

ACCESS TO ARCHIVES IN THE DIGITAL AGE



Implementation of the Committee
of Ministers of the Council of Europe
Recommendation No. R (2000) 13
on a European policy on access to archives

COUNCIL OF EUROPE



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Contents

CHAPTER 1 – INTRODUCTION	5
1.1. Background and history	5
1.2. New developments	8
1.3. Goal of the study	10
CHAPTER 2 – METHODOLOGY	13
2.1. General approach	13
2.2. The target groups of the survey	14
2.3. Questionnaire	15
2.4. Field work	17
2.5. Response rates	18
2.6. Data analysis	21
2.7. Interviews	21
CHAPTER 3 – STATUS OF THE IMPLEMENTATION OF THE RECOMMENDATION	23
3.1. Awareness and compatibility with national legislation	23
3.2. Exemptions from regulation	26
3.3. Nationwide validity	29
3.4. Access as a right	30
3.5. Authorisation	30
3.6. Rules for specific user groups	31
3.7. Costs of access and document reproduction	32
3.8. General closure periods	33
3.9. Documents with restricted access	35
3.10. Finding aids	38
3.11. Special permission to access restricted documents	38
3.12. Partial access to restricted documents	40
3.13. Refusal of access and appeal options	41
3.14. Private Archives	42
3.15. Interim summary	43
CHAPTER 4 – TECHNICAL DEVELOPMENTS AND CHALLENGES	45
4.1. Digitisation and online services	45
4.2. Current and future challenges for the accessibility of archives	52
CHAPTER 5 – CONCLUSIONS	59
FIGURES	63
TABLES	65
REFERENCES	67

“Who controls the past controls the future.
Who controls the present controls the past.”

George Orwell, *Nineteen eighty-four* (1949)

“Those who cannot remember the past are condemned to repeat it.”

George Santayana, *The life of reason* (1905)

Chapter 1

Introduction

This study presents the findings of a pan-European survey on access to archives, conducted in October 2022, commissioned by the Directorate General of Democracy and Human Dignity, Directorate of Democratic Participation, Steering Committee for Culture, Heritage and Landscape (hereinafter CDCPP) of the Council of Europe. It evaluates the lessons learned from the findings and outlines possible measures in order to further improve the state of access to archives on the basis of Recommendation No. R (2000) 13 of the Committee of Ministers to member states on a European policy on access to archives.

1.1. BACKGROUND AND HISTORY

The main mission of the Council of Europe is to protect human rights, pluralist democracy and the rule of law, and to promote awareness and encourage the development of Europe's cultural identity and diversity. Archives,¹ which among other institutions represent the collective memory of society, contribute to both aspects of this task by providing the evidential records necessary for a functioning rule-of-law democracy and by creating the transparency necessary for the accountability of state institutions. Furthermore, the family of basic human rights incorporates informational rights, including access to information and access to archives. On the other hand, Archives preserve important documents and other artefacts that are part of our cultural heritage and shape our self-understanding.

The process that led to the drafting and adoption of the Committee of Ministers recommendation on access to archives started in the early 1990s, when, after the radical changes in the political systems in the eastern part of Europe, the direct political and ideological confrontation of competing powers ended. The change in the political system, however, did not automatically lead to the modernisation of the legal systems and the establishment of democratic rule-of-law societies, nor to the protection of human rights – retrospectively, these processes were long and complex and, in certain countries, are still ongoing.

Of particular importance in this period was the demand to make previously inaccessible documents available to the public, as a basis for coming to terms with the history of the Cold War era, at institutional and individual levels alike. This necessitated the accessibility of information and documents created by the Communist Party states regarding both current and historical documents (cf. Gruodytė and

1. In this report we follow the distinction laid down in the recommendation: "Archives" mean the archival institutions, while "archives" mean the totality of documents in an Archive (Article 1 *a.*)

Gerviené 2015). The former is governed by the principles and legal provisions of the freedom of information, the latter by access to archives. Both presuppose the abolition of the practice of arbitrary classification of documents and the accessibility to information and archives, which must be a right, not a privilege, in accordance with the requirements of the rule of law and historians' demands, but also with the claims of civil society. Access to information was one of the symbols of abolishing the dictatorial past during the great political changes around 1989. According to László Majtényi, the first Hungarian Parliamentary Commissioner for Data Protection and Freedom of Information, "the demand for freedom of information was a central axis around which the world has turned" (Majtényi et al. 2005, our translation).

Nevertheless, in the new European democracies, despite important changes in the law during the period following the regime change, differing legal and administrative traditions survived and resulted in differing legal practices. These circumstances put into focus the general demand for accessing the documents of the past, the role of memory-preserving institutions, primarily the Archives, and the possibilities for access to archives. The Council of Europe recognised the increased significance of access to archives and, in accordance with its mandates, launched archival co-operation programmes and action plans in order to create a standardised system of principles and requirements in this field.

As early as October 1993, the first archival programme was drawn up and adopted by the Council of Europe's Council for Cultural Co-operation. The programme included a conference for the directors of European national Archives and experts, convened in 1994 with the participation of experts from 20 countries and international organisations, for the purpose of setting out democratic standards governing the creation, administration and use of archives, and the establishment of a framework for co-operation between western and eastern European Archives. The three main areas in which a common European archives policy could take place were: the preservation of archival heritage, the democratisation of legal systems and procedures, and the opening up and improvement of the accessibility of archives.

Regarding the latter, the set of recommendations that were formulated as a result of the 1994 conference included the improvement of users' right of entry to Archives, their access to finding aids and their right to information, as well as technical and organisational matters, such as opening hours and the facilities for copying documents. It also included the planned project of computerisation of the Communist International (Comintern) Archives, showing the importance of digitisation in preservation of and access to archives.

As part of a planned series of bilateral round-table meetings, a French–Hungarian round table was organised in Strasbourg in October 1995, where experts of the two countries – archivists, constitutional lawyers, historians and data protection experts – discussed the possibilities of international co-operation in the field of access to archives, raising such issues as whether, in former dictatorships, people should have a sort of informational compensation for the long years during which they were deprived of access to information and documents (for example, by defining shorter protection periods for documents created before the political changes). In 1996 the

Parliamentary Assembly of the Council of Europe advised “countries concerned to enable the persons affected to examine, upon their request, the files kept on them by the former secret services” (Council of Europe 1996).

The multilateral expert meeting convened in Strasbourg by the International Council on Archives (ICA) in January 1997 was entitled “Standard European policy on access to archives” and built on the reports and conclusions of four round tables (Strasbourg and Pärnu in 1995, Berlin and Bern in 1996), including a working document that served as the basis for the envisioned recommendation.

The recommendation was adopted on 13 July 2000. Immediately after its adoption, during the summer of 2000, the appointed experts prepared a pilot survey in order to monitor the compliance of member states with the new recommendation and, in agreement with the competent body of the Council of Europe, selected the countries to be included in the investigation. The selected countries were Austria, Bulgaria, Estonia, France, Germany, Hungary, Poland, Russia, Slovakia, Spain, Sweden, Switzerland and the United Kingdom. Questionnaires were sent with an official letter from the Council of Europe to the national Archives (or archival directorates, chief archivists) of the selected countries. Western European countries were contacted directly by the Council of Europe, while the questionnaires were sent to central and eastern European countries by Open Society Archives (OSA), which was involved in the implementation of this investigation.

The findings of this pilot survey confirmed that the main obstacles to access to archives were: the incompletely harmonised legislation and regulation; the lack of uniform interpretation of the legal provisions; differences between federal- and state-level archival laws; the existence of documents classified without time limit and the cumbersome declassification procedures; unprocessed archival materials; missing finding aids; discriminative research permission; inadequate funding of Archives; missing resources; mass privatisation (documents of public interest might become private property); the problems of handling documents of liquidated organisations; the competing rights and interests concerning privacy and opening up historical documents; and the special problems of archives of former repressive regimes. This list of problems made it clear that conducting a pan-European survey was necessary, not only for mapping the non-compliance with the recommendation but also for formulating guidelines for its implementation.

The monitoring project was temporarily suspended, due to an internal restructuring in the competent bodies of the Council of Europe, but was revitalised in late 2002, particularly at an expert colloquy on archiving activities, where the findings of the pilot survey were presented.

The pan-European survey was launched in 2003, involving all member states of the Council of Europe, focused on three target groups: 47 national archival institutions, 52 organisations of academic users and 85 organisations of non-governmental users, in total 184 organisations. In November 2003 a full-day expert meeting on the implementation of the recommendation was organised in Strasbourg by Directorate General IV, Directorate of Culture and Cultural and Natural Heritage, Cultural Policy and Action Department, focusing on the presentation of the results of the survey, together with plans to draft a handbook.

The detailed results of the survey, together with a detailed interpretation of the recommendation and the texts of other related Council of Europe recommendations, were published by the Council of Europe, with the support of the OSA, in the form of a handbook: the English edition was published in 2005, the French edition followed in 2007 (Kecskeméti and Székely 2005, 2007).

It deserves to be mentioned that the person who had a fundamental role in initiating the Council of Europe's archives programmes, negotiating with stakeholders, drafting the recommendation and launching the monitoring project, was the late Charles Kecskeméti, then Secretary General of the ICA, who was also a principal author of the handbook.

The recommendation was the first international standard in this field. It does not require uniformity in the member states; rather, it takes differing societal, archival and administrative traditions into consideration. However, it clearly expresses common principles and expects all member states to comply with them. Although not a binding legal document, the recommendation has moral and political significance in that it shows what the community of democratic countries of Europe and the world expect in this field from all countries.

1.2. NEW DEVELOPMENTS

During the more than two decades that have passed since the adoption of the recommendation, significant changes have taken place in the archival world. The two main driving forces of the changes have been the rapid development of information and communication technologies and, in connection with the former, changes in the expectations of the users of Archives. Both have a substantial impact on the state of access to archives.

According to the four paradigms of archival history – entitlement-attestation archives, national archives, public archives and global archives (Székely 2010, 2015) – access to archives has a crucial role in the public and global paradigms, on the borderline of which the Archives of our age are operating. In the public archives' paradigm, after the Second World War, the public archival institutions were virtually owned by the public at large; public reading rooms were opened, where services were provided not only to scholars and bureaucrats but also to members of the lay audience; user-friendly finding aids were created and archival outreach activities organised in order to attract wide segments of society. In the global paradigm, access is the single most important requirement, although it is partly a promise made only by internet-based service providers, who state that from now on all information will be preserved forever, accessible anywhere, at any time.

New types of Archives emerged, primarily in the private and non-governmental sectors, for example community Archives – the existence of which challenges the traditional archival institutions and management of records – which are the result of committed work by members of a community, often saving endangered social and cultural memories, offering alternative narratives to mainstream historical narratives, and trying to avoid the contribution of trained archivists or standardised methods of archives management, presuming that these would jeopardise or even hinder access to the archived materials by members of the community.

Post-custodial Archives are composed of documents, mostly in digital format, which are not transferred to an archival institution, but remain in the possession of the organisations where such documents have been created, entered into common virtual catalogues and made accessible for users online (for example Körmeny 2015; Kelleher 2017). There is currently a pressing need to archive the web in order to preserve information and documents uploaded onto, exchanged within or created on internet-based platforms (Brügger 2017).

New and emerging technologies have become part of archival practice: digitisation of paper-based and audiovisual (AV) documents has become widespread in archival institutions with proper technical and financial resources, as well as uploading of digitised documents to openly accessible platforms. Archive institutions must also accept “born-digital documents”, including formats that are different from the traditional document formats, for example databases or ephemeral documents. Several recommendations from international organisations emphasise the importance of digitisation in the preservation of and access to documents, among them the United Nations Educational, Scientific and Cultural Organization (UNESCO) Recommendation concerning the preservation of, and access to, documentary heritage including in digital form (UNESCO 2016).

In the field of processing, describing and indexing archival documents, the practice of crowdsourcing has been applied in certain modern Archives, that is, digitised or born-digital documents are uploaded to private clouds, and participants (researchers or interested laypeople) add the missing descriptive information or indicate new cross-references. This is primarily an organisational solution – with important aspects of quality control – but presupposes digital technology and communication tools.

Some Archives already use tools based on artificial intelligence (AI), for example when searching for records that are similar in certain specified aspects that are not entered in the traditional catalogues. Junior archivists or interns who often do the job of indexing and entering metadata may not be familiar with the faces of politicians or other personalities in photos taken or videos made decades earlier: in such cases, AI tools can be taught to recognise recorded faces, thus assisting the processing work. Similarly, users of Archives, in particular online users, may also make use of AI tools when searching in a large archival database (van der Werf and van der Werf 2022).

New concepts of descriptive standards have been developed, such as Records in Context (ICA 2021), which includes a conceptual model and an ontology, and aims at enabling archival description to better capture the complex relationships archival documents have with each other, and with their creators, holders and subjects. Linked Open Data is another concept of the semantic web, which offers a common space in which to share data from repositories, including archives of a certain kind (Bizer, Vidal and Skaf-Molli 2018). These concepts and the resulting standards may modernise existing descriptive standards in the future, as well as interorganisational co-operation, resulting in semantic interoperability and better accessibility of data and document repositories.

From the users’ side, it has become a standard requirement to have access to archival documents in digital format or, if digital copies do not exist, to be able to either take photos with their own digital cameras onsite or use a digitisation-on-demand service

offered by the archival institutions. The institution can send digitised (or born-digital) documents to the user through various communication channels. Equally important for the users is the possibility to have direct remote access: if access is not restricted, the most popular solution is to upload the documents on a publicly available platform, such as a website – that means that the archives are expected to maintain an informative website with a capacity to serve multiple users and requests. If, however, access is restricted to a defined group of users or purposes, such as research and education, the physical research room also needs to be replicated in the virtual space. A side effect of the use of search engines may be that searches result in hits only, without deeper archival context, and the service providers may mask the identity of the institution that uploaded the document from the user.

Obviously, these new developments and their impact on access to archives could not have been included in the 2003 survey. The competent bodies of the Council of Europe recognised these changes and, beyond a general intention to overview the status of implementation of the Council of Europe's recommendation and to identify a need to update it, this motivated the CDCPP to entrust the authors of the present report to repeat the 2003 survey – in such a way that the changes that have taken place since become visible and, at the same time, that new developments will be properly represented, in view of the fundamental principles of the recommendation.

1.3. GOAL OF THE STUDY

The primary goal of the study is to provide a detailed overview of the situation of access to archives in the member states of the Council of Europe in 2022. Another important purpose is to highlight the changes that have taken place since 2003 when the first pan-European survey was conducted. The survey data reveal good practices but also remaining problems, in particular those that have not been resolved since the adoption of the recommendation.

It is not the aim of this study to pinpoint individual member states, either to highlight those which have demonstrated best practices or indeed those whose practices have shown inadequacies in following the provisions of the recommendation. The latter member states can easily identify themselves when reading this study, by comparing their practice with the provisions of the recommendation. Instead, our study emphasises the practices to be followed by national Archives and in national legislation and regulation in order to comply with the recommendation, thus providing arguments to the competent bodies of the Council of Europe in favour of launching adequate programmes and actions to further improve the situation of access to archives in Europe.

For this purpose, we retained the structure of the first pan-European survey in two respects: in the structure of the questions and in the composition of the target audience. We also kept the original contact lists as a starting point, updating and amending them where necessary. In this way, the connection between the responses in the two surveys could be reliably established in the analysis presented in this study.

A further aim was to investigate the use of new technologies in the management of archives that may have had a positive impact on access, as well as new forms of

access based on the use of digitised or born-digital documents and remote access. The responses given to the new questions we introduced in the survey provide a solid basis for this investigation.

Our study may assist: archival institutions in improving their services; the legislators and regulators in removing legal and regulatory obstacles to access to archives; and professional and lay users of archives to demand better conditions for access to paper-based, audiovisual and electronic documents alike. In a broader sense, our study may assist the competent bodies of the Council of Europe to revise and update the recommendation itself and include new provisions reflecting the practices of contemporary archives.

Chapter 2

Methodology

2.1. GENERAL APPROACH

To address the questions formulated in Chapter 1 we have taken the text of the recommendation as the starting point, together with its explanatory memorandum, and the detailed interpretation of the provisions as published by the Council of Europe in the handbook on access to archives (Kecskeméti and Székely 2005), which was intended to guide the implementation of the recommendation. We also took into consideration the methodology of the pan-European monitoring project conducted between 2001 and 2004.

With this approach, the results of the survey can be compared with those of the earlier 2003-2004 survey, so that changes can be captured and measured. We did not intend to simply repeat the survey, but to take into account changes in the practice and use of Archives over the last 20 years, as well as technological developments and changes in the regulatory environment. Thus, in this study, we also consider the impact of new technologies, especially those resulting from the digitisation of archival sources, the preservation and processing of digital documents, the provision of online access and the extension of the advisory role of reference archivists to the online environment. However, the study can only touch on the question of how digitisation and other technical developments affect the function and work of Archives in general.

It was also not our aim to evaluate or assess the political systems of the individual member states or to show possible direct or indirect connections with access to archives. On the contrary, our aim is to highlight best practices.

We are aware that best results could be achieved if researchers visited Archives in all 46 member states of the Council of Europe to test practically and evaluate the accessibility of documents. However, such a study is not feasible for economic reasons. Therefore, it was necessary to gather opinions from both the archival institutions themselves and (different) user groups in order to find out how archives' accessibility is perceived from different perspectives.

To this end, as in the previous study, we conducted a survey and asked various stakeholders to complete a questionnaire. In contrast to in 2003-2004, the survey was conducted as an online survey; only in a few individual cases were respondents also provided with (PDF) questionnaires. To validate and complement the survey, a small number of qualitative interviews were conducted with experts from different fields.

2.2. THE TARGET GROUPS OF THE SURVEY

Archives

The archival landscape in Europe is very heterogeneous. There are state, church and private Archives; there are also Archives at the local (municipal), regional (state, province) and national levels, and there are new types of Archives, such as community and post-custodial Archives, as we mentioned in the Introduction. Moreover, the boundary between Archives, libraries and museums regarding their holdings is not clearly defined. In order to reduce the complexity of the study, we have limited our survey mostly to the national archival institutions of the member states. The idea behind this was to have the national Archives report not only on their own institutions, but also on the regulations and practices of other public Archives in the respective country. However, in strongly federally organised countries (Germany, Switzerland, Belgium) or countries with strong autonomous regions (Spain, Italy), exemplary Archives at the sub-national level have been included. Finally, we have also included some local (municipal) Archives, which often have more extensive holdings and go back further in time than many national Archives.² The survey did not include church Archives, private and business Archives, special Archives for literature, film and broadcasting, for example, or Archives of universities, foundations and political parties. This was also done under the assumption that the central national Archives would also be able to provide information about these institutions, at least to some extent.

The goal was to find out how Archives have achieved accessibility in the sense of the recommendation, what additional legal and organisational factors have had a promoting or inhibiting effect, and how accessibility is practically implemented on the ground. Access to the national Archives was facilitated by the fact that members of the CDCPP usually had good contact with the Archives, were able to name competent contact persons and could emphasise the importance of participating in the survey. This was supplemented by research on the Archives' websites and data from the International Council on Archives.

The final contact list for this target group included the national Archives from all 46 Council of Europe member states, 20 regional Archives from eight countries and 20 municipal Archives from 16 countries.³

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2. The Historical Archive of the City of Cologne (Germany), for example, has an inventory of 26 000 linear metres of records dating back to AD 922.
 3. The figures on regional and local Archives presented in the next chapters should be interpreted with caution, since the number of cases is small and mainly larger regional and city Archives participated in the survey. Medium-sized and small Archives certainly have a completely different perspective again and other problems – especially with regard to digitisation and remote access.

Users

While the provisions of the recommendation state that every citizen has the right to free access to archives, two user groups, namely scholars and civil society, are explicitly mentioned; the former with a wish to study the history (and with more professional knowledge about the management and holdings of Archives), the latter with a desire to better understand the complexity of historical processes in general and those of the 20th century in particular. We therefore conducted our survey among both academic users and representatives of civil society.

The first user group consists of the professional, scholarly users of archives, that is, usually historians. The aim here was to find out to what extent Archives support or facilitate their work. This concerns both content-related (finding aids, databases, etc.) and process-related measures (opening hours, restricted access, technical equipment, digitisation, etc.). Contact with this group was established through their professional associations, primarily through the national science academies and their European umbrella organisation. Other contacts were professional associations of historians that exist in all Council of Europe member states and also their international umbrella organisation, the International Committee of Historical Sciences.

The second user group was more difficult to define, as everyone is ultimately a member of civil society. Unlike in the 2003-2004 study, we refrained from surveying so-called “lay users”, who do not use archives primarily for professional reasons, for instance amateur genealogists. These are not well organised and therefore hard to identify and address. Instead, we included civil society organisations that see themselves as “pressure groups” or “watchdogs” and are committed to the protection of human rights (including institutions that work to expose the misdeeds of past oppressive regimes or war crimes) and freedom of information, and against surveillance and censorship. As it is difficult to find a single organisation that is representative of a country’s civil society, two to five organisations per country were typically selected.

The final contact list for users included 77 organisations of academic users and 103 civil society organisations, also from all 46 Council of Europe member states.

2.3. QUESTIONNAIRE

The questionnaire for the survey was structured similarly to that of the earlier study in order to enable a comparison of the results. However, the questions were revised to reflect organisational, legal and technical changes since 2004. Adapted versions of the questionnaire were created for the three respondent groups, taking into account their different tasks and the different levels of information they use. The questionnaire was divided into 15 or 16 thematic blocks (depending on the target group), 13 of which were based on the structure of the recommendation. Users were also asked about access conditions for research abroad and at

international institutions. Two further blocks of questions address the digitisation of the holdings and the possibilities for remote access to the Archives (Table 1).⁴

Table 1 – Structure of the questionnaires

Archives	Academic users	Civil society organisations
Introduction (3)*	Introduction (1)	Introduction (3)
Archival and related legislation (2)	Archival and related legislation (2)	Archival and related legislation (1)
Archival regulations (3)	Regulations, research conditions (1)	Regulations, research conditions (3)
National validity (6)	National validity (2)	National validity (1)
Access conditions (4)	Access conditions to unrestricted documents (3)	Access conditions to unrestricted documents (2)
Fees (4)	Fees (2)	Fees (3)
General closure periods (3)	General closure periods (2)	General closure periods (2)
Closure and disclosure (11)	Access to restricted documents (6)	Access to restricted documents (5)
Finding aids (2)	Finding aids (3)	Finding aids (4)
Special permission (2)	Special permission (3)	Special permission (3)
Partial access (1)	Partial access (1)	Partial access (2)
Refusals and appeals (5)	Appeals (3)	Appeals (3)
Private Archives (2)	Private Archives (1)	Private Archives (1)
	Research abroad (1)	Research abroad (2)
	Research in Archives of supranational and Intergovernmental organisations (2)	Research in Archives of supranational and Intergovernmental organisations (1)
Digitisation, digital documents (5)	Digital technologies (5)	Digital technologies (5)
Remote access (4)		
<i>57 questions (partly with conditional sub-questions)</i>	<i>38 questions (partly with conditional sub-questions)</i>	<i>41 questions (partly with conditional sub-questions)</i>

*The numbers in brackets denote the number of questions in the question-group concerned

4. The questionnaires are available online at <https://doi.org/10.5281/zenodo.7676589>.

The master questionnaire was prepared in English and then translated into French, German and Russian. This was to ensure that the questionnaire was available in all Council of Europe member states in at least the most common foreign language.

The questionnaire was pretested with selected experts from archivistics and archival practice. This ensured that the questions were understood as they were intended and that the answers actually contributed to the study's interest.

2.4. FIELD WORK

The survey was conducted online using the software tool "EFS Survey" by Tivian.⁵ The field work started with an e-mail invitation (in English) to all 300 people on the contact list on 10 October 2022. The survey was initially online for three weeks, then extended by one week until 4 November 2022; individual respondents were allowed to complete their questionnaires after that deadline on explicit request. During this time, several reminder and motivational e-mails were sent to those who had not yet responded.

Respondents in both user categories were also permitted to pass on the access credentials for the survey to suitable colleagues, in particular to make use of the multiplier function of the academies and historians' professional associations. In this way, it was hoped to increase the sample of users. However, hardly any use was made of this possibility.

The respondents were free to choose which language version of the questionnaire they wanted to fill out. A PDF version of the questionnaire was sent to persons and institutions who explicitly asked for it.⁶

Although the survey had a high response rate, at least among the Archives, the sample remained relatively small and diverse. In the case of users, the sample was not designed from the outset to be statistically representative. As in the 2003-2004 study (Kecskeméti and Székely 2005: 20), it was necessary to refrain from using advanced statistical methods because the three samples were too small and too different to reach a meaningful level of statistical significance. However, on the basis of qualitative and simple quantitative analyses of the survey data and, in comparison with the results of the 2003-2004 survey, it was possible to describe important developments and identify regional differences.

The results of the survey analysis were complemented by the insights from the expert interviews in order to derive meaningful conclusions and recommendations.

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5. One reason for this choice was that Enterprise Feedback Suite (EFS) adheres strictly to the requirements of the European Union's General Data Protection Regulation (GDPR). The software and all survey data are hosted in a certified data centre in Germany, and the software meets particularly high requirements according to the International Organization for Standardization (ISO) standard ISO 27001.
 6. This option was used by some of the Archives when a single person was not able to do so, but answers had to be collected from several responsible staff members.

2.5. RESPONSE RATES

As shown in Table 2, 39 out of a total of 46 national Archives in Council of Europe member states had participated in the survey and completed all or part of the questionnaire (see Figure 1). In addition, 23 local and regional Archives from 14 countries also filled in the questionnaires (see Figure 2).

Table 2 – Response rates

	Contacted		Responses		Response rate (Archives)
	Archives	Countries	Archives	Countries	
National Archives	46	46	39	39	39/46=85%
Regional Archives	18	8	12	7	12/18=67%
Local/municipal Archives	20	17	11	10	11/20=55%
	People	Countries	People	Countries	Response rate (People)
Academics	77	46	17	13	17/77=22%
CSOs	103	46	21	15	21/103=15%

The response rate among the academic users and the civil society organisations (CSOs) was rather low. This may be regrettable, but it is in line with a general tendency of decreasing willingness to respond to surveys (Wu, Zhao and Fils-Aime 2022). Responses were received from 17 academic organisations in 13 countries and from 21 CSOs in 15 countries (Table 2). The responding academics or academic organisations are fairly evenly distributed across Europe. Most of the responding CSOs, on the other hand, are based in east-central or eastern Europe and focus on human rights issues (see Figure 3).

Furthermore, there are many conceivable reasons for the weak participation of CSOs: not all CSOs rely on Archives for their work, and for many of them it is enough to make use of easily available sources. Naturally in the latter group, there was no increased interest in participating. Moreover, CSOs typically have only a few permanent employees who hardly have the capacity to respond to surveys.

Finally, the number of undeliverable e-mails was particularly high among CSOs; unlike the other target groups, it takes a lot of effort to obtain correct and up-to-date names and contact details.

Academics, on the other hand, tend to be better informed about access opportunities and have more experience in using Archives than other user groups; moreover, they tend to regard archival studies as auxiliary disciplines. In many cases, academics have friendly relationships with archivists, so they are in a better position to access documents and may be less motivated to make efforts to improve access conditions.

The answers of those respondents who left out questions requiring research or stopped filling in the questionnaire before the end, however, were saved and included in the analysis. That is why all charts and tables included in this study include the number of responses given to the questions concerned and, consequently, the percentages show the proportion of responses given to that specific question.

Figure 1 – Responding national Archives

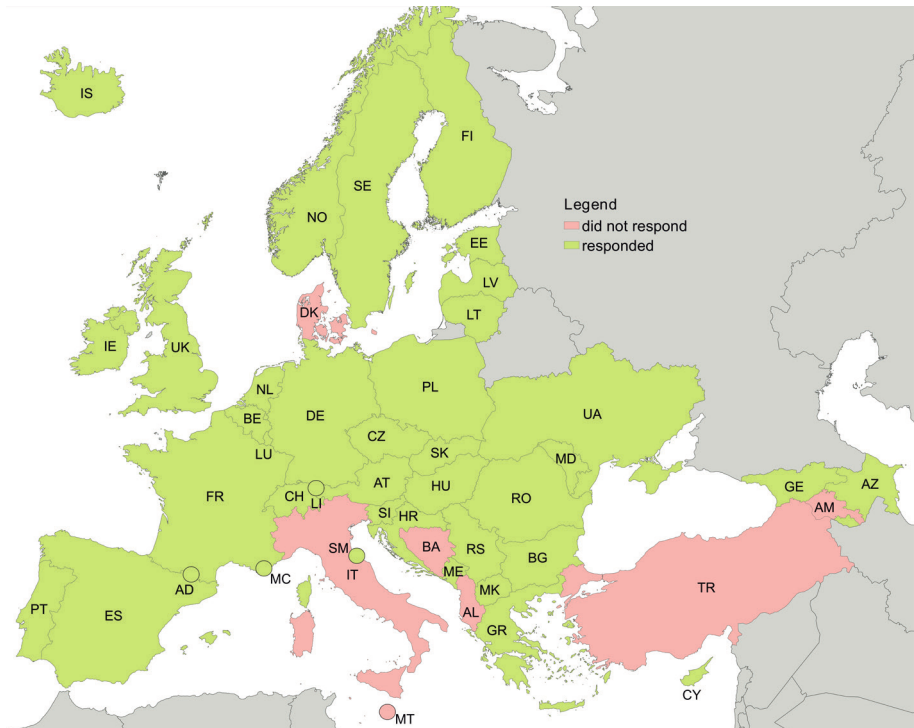
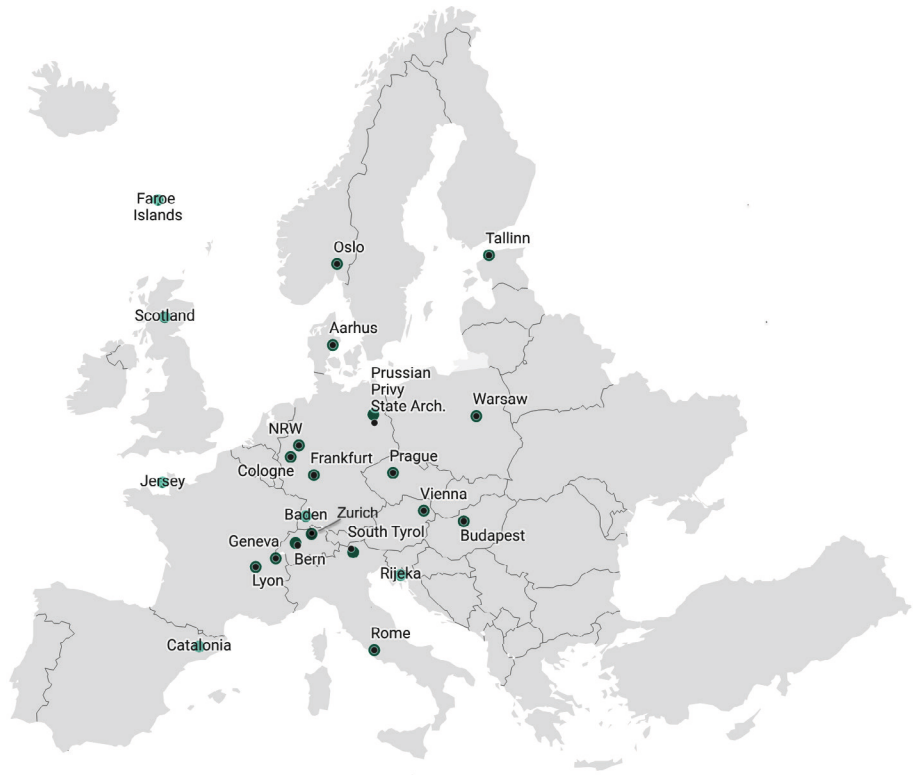


Figure 2 – Responding regional and local Archives

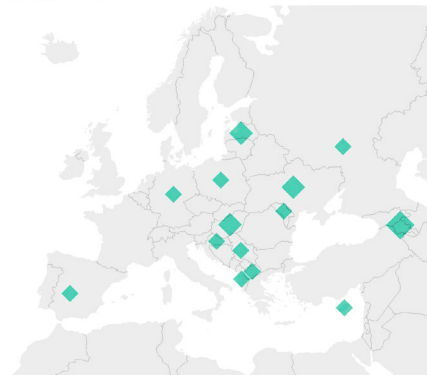


* NRW = North-Rhine-Westphalia State Archive, Düsseldorf

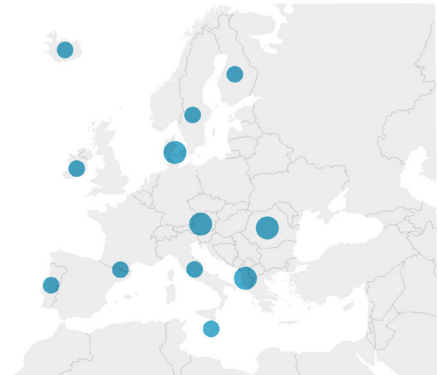
Figure 3 – Regional distribution of participating users of archives

The size of the marks in the maps corresponds to the number of responses.

Participation (CSOs)



Participation (Academics)



2.6. DATA ANALYSIS

The answers from the survey were automatically collected by EFS Survey, the data from the paper questionnaires were entered by the study team at the end of the field phase. For the processing and statistical analysis, data were transferred to Microsoft Excel and IBM SPSS respectively.

The survey was also analysed to see if there were typical patterns among different groups of countries. We examined groups of countries where, according to relevant empirical research, considerable political–cultural differences could be observed. The simplest division considered was that of western European states and former socialist states in central and eastern Europe. However, we also looked at clusters based on Hofstede’s cultural dimensions (Hofstede, Hofstede and Minkov 2010) and Inglehart and Welzel’s clusters based on the World Values Survey.⁷

For none of these subdivisions, however, significant patterns in the overall implementation of the recommendation could be found. With a few exceptions, differences were only found at the national level. Therefore, the following chapter does not include a supranational analysis.

2.7. INTERVIEWS

In January and February 2023, the study team conducted a total of six interviews with archivists, archival scholars, users of archives from academia and civil society institutions, and a data protection commissioner. The interviewees, comprising two women and four men, represented five Council of Europe member states.⁸ The selection was made through existing personal contacts and from the survey respondents. Each interview, conducted by video conference, lasted between 25 minutes and an hour. The interviews were recorded, summarised and systematically analysed content-wise. The purpose of the interviews was, firstly, to validate and qualify the survey results (Chapter 3 and Section 4.1). Secondly, in addition to reviewing the academic literature, they served to identify and prioritise the main current and future challenges for Archives in terms of accessibility (Section 4.2). Finally, the expert interviews also added value to the conclusions and recommendations.

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7. The Inglehart–Welzel World Cultural Map – World Values Survey 7 (2022). Source: www.worldvaluessurvey.org.
 8. All interviewees agreed to be named in this report with their affiliation:
 - Professor Dr Andreas Fickers, Director, Centre for Contemporary and Digital History at the University of Luxembourg, Esch-sur-Alzette, Luxembourg (20 January 2023);
 - Dr Andrea Hänger, Vice-President, German Federal Archives, Koblenz, Germany (7 February 2023);
 - Marit Hansen, State Data Protection Commissioner of Land Schleswig-Holstein, Germany (3 March 2023);
 - Professor Dr K.J.P.F.M. (Charles) Jeurgens, Professor of Archival Science, University of Amsterdam, the Netherlands (26 January 2023);
 - Alexander Kashumov, Executive Director, Access to Information Programme (AIP), Sofia, Bulgaria (2 February 2023);
 - Dr András Sipos, Chief Archivist, Budapest City Archives, Budapest, Hungary (26 January 2023).

Chapter 3

Status of the implementation of the recommendation

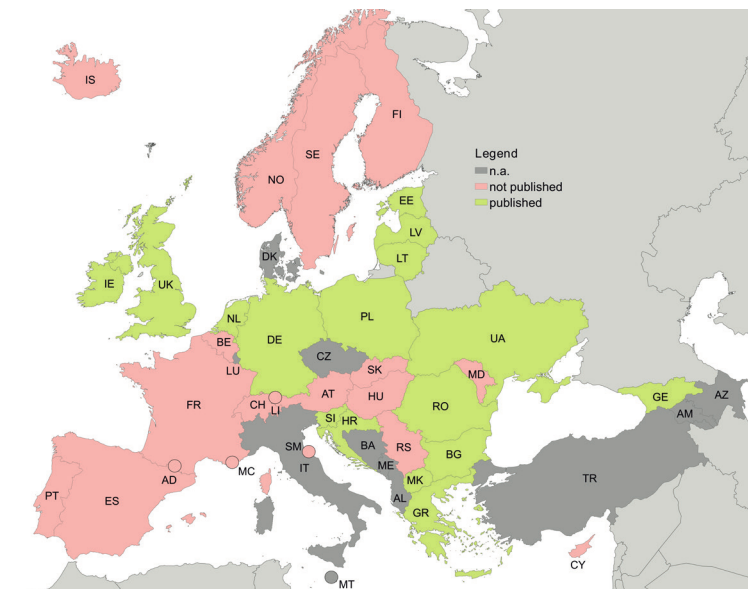
This chapter presents the status of the implementation of Committee of Ministers Recommendation No. R (2000) 13, as of November 2022. The presentation follows the principles formulated in the recommendation. It is based primarily on the responses of 33 national Archives, supplemented by information from regional and local Archives and the responses of the two user groups.

3.1. AWARENESS AND COMPATIBILITY WITH NATIONAL LEGISLATION

The recommendation calls on Council of Europe member states to i. “adopt legislation on access to archives inspired by the principles outlined in this recommendation” and ii. “disseminate the recommendation as widely as possible to all the bodies and persons concerned”.

The publication of the recommendation (in the respective national language) has now taken place in 17 countries (Figure 4), compared to 10 countries (including Russia) in 2003.

Figure 4 – Publication of the recommendation in Council of Europe member states
“Has Committee of Ministers Recommendation No. R (2000) 13 been published in your country?” (n=41)



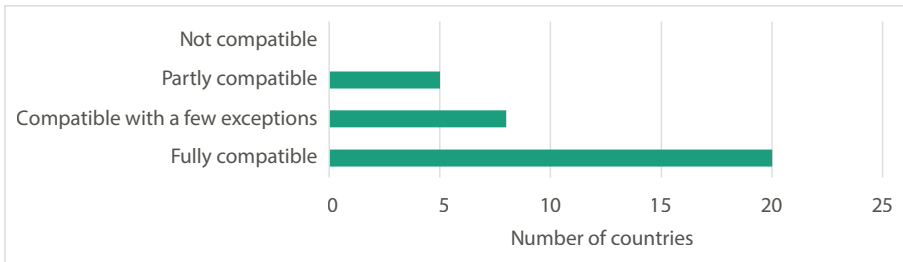
Source: Questionnaire for Archives, Question 0.1, variable 1

Although the recommendation is not widely known, 60% of CSOs and 63% of academic users indicated that at least some organisations or scholars are aware of it. Among the academics, a small group (13%) even stated that they knew the recommendation well.

Overall, the recommendation is widely implemented. According to the Archives' responses, national law in the great majority (72%) of the countries complies with the recommendation in full or with a few exceptions. In these cases, the provisions of the recommendation are implemented through national legal documents, and both the Archives and their users primarily rely on existing laws and regulations, not the recommendation directly. Although this may decrease the publicity of the recommendation, its spirit is now embedded in a number of national laws and regulations. There are no longer any incompatible national provisions in any of the countries (Figure 5). This does not mean, however, that to increase compliance with the principles of the recommendation, in cases where this is deficient, will not necessitate direct reliance on the text of the recommendation.

Figure 5 – Compatibility of the national legislation with the recommendation

“Is the national legislation in your country compatible with the recommendation?” (n=33)

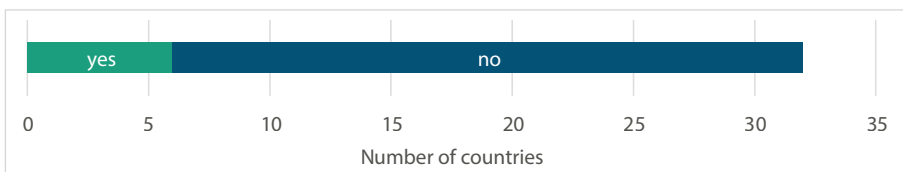


Source: Questionnaire for Archives, Question 0.2, variable 2

Out of 32 countries, as many as six (19%) national Archives reported difficulties in implementing the recommendation – an improvement of 12 percentage points compared to 2003-2004 (Figure 6). In four countries, the reason given was a lack of knowledge about the recommendation, often (that is, in two countries) linked to a lack of revision or harmonisation of existing legislation. Access to the archives of the former political police also remains a problem for implementation (two mentions). A frequently mentioned structural problem for implementation was insufficient human and financial resources (two mentions from national Archives and one from regional Archives) in relation to increasing and demanding tasks.

Figure 6 – Difficulties in following the recommendation

“Have you encountered difficulties in following the recommendation?” (n=32)



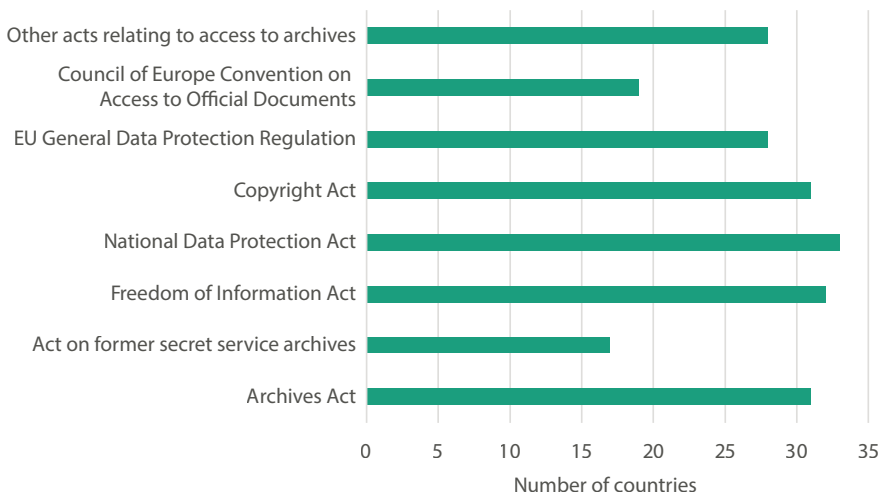
Source: Questionnaire for Archives, Question 0.3, variable 6

For the daily work of Archives, however, a multitude of other European, national and local rules and regulations play a more important role. These regulations primarily include the European Union’s General Data Protection Regulation,⁹ national data protection laws, archival laws and freedom of information laws (Figure 7). The recommendation, however, is understood to be an important basic document of principles.

In addition, there has been a dynamic evolution of the regulatory landscape in recent years, responding to changing political conditions and the challenges posed by technical progress. Some 71% of the responding Archives stated that laws had been enacted or modified that have affected access to archives and documents, not always in line with the recommendation. Decreasing compatibility can be seen in countries where previously accessible documents have been reclassified or access conditions aggravated; positive examples are where new access laws have been enacted, for example for archives of former repressive regimes.

Figure 7 – Archival and related legislation

“Are the following types of legislation in force in your country?” (n=37)



Source: Questionnaire for Archives, Question 1.1, variables 19-26

Detailed legislation and regulations have been issued in most countries to implement the legal requirements: 30 (out of 37) countries have general laws or operational rules relating to the Archives. In 31 countries enforcement orders of the Archives Act are in force, and in 23 countries ministerial instructions have been issued.

9. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) <https://eur-lex.europa.eu/eli/reg/2016/679/oj>.

In addition, professional codes are applied in 26 countries. Among the internal regulations issued by the Archives themselves, reading room regulations and rules for access to restricted documents are the most widespread.

The academic users surveyed were mostly satisfied with the general implementation of the recommendation. However, 40% of them complained that access to pre-1989 documents was difficult due to legal provisions, and as many as 60% made this complaint regarding access to post-1989 documents. There are provisions in practically all laws concerning Archives that limit access. However, this is not always unjustified as academics stated that, in most cases, they do not have access to documents for reasons of data protection. A very narrow interpretation of the legal provisions is also complained about by almost half of the academic users.

In contrast to the academic users, the CSOs are predominantly of the opinion that the current legislation does not ensure adequate research conditions. In their view, it is mainly the National Archives Acts (35%), State Secrets Acts (29%) and again data protection (29%) that inhibit them in their activities. We will come back to the problem of data protection and copyright in Chapter 4.

With regard to the internal regulations of the Archive, two thirds of the academic users, but only just under half of the CSOs were satisfied with the working conditions. Academic users mainly complain about the lack of efficiency (opening hours too short, waiting time for receiving documents too long, limited number of items produced per day in the reading room). Civil society organisations, on the other hand, criticise special regulations for accessing restricted documents (41%) and in particular the procedures for requesting authorisation for research (47%).

In terms of practical support, the CSOs would particularly like more assistance in using the catalogues and finding aids, and formulating access requests. They also advocate more online services (more information on the website and documents available via the internet).

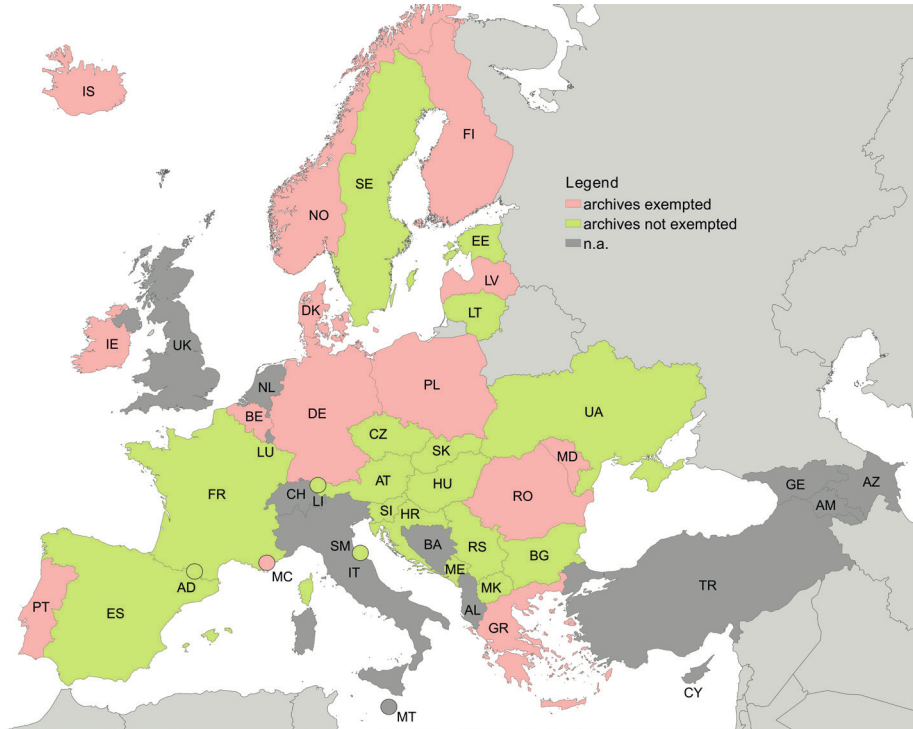
3.2. EXEMPTIONS FROM REGULATION

The recommendation states that “the criteria for access to public archives... should apply to all archives throughout the entire national territory” (Article 4). Conversely, this means that there should be no (public) Archives that are exempt from the regulations.

Figure 8 shows that as many as 13 of the responding Archives (39%) stated that there are archival institutions in their countries which are exempt from the access rules prescribed in the respective archive laws (or other relevant regulations). This figure has not changed significantly since 2003-2004.

Figure 8 – Exempted public archival institutions in Europe

“Are there public archival institutions (or organisations maintaining public archives) which are exempt from the general access rules laid down in the Archives Act or in other laws?” (n=33)



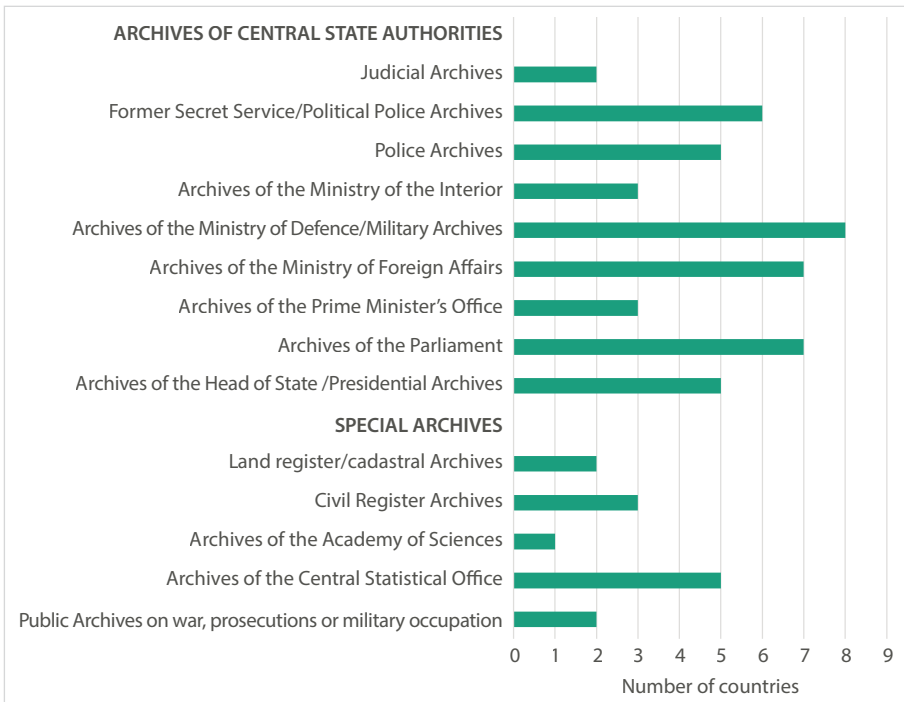
Source: Questionnaire for Archives, Question 3.1, variable 41

The composition of these institutions is broad: among the Archives of the central state entities, they are mainly the parliamentary Archives, the Archives of the ministries responsible for internal security and defence, and the Archives of police forces and intelligence services.

Among the special Archives, those of the statistical offices are most frequently exempted, followed by civil register Archives, cadastral Archives and Archives on war, prosecution and military occupation. In addition to the predefined categories, hospital Archives or Archives with health records in general were mentioned as being typically exempt from the general regulations (Figure 9).

Figure 9 – Type of Archives exempted from regulation

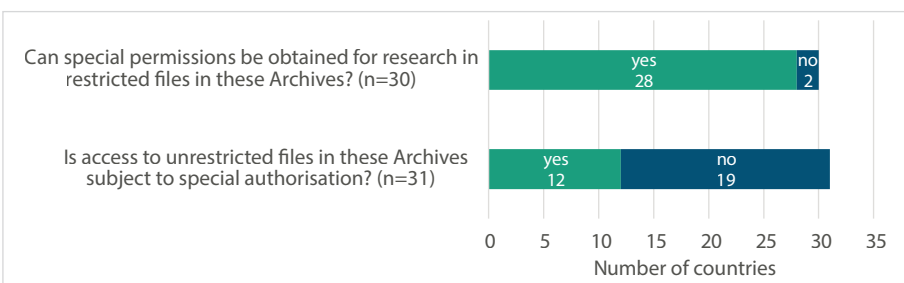
“Which public archival institutions are exempt from the general access rule in your country?” (n=33)



Source: Questionnaire for Archives, Question 3.1.1, variables 42-50, 63-67

Where Archives are already exempt from the uniform legal regulation, it is of particular interest that the actual access conditions are in line with the principles of the recommendation. Indeed, this is mostly the case: of the 30 countries that have reported the existence of exempt Archives, in 19 countries (63%) access to unrestricted documents is not subject to prior authorisation in these institutions, and in 28 countries (93%) it is also possible to obtain special permission to consult restricted documents (Figure 10). These figures do not differ significantly from those of the other Archives (see below).

Figure 10 – Access conditions in Archives that are exempt from regulation



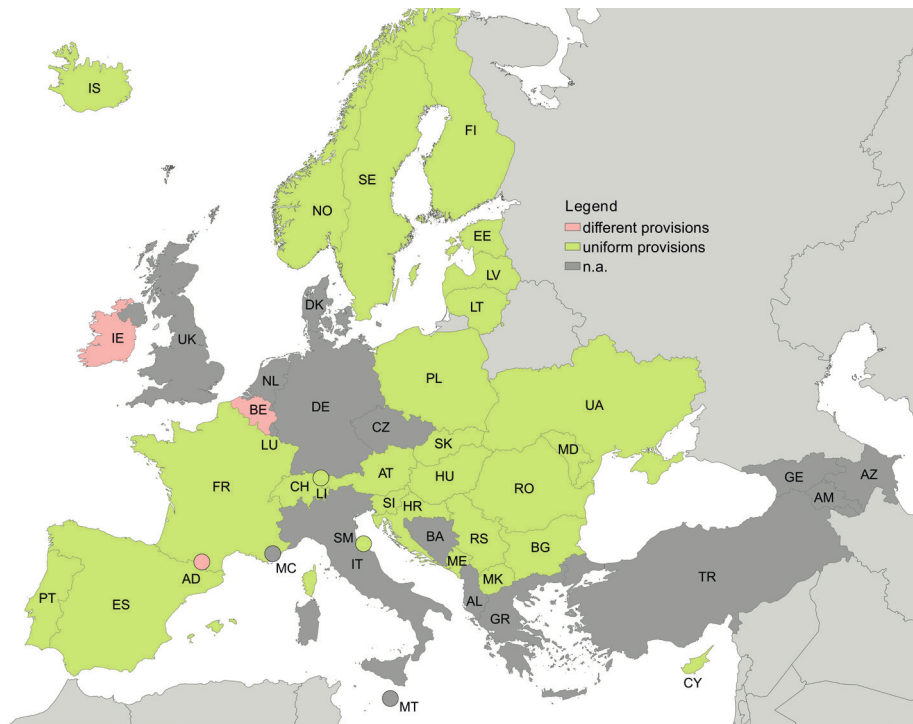
Source: Questionnaire for Archives, Questions 3.2 and 3.3, variables 68 and 69

3.3. NATIONWIDE VALIDITY

The criteria for access to archives should be uniform, not only for all types of Archives but also at different levels, ranging from the municipal to the regional to the central national Archives. Access provisions have become uniform at all levels in Council of Europe member states with only a few exceptions, compared to 2003-2004 when more than 25% of the countries did not have uniform access conditions at all levels (Figure 11). Different access regulations at different administrative levels and between different regions of a country are also cited as an obstacle by more than a third of the users surveyed (both academics and CSOs).

The reasons for inconsistent regulations at different levels are very country specific. On the one hand, in distinctly federal states, there are often unclear responsibilities and inadequate co-ordination mechanisms, resulting in different regulations or implementations. On the other hand, especially smaller Archives with few staff resources often do not have formal access protocols/policies in place and grant access on an ad hoc basis. These practices are perpetuated when there is a lack of control and sanctions.

Figure 11 – Uniformity of access provisions at national, regional and local levels
“Are access provisions uniform or equivalent at the levels of the central (federal) state, regional (member state) and local administration?” (n=36)



Source: Questionnaire for Archives, Question 3.4, variable 70

3.4. ACCESS AS A RIGHT

At the heart of the recommendation is the principle that “access to public archives is a right” and that “this right should apply to all users regardless of their nationality, status or function” (Article 5).

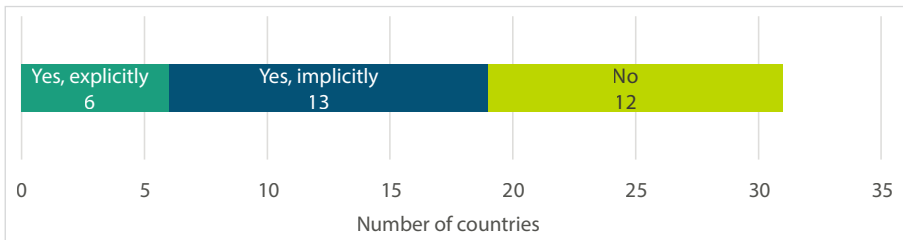
There is general agreement among the Council of Europe member states that access to archives is understood as a right in their country. Respondents from 30 out of 31 national Archives indicated that this is the understanding in their national legislation. However, the details of the access conditions (as described in the next sections) raise doubt as to whether this is actually the basis of common practice in the field. If the user needs to obtain formal permission to visit an Archive, even if it is practically always granted, this shows that it is regarded as a privilege, not a right.

All other principles of the recommendation can be derived from this right, in particular the right of access to all non-classified documents. It should be possible without special authorisation and without cost. For classified or otherwise restricted documents, there must be the possibility to request special permission for access. As a prerequisite for exercising the right of access, the existence of Archives must in principle not be secret but open.

In most countries, the current legislation explicitly or implicitly forbids creating or maintaining secret Archives whose existence is not revealed (Figure 12). At the same time, however, there are still a comparatively large number of countries (12) across all of Europe in which secret Archives are at least permitted.

Figure 12 – Secret Archives

“Does the current legislation forbid the creation and maintenance of secret Archives (the existence of which is not revealed) by public agencies?” (n=31)

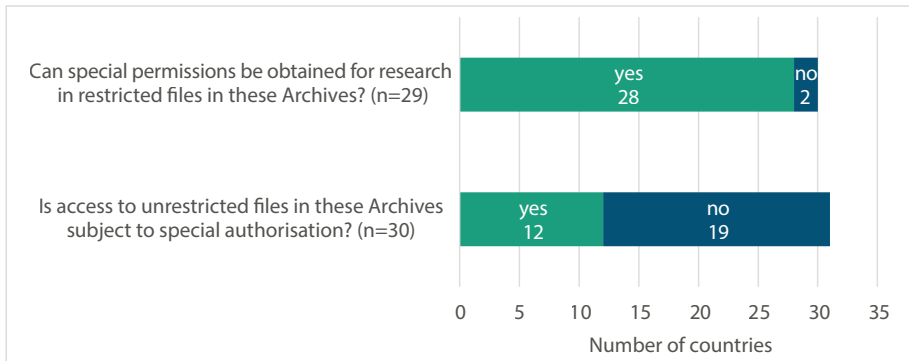


Source: Questionnaire for Archives, Question 3.6, variable 74

3.5. AUTHORISATION

As far as access to documents is concerned, in many countries (20) all users are granted free access, that is, without special authorisation. In the majority of countries (28) it is also possible to obtain special permission to access-restricted documents (Figure 13).

Figure 13 – Access to unclassified and classified documents



Source: Questionnaire for Archives, Questions 4.2 and 3.3, variables 86 and 69

The downside is that in many Council of Europe member states, access to otherwise unrestricted documents can still be made subject to authorisation. This share of these countries has not changed since 2005.

This description of the situation is confirmed by the two user groups in the survey: 80% of academic users and 85% of CSOs stated that authorisation is required for access to unrestricted documents in at least some cases. In addition, 70% of CSOs stated that at least in some cases they need to be able to demonstrate the support of a public authority or research institution in order to obtain an authorisation.

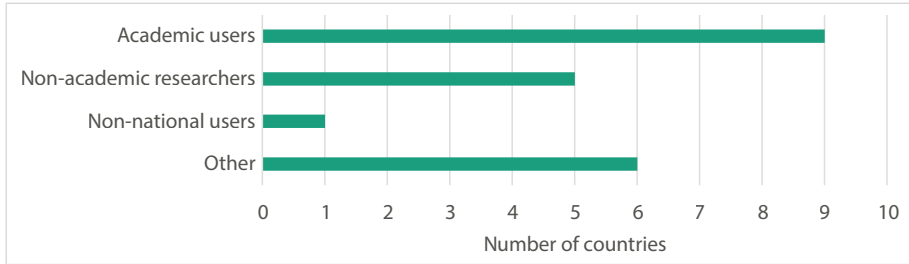
What has also not changed since 2003 is the practice in a considerable number of countries (nine, compared to 10 in 2003) of refusing the production of documents on the grounds that they are allegedly not relevant to the research question concerned. This was confirmed by the majority of academic users. The very question of the research topic, but above all the assessment of the relevance of the archival records, contradicts in every respect the spirit of the recommendation and opens the possibility for arbitrariness. The reasons for this practice could not be identified in the survey and require further investigation.

3.6. RULES FOR SPECIFIC USER GROUPS

The survey shows that specific rules for certain categories of users exist in 13 out of 30 countries. These special rules particularly favour professional, academic researchers, who are arguably the most intensive users of archives (Figure 14). Another positive aspect is that the work of journalists is given special attention through special rules. Other user groups enjoying special benefits include law-enforcement and crime-fighting investigators, public health researchers and certain legal professions. On the other hand, there are a few examples where access is restricted for certain user groups, in one case specifically for foreign users. In more than a third of the countries (36%), the rights of these groups are regulated by the National Archives Act, and in another 15% by the operational rules of the Archives.

Figure 14 – Specific rules for special categories of users

“Who is affected by rules applicable to specific user categories?” (n=30)



Source: Questionnaire for Archives, Question 4.4.1, variable 89

3.7. COSTS OF ACCESS AND DOCUMENT REPRODUCTION

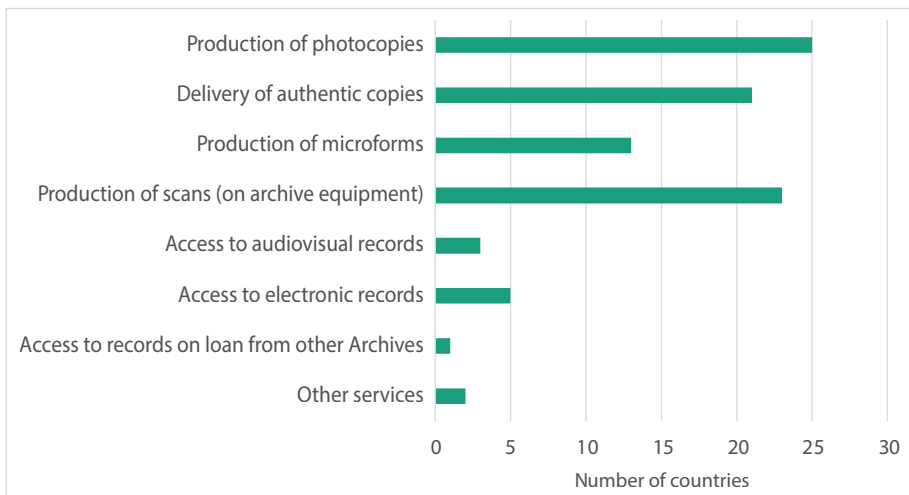
The recommendation states that “access to archives is part of the function of public archive services, for which, as such, fees should not be charged” (Article 6).

In almost all member states (90%) of the Council of Europe, the reading cards for the national Archives are free of charge. If there are fees, they are usually low (mostly less than €15 per year). In three quarters of the countries, basic access to paper-based, microfilmed and digitised content is free, as required by the recommendation. In 85% of the countries, online access is also free of charge (Figure 15).

In a considerable number of countries, however, Archives charge fees for various services that exceed the actual costs incurred and are therefore a source of additional income. However, more than 75% of the surveyed users in both groups feel that the costs are reasonable.

Figure 15 – Fees above production costs

“Fees above the cost of production may be charged on the following services ...” (n=34)



Source: Questionnaire for Archives, Question 5.4, variables 110-17

3.8. GENERAL CLOSURE PERIODS

Although archives are considered to be places that serve the purpose of preserving and disclosing historical sources, in many countries they apply general closure periods to records, which means that they remain closed to research, but not to the originating agency or to the persons concerning them. Closure periods are the expression of a compromise between two conflicting legal interests, namely the fundamental right of freedom of information and science on the one hand and the protection of personal rights (namely data protection) on the other (Čtvrtník 2021). In practice, however, this legal rule can rarely be applied, on the one hand because those documents that were freely accessible before transferring them to archival institutions must remain accessible, as a principle; on the other hand because access to documents containing personal data is regulated by other specific legal provisions.

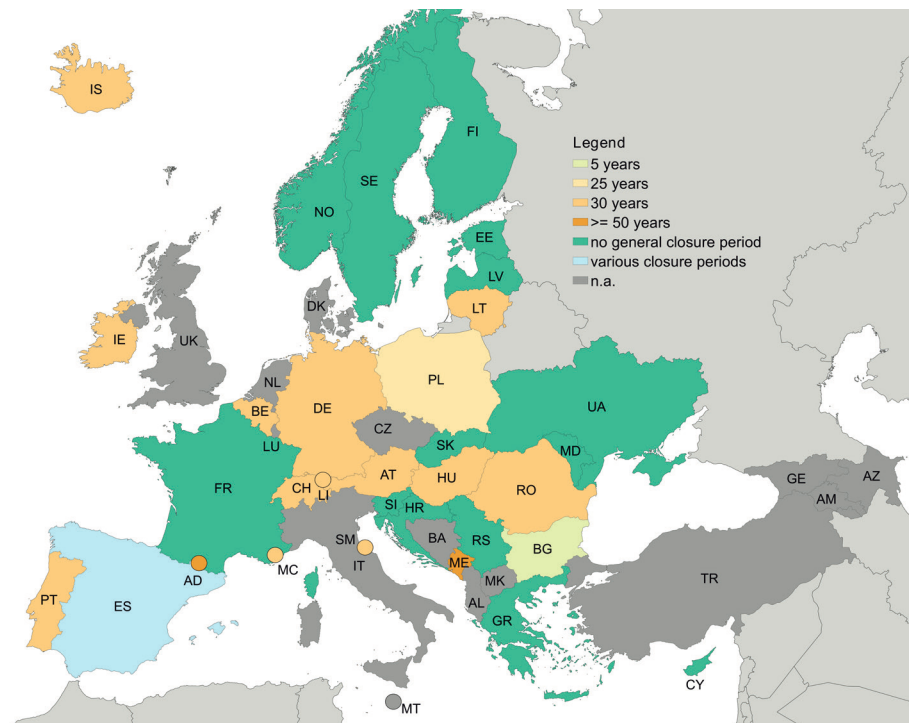
As a basic principle, the recommendation, therefore, maintains that the “legislation should provide for *a.* either the opening of public archives without particular restriction; or *b.* a general closure period” (Article 7).

Historically, closure periods have varied greatly in different countries (Čtvrtník 2021). As late as 2003-2004, just under 70% of the countries had a closure period that ranged from 10 to 100 years. In contrast, 30% of the countries had no closure period at all, that is documents were immediately accessible when they were transferred to an archive (Kecskeméti and Székely 2005: 27). In the meantime, the general closure period for archival records has been largely harmonised in the Council of Europe countries and is now mostly 30 years (Figure 16). However, there are still exceptions of up to 75 years for certain archival materials in some countries.

In 14 of the 32 countries that responded, there is no general closure period; in fact, 85% of these countries have provisions for immediate access to documents transferred to the Archives. In addition to the Scandinavian countries, this is particularly the case in east-central Europe and the Western Balkan countries. It should be noted that the general closure period, also called general protection period, was originally also intended to protect the Archives that have no capacity to immediately process, describe and make publicly available the documents they receive from donors or originating agencies. Thus, it can be the case that documents are in principle accessible, but in practice, the researchers cannot be served until these processes have been completed. This may give archival institutions a sort of indirect power in how they prioritise their tasks regarding the available human, technical and financial resources.

Figure 16 – General closure period

“How long is the general closure period specified in the archival legislation for documents transferred to Archives for permanent preservation?” (n=32)



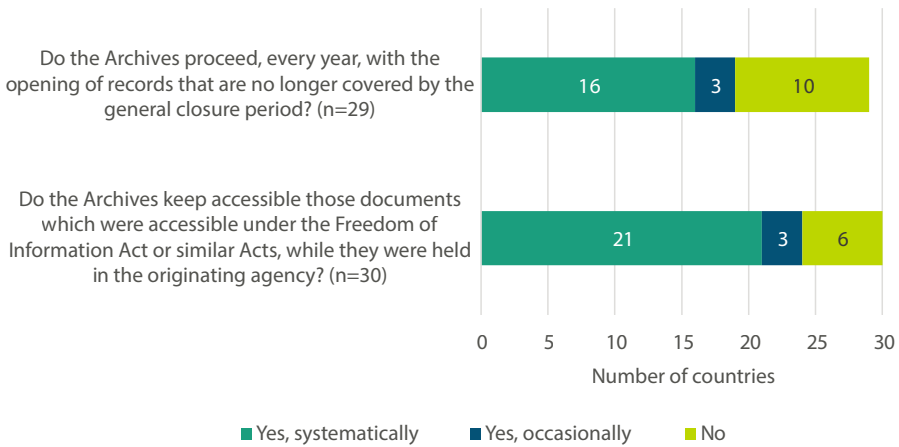
Source: Questionnaire for Archives, Question 6.1, variables 125-26

Many countries have different closure periods for different types of documents. The longest closure period is indicated in each case. For documents with personal data the closure period can be even longer (up to 75 years). In Spain there is no uniform closure period.

According to the responses of the national archival institutions, Archives of 19 countries proceed systematically, every year (16) or at least occasionally (3), with the opening of records that are no longer covered by the general closure period (Figure 17). This is a major improvement compared to 2003-2004, when the systematic opening of documents was common practice in only six countries.

As already observed in 2003-2004, in almost every country with a Freedom of Information Act or similar acts in force, the Archives keep accessible those documents which were accessible under such acts while they were held in the originating agency (24 countries).

Figure 17 – Opening of records



Source: Questionnaire for Archives, Question 6.1, variables 125-26

Both practices are confirmed by the responses of the two user groups. However, there is criticism that in many cases there is no way for outsiders to learn which documents have been opened recently (for example, through the publication of document lists). This usually only becomes apparent in the course of normal user requests.

3.9. DOCUMENTS WITH RESTRICTED ACCESS

The recommendation permits “exceptions to this general rule” (that is, the opening of documents without restrictions or general closure period) “to ensure the protection: of *a.* significant public interests worthy of protection (such as national defence, foreign policy and public order); and *b.* private individuals against the release of information concerning their private lives” (Article 7.1). Figure 18 shows that most of the respondents indicated that these criteria are applied in their countries.

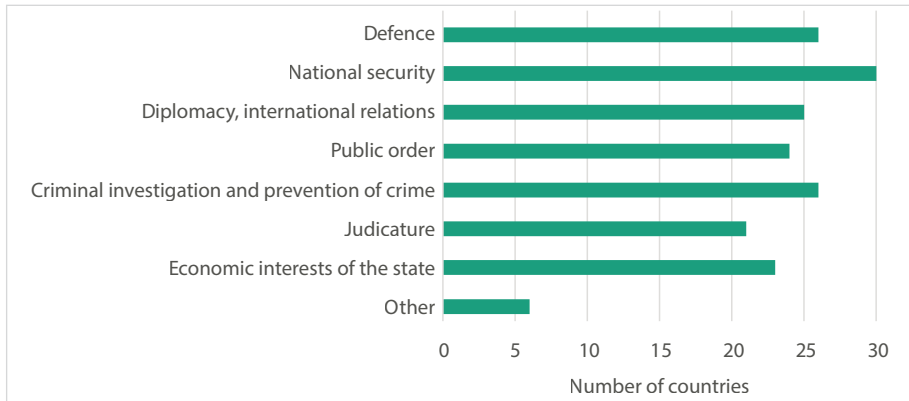
National legislation, however, sometimes foresees additional criteria to restrict the accessibility of documents in Archives: most frequently mentioned are official secrets (18 countries) and private economic interests (18 countries); working or background documents are exempt from the general access rules in nine countries. This overall pattern is confirmed by the responses of the two user groups.

Slightly more than half of the academic users, but only a good quarter of the CSOs, report that documents from certain historical periods have limited access. For both groups, these are mostly documents after 1989 (although it remains unclear whether access to these documents is restricted due to data protection). In addition, historians report on documents from the Second World War that are only accessible to a limited extent.

More than a third of the users from both groups state that there are certain aspects of national history for which access to documents is restricted. Historians as well as CSOs primarily name repression and persecution as well as changes in the political system as reasons for this.

Figure 18 – Criteria for restricting access

“Substantial criteria of classifying secret/non-accessible documents” (n=34)

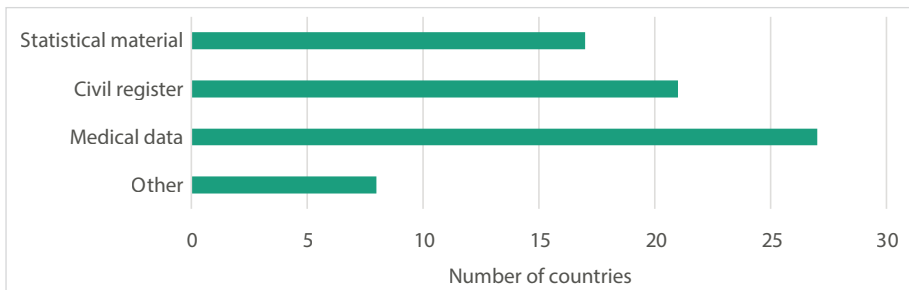


Source: Questionnaire for Archives, Question 7.2, variables 160-67

In 27 (87%) of the countries there are restrictions for protecting personal data in archival documents. However, it is somewhat surprising that despite uniform data protection legislation in the European Union (the GDPR), there is no general restriction on access for this reason in some of the Council of Europe member states. Figure 19 shows that documents with restricted access for data protection reasons include mainly medical records (27 countries) and civil registers (21 countries), and to a slightly lesser extent statistical information (17 countries). Other criteria mentioned in this context are tax secrecy, attorney–client privilege, social secrecy, company secrets and the wishes of private donors.

Figure 19 – Restrictions for the protection of personal data

“Are there specific restrictions for protecting personal data in archival documents regarding ...” (n=33)



Source: Questionnaire for Archives, Question 7.4, variables 176-79

The originating agencies are responsible for deciding on the classification of documents for reasons beyond data protection in 27 countries (87%). In four countries (13%) that decision is made by a national agency or commission.

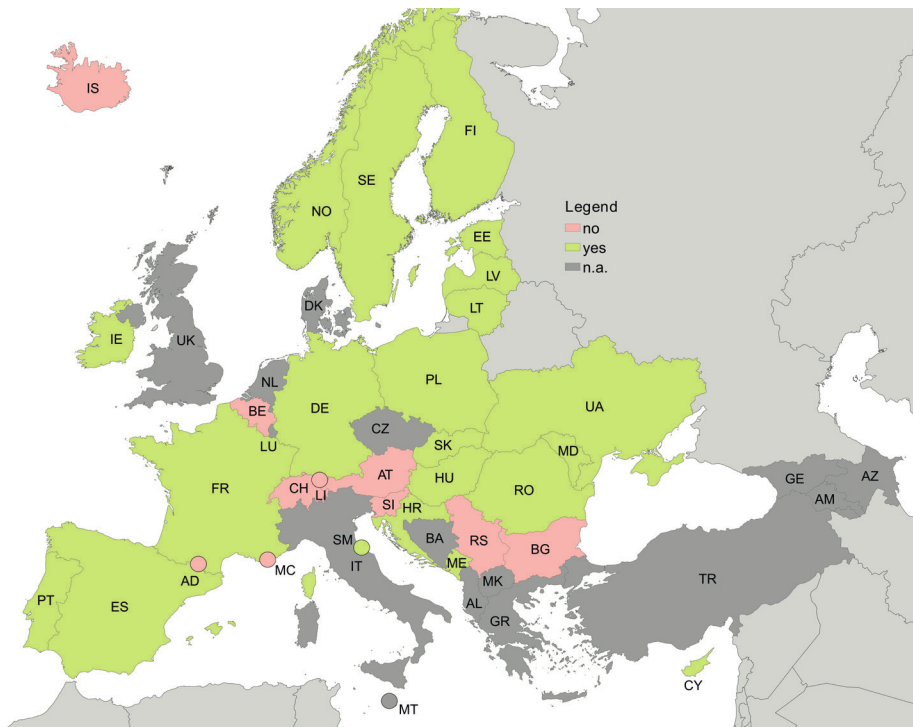
Some 21 countries (68%) have provisions for reviewing the classification or downgrading of documents at the expiration of the closure period (Figure 20). However,

18 countries (which only partially overlap with the countries that have provisions for a periodic review) also foresee a formal declassification procedure.

If documents do not become declassified at the end of the closure period and no formal procedure exists, and especially when Archives do not regularly and proactively publish lists of declassified documents, it remains difficult for the user to find out which additional documents have become accessible (Kecskeméti and Székely 2005: 48f). The structure of countries with or without a formal declassification procedure has remained largely unchanged since 2003-2004.

Figure 20 – Declassification

“Are there provisions for regular review/downgrading of classified documents?”



Source: Questionnaire for Archives, Question 7.8, variable 197

Also unchanged is the practice in seven countries (26%) of classifying documents without a time limit, which is not compatible with the recommendation. In addition, in a large number of countries (13 countries, 45%), there is the possibility to reclassify documents that have already been freely accessible. This practice was confirmed by both academic users and CSOs.

In 23 countries (74%), the decision to declassify is again taken by the originating authority (or its successor). In the other eight countries (26%), a central authority or an ad hoc body is entrusted with this task. The academic community, as experts

and intensive users, are virtually never consulted on the declassification decision. Users also report that they are usually not informed when and which documents are declassified.

3.10. FINDING AIDS

Finding aids exist as a central tool for user and archivist interaction with archival collections. They contain detailed, indexed and standardised metadata about the documents in an Archive. They serve as the primary means that provides “intellectual access” to the materials held in an archival or manuscript repository (Chung 2010: 147; see also Freund and Toms 2016). Therefore, the accessibility of an Archive as a whole depends on the quality and accessibility of the finding aids.

For this reason, the recommendation requires that “finding aids should cover the totality of the archives” and “when finding aids reveal the existence of closed documents, ... they shall be readily accessible so that users may request special permission for access” (Article 8).

According to the responses of the national Archives, there are no specific rules governing access to finding aids in 24 countries (80%), namely they are freely accessible. In six countries, however, access to all (3) or certain (3) finding aids is subject to prior authorisation, as also confirmed by the academic users. A good third of the responding CSOs were of the opinion that the extent, quality and accessibility of the catalogues and finding aids could still be improved.

In only five countries (16%), all post-socialist countries, the Archives do not prepare finding aids describing their restricted holdings; in nine other countries (29%) they are prepared only in certain cases, while a slight majority of 17 countries (55%) regularly produce finding aids for their restricted-access holdings. In the absence of finding aids for restricted documents, researchers are unable to learn of the existence of such documents, and therefore unable to apply for special permission or declassification. In almost 73% of the countries (11), these finding aids can be used without any restrictions, as provided for in the recommendation. Conversely, however, this means that users in four countries (27%) cannot obtain an unhindered overview of an Archive’s holdings due to restricted access.

The lack of finding aids on restricted holdings and restricted access to these finding aids in some countries is confirmed in particular by the academic users (over 50%) but also by the CSOs.

This practice constitutes a serious restriction of users’ rights and infringes the “right of access” formulated in the recommendation.

3.11. SPECIAL PERMISSION TO ACCESS RESTRICTED DOCUMENTS

In order to avoid blanket restrictions on large archival holdings and to meet the legitimate interests of affected persons, researchers and civil society, the recommendation

foresees the “possibility of seeking special permission from the competent authority for access to documents that are not openly available” (Article 9).

This possibility exists in 27 of the countries (84%) where the national Archives responded to the questionnaire. Users can apply for permission for scientific research in 26 countries (96 %), for private legal reasons in 24 countries (89%) and for journalistic investigations in 18 countries (67%).

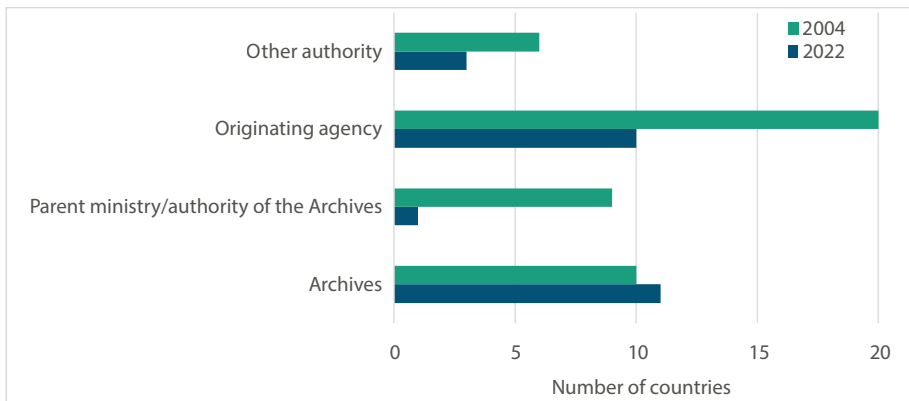
In just under half of the countries where special permission can be applied for, it is granted by the originating agency (40%) or the Archive itself (44%), and in the remaining countries by a superior authority or another body. In regional and local Archives special permission is mostly granted by the Archives themselves. This has changed a lot since 2003-2004, when permission was still given more often by the superior authorities and less often by the Archives themselves (Figure 21). Finally, in 84% of the countries, special permission is granted for individual inspection of the documents concerned, in the others through a general declassification.

However, the practical experience with applying for special permission differs between the two user groups in the survey. While the majority of academic users (70%) report that such permission is usually granted, CSOs experience that their requests are usually rejected (78%). Both user groups advocate that special permission should not be given on an individual basis but in the form of declassifying and opening files for research.

Nine of the responding countries reported that they have special rules governing the Archives established for preserving documents of former repressive organisations. In some countries, these special Archives were incorporated into normal Archives after the closure period. Some of the countries that had such special regulations in 2003-2004 have since abolished them.

Figure 21 – Granting of special permission

“If users can apply for special permission for access to restricted/non-accessible documents, who is granting this permission?” (n₂₀₀₄=45, n₂₀₂₂=25)



Source: Questionnaire for Archives, Question 9.1, variable 232

3.12. PARTIAL ACCESS TO RESTRICTED DOCUMENTS

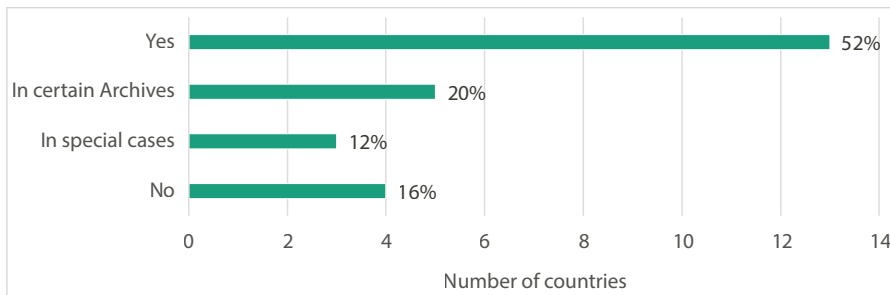
Instead of completely restricting access to documents, there are options for partial access that represent a compromise between the desire for openness and legitimate protection interests. The recommendation, therefore, provides that for documents that are not “openly accessible for the reasons set out in article 7.1, special permission may be given for access to extracts or with partial blanking” (Article 10).

In recent years the number of Archives in which partial access is actually provided has increased significantly. While in 2003-2004 there were provisions for partial access to restricted documents in just under half of the countries, this is now the case in 26 countries (84%). However, the practical implementation of partial access remains difficult.

Figure 22 shows that in only 52% of the countries that actually make provision for partial release Archives are generally in the position to implement it. In 32% of the countries, partial release can only be provided in certain Archives or special cases and in four countries (16%) partial release cannot be implemented at all. Among the regional and local Archives, the share of those that cannot provide partial access is significantly higher than among the national Archives.

Figure 22 – Implementation of partial release

“If there are provisions relating to partial release of restricted documents, please explain whether the Archives are in a position (staff and expertise) to implement partial release?” (n=25)



Source: Questionnaire for Archives, Question 10.1.2, variable 257

The reason for this is that the corresponding procedures (blinking, abstracting or separation) are time-consuming, as the content of the corresponding documents must be processed and evaluated. In many cases, there is a lack of staff with the necessary expertise. In addition, sanitisation presupposes that the archivist will have this responsibility, which is, understandably, not popular among archivists. The principles, legal provisions and practice of partial access or sanitisation of documents show that the traditional document-centred approach is gradually being replaced by an information or data-centred approach: in paper-based collections, the real subject of restriction is the information included in the document; however, the stamp proving the classification can be put on the document only – these are the parts (names, for example) that need to be sanitised, and the rest can be given out.

Users from both groups are mostly aware of this possibility and consider it to be a useful solution. Two thirds of CSOs have already used this option in their research.

3.13. REFUSAL OF ACCESS AND APPEAL OPTIONS

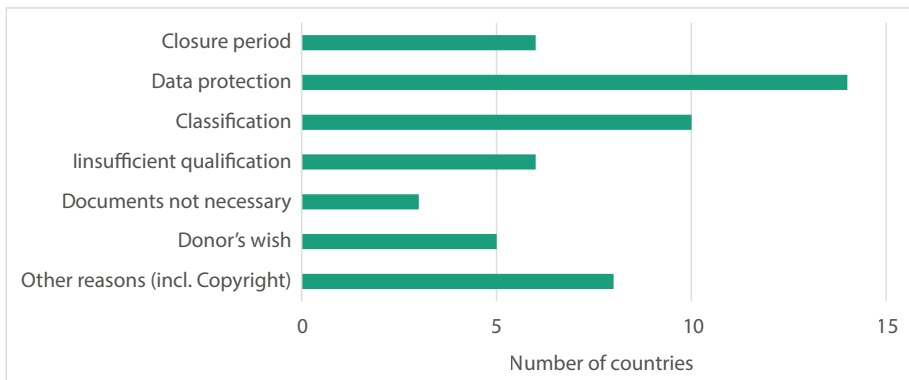
In line with the fundamental principles of the rule of law, the recommendation requires that “any refusal of access or of special permission for access shall be communicated in writing, and the person making the request shall have the opportunity to appeal against a negative decision, and in the last resort to a court of law” (Article 11).

This important safeguard for the users’ right to access is effectively implemented in almost all Council of Europe member states: 27 of the 29 responding countries (93%) have provisions for mandatory written notification of refusals; 29 out of 31 countries (94%) offer the possibility of administrative appeals, and 29 out of 31 countries (94%) also have the possibility of appeal to a court. In the case of administrative appeals, the authorities superior to the Archives are usually responsible, sometimes also the Ministry of the Interior or the Prime Minister’s Office. In many countries, there are also – sometimes in parallel – other bodies responsible for legal redress: the Data Protection Commissioner, the Freedom of Information Commissioner or a special ombudsperson.

In 19 of the 31 responding Archives (63%), requests for full or partial access to documents in its custody have been refused in the past 12 months. Particularly frequently, the application was rejected for reasons of data protection or the classification of the documents, as also confirmed by the responses of the users. However, Figure 23 also shows the already mentioned practice of some Archives refusing access because of the “researcher’s insufficient qualification” or because “documents are not necessary for the research topic”. Both types of refusal are in contradiction with the provisions of the recommendation. In the first case, excluding researchers from consulting documents even though the use of certain scholarly documents may require special knowledge and skills, the Archives may not refuse to provide such documents to lay researchers or journalists, or only to interested persons. In the second case, asking the research topic of a user in Archives can only be acceptable if it is for statistical purposes or prioritisation of processing tasks; otherwise, it is a remnant of a non-democratic past when archivists fulfilled the role of censor.

Figure 23 – Reasons for refusing access

“If your institution refused full or partial access to documents in its custody upon researchers’ request in the past 12 months, what were the reasons for denying access?” (n=19)



Source: Questionnaire for Archives, Question 10.5.1, variables 319-25

In five of the 17 responding countries (29%), users did not accept the refusal and turned to a higher authority or to a court in in the past 12 months. While 60% of the Archives reported that, as a result of the complaint, access was granted to at least some of the documents, almost all users stated that administrative complaints against refusal of permission were mostly unsuccessful and that even court cases mostly led to the refusal being upheld.

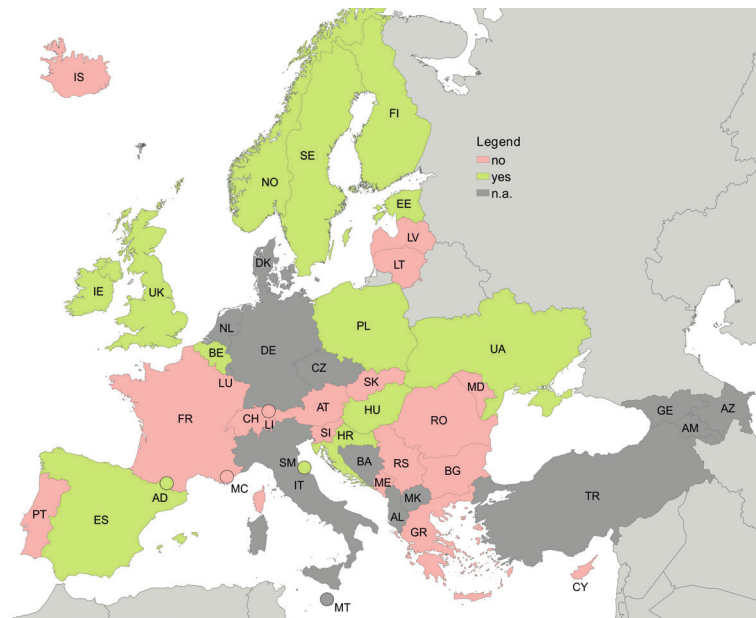
3.14. PRIVATE ARCHIVES

In essence, the recommendation only concerns state Archives. However, the archival heritage is also preserved to a large extent in private Archives (company, family, association, church archives, etc.). As this is equally fundamental to the nation’s collective memory, the recommendation maintains that “[w]herever possible, *mutatis mutandis*, attempts should be made to bring arrangements for access to private archives in line with those for public archives” (Article 12).

As in 2003-2004, only a modest number of countries (14 out of 32 responses) have legal, financial or other provisions that encourage access to private Archives (Figure 24), as also confirmed by the responding academic users. The measures that have been reported (not only from those countries that have legal provisions) include a specialised service to assist private Archives (in 11 countries), a register of open protected and open private Archives (in 11 and 9 countries respectively) and in only a few countries (6) a special budget line to support private Archives. Finland, Norway, Sweden and the United Kingdom are particularly active in increasing the accessibility of private Archives.

Figure 24 – Provisions to encourage access to private Archives

“Are there legal, financial or other provisions intended to encourage access to private Archives?” (n=32)



Source: Questionnaire for Archives, Question 10.5.1, variable 329

Somewhat surprisingly, the CSOs mostly rate the research conditions in private Archives as equal to or even better than in public Archives, especially with regard to the accessibility of documents, the quality of catalogues and other finding aids, and in terms of technical equipment.

3.15. INTERIM SUMMARY

Overall, the survey shows that Council of Europe member states have made great progress in implementing Committee of Ministers Recommendation No. R (2000) 13; in particular, there are no longer any countries with incompatible national legislation.

Particularly positive developments include the fact that there are now largely harmonised closure periods or provisions for the immediate opening of documents after transfer to the Archives, and the widespread existence of provisions for the periodic review and downgrading of classified documents. It is now also common practice that finding aids are also usually freely accessible to everyone. Finally, in almost all countries, users who receive a written authorisation can effectively appeal if they are denied access to certain documents. If access to documents is nevertheless refused, users in almost all countries receive written notice and have the opportunity to effectively appeal against it.

However, some problems that existed 20 years ago remain. In a group of countries there are practices that are not compatible with the recommendation, namely that special authorisation is required to access otherwise unrestricted documents or finding aids, and denying access based on the research topic or the qualification of the user. Finally, in the same group of countries, documents may remain classified and thus restricted in their accessibility without time limit.

Chapter 4

Technical developments and challenges

As in many other fields dealing with information, digitisation has become the greatest technical challenge for Archives. On the one hand, computer technology has led to a multiplication of the amount of information. New, born-digital documents have been added to the classic documents with text and images on paper. Many of these digital documents mimic analogue ones: texts written on the computer; photos and videos taken with digital cameras. Other documents, however, are completely new, such as databases or ephemeral messages on social media. None of these new digital documents really played an important role when the recommendation was adopted in 2000.

On the other hand, computer technology and networks provide a powerful tool to store, classify and find information and ultimately make it accessible to users. Pioneers of computer technology recognised this early on (see, for example, Licklider 1965 and Nyce and Kahn 1991), but it was only with the success of the internet since the turn of the millennium that this idea has become relevant for Archives, libraries and other institutions whose task is to preserve cultural heritage. However, this development only started after the recommendation was adopted in 2000.

The first part of this chapter examines how far Archives have progressed with digitisation and what impact it has on accessibility. In the second part, we explore recent developments impacting the accessibility of documents in Archives.

4.1. DIGITISATION AND ONLINE SERVICES

This section describes the current state of digitisation in Archives on the basis of the survey we conducted among Archives and their users.

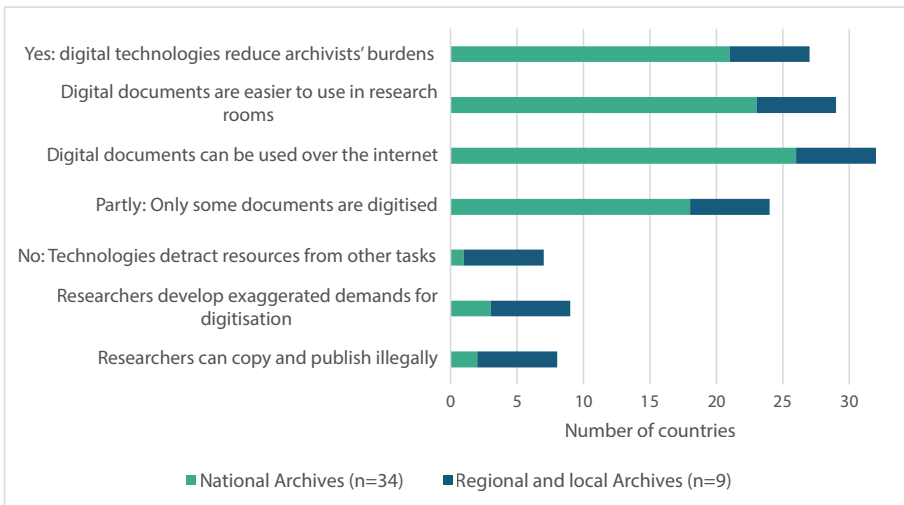
Figure 25 shows that, overall, the Archives tend to assess positively the effect of digitisation on the accessibility of documents. The reason given by 73% of the Archives is the possibility of access via the internet. Linked to this is the fact that documents are easier to use than in the reading room, as the effort of the archive and the transfer of documents from the stacks to the reading room and back are no longer necessary. This was mentioned as an advantage by 66% of the Archives. This also helps to reduce the workload of the Archives staff, as 61% of the responding Archives stated. In these positive effects of digitisation, the assessment of national and regional or local Archives does not differ. On the other hand, 55% of the Archives agree with the statement that accessibility has so far only been partially improved, as only a small fraction of the holdings have been digitised or are accessible remotely.

While the national Archives can hardly identify negative effects of digitisation, the regional and local Archives are much more critical in their assessment. More than half of regional and local Archives believe that digitisation detracts resources from other (more important) tasks or leads to exaggerated expectations among users. This makes it clear that smaller Archives lack the necessary number of qualified staff as well as the necessary financial resources and equipment that would be needed for digitisation. However, this shortage situation does not apply to all regional and local Archives. It turns out that some of the larger ones are also outspoken pioneers in digitisation.

Although the illegal use of documents is not considered a major problem overall, these fears are mainly found on the part of regional and local Archives.

Figure 25 – Effect of digitisation on access to documents

“Have digital technologies introduced in your Archives facilitated lawful access to documents?”



Source: Questionnaire for Archives, Question 13.1, variables 416-21

Digital documents

Textual documents

The share of born-digital text documents among the Archives' holdings is still low. Of the 42 Archives that responded (32 national, 10 regional and local), 36 (or 86%) had less than 5% of their holdings in born-digital text documents. In a further four Archives (10%), this share is between 5% and 15%. However, one national and one municipal archive stated that more than 50% of their holdings are already born-digital.

In addition to born-digital documents, the Archives have also digitised analogue, primarily paper-based documents, from their holdings on a large scale in recent years (Table 3). Some 56% of the responding Archives (18 national/5 regional or local)

indicated that they had already digitised up to 5% of their analogue text documents. Another 34% (10 national/4 regional or local) have digitised between 5% and 15% of their text documents. One national archive (2%) has achieved a digitisation rate of 25-50%. One national and one municipal archive (5%) stated that they had already digitised more than 50% of the textual documents.

Table 3 – Digitisation of textual documents

“What percentage of your (analogue) text holdings have been digitised?”

	< 5%	5-15%	15-25%	25-50%	>50%	N.A.	n
National Archives	18	10		1	2	13	31
	58%	32%		3%	6%		
Regional and local Archives	5	4			1	14	10
	50%	40%			10%		

Source: Questionnaire for Archives, Question 13.2a, variable 340

Audiovisual documents

Born-digital audiovisual (AV) documents also make up only a small proportion of the Archives’ holdings, although the share is slightly larger overall than for textual documents. Of the 40 Archives that responded (30 national, 10 regional and local), in 27 (or 68%) less than 5% of their AV documents are born-digital. In another nine Archives (23%) this share is between 5% and 15%, and in two Archives (5%) the share is between 15% and 25%. Moreover, two national Archives indicated that more than 50% of their AV documents were digitally created.

The state of digitisation of analogue AV holdings is clearly different from that of textual documents (Table 4). Some 64% of the responding archives (20 national/5 regional or local) indicated that they had already digitised up to 5% of their analogue AV documents. Another 21% (5 national/3 regional or local) have digitised between 5% and 15% of their AV documents. One (national) Archive has already digitised between 15% and 25% and two more have digitised 25-50% of their AV documents. The frontrunner among the national Archives has already digitised more than 50%. The most advanced municipal Archives have already digitised between 25% and 50% of their AV documents.

Table 4 – Digitisation of audiovisual documents

“What percentage of your (analogue) audio, film and video holdings have been digitised?”

	<5%	5-15%	15-25%	25-50%	>50%	N.A.	n
National Archives	20	5	1	2	1	15	29
	69%	17%	3%	7%	3%		
Regional and local Archives	5	3		2		14	10
	50%	30%		20%			

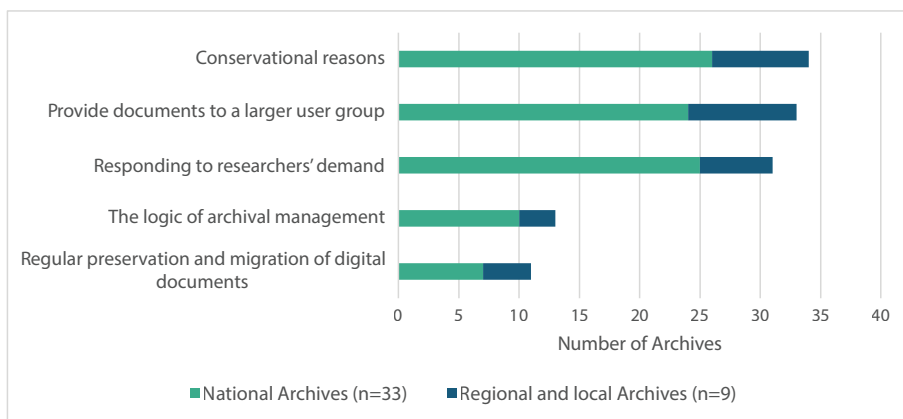
Source: Questionnaire for Archives, Question 13.2b, variable 341

Priority setting

The survey also asked what is most important to the Archive when setting priorities for the digitisation of archival materials (Figure 26). Conservation aspects, namely the protection of vulnerable documents from damage by Archive users, are the most important criterion for almost all national, regional and local Archives when deciding which documents to prioritise for digitisation (81%). In second place, a majority of the Archives wants to make documents more accessible to a wider range of users (79%); this is done in almost 74% of cases in response to user demands. Only 31% of the respondents mentioned the efficiency gains in archival management. Furthermore, for 26% of Archives, the regular preservation and migration of digital documents, such as format migration and creating copies on new media, are of primary importance.

Figure 26 – Priority setting for digitisation

“When defining priorities in digitising archival documents, which is of primary importance in your institution?”



Source: Questionnaire for Archives, Question 13.3, variables 376-80

Involving users

The availability of digital documents and the internet as a platform to facilitate human organisation has created new challenges for Archives and other cultural heritage institutions. As mentioned in the Introduction, one of the new opportunities – sometimes referred to as participatory Archives – is the involvement of users in the indexing of archival material, which is one of the essential core tasks of archival activity (Ridge 2014; Benoit and Eveleigh 2019). Besides indexing, description or identification of photos, several other methods are used to involve users of archives in an interactive way. These methods may result in important added value both in enriching the Archives' holdings and in building and maintaining a community that is committed to co-operating with the archival institution. Two such examples, both from the Vera and Donald Blinken Open Society Archives (Blinken OSA Archivum): the first one, the Yellow Star Houses project,¹⁰ involves archival

10. www.yellowstarhouses.org.

sources and “citizen science” alike. To commemorate an almost forgotten chapter of the Holocaust, when the Jewish population of Budapest was forced to move into designated apartment houses marked with a yellow star as a preparatory stage for deportation, the Blinken OSA Archivum set up an interactive website with the map of Budapest supplemented with numerous documents, including the relevant decrees, a list of houses, a chronology, a glossary, recollections and the archival and contemporary photos of these houses, where survivors, family members and others can upload additional photos and their personal memories. The second example is the Parallel Archive (currently under redevelopment), a web 2.0 site where researchers of the Blinken OSA Archivum can upload the documents they investigate, and fellow researchers can comment, share and amend these archival sources, this way enriching the context of the documents.

The Archives were asked whether they involve users in describing and/or commenting on archival documents through crowdsourcing. It turned out that this form of user involvement is practised in just under a quarter (23%) of the national Archives and even in 33% of the regional and local Archives.

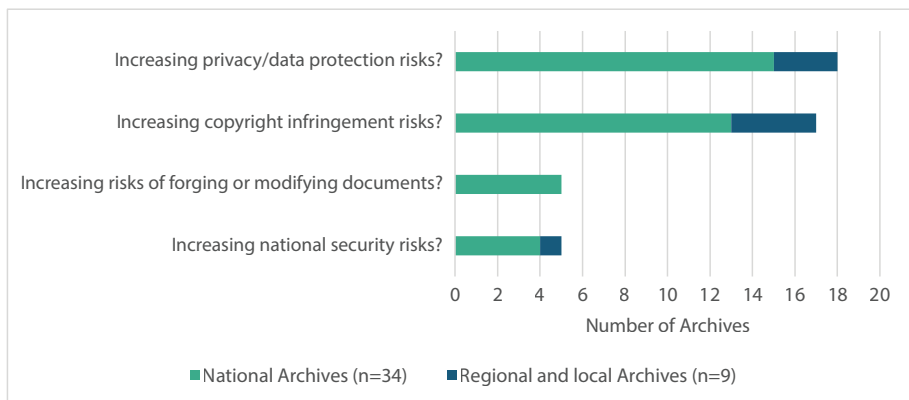
A variety of possibilities were mentioned, the most widespread being the transcription and indexing of civil records and handwritten documents as well as content descriptions of photographs. In some cases, the Archives rely on volunteers who can be particularly motivated, such as amateur genealogists, and in others in co-operation with related activities such as Wikimedia.

Risks of digitisation

Finally, respondents were asked whether they thought there were risks from increased digital accessibility of documents (Figure 27). Not surprisingly, violations of data protection and copyright were mentioned most frequently (42% of respondents each). Potential risks to national security or of forging or modifying documents were rated as less relevant (12% of respondents each).

Figure 27 – Risks of digitisation

“In your opinion, does enhanced digital accessibility of documents result in ...?”



Source: Questionnaire for Archives, Question 13.5, variable 345

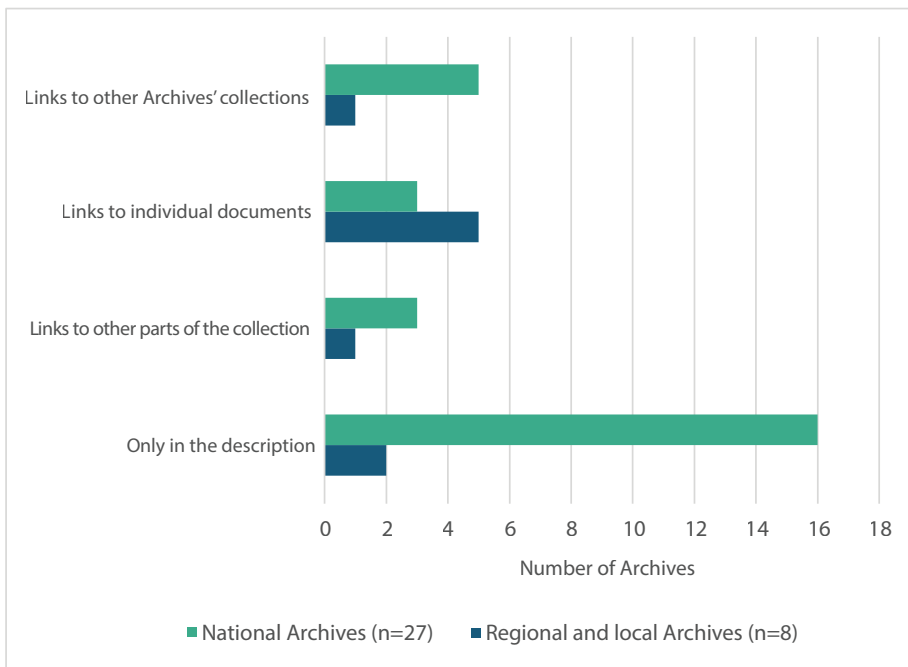
Remote access

Besides digital documents, remote (online) access to finding aids and documents, usually via the internet, is the second element of a digital Archive.

Of the Archives surveyed, 93% offer online access to catalogues and other finding aids. This encouragingly high number is already put into perspective by the question of whether there are digital cross-references in the catalogues (Figure 28). In the national Archives, most online catalogues (59%) only offer a description of the documents, while links to individual (digital) documents exist in only 11% of these cases. At least among the few (large) regional and local Archives that participated in the survey, the share of those that link directly from the catalogue to (digital) documents is much higher. However, this is certainly not indicative of the majority of small and medium-sized Archives in regions and cities.

Figure 28 – Cross-references in online catalogues

“If your catalogues/finding aids are available online, are there digital cross-references?”



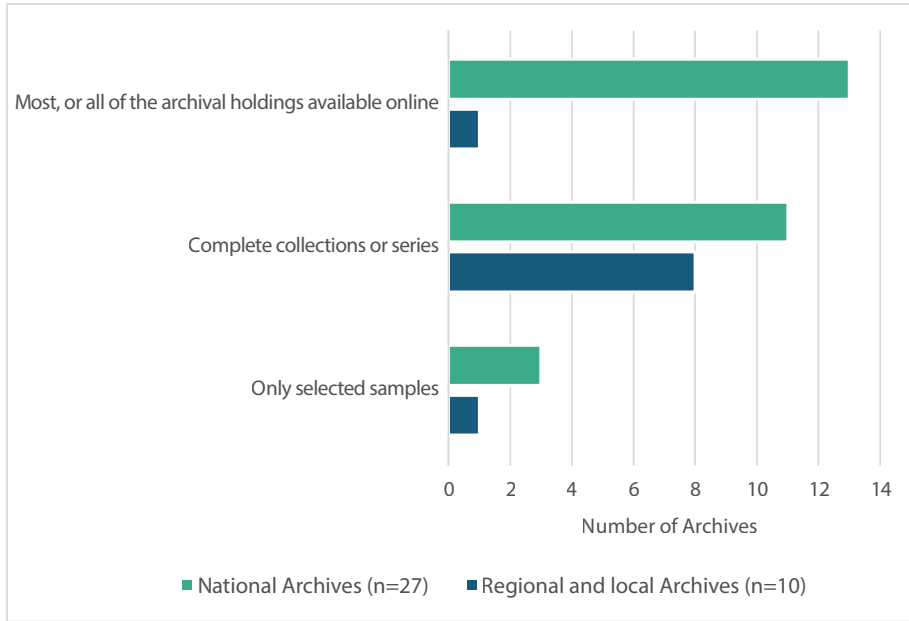
Source: Questionnaire for Archives, Question 14.1.1, variables 351-54

When it comes to online access to the (digital) documents themselves, this is free of charge for the vast majority of Archives (88%). However, with the restriction that

at almost half of the national Archives (48%) and the vast majority of regional and local Archives (90%), not all digital documents can be accessed online, but only certain collections/series or only selected samples (Figure 29).

Figure 29 – Free online access to digital documents

“If you provide free access to digital/digitised documents online, which parts can be accessed free of charge?”



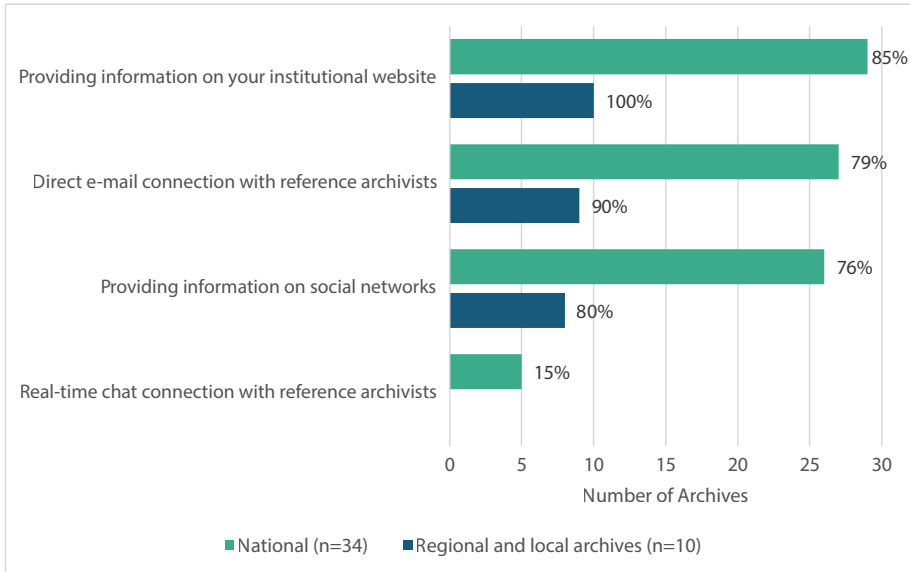
Source: Questionnaire for Archives, Question 14.2.1, variables 414-16

Online communication

The possibility to communicate with the Archive staff is also an element of accessibility. Therefore, as digitisation and remote access increase, new digital communication channels have been established through which user requests can be made – including professional consultation, reading room reservation or digitisation-on-demand requests – and support can be provided by the Archive (Figure 30). Almost all Archives – national as well as regional and local – provide support to users through their institutional website (85% of national Archives and 100% of regional and local Archives), through direct e-mail with the reference archivist (79% of national Archives and 90% of regional and local Archives) and through social networks (76% of national Archives and 80% of regional and local Archives). Less common is real-time chat with the reference archivist, offered by only a minority of national Archives (15%).

Figure 30 – Possibilities for online communication with Archives

“What kind of online channels does your institution use for communicating with archival users?”



Source: Questionnaire for Archives, Question 14.3, variables 363-66

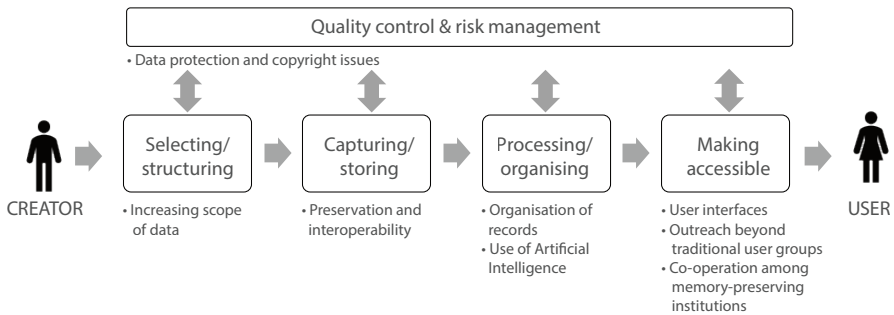
4.2. CURRENT AND FUTURE CHALLENGES FOR THE ACCESSIBILITY OF ARCHIVES

This section looks at important current technical and organisational developments, as well as changes in the social embeddedness of Archives that could have an impact on the accessibility of the holdings of Archives. It is based on the survey respondents' answers, the expert interviews and a literature review.

Looking at the steps of the simplified archiving process as presented in Figure 31, it is clear that each step involves new and interrelated challenges arising from the need to use new, especially digital, technologies. All these steps contribute to the mission of archival – and more generally for all memory-preserving – institutions collecting and preserving documents and making their holdings available for research and other uses.

In general, archival experts such as Lise Jaillant (2022: 419) or Andreas Fickers (2023) complain that the discussions over born-digital and digitised Archives have been mainly led by scholars from archival studies, while other disciplines (users of archives) have remained silent. That is why the focus in recent years has been on the preservation of documents and not so much on the access to digital archives.

Figure 31 – Challenges for accessibility along the archival process chain



Increasing scope of data

Already at the stage of appraisal and selection, Archives face a dilemma: should they preserve everything, because storage space is getting cheaper, and even the seemingly most irrelevant documents and data may serve a future researcher’s interest – or should they try to judge the present and future value of all available data and documents, and preserve only the ones that are judged as valuable? Naturally, what has not been preserved will not be accessible in the future. In addition, proponents of an ever-growing global information infrastructure, in particular internet-based service providers, suggest that in the near future all information will be stored forever and will be accessible anywhere, anytime (Bell and Gemmill 2009).

This raises the question of whether society needs Archives and other memory institutions at all, institutions that are specialised in collecting, preserving and making accessible information. As Székely (2017) argues, there are at least six major arguments for why archival institutions have a future in the digital age:

- ▶ institutional traditions and the Archives’ embeddedness in the cultural fabric of society;
- ▶ ensuring the persistent functions of documents and data;
- ▶ the task and capacity to preserve physical, non-digital copies;
- ▶ the importance of preserving the historical and information technology context;
- ▶ the long-term task of migrating document formats; and
- ▶ the significance of Archives’ institutional responsibility.

In any case, the majority of the interviewed experts do not consider “total recall” to be an appropriate approach. Apart from legal problems (see below), simply storing documents and information does not make them accessible; they need to be processed, catalogued and enriched with metadata. Since this was already impossible in predigital times, procedures have developed to deal with this problem through targeted selection or deletion (Mayer-Schönberger 2011).

The data and documents that a contemporary Archive collects in digital form are from the recent past, for which it is difficult to put them in a historical context today. It is, however, estimated that up to 20% of digital documents need to be archived,

instead of the 5% that were previously archived in analogue contexts (Convery 2014: 159; Moss and Gollins 2017: 7). However, it is feared that the size of the digital collections will overwhelm smaller Archives in particular, as they are not in a position to catalogue and index them to the extent required.

The sheer amount of data raises the question of which materials are particularly important and therefore have high priority, and which data are less important or valuable. In Germany, for example, Federal Archives are prioritising the digitisation of holdings from the National Socialist era, as these are in particularly high demand by users. In the Netherlands, the holdings from the country's colonial history are currently being digitised. While prioritisation is important to achieve a certain completeness of the digital collection for important topics, there is a danger that less priority topics will be marginalised and related documents remain digitally inaccessible (Hänger 2023; Jeurgens 2023).

Data protection and copyright issues

Most experts interviewed agreed that the implementation of the GDPR is currently the greatest challenge (or even threat) to the accessibility of archives. This perception is mainly fuelled by the practical handling of the Archives and the position of the respective competent data protection authorities. One of the interviewees reported that the responsibility for proper handling of sensitive data in documents had rested with the using scientists. Since the applicability of the GDPR, Archives have often decided to close potentially sensitive documents for fear of possible legal violations and sanctions (Sipos (2023) mentioned the case of Hungarian swimming coach László Kiss in 2016).¹¹

On the other hand, the GDPR requirements would be interpreted differently throughout the European Union, so that Archives perceived a general legal uncertainty. In particular, ambiguity was seen with regard to the balance between the applicable data protection laws, freedom of information laws and archive legislation.

Likewise, UK researcher Lise Jaillant (2022: 420f) reports in an interview study that data protection concerns led to the closure of entire digital collections, such as the e-mail correspondence of the writer Ian McEwan, which was transferred to a private Archive in 2014. Such holdings are sometimes not even listed in the finding aids. Finally, researchers who do get privileged access to such closed documents have problems publishing their research results because obtaining consent or rights of use from the persons concerned is very time-consuming. Therefore, according to Jaillant, scholars tend to focus on more accessible document collections when selecting their research topics. This problem is not limited to born-digital documents but also applies to digital copies of paper documents that were previously accessible at least in the reading room.

However, even if documents are (digitally) sanitised, combining documents seemingly having lost their personally identifiable nature may reveal the identity of the persons concerned, which may violate moral and legal rules of data protection.

11. www.reuters.com/article/csports-us-hungary-swimming-coach-rape-idCAKCN0X41PO.

Similarly, using artificial intelligence based tools, such patterns can be identified that may reveal sensitive personal information – or sensitive information relating to the activities of public authorities or business entities.

Apart from data protection, there are other reasons why Archives are reluctant to make digital collections accessible. This includes above all copyright issues, which are often unresolved, for example because the authors have disappeared without a trace. However, even if the authors are known, obtaining the rights of use is so time-consuming that Archives often refrain from making the relevant documents accessible (Hänger 2023).

Finally, accessibility sometimes has to be restricted not only for reasons of data protection and copyright, as there might also be “records that are culturally sensitive, or have offensive language in it, or are simply unpleasant to look at” (Jaillant 2022: 425).

Preservation and interoperability

At the beginning of the discussion about digital archives over 25 years ago, the fear of massive data loss dominated; experts warned of an impending “digital dark age” (Kuny 1997; Hedstrom 1997). This was not unfounded because the ageing of media such as magnetic tapes and floppy disks and computer hardware, as well as the obsolescence of software and data formats, was or is often a crucial obstacle to the accessibility of born-digital documents (Jaillant 2022: 423).

Today’s challenge here is no longer the creation of computer-readable documents in formats specialised for long-term preservation such as Portable Document Format/Archive (PDF/A), but to capture and provide content and data formats from now obsolete systems, such as outdated e-mail systems. Finally, there is the question of which version of a document, such as a database, for example, may be considered the “original” and whether the use of the original information technology (IT) environment with its technical properties is also important for authenticity (Friedewald and Leimbach 2011).

Effective data capture requires appropriate skills on the part of the personnel responsible. In this area there is, however, a lack of appropriate IT knowledge (Fresa, Justrell and Prandoni 2015: 191; Kim 2018) and the traceability of the authenticity of born-digital objects is also an obstacle (Poole 2015: 116).

Organisation of records

The organisation of digital documents currently also presents Archives with considerable challenges. Since the 19th century, the concept of *respect des fonds* has been fundamental to the way archivists see themselves: in a rather passive role, receiving documents from their creators and preserving them without changing their content or organisation. This concept comes under pressure with digital collections, especially when their raw data arrive unstructured and without metadata. This will make a much stronger curatorial intervention necessary (Jaillant 2022: 427f).

When it comes to the question of how to organise the records preservation and access needs: if digital documents are preserved in an impermanent format, future

access demands will necessitate repeated migration to the actual formats that are accessible for future users of archives. If the documents to be preserved are in an obsolete system, on fragile data carriers, especially in the audiovisual field, even the coding-decoding formats (codecs) may make a difference: if it is not only the content of a video recording but also its artistic quality, the original colour and resolution of the images are important to preserve and to make available to users. (In this respect the international community under the name “No Time to Wait” is developing important new open standards and technical tools.)

Furthermore, if digital documents are preserved in a non-standardised metadata scheme, and the description of these documents does not follow international standards, the user of these documents will be unable to compare his or her findings with digital documents from other archival institutions’ holdings. Therefore, open standards are the most advantageous in this respect, such as the high-level Open Archival Information System Reference Model and the Metadata Encoding and Transmission Standard built on this model. In the domain of current information and documents, subject to freedom of information legislation, the Open Archives Initiative Protocol for Metadata Harvesting (OAI-PMH) is a protocol developed for harvesting metadata descriptions of records in an Archive so that services can be built using metadata from many Archives, and this can facilitate the use of these Archives. The metadata repositories can be regarded as aggregate information sources: the users search in the metadata repository, and if they find a hit, they will be redirected to the originating Archive. On a larger scale, the European aggregator portals, among them the Archives Portal Europe, offer integrated search possibilities in the domain of cultural institutions and collections, under similar principles. In general, archivists might be motivated to make collections more user-friendly due to the long available time between record creation and opening. This extra time allows for better processing, better organisation and the development of strategies to release non-sensitive parts of the collections earlier (Jaillant 2022: 429).

Without a clear idea of how a future digital Archive should be organised and what (new) tasks it will have, the long closure periods can lead to a “wait-and-see attitude” (Jaillant 2022: 429).

In this context, the interviewed experts pointed out that the internal procedures of Archives for preservation and accessibility are quite different (Fickers 2023; Hänger 2023). While documents can be mass-processed for preservation in a way that can be well automated, documents must be individually indexed and catalogued for accessibility in a time-consuming procedure. This is much more difficult to automate.

The use of artificial intelligence

As in other fields, there are high expectations of what artificial intelligence and machine learning (AI/ML) can do in the archival context. Both Jaillant (2022: 433) and the people we interviewed mention two aspects in particular where AI may be able to improve the accessibility of (digital) archives.

1. The automatic creation of metadata, especially for large unstructured collections. Here, it should be possible to automatically capture and structure the content of the documents and at least make a rough classification

(Colavizza et al. 2022). However, when automatically generating classes, it must be taken into account that AI/ML is not necessarily as fair and just as expected, but learns all the biases contained implicitly in the data. This is commonly known as algorithmic bias. If, for example, documents from the colonial period are classified by AI/ML, one should not be surprised that European colonial terminology and racist stereotypes are reproduced (Luthra et al. 2023).

2. The automatic recognition of sensitive materials by AI/ML algorithms that are able to distinguish problematic from unproblematic content and can thus also support the indexing and disclosure of digital documents (Decker 2022). However, since this detection can only be made with a certain degree of probability, problematic documents may remain undetected and follow-up checks are still needed to avoid risks before making documents public.

User interfaces

The creation of an appropriate interface for the use of digital collections is another, often neglected factor for the accessibility of documents. Archival aspects have to be taken into account: it must be ensured that documents cannot be changed or deleted and, at the same time, it must be guaranteed that sensitive data are hidden depending on the place of use (reading room, online) and the authorisation of the user.

From the user's perspective, not only the bare document should be presented but, if possible, also its narrower or wider context. This would enable "scalable reading", especially for professional users, that is, the ability to move seamlessly from distance to close reading (Fickers 2023).

Co-operation of memory-preserving institutions and outreach beyond traditional user groups

Our survey focused on traditional public archival institutions, mostly national Archives. In the operation of these traditional Archives interoperability at another level is also important (and costly and time-consuming) to ensure. As can be seen from the survey results, users of archives prefer online access, which presupposes the existence and online availability of digitised or born-digital documents. If a researcher finds only a fraction of the documents he or she is interested in, and another archival institution has supplementary material in the research topic, the researcher may expect that the first archival institution he or she contacts will redirect him or her to the connecting collections, and not at general level only, but to the direct continuation of the document series concerned. Developing such interoperable systems and standards, and making available whole digital collections this way require the co-operation of institutions, which in general compete in obtaining resources, increasing their professional prestige – even if the direct and indirect profit of these developments is realised elsewhere, or in the betterment of the users' possibilities in general. In the era of new types of Archives, such as community Archives or post-custodial Archives, this co-operation is ever more necessary.

Experts are already observing that new services offered by the Archives, that is, better accessibility to the holdings, are leading to increased use. The additional demand does not primarily come from the established user groups (such as historians, journalists or CSOs), but from users who previously had little experience with Archives, but now approach the Archives with new expectations. An adequate form of accessibility must also be created for such users. In the interviews, the experts expressed the hope that archivists (as well as librarians and curators in museums) will think more about how they can arouse their users' interest in their holdings and certain topics in the future. So far, this has been done, for example, by exhibiting artefacts that rely on the aura of an original document, such as a handwritten manuscript and its connection to the creator. Digital documents lack this materiality and aura, so memory institutions have to develop new concepts of how to convey access (in a broader sense) to their holdings to people.

Digression

Content in social media is not (yet) regularly collected by public Archives. However, social media have undoubtedly become an important instrument of political communication as the example of former US President Donald Trump illustrates. The content posted is currently stored by the operators of the services, namely private companies mostly based in the USA, and made accessible or inaccessible at their will. As this is an unsatisfactory situation, individual institutions (for example the Library of Congress or the German National Library) have begun to download and archive such content (on a selective basis) even without an explicit mandate or legal basis. Although this secures the content, it can currently only be made accessible for use in a very limited form, for example only in the reading room (Zimmer 2015).¹²

12. www.dnb.de/twitterarchiv

Chapter 5

Conclusions

This study was commissioned by the Steering Committee for Culture, Heritage and Landscape of the Council of Europe in order to empirically review the state of access to archives in Europe, and the implementation status of Committee of Ministers Recommendation No. R (2000) 13 on a European policy on access to archives. The core of this study was a second pan-European survey in this area, two decades after the first survey was conducted; the latter was a milestone in evaluating compliance of member states with the recommendation and resulted in the publication of the handbook on access to archives.

The recommendation and its explanatory memorandum recognised that in the era following the great political changes in Europe, when the ideological confrontation of competing powers ended, access to archives, in particular, access to documents that were previously inaccessible to the public, played a crucial role in helping people to come to terms with the history of the Cold War era and in establishing, or restoring, rule-of-law societies.

Today, more than three decades after the change of the political systems in the eastern part of Europe, the importance of access to documents from the Cold War era has not decreased, nor has interest in the possibilities for exploring other periods of European history. However, the pool of potential users of archives has become diversified, interest in recent history has increased, expectations regarding access conditions have changed and the application of information and communication technologies has become standard practice in archival institutions. These changes have made it necessary, beyond preserving the original concept and structure of the first survey, for new questions reflecting these changes to be included in the questionnaire.

From the survey data and analysis, it can be established that the willingness to respond to surveys in this field, in line with the general trend, has declined. Even the archival institutions, the most forthcoming partners in this respect, thought the survey was too long and required too much time and too many intellectual resources – despite the online format that made filling it in convenient. Nevertheless, the detailedness of the questionnaire was necessary in order to map the access situation more precisely and to go beyond generalities.

Our study focused on the responses of national (and, to a lesser extent, regional and municipal) Archives. The responses of user groups were used as an indication of the users' expectations and experience, and as a sort of counter-verification vis-à-vis the archives' self-assessment.

The recommendation is known in the archival community, although not in every country. Today it is not the provisions of the recommendation that are directly used as a reference or guidance, but rather the legal rules into which the principles and

provisions of the recommendation have been embedded and codified over the past 20 years. We can reasonably state that the recommendation has enriched archival legislation and regulations and made a significant impact on archival practice.

The study revealed that, in several important areas, compliance with the recommendation has significantly increased. National legislation in the great majority of Council of Europe member states is fully compatible with the recommendation. Access provisions have become uniform at all levels in the member states with only a few exceptions. The Archives of 19 countries proceed systematically with the opening of records that are no longer covered by the general closure period. The number of Archives that provide the possibility to implement partial access has also increased significantly.

However, several practices that are incompatible with the spirit and provisions of the recommendation are still part of the archival landscape in Europe. The number of countries where public archival institutions (or organisations maintaining public archives) are exempt from the general access rules laid down in the Archives Act or in other laws, increased. In some former Eastern bloc countries, the Archives do not prepare finding aids describing their restricted holdings, and therefore researchers are unable to apply for special permission or declassification. Some Archives refuse access because of the “insufficient qualification[s] of the researcher”. Another incompatible practice is to oblige the researchers to reveal their research topic, and if the researcher requests a document that is – in the archivist’s opinion – not directly related to the topic indicated, the Archive may refuse access.

Our study, in conformity with other archival studies and experience, shows that the differing social, administrative and archival traditions have not disappeared, although this was not the aim of the recommendation. However, several practices that are incompatible with the recommendation survived in countries where these very practices existed 20 years ago. It seems advisable that the competent bodies of the Council of Europe call on the archival administration of the countries concerned to change these incompatible practices and at the same time, work out concrete guidelines on how to overcome these problems, without abolishing the existing traditions.

The survey data confirmed our general impression that digitisation and the use of information and communication technologies have become a priority in most European archival institutions. The actual use of such technologies and their role in improving access to archives is highly dependent on the available financial and other resources. In particular, providing remote access to archival holdings, either by uploading documents to freely accessible web platforms or by providing dedicated access for research and educational purposes, as an extension of the physical research rooms, is popular among the users. Certain user groups, especially non-governmental organisations, prefer online access, and presumably their members are not familiar with the research conditions in archival institutions. Among the latter, there are also digital forerunners, in which a significant part of the originally analogue holdings have been digitised and made available for research, or where new documents can be transferred to the Archives in digital format only.

On a broader level, it would be beneficial if the Council of Europe encouraged enhanced collaboration among cultural and memory organisations. This collaboration

should entail the exchange of information, establishment and utilisation of uniform technical standards, establishment of cross-references between catalogues and finding aids, and sharing of experiences and expectations. By doing so, these institutions can attract and educate users based on shared European values.

RECOMMENDATIONS

The principles and provisions of the recommendation have not lost their validity in the new technological environment. However, the new archival practices and the new expectations of users, which were revealed in our survey, may make it necessary to review the provisions of the recommendation and amend them where necessary. Access to archives, similarly to freedom of information, or any modality of free access to public information, is not an ideal state that has to be reached, but a process under ever-changing circumstances, societal demands, technologies and regulations. Future updates of the recommendation and other Council of Europe instruments may contribute to this process. In particular we propose taking the following points into consideration.

1. The Council of Europe could play an active role in stimulating the development of exemplary international case law and other international legal documents that could serve as clear and practical guidelines for archival institutions on how to harmonise the right of access to public information and historical documents on the one hand, and the right to the protection of personal data and informational self-determination on the other. Harmonisation must not be interpreted in the framework of the traditional trade-off model in which one right or demand can only be realised at the expense of another right or demand, as a virtual zero-sum game: here both access and protection are fundamental rights, and archives must strive to find practical solutions where both rights are realised at the highest possible level.
2. In a future amendment or update of the recommendation we suggest including the following points:
 - the need to find practical solutions to provide access to archives and to protect the personal data of individuals in today's legal and technological environment;
 - the use of new and emerging information technologies in digitising and providing onsite and remote access to archival holdings, taking into consideration the range of users' present and future terminal equipment and widespread applications;
 - the importance of interorganisational co-operation with regard to the interrelatedness of memory institutions, their information systems, and the *de facto* and *de jure* standards in this field;
 - the societal role of, and the possibilities for co-operation between, traditional public Archives and new types of Archives, such as community Archives and post-custodial Archives;
 - the need to broaden Archives' outreach activities in order to attract new user groups and encourage them to use archival collections – also in innovative ways.

Figures

Figure 1 – Responding national Archives.....	19
Figure 2 – Responding regional and local Archives.....	20
Figure 3 – Regional distribution of participating users of archives.....	20
Figure 4 – Publication of the recommendation in Council of Europe member states	23
Figure 5 – Compatibility of the national legislation with the recommendation.....	24
Figure 6 – Difficulties in following the recommendation	24
Figure 7 – Archival and related legislation	25
Figure 8 – Exempted public archival institutions in Europe	27
Figure 9 – Type of Archives exempted from regulation	28
Figure 10 – Access conditions in Archives that are exempt from regulation ..	28
Figure 11 – Uniformity of access provisions at national, regional and local levels.....	29
Figure 12 – Secret Archives.....	30
Figure 13 – Access to unclassified and classified documents	31
Figure 14 – Specific rules for special categories of users	32
Figure 15 – Fees above production costs	32
Figure 16 – General closure period.....	34
Figure 17 – Opening of records	35
Figure 18 – Criteria for restricting access.....	36
Figure 19 – Restrictions for the protection of personal data.....	36
Figure 20 – Declassification	37
Figure 21 – Granting of special permission	39
Figure 22 – Implementation of partial release.....	40
Figure 23 – Reasons for refusing access.....	41
Figure 24 – Provisions to encourage access to private Archives.....	42
Figure 25 – Effect of digitisation on access to documents.....	46

Figure 26 – Priority setting for digitisation.....	48
Figure 27 – Risks of digitisation.....	49
Figure 28 – Cross-references in online catalogues.....	50
Figure 29 – Free online access to digital documents	51
Figure 30 – Possibilities for online communication with Archives.....	52
Figure 31 – Challenges for accessibility along the archival process chain	53

Tables

Table 1 – Structure of the questionnaires.....	16
Table 2 – Response rates.....	18
Table 3 – Digitisation of textual documents.....	47
Table 4 – Digitisation of audiovisual documents.....	47

References

- Bell C. G. and Gemmell J. (2009), *Total recall: how the E-memory revolution will change everything*, Dutton, New York.
- Benoit E. and Eveleigh A. (2019), *Participatory archives*, Facet Publishing, London, <https://doi.org/10.29085/9781783303588>.
- Bizer C., Vidal M.-E. and Skaf-Molli H. (2018), "Linked open data", in Liu L. and Özsu M. T. (eds), *Encyclopedia of database systems*, Springer, New York, pp. 2096-2101, available at https://doi.org/10.1007/978-1-4614-8265-9_80603.
- Brügger N. (2017), "Webraries and web archives – The web between public and private", in Baker D. and Evans W. (eds), *The end of wisdom? The future of libraries in a digital age*. Chandos, Cambridge MA and Kidlington, pp. 185-190, <https://doi.org/10.1016/B978-0-08-100142-4.00023-3>.
- Chung S. K. (2010), "Archival finding aids", in Bates M. J. and Mack M. N. (eds), *Encyclopedia of library and information sciences*, 3rd Edition, Taylor & Francis, New York, pp. 147-153.
- Colavizza G. et al. (2022), "Archives and AI: an overview of current debates and future perspectives", *Journal on Computing and Cultural Heritage*, 15(1), pp. 1-15, <https://doi.org/10.1145/3479010>.
- Convery N. (2014), "From reactive to proactive appraisal", *Archives and Manuscripts*, 42(2), pp. 158-160, <https://doi.org/10.1080/01576895.2014.911676>.
- Council of Europe (1996), Parliamentary Assembly Resolution 1096 (1996) "Measures to dismantle the heritage of former communist totalitarian systems", Council of Europe, Strasbourg.
- Čtvrtník M. (2021), "Closure periods for access to public records and archives. Comparative-historical analysis", *Archival Science*, 21(4), pp. 317-351, <https://doi.org/10.1007/s10502-021-09361-4>.
- Decker S. (2022), "Finding light in dark archives: using AI to connect context and content in email", *AI & Society*, p. 14, <https://doi.org/10.1007/s00146-021-01369-9>.
- Fickers A. (2023), Interview with authors on 20 January 2023.
- Fresa A., Justrell B. and Prandoni C. (2015), "Digital curation and quality standards for memory institutions: PREFORMA research project", *Archival Science*, 15(2), pp. 191-216, <https://doi.org/10.1007/s10502-015-9242-8>.
- Freund L. and Toms E. G. (2016), "Interacting with archival finding aids", *Journal of the Association for Information Science and Technology*, 67(4), pp. 994-1008, <https://doi.org/10.1002/asi.23436>.

Friedewald M. and Leimbach T. (2011), "Computersoftware als digitales Erbe: Probleme aus Sicht der Technikgeschichte", in Robertson-von Trotha C. Y. and Hauser R. (eds), *Neues Erbe. Aspekte, Perspektiven und Konsequenzen der digitalen Überlieferung*, pp. 201-219, KIT Scientific Publishing (Kulturelle Überlieferung – Digital), Karlsruhe.

Gruodytė E. and Gervienė S. (2015), "Access to archives in post-Communist countries: the victim's perspective", *TalTech Journal of European Studies*, 5(2), pp. 147-170, <https://doi.org/10.1515/bjes-2015-0018>.

Hänger A. (2023), Interview with authors on 7 February 2023.

Hansen M. (2023), Interview with authors on 3 February 2023.

Hedstrom M. (1997), "Digital preservation: a time bomb for digital libraries", *Computers and the Humanities*, 31(3), pp. 189-202, <https://doi.org/10.1023/A:1000676723815>.

Hofstede G. H., Hofstede G. J. and Minkov M. (2010), *Cultures and organizations: software of the mind: intercultural cooperation and its importance for survival*, 3rd edition, McGraw-Hill, New York.

ICA (International Council on Archives) (2021), *Records in contexts – Conceptual model (Consultation draft v0.2)*, ICA, Paris, available at www.ica.org/sites/default/files/ric-cm-02_july2021_0.pdf.

Jaillant L. (2022), "How can we make born-digital and digitised archives more accessible? Identifying obstacles and solutions", *Archival Science*, 22(3), pp. 417-436, <https://doi.org/10.1007/s10502-022-09390-7>.

Jeurgens K. J. P. F. M. (Charles) (2023), Interview with authors on 26 January 2023.

Kashumov A. (2023), Interview with authors on 3 February 2023.

Kecskeméti C. and Székely I. (2005), *Access to archives – A handbook of guidelines for implementation of Recommendation No. R (2000) 13 on a European policy on access to archives*, Council of Europe Publishing, Strasbourg.

Kecskeméti C. and Székely I. (2007), *L'accès aux archives – Manuel pour la mise en oeuvre de la Recommandation n° R (2000) 13 sur une politique européenne en matière de communication des archives*, Council of Europe Publishing, Strasbourg.

Kelleher C. (2017), "Archives without archives: (re)locating and (re)defining the archive through post-custodial praxis", *Journal of Critical Library and Information Studies*, 1(2), available at <https://doi.org/10.24242/jclis.v1i2.29>.

Kim J.Y. (2018), "Researcher access to born-digital collections: an exploratory study", *The Journal of Contemporary Archival Studies*, 5(1), available at <https://elischolar.library.yale.edu/jcas/vol5/iss1/7>.

Körmendy L. (2015), "Information society, e-records and the new archival science", *Atlanti*, 25(1), pp. 141-152, available at [https://doi.org/10.33700/2670-451X.25.1.141-152\(2015\)](https://doi.org/10.33700/2670-451X.25.1.141-152(2015)).

Kuny T. (1997), "A digital dark ages? Challenges in the preservation of electronic information", 63rd IFLA Council and General Conference.

Licklider J.C.R. (1965), *Libraries of the future*, MIT Press, Cambridge MA.

- Luthra M. et al. (2023), "Unsilencing colonial archives via automated entity recognition", *Journal of Documentation* [Preprint], <https://doi.org/10.1108/JD-02-2022-0038>.
- Majtényi L. et al. (eds) (2005), *Az elektronikus Információszabadság [Electronic Freedom of Information]*, Eötvös Károly Policy Institute, Budapest.
- Mayer-Schönberger V. (2011), *Delete: the virtue of forgetting in the digital age*, Princeton University Press, Princeton NJ.
- Moss M. S. and Gollins T. J. (2017), "Our digital legacy: an archival perspective", *The Journal of Contemporary Archival Studies*, 4(2), available at <https://elischolar.library.yale.edu/jcas/vol4/iss2/3>.
- Nyce J. M. and Kahn P. (eds) (1991), *From memex to hypertext: Vannevar Bush and the mind's machine*, Academic Press, Boston.
- Poole A. H. (2015), "How has your science data grown? Digital curation and the human factor: a critical literature review", *Archival Science*, 15(2), pp. 101-139, <https://doi.org/10.1007/s10502-014-9236-y>.
- Ridge M. (ed.) (2014), *Crowdsourcing our cultural heritage*, Ashgate Publishing (digital research in the arts and humanities), Ashgate, Farnham.
- Sipos A. (2023), Interview with authors on 26 January 2023.
- Székely I. (2010), "The four paradigms of archival history", *Journal of Information Technology Research*, 3(4), pp. 51-82, <https://doi.org/10.4018/jitr.2010100104>.
- Székely I. (2015), "The four paradigms of archival history and the challenges of the future", in M. M. Merviö (ed.), *Management and participation in the public sphere*, IGI Global (Advances in Public Policy and Administration), Hershey PA, pp. 1-37, <https://doi.org/10.4018/978-1-4666-8553-6>.
- Székely I. (2017), "Do archives have a future in the digital age?", *The Journal of Contemporary Archival Studies*, 4(2), available at <https://elischolar.library.yale.edu/jcas/vol4/iss2/1>.
- UNESCO (2016), Recommendation concerning the preservation of, and access to, documentary heritage including in digital form (CL/4155), United Nations Educational, Scientific and Cultural Organization, Paris, available at <https://en.unesco.org/about-us/legal-affairs/recommendation-concerning-preservation-and-access-documentary-heritage>.
- van der Werf T. and van der Werf B. (2022), "Will archivists use AI to enhance or to dumb down our societal memory?", *AI & Society*, 37(3), pp. 985-988, <https://doi.org/10.1007/s00146-021-01359-x>.
- Wu M.-J., Zhao K. and Fils-Aime F. (2022), "Response rates of online surveys in published research: a meta-analysis", *Computers in Human Behavior Reports*, 7, 100206, <https://doi.org/10.1016/j.chbr.2022.100206>.
- Zimmer M. (2015), "The Twitter archive at the Library of Congress: challenges for information practice and information policy", *First Monday*, 20(7), <https://doi.org/10.5210/fm.v20i7.5619>.

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Recommendation No. R (2000) 13 on a European policy on access to archives was adopted by the Committee of Ministers of the Council of Europe on 13 July 2000 on the basis that archives constitute an essential and irreplaceable element of culture. The recommendation was the first international standard in this field and it formulated several principles with a view to inspiring sound policies in the member states on access to archives, through legislation or by bringing existing legislation into line with the recommendation.

Following the adoption of the recommendation, a pan-European survey on European states' compliance with the recommendation was initiated. The results of the survey were published by the Council of Europe in 2005, *Access to archives – A handbook of guidelines for implementation of Rec No. R (2000) 13 on a European policy on access to archives*.

Two decades later, a new study has explored and evaluated the situation regarding access to archives in Council of Europe member states. This publication summarises the most important results of a Europe-wide survey on the situation of access to archives in general and on the implementation of Recommendation No. R (2000) 13 in particular. It highlights current and future challenges arising from digitisation and changing user expectations, thus providing background knowledge for civil servants and decision makers, archive authorities and archivists, the scientific community and civil society organisations.

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