



COUNCIL OF AUSTRALASIAN ARCHIVES  
AND RECORDS AUTHORITIES

## CAARA Policy 20

### Online Access to Public Records

*Status: Current*  
*Adopted: October 2010*

CAARA acknowledges the traditional custodians of Country and their continuing connection to land, sea and community.

---

Information contained in this document may be confidential and may also be the subject of legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or copying of this document is unauthorised.

OFFICIAL

# CAARA Policy 20 – Online Access to Public Records

Statement of Principle: Online Access to Public Records

**Adopted: October 2010**

## Purpose

The Statement of Principle is intended to guide Australian and New Zealand government archives in providing online access to their collections.

Archives should subscribe to the aims and spirit of the Principle and should be guided by these rather than by a narrow interpretation of the text.

## Scope

The Statement of Principle is suitable for adoption by all CAARA members.

The Statement of Principle DOES NOT override any provisions in existing legislation or regulation relating to the provision or withholding of access to public records in an online environment.

## Introduction

As part of a response to the needs and behaviours of their users, government archives in Australia and New Zealand are striving to make more of their collections available online via the Internet. This access may be through:

- Digitising records and placing them online
- Indexing records and placing the index online
- Cataloguing records and placing the catalogue online
- Providing online access to born digital records held within the collection

There are a number of benefits to this approach, in particular that:

- Access is not restricted to those who are physically able to visit a reading room
- The public have unmediated access to public information and are able to monitor and verify government actions\
- The public have better access to a publicly owned resource and may make use of that resource for purposes that benefit themselves or the community
- Individuals have increased access to information about themselves, their family and/or their community

There are also a number of issues which may arise from this practice. These include:

- The ready availability of information which had been, for all practical purposes, obscured or hidden. That is physical records often require a great deal of research to uncover. Thus the information in those records is often only available to a relative few. Placing such records online makes them open to search technologies which provide greater access to a much larger number of people. This issue often arises in regard to information which some people deem 'private' even though it may not be covered by specific privacy law. While there is no literal regulatory breach there may be a public perception of breach that must be carefully and sensitively managed.
- The ability to cross match or data mine across differing sources of information to build up a detailed picture of an event, individual or trend. In some instances this may be of benefit to the community in the case of a catastrophic event, an important historical figure or a significant social trend. It could also support enhanced historical evidence-based policy making. However it may also facilitate identity theft or a breach of individual privacy.

Appropriate access to digital records via the Internet realises an important benefit of reusable, discoverable digital resources and reflects open government information policies.

## Statement of Principles

### 1. Right of Access

Access to government archives is a right of all members of the community, limited only in accordance with relevant legislation.

The facilitation of this right forms part of the mission for government archives and is a core function. Any restriction of this right needs careful and documented consideration. Where this right may come into conflict with other rights (such as the right to privacy), legal opinion may need to be sought to determine appropriate action.

### 2. Open and Unrestricted Records

Only records that are on open and unrestricted access should be made available online.

Cataloguing information or indexing information may be made available online for records that are on restricted access but care should be taken that this information does not breach the access restriction on the records. For example, where access to records is restricted for reasons of personal privacy, the cataloguing information should not reveal personal details.

### 3. Copyright

Only records in which the State holds clear copyright should be made available online.

In circumstances where the State does not hold copyright, permission should be obtained from the rights holder(s) before records are made available online, or, where the archive has a statutory power to publish, the potential for copyright infringements should be restricted through technical or other means.

Where the rights holder(s) cannot be determined (so called 'orphan' works), archives should establish a risk management framework to determine the risk to the archive of making these records available online.

## 4. Sensitivity Labelling

Where the content of records available online is sensitive for whatever reason, the archive will provide a warning about the sensitive nature of the material so that users may choose not to access the records.

Sensitivity may arise for a number of reasons including but not limited to:

- The depiction or description of Aboriginal, Torres Strait Islander and Maori culture or individuals
- The use of offensive language or graphic images

## 5. Response to Complaints

Where an individual or group makes a complaint to an archive about the content or description of a record online or about breach of rights, the archive will consider the complaint using the following criteria:

- Any legal or statutory requirements to make available or restrict information to the public (for example copyright or privacy)
- The right of access to public records
- The sensitivity of the information
- The potential for harm (for example economic loss, physical harm or psychological harm) if the record or description remains online

The archive should establish an investigation and remediation process to determine the validity of any complaint and the actions required to uphold the rights of the complainant if the complaint is valid. This could include but is not limited to:

- The establishment of take-down procedures in the event of a copyright breach
- The redacting of offending information in the online version of a record
- The removal of the online version of a record from public access
- The amendment of the information (without destroying the record's integrity),

- The provision of suitable caveats or warnings alongside the record or description.

## References

CAARA, Statement of Principle 16: Providing public access to records in Australian government archives.

Available at <https://www.caara.org.au/Policy/policy16.htm> accessed 19 Feb 2010.