Privacy, data sharing and the role of the archive

Designing the Archive: Adelaide 2019

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Background

• State Records of South Australia
  • Archive and recordkeeping
  • Freedom of information
  • Privacy
  • Copyright

• Entanglement of privacy, data sharing and access
Privacy

• SA environment
  • Policy not legislation
  • PCSA – roles and responsibilities

• Privacy at a crossroads
  • People happy to give away personal information (eg FaceBook)
  • Tighter regulations and restrictions (eg GDPR)

• Personal information as a commodity

• Privacy as an excuse not to release information
Data Sharing

• SA environment
  • Data Sharing Act 2016

• Basis of the legislation – what it allows
  • Provides legislative basis for the sharing of non-personal or de-identified information
  • Enables the sharing of identified information under prescribed circumstances
  • Enables sharing of data outside of government with Ministerial approval
  • Utilises the ‘5 Safes’ approach to handling the data

• Extent of the legislation is untested
  • Most vulnerable have least protection

• Data driven decisions - is Government always right?
Open Data

• Open Data in South Australia
  • Existing framework and approach

• New approach – value and principles-based

• Not just built around transparency and accountability

• Business, research and social value
Where the Archive fits

• Respect, courage, trust and integrity

• Access at the center of what we do

• Our role as educators, leaders and moderators

• Social value and social conscience

• Notion of the archive as a moral compass
Commissions, Inquires and Apologies

• Australia has witnessed numerous National Apologies over the last decade:
  • 2008 Stolen Generation
  • 2009 Forgotten Australians and child migrants
  • 2013 Forced adoptions

• Recent Royal Commissions

• Highlight at a national level the importance of records and access

• Impact is at a personal level

• Is government learning from its mistakes?
Spotlight on practices

• Inquiry by the Australian Human Rights Commission into Aboriginal and Torres Strait Islander People affected by the forced removal from their families (1995)

• The Stolen Generation

“Access to records must be made easier and less hurtful”
(Bringing Them Home Report, 1997)
Outcomes

• With reports come recommendations
  • State-based records taskforces
  • Link-up services
  • Find and Connect web resources and access principles
  • Retention of records
  • Implementation of systems
  • Education and awareness

• 20 years after the release of the Bringing Them Home Report we are having the same discussion
In some cases the records held by non-Aboriginal organisations may be the only source of information that Aboriginal people have about ourselves.

Quote from Link-Up (NSW) Bringing Them Home Report

Significance for archivists

• Consider what we do through a moral and social lens

• We see first hand the power of the record

• Mandate in our roles to change the culture and practices of government
The problem

• The same challenges are constantly raised:
  • Records do not exist (not created or destroyed)
  • Records are incomplete
  • Records are inaccurate
  • Access is restricted

• Other issues that are common:
  • People in care do not know a record exists
  • Redaction tells a false story
  • Record never includes the voice of the individual
  • Having to approach the organisation that mistreated them in order to get the record
The result

• The results can be devastating and heartbreaking

• Meaning and truth are kept from people:
  • School photographs redacted
  • Care leavers contacted by researchers
  • Information provided too late
  • Care services provided based on inaccurate information

• The results of poor recordkeeping and access practices, the inappropriate application of privacy and over-zealous data sharing are clear to see
They've got a story on my life. I didn't know my own life……
That was my life and I had no right to the records

Quote from the final report of the South Australian Children in State Care (Mullighan) Inquiry
What can we do

• A different way of thinking about government records and the role of the archive

• Acknowledge the obligation and responsibilities we have as custodians

• Consider with empathy and understanding

• Responsibility to educate and provide balance between sharing and privacy

• Co-design and co-participation
Final thoughts

All he wants is to know who he is. He is entitled to know his heritage

Many had never seen a photo of themselves as a child and many had no idea what they might have looked like when younger

I have to go to different institutions, where terrible memories exist, to grovel for information

Quotes from Forgotten Australian's Final Report