking almost at the same time, reveals the need for clear records policy in an even more fundamental fashion. In late January 2000 a lengthy story appeared in the *Toledo Blade* decrying the destruction of forty-six

volumes of mostly nineteenth-century prison records by the Ohio Historical Society (serving as the archives for the Ohio state government). There were many dimensions to this story, revealing problems with the public's understanding of archives. The records had been previously microfilmed, but the news story conveyed the strong opinion that no original records should *ever* be destroyed. This was the least of the problems. The story also showed that internal records management procedures had been carelessly followed. More dramatically, the Toledo reporter chronicled severe problems in the relationship between the state government and the private historical society serving as the government's archives that brought into sharp relief the need for a better public records policy and accountability.<sup>10</sup> The newspaper's staunch view that "microfilm should only be a backup" and that records always should be kept in their original format suggests that records professionals need to be engaged in public policy making that educates the public.<sup>11</sup>

Records professionals have been concerned with setting records policies for most of the twentieth century, since the advent of the modern records profession, and there is no reason to think that this will not be a continuing preoccupation with them for most of the twenty-first century. Some of the earliest presidential addresses to the Society of American Archivists concerned the elements of drafting state archives and records legislation.<sup>12</sup> Much of the energy of the National Archives has focused on various federal records acts from 1950 to the present, including the Federal Records Act itself through the various laws relating to presidential records and their ownership. The International Conference of Archives has issued report after report on the elements of national records laws. Records consulting firms or lobbying groups, such as the International Records Management Trust and the National Security Archive, have issued reports arguing for the adoption of public policy that ensures the maintenance of records for purposes such as accountability and evidence. And professional associations, such as the Society of American Archivists and the Association of Records Managers and Administrators, with an orientation both to public and private records, have issued statements with an aim to affecting public and organizational policy.<sup>13</sup>

Despite a long-term discussion and debate about the notion of records management and/or archives policies, the stress has often been on *issuing* policies with little critical analysis of what provides the foundation for or sustains the policies. On more than one occasion I have witnessed the massive replication of records policies across institutions, the policies ranging from practical methods to recover records from natural and man-made disasters to the business of developing acquisition objectives or access regulations to the vastly more complicated technical aspects of the uses of digital technologies for capturing and reformatting records. Such mindless replication cannot produce useful organizational or social policy, since we know that such policies are the result of "top management" formulating "policy in order to enhance organizational effectiveness"; the emergence at "lower levels" "informally from a seemingly consistent

set of senior management decisions on an issue”; or “set by factors in the organization’s external environment, such as the enactment of laws, and the guidelines issued by government agencies.”<sup>14</sup> Simple copying of policies lessens the potential success of such policies because it eliminates many of the reasons why they need to be adopted.

This book is *not* a compendium of policies to be used in this fashion. Rather, it is the effort to explore in a more detailed fashion the fundamental principles supporting the setting of records policies. Records policies are critically important for records professionals to develop and use as a means of strategically managing the information and evidence found in the millions of records created daily, *provided* that the policies are based on comprehensible principles.

What follows in this book is a series of discourses on the fundamentals of archives and records management needing to be understood *before* any organization attempts to define and set *any* policy affecting records and information. The chapters concern defining records, how information technology plays into policy compiling, the fundamental tasks of identifying and maintaining records as critical to records and information policy, public outreach and advocacy as a key objective for such policy, and the role of educating records professionals in supporting sensible records policies. All of these chapters derive from a series of articles and technical reports written over the past decade and complement a companion volume published earlier by Greenwood Press, *Closing an Era: Historical Perspectives on Modern Archives and Records Professionals*, providing historical background to these and other issues.

Specifically, the sources for this book include the following articles (incorporated completely or in part, and always in a substantially revised fashion). Chapter 1 considers that the primary foundation of having a suitable records policy is possessing a good, working definition of a record. This chapter recounts the recent rediscovery of the concept of the record, recordkeeping functional requirements and warrant as a strategy for a more precise definition of record, the persistent terminological problems records professionals face in working in the Information Age, and the internal tensions about defining records such as has been evident in the debates between electronic records managers and archivists working with personal papers. The chapter draws on “The Record: Is It Evolving?” *Records and Retrieval Report* 10 (March 1994): 1–16; “Archives as a Multi-faceted Term in the Information Professions,” *Records and Retrieval Report* 11 (March 1995): 1–15; “The Record in the Manuscript Collection,” *Archives and Manuscripts* 24 (May 1996): 46–61; “Re-Discovering the Archival Mission: The Recordkeeping Functional Requirements Project at the University of Pittsburgh; A Progress Report,” *Archives and Museum Informatics* 8, no. 4 (1994): 279–300; “The Record in the Information Age: A Progress Report on Research,” *Records and Retrieval Report* 12 (January 1996): 1–16; and “More Than Diplomatic: Functional Requirements for Evidence in Recordkeeping,” *Records Management Journal* 7 (April 1997): 31–57.

Chapter 2 is a discussion about why technology should not be at the heart of

records policies. Records need to be the focal point since technology is no more than one means by which records are created. This chapter mostly concentrates on the ideas of computer literacy and critiques the idea of disciplinary convergence caused by electronic information technology. Chapter 2 builds on “The Importance of Records in the Information Age,” *Records Management Quarterly* 32 (January 1998): 36–46, 48–49, 52; “Computer Literacy and Records Professionals,” *Records and Retrieval Report* 12 (October 1996): 1–16; and “Why Technology Convergence Is Not Enough for the Management of Information and Records,” *Records and Retrieval Report* 13 (October 1997): 1–16.

Chapter 3 is an analysis of selection and maintenance as core concepts needed in any records and archives policy. The chapter considers the differences between archival appraisal and records management scheduling, the changing concepts of maintaining records, the impact of electronic records management on selection and maintenance approaches and objectives, and the importance of these ideas being incorporated into records and archives policies. The chapter is based on “Records Management Scheduling and Archival Appraisal: Some Unconventional Thoughts on History, Purpose, and Process,” *Records and Information Management Report* 14 (April 1998): 1–16; “Blown to Bits: Electronic Records, Archivists, and the Corporation,” in James M. O’Toole, ed., *The Records of American Business* (Chicago: Society of American Archivists, 1997); and “The Documentation Strategy and Archival Appraisal Principles: A Different Perspective,” *Archivaria* 38 (Fall 1994): 11–36.

Chapter 4, the longest chapter, grapples with the importance of advocacy in records policy making. It examines, first, the difficulty records professionals have in developing policy with images that are misleading or, in some cases, non-existent. Records professionals need to understand how ubiquitous records are and, more importantly, how to capitalize on their commonness in society and its organizations. The chapter also discusses the importance of a nontechnocratic view of policy, one that examines the challenges of dealing with difficult issues like privacy and access, by considering the human characteristics that must be taken into account. This chapter builds on “International Perspectives on the Image of Archivists and Archives: Coverage by *The New York Times*, 1992–93,” *International Information and Library Review* 25 (1993): 195–231; “A Sense of the Future: A Child’s View of Archives,” in *Archivists: The Image and Future of the Profession; 1995 Conference Proceedings*, ed. Michael Piggott and Colleen McEwen (Canberra: Australian Society of Archivists, 1996), pp. 189–209; and “Privacy, Access, and Human Values in the World of the Records Professional,” *Records and Information Retrieval Report* 15 (October 1999): 1–16.

Chapter 5 considers the last critical element for developing records policies, the education of records professionals. As happens in so many disciplines, the reasons why there are problems or the solutions for these problems rest with the quality of the education of records professionals. This chapter considers continuing issues facing professional education, the implications of the interdis-

ciplinary quality of the knowledge supporting records work for this education, the degree of change inflicted on this education by emerging electronic recordkeeping systems, the role of continuing education, and the nature of professional advocacy and its relationship to professional education. This chapter derives from largely unpublished work, including a talk to a 1996 conference on graduate archival education and a preliminary analysis of the interdisciplinary foundation of research on records and recordkeeping systems. Some of this chapter is also based on previously published essays, including “The Roles of Graduate and Continuing Education in Preparing Archivists for the Information Age,” *American Archivist* 56 (Summer 1993): 444–457; “Continuing Education and Special Collections Professionals: The Need for Rethinking,” *Rare Books and Manuscripts Librarianship* 10, no. 2 (1995): 78–96; and “Advocacy in the Graduate Archives Curriculum: A North American Perspective,” *Janus* no. 1 (1997): 30–41.

Are there summary lessons or principles emanating from these analyses of the foundation of policy for archives and records management? There are some basic issues that every organization must consider *before* launching into archives and records management policy writing. These are, as follows:

- Every organization needs to manage its records to support accountability, the protection of crucial evidence, and the nurturing of corporate memory.
- Records are real things, whether paper or electronic.
- Records and archives programs and professionals administer records first and foremost.
- Personal papers, while not normally part of organizations and governments, are records nevertheless.
- All records are created for a reason, and this reason ought to have the preeminent role in their subsequent management.
- Records are essential, as reflected by their consistent featuring in news stories.
- The selection of records for long-term maintenance is the key responsibility in all archival and records management programs.
- All organizations should hire records professionals.
- All individuals responsible for records should have some rudimentary training about the nature of records and recordkeeping systems.

Many individuals have influenced my thinking about records policies and policy making in general, through discussions with them or by reading their writings or both. They include Kimberly Barata, Jeannatte Bastian, David Bearman, Tom Blanton, Toni Carbo, Terry Cook, Bruce Dearstyne, Luciana Duranti, Wendy Duff, Timothy Ericson, Frank B. Evans, David Gracy, Larry Hackman, Margaret Hedstrom, Sue McKemmish and her colleagues at Monash University, Page Putnam Miller, James M. O'Toole, David Roberts, Helen W. Samuels, Hugh Taylor, Harold Thiele, David Wallace, and Elizabeth Yakel. A few of these individuals are former students. I also include in this group some current

doctoral students—Bernadette Callery, Jennifer Marshall, and Tywana Whorley—who constantly push me to re-examine my ideas.

## NOTES

1. Michael Kammen, “The Futures of American Freedom,” *Virginia Quarterly Review* 76 (Winter 2000): 19.
2. From the online version of the *Oxford English Dictionary*, 2nd ed., accessed on January 10, 2000 at <http://digital.library.pitt.edu/cg...d-idx.pl?type=entry&byte=332473931>.
3. H. K. Colebatch, *Policy* (Minneapolis: University of Minnesota Press, 1998), pp. 3–4, 6, 7.
4. Charles R. McClure, “United States Information Policy,” *Encyclopedia of Library and Information Science* (New York: Marcel Dekker, 1999), pp. 306–307.
5. Robert H. Burger, *Information Policy: A Framework for Evaluation and Policy Research* (Norwood, NJ: Ablex Publishing Corporation, 1993), p. 66.
6. Burger, *Information Policy*, pp. 87–88.
7. At the final stage of preparing this book, the ISO draft was available for consultation at <http://www.archivists.org.au/council/recmandraft.html>. Work continues on the efforts by the International Organization for Standardization to set an international standard for records management (ISO15489), based on an Australian records management standard. The present text of the proposed standard describes general records management purposes and principles, the characteristics of a record, the regulatory environment for records, the elements of records management policies, strategies for managing records, and records management operations. The proposed standard “does not include the management of archival records within archival institutions,” although it certainly deals with the administration of institutional archives.
8. Sections 6.1 and 6.2 of the proposed ISO standard.
9. Eddie Becker posting to the Archives and Archivists listserv on January 9, 2000 02:11:57–0500. The article was George Lardner, Jr., “Archives Loses 43,000 E-Mails,” *Washington Post*, January 6, 2000, p. A17. The article reveals that the National Archives had little trust in its own systems and that it was relying on printing out (selected by the records creators) electronic mail. An internal memorandum by Archivist John Carlin reassured his staff that nothing of value had been lost; “This is of course because, in accordance with standard NARA practice pending the development of dependable electronic recordkeeping systems, we print out on paper and file for safekeeping messages warranting retention as official Federal records”; John Carlin, January 6, 2000, NARA2000–067.
10. James Drew, “Special Report: How Historic Records End Up as History,” *Toledo Blade*, January 23, 2000; James Drew, “Historian Decries Loss of Prison Registers,” *Toledo Blade*, January 26, 2000.
11. “Editorial: Once Destroyed, Forever Lost,” *Toledo Blade*, January 27, 2000.
12. For examples of the many early writings on this topic, refer to Frank B. Evans, comp., *Modern Archives and Manuscripts: A Select Bibliography* (Chicago: Society of American Archivists, 1975), pp. 119–120.
13. These statements are featured on these organizations’ Web sites. For an example,

examine the International Records Management Trust site at <http://www.irmt.org/index2.html>.

14. Deon Nel, Leyland Pitt, and Richard Watson, “Business Ethics: Defining the Twilight Zone,” *Journal of Business Ethics* 8 (1989): 781.



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# Magaging Records as Evidence and Information

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## Chapter 1

# Starting Policy: Defining Records

## INTRODUCTION: DANCING AROUND DEFINITIONS

Most people have a sense about what makes something a record. There is no mystery here. Records have become wrapped up with certain standard and quite recognizable forms. A letter, memorandum, receipt, and check are all typical objects in our personal and professional lives, the result of centuries of organizational and societal activity and evolution. We have been conditioned to these forms by years of personal experience, convention, common sense, and education and training. Even newer electronic versions of records mimic the older forms on our computer screens.

If discerning a record is so obvious, why do we need to devote any attention to its definition? The predictions of the demise of the record by some technologists, describing a paperless office and later offering software promising to manage clumps of data, prompt serious reconsideration of what constitutes a record, similar to what has occurred with the debate about the future of the printed book. Our information era has brought immense changes. The advent of the computer, supporting ever more complex and powerful software applications, seems to have transformed the way in which records are viewed. We risk losing sight of records. Even records professionals, archivists, and records managers engage in protracted debates about what constitutes a record. Definitions with a focus on information, data, structure, origination, or end-user potential are all offered. Commonsense approaches and obvious forms become confused or pushed aside. Even archival theory can be a problem, producing theoretical frameworks that are difficult to place into policy.<sup>1</sup> None of this is very promising for records professionals as they set out to write policy, since policy needs to be concise, clear, and convincing.

Are we really witnessing the evolution to a new record? For many, what they see on the computer screen looks suspiciously like older versions of a record, although the record may be little more than a brief image on a computer screen and certainly not a physical entity to be touched. Yet, there are different concerns. Will this record image always be the same? Is my “record” version the memorandum drafted for initial review, the second version sent to its intended audience, or the third version which has been modified by the recipient as he or she included the memorandum in a report? Or, are all three records? Is my record the spreadsheet of financial figures and sales trends retrieved at 9:31 A.M. or the spreadsheet called up three hours later when the figures have been modified? Or, are both legitimate records? Can we possess a record that is largely composed of text, images, and statistics loaded from online bibliographic systems or transferred from documents created by other organizational staff?

Our modern era has given us the electronic record and troubling questions. When we examine electronic records—how do we know that they are the *original* records? Can electronic records be *authenticated*? *How* should they be *preserved* for any requisite period of time—in paper or electronic form? And how can electronic records be *managed* to ensure that organizational requirements are met? What was once the province of file clerks, now is the domain of systems designers, information policy specialists, and other highly educated technical experts. But do these technocrats understand records and their importance?

Since records are essential to any organization, questions challenging the record’s definition are also crucial to the organization. The records management and archival literature portrays a record as relatively fixed, easily ascertained, and conveniently handled. One typical archives textbook defined record as “any type of recorded information, regardless of physical form or characteristics, created, received, or maintained by a person, institution, or organization. . . . Records are extensions of the human memory, purposefully created to record information, document transactions, communicate thoughts, substantiate claims, advance explanations, offer justifications, and provide lasting evidence of events. Their creation results from a fundamental human need to create and store information, to retrieve and transmit it, and to establish tangible connections with the past.”<sup>2</sup> This definition (or similar versions of it) has long been used by archivists and records managers. It is a variation of definitions in half-century-old federal records laws, and these laws themselves are based on another half-century of both North American and international custom and definition.<sup>3</sup> While these definitions incorporate and accommodate a wide array of technology, they suggest that a record has only changed in the medium in which it might reside or be retrieved.

The old Renaissance science of diplomatics, undergoing a recent emergence of interest in North American records management and archival practice, posits that documents can be described by representation rules and that these rules “reflect political, legal, administrative, and economic structures, culture, habits,

myths, and constitute an integral part of the written document, because they formulate or condition the ideas or facts which we take to be the context of the documents.”<sup>4</sup> Over a long period of time, several thousand years, these various structures have significantly changed and, partly spurred on by the dynamic transformation of information technology, so have the basic aspects of a record (or so it seems). It is important to remember that cultural and other societal factors, other than technological utility or advantages, often influence what kinds of information technologies a society or an organization adopts. It is also important to remember that the records creators choose both medium and form for administrative and business conveniences, not the records custodians such as archivists and records managers. A recent history suggests that writing in a particular society is dependent on its need for information: “If all writing is information storage, then all writing is of equal value. . . . There is in fact no essential difference between prehistoric rock paintings, memory aids (mnemonic devices), wintercounts, tallies, knotted cords, pictographic, syllabic and consonantal scripts, or the alphabet. . . . If a form of information storage fulfills its purpose as far as a particular society is concerned then it is (for this particular society) ‘proper’ writing.”<sup>5</sup> But, as it turns out, this kind of definition, readily latched onto by computer and information scientists, may not be so helpful for the definition of a record for use by archivists and records managers, the organizations they serve, administrators and policy makers, and citizens.

Because of the changing information technology and its use within organizations, the record’s definition is important. Records professionals have become particularly animated about this within the past decade. Charles Dollar, reporting the initial results of an international collaboration, notes that the “traditional concept of record refers to recorded information that is captured as a physical entity in such a way that it provides ‘first-hand evidence’ or contemporary proof of a transaction” and argues that electronic information technology stretches considerably this traditional definition.<sup>6</sup> Edwin Southern has more pointedly captured the archivist’s angst about such changes, speculating, “we may be seeing the end of [the traditional] document in an entity called the ‘virtual document.’ . . . The ‘virtual document’ exists in a kind of electronic subuniverse, able to take on attributes and contexts according to the wishes of the creator or user. The conclusion seems inescapable: The ‘virtual document,’ or its near relative, the document existing in the infinitely manipulable database, means the obliteration of the document as a tangible, visible link between creator and user, with the archivist as intermediary.”<sup>7</sup>

Compounding the confusion is the fact that the nomenclature has not substantially changed, meaning that terms such as “document” and “record” are used but with very different implications. It is easy to get twisted up in internal disciplinary debates without resolving anything of potential use for managing records to benefit and protect society and its organizations.<sup>8</sup> German archival educator Angelika Menne-Haritz notes, “In the language of office information, individual documentation entities are often simply called ‘documents.’ As op-

posed to data formed in a definite structure, documents are formed from combination of texts, drawings, tables, calculations, etc., which have no definite structure.”<sup>9</sup> Those who advocate the notion of “information resources management” display the tendency to adopt *similar* nomenclature but with very *different* practical implications. Forest Woody Horton describes the convergence between data, documents, and information, and while he has maintained substantial notions of what purpose records serve others, extending the concept has created definitions that seem to have jettisoned fairly substantial portions of traditional views of a record.<sup>10</sup> These views often reveal that some essential dimensions of the record and its purpose have been lost or confused in the maze of computer and high-tech wizardry, and this leaves society and its institutions in a vulnerable position.

## **THE REDISCOVERY OF THE RECORD AS EVIDENCE RATHER THAN INFORMATION SOURCE**

The Information Age has produced a debate for records creators, users, and custodians about the definition of a record. The rapid development in the technological capabilities of computers, and their plunging costs and increasing user-friendliness, has created disciplines concerned with information management. Information is usually defined using data, ideas, and knowledge, and its use, organization, and means of dissemination have been separated from its form of carrier. The modern electronic compound document (text, spreadsheets, images, audio, and video) has focused more concern on the nature of the information. Records must first be defined and then come the technical solutions for maintaining them. Australian archivists have done precisely this, noting that the “pivot of archival science is evidence not information. Archivists do not deal with isolated and free-floating bits of information, but with their documentary expression.”<sup>11</sup> This is a valid viewpoint for the records manager as well.

What is problematic for the records professional is the legal definition of a document. The records manager relies on legal guidelines for determining what records are maintained and how they are accessed, but modern information technology has made this far more complicated. Writings on the legal aspects of records have cast doubt about the sufficiency of the legal definitions because the means by which such electronic records are created and maintained are often dependent on factors external to the organization. In the medical world, the increased emphasis on patients’ rights as their records are transferred from one health care provider to the next, along with more precise and detailed diagnostic data, have challenged the growing use of medical information technology. Add legal and ethical problems, and we have a scenario in which the concept of the medical record has changed; while older paper records were more difficult to access, they may actually have been richer in diagnostic information. Such problems reflect the difficulties in setting legal parameters in cyberspace, something that has proved to be as difficult as “information” to define.<sup>12</sup>

The decade-long court case on the maintenance of electronic mail files by the Reagan and Bush presidencies reveals both challenges and solutions. The Bush administration was prepared to erase these electronic records, including those documenting the Iran-Contra affair, offering to produce selective paper printouts. While the matters of legislative definitions and executive privilege are complicated, the U.S. Court of Appeals ruling in the case affirms that such paper print-outs are insufficient because they “may omit fundamental pieces of information which are an integral part of the original electronic records, such as the identity of the sender and/or recipient and the time of the receipt.” The ruling further states, “our refusal to agree with the government that electronic records are merely ‘extra copies’ of the paper versions amounts to far more than judicial nitpicking. Without the missing information the paper print-outs—akin to traditional memoranda with the ‘to’ and ‘from’ cut off and even the ‘received’ stamp pruned away—are dismembered documents indeed.”<sup>13</sup> The fact that this ruling concludes that the White House and National Archives *both* had violated the intent of the Federal Records Act of 1950 and the Presidential Records Act of 1974, both with the standard definitions of records cited at the beginning of this chapter, suggests the need for rethinking records concepts. The subsequent decisions and debates only affirm this need.

The irony is that as technology increased in its complexity and potential for processing, using, and storing information, basic archival and records management principles were codified by archivists in France, Prussia, and the Netherlands. By the dawn of the twentieth century, basic notions of record had been more precisely formulated, drawing on tradition and practice. The 1898 Dutch archival manual discusses records’ “organic” nature, the matter of their natural accretion and the importance of their context and role as organizational evidence.<sup>14</sup> English archivist Hilary Jenkinson, writing a generation later, made the matter of the “administrative or executive transaction” the keystone of the record concept and one of the fundamental notions of archives.<sup>15</sup> Margaret Cross Norton, spanning the age of the pioneer American archival programs and the emergence of modern records management, also emphasized concern for transactions and evidence, defining the purpose of a state government archives as having the “duty of planning and supervising the preservation of all those records of the business transactions of its government required by law or other legal implication to be preserved indefinitely.”<sup>16</sup> A contemporary of Norton, and the foremost American archival theoretician, T. R. Schellenberg provides a similar records definition.<sup>17</sup> Thus, by the mid-twentieth century, there seemed to be a firm sense of a record as evidence of transactions.

Why is there now such a struggle with the record concept? Archivists and records managers serve their organizations in essential ways, by making sure that investments in records and information systems are worthwhile and that the organizations maintain their accountability through the protection of their evidence captured in records. Changing information technologies have challenged the ability of archivists and records managers to provide such services. Form,



which often dictated the degree of importance of evidence of a particular document, continues to change. And the physical entity of the document, which in the past dictated aspects of access, security, and maintenance, has so changed as to call all such functions into serious re-evaluation as to their applicability. The fact that the long-standing definitions of record pre-date considerably the computer has caused archivists and records managers to worry about a competition with information technologists within their organizations and across disciplines. And some records professionals tend to gravitate to the idea of records as “recorded information” making them easily distracted by many things which are not records (that is, evidence of transactions or activities).<sup>18</sup>

The rapid and ever more pervasive use of computers may have contributed to records managers and archivists losing sight of records. Australian Frank Upward captures the essence of this problem: “During the last thirty years there has been a steady shift to emphasizing the importance of data, and this has been at the expense of perceptions about the importance of documents, a term which temporarily was considered to be more applicable to paper records. . . . A difference between data and documents is starting to again be observed, which can be broadly equated with ancient meanings of the terms, in which data is described as content, and a document as data in context. This implies that a document is both data and something extra. . . . Rather than dueling concepts, document characteristics and data characteristics are starting to be thought of as a ‘duality’ present in all records.”<sup>19</sup> There are other reasons. In the United States the archival profession has long been influenced by historians and manuscripts curators, and there has been an emphasis on the acquisition of older records primarily for research purposes. This is not a new problem. Jenkinson worried about this many years ago in England when he wrote that “archives are not drawn up in the interest or for the information of posterity.”<sup>20</sup> In the United States many individuals working as archivists seem predisposed to acquiring records as historical information to serve specific research clienteles, and this has made them prey to abandoning basic archival principles or losing sight of their primary objectives as archivists. Some of this has carried over to archives located in corporations and other institutions, where the archivist often seems predisposed to acquire interesting historical artifacts to be used by researchers.

Records managers have also faced similar problems, but for different reasons. Many records managers believe that their primary aim is to provide efficiency and economy through the systematic identification of obsolete records for destruction or through the maintenance of record classification systems. Other records managers also latched onto keywords such as “information” or “information resources management” as a means of remaining relevant in organizations stressing an increasing reliance on electronic information systems. The fuzziness of initial definitions only suggests why strong conceptions of records have eroded. An essay on the issue of records *or* information management reveals this dilemma even more. The author argues that where “in the past the transmission of thought to paper was the crucial stage in document produc-

tion,” this is now done electronically “where the entire documentation process becomes an extension of the human brain.” While much of the advice in this essay is sound, it is based on a weak conception of what a record is or the responsibilities of *both* archivists and records managers.<sup>21</sup>

Records professionals need new strategies for focusing on evidence not information. The Information Age has been seductive with its stress on managing vast quantities of information created from many and diverse sources and used in new and interesting ways. As more memory becomes available, attention shifts from needing to distinguish records from everything else to the technical ability to save and access everything. Yet, records’ evidence provides a means to identify essential information for organizations and society. The archivist and records manager must reassert their commitment to maintain accountability by stressing evidence of the organization’s activities and transactions. Archivists and records managers need to re-evaluate their traditional end of life cycle approaches (the point of disposition or destruction) in scheduling and appraising. The nature of the new electronic document requires that office records creators will need to have greater responsibility in maintaining records and that organizational policies, systems designs work, implementation procedures, and the use of new information technology standards will have to be developed to enable this to happen. Records professionals shift from custodians to designers, implementers, and advisors.

## **TERMINOLOGICAL PROBLEMS: “ARCHIVES” IN THE INFORMATION PROFESSIONS**

It may be that the technical issues facing organizations in their maintenance of new records forms is less a problem than the competition and communication between various kinds of information professionals. Recent technical language has been called “technobabble” because it can be “jargon [that] devolves into babble” when it is “used as filler or decoration,” “employed intentionally for obfuscatory purpose,” “employed gratuitously,” “used obsessively,” and “used by those unfamiliar with its meanings in an attempt to sound as if they know what they are talking about.”<sup>22</sup> Technobabble plagues the information professions, including records and information resources management, where technology has become of central importance. When terms already familiar to one segment of the information professions are appropriated by another, there is not only the possibility of confusion but the danger that vital functions will be minimized or lost altogether. The information technologists have appropriated “archives” to indicate backing up files for security or similar purposes, for storing information no longer needed on a regular basis, and as a product term for backup software programs.

Such use of “archives” has had two other consequences. First, the technologists’ usage reflects a lack of understanding of the validity of records of continuing value to an organization and even of the basic concept of a record itself.

Second, the technologists' use of "archives" has also made it difficult for archivists and records managers to communicate effectively to others designing and implementing organizations' information systems. Archivists and records managers seem unable to establish effective linkages with the information technology professionals (or even with each other) in order to ensure that vital and archival records in electronic form are maintained. Another result of "technobabble," therefore, may be the unnecessary erection of barriers undermining the basic goals of various information professionals. Technical jargon cannot only harm a particular discipline's broader mission, but it can mask a real lack of understanding of basic concepts, principles, and practices. "Archives" and its usage is a prime example of such a dilemma.

Archivists struggle to recognize how "archives" is being used in the information technology literature. Data processing articles and reports recognize the problems with preserving older data, utilizing terminology familiar to archivists. One article, for example, refers to "historical data," and offers this opinion: "With today's capability (and need) to access, retrieve, and process this data . . . historical data issues are gaining attention. . . . More difficult still is archiving this data. The data must be archived according to the underlying object's structure at the time of archival."<sup>23</sup> Its authors note, "from a data professional's perspective, history is a significant design issue that must be considered from conceptual architecture, through logical and physical models, to physical implementation, and finally, to access definition and tuning."<sup>24</sup> There are similar ideas throughout the technical literature. One article poses an essential preservation question long faced by archivists and other information professionals: "How long will my storage keep? For managers, this is an agonizing question—the part of the data-archiving equation. . . . [T]here is always a chance that the need for your data will outlast the life of your storage media."<sup>25</sup> Another article states, "archiving is for long-term storage of important files."<sup>26</sup>

While there is some affinity between archivists, records managers, and data processors, the latter's use of the terminology is quite disparate from that employed by professional archivists and records managers. "Archives," or some variant of it, is a term used to describe backing up various files: "an archive system can selectively move unused or rarely accessed files to offline media in an orderly fashion, freeing up disk space and thus improving file-access performance."<sup>27</sup> Another essay describes a system automatically backing up documents, an "archive device," after thirty days.<sup>28</sup> Nearly all forms of the term "archives" are used to describe some sort of backup, and the term is often used as a part of a product name for such software,<sup>29</sup> perhaps confusing the issue (certainly making it difficult to conduct bibliographic searching to identify literature on *real* archives).

The problem of communication between records professionals and managers of information systems or data processors is clearer in an examination of the latter's textbooks. Most of these textbooks include no mention of "archives" or any variant term.<sup>30</sup> One textbook mentions "archival files," but it does not define