

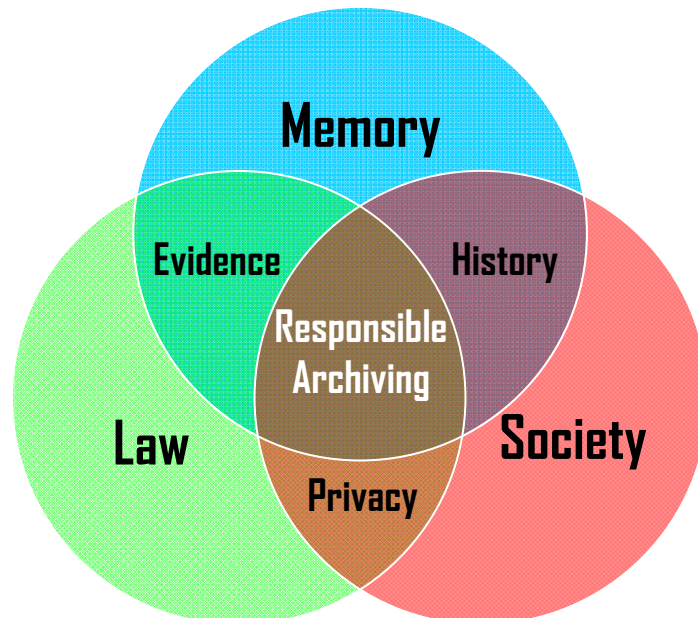
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# RESPONSIBLE ARCHIVING

## FUNDAMENTAL PRINCIPLES

The French version of this document will prevail over the English translation, which is for information purposes only.



***Intersection of the three fundamental precepts  
of responsible archiving***

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## Core values

**Responsible archiving** is a framework of archiving policies and values designed to meet the requirements of collective memory, history, law and personal privacy.

It is based on considerations that encompass the public interest, economic viability, fairness and human concerns.

It incorporates duties connected with preserving our past heritage, recording the present, and passing on this information for future use.

## Motivations

The digital format has become the standard for recording and converting documentary information, making it easier to create and distribute this information, while providing a wide range of options. This format clearly offers valuable advantages, but this should not distract us from its major weaknesses, which stem from its instability, unreliable storage media, built-in obsolescence, and substantial risks when handling personal data. These flaws expose us to uncertainty and potential harm in terms of storage, legal and historic evidence, fairness, social responsibility and our ability to pass on collective memory.

In other words, although the digital format is an outstanding tool, it suffers from data durability issues that have yet to be resolved almost thirty years after they were first highlighted. Having accepted that damaging mistakes have been made, it is now alarming to note that no effective measures have actually been taken to rectify this problem. Meanwhile, experts continue to promote *ad hoc* techniques, and risky practices persist despite the availability of reliable solutions. We are particularly concerned about the following issues:

- **Existing standards are not fit for purpose**

A review of the state-of-the-art in digital preservation highlights the lack of adequate standards. In fact, some electronic archiving practices merely serve to minimise or conceal the failings of the digital format, instead of attempting to resolve them. In particular, we notice that:

- these electronic archiving standards only describe *what can be achieved electronically* rather than *what is actually required for the archiving process*;
- the standards fail to specify a precise time-span for preserving digital data; they simply provide rules of thumb that offer no long-term guarantees;
- in terms of legal evidence, promoters are more concerned with convincing us of their product's *legal compliance* than discussing the reliability of techniques required to settle disputes;
- the requirements for historical accuracy are simply disregarded;
- there is no technical discussion whatsoever on the means of passing on collective memory and knowledge;
- purely for the sake of convenience, the standards even encourage us to adopt digital files as a replacement for proven, reliable archive media, such as paper or photographic film.

- **Recommendations are ineffective**

The field of electronic archiving is also beset by somewhat dogmatic specifications that have absolutely no practical benefit. For example, insisting on the use of *open* electronic formats rather than *proprietary* formats may be commendable, but contributes nothing to the actual archiving process. The fact that a given electronic format is *open*:

- will not prevent it from being abandoned in favour of another format in the future;

- does not remedy the shortcomings of data as evidence, because using an open format does not in itself prevent information from being altered;
  - does nothing to reduce the risks associated with personal data.
- **Legal issues are sidestepped**  
 Here again, we find that existing standards for digital preservation do not seriously address the notion of legal and/or historical evidence, which any archiving system worthy of this name should be able to handle.  
 Similarly, as regards the threats posed by personal data processing, where automation goes hand-in-hand with the digital format, we find no technical safeguards whatsoever described in the standards for data preservation in information systems.

This irresponsible approach to archiving has serious consequences:

- large volumes of important data have become unreadable within just a few years, as they have been stored on media that offer impressive features but are totally unreliable;
- the ability to pass on information to future generations is compromised by storage methods that sacrifice reliability for the sake of convenience;
- electronic data, supposedly kept for evidential purposes, continue to be stored in systems that are inherently designed to process this information and will inevitably alter it. This gives the system discretionary powers that go against the principles of a fair trial;
- the evidential value of existing documents may be weakened or destroyed when certain processes are used to digitise evidence (sometimes referred to as *dematerialisation*) without considering how to authenticate the digital version at a later stage;
- personal data files become more detailed every day and selective processes become increasingly easy to apply.

For these reasons, there is an urgent need to adopt the notion of **responsible archiving** and put a stop to these irresponsible practices.

## Principles

**Responsible archiving** is a durable process that allows individuals to access, use and distribute the information stored, while providing proof of its authenticity, and complying with the regulations governing the storage of personal data.

To maintain an archive that complies with these basic principles, we need technology that is capable of:

- satisfying current requirements without compromising future needs<sup>1</sup>;
- converting *non-archivable* information into an *archivable* format;
- guaranteeing that each archive has a lifespan at least equal to the expected or required duration;
- overcoming any obsolescence issues;
- guaranteeing verifiable data integrity;
- showing, in a clear and straightforward way, the status of an archive as solid evidence,

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<sup>1</sup> Core principle of sustainable development

- ensuring, at all times, that the form and content of each document is faithful to the original, as at the time of archiving, and that it can be reproduced identically;
- maintaining the continuity of deeds, facts, rights and obligations stored in the archive;
- constituting legal evidence commensurate with the right to a fair trial, in particular in compliance with Article 6 (1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms;
- removing any links with automated processing systems, where applicable, so as to maintain archives that protect personal privacy, particularly pursuant to Article 8 (1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

## Implementation

Implementing the notion of responsible archiving means applying:

- the **general guidelines for responsible archiving**, which set out its objectives and the legal and technical rules on which it is based;
- the relevant **technical specifications**, which describe the technical solutions and guarantees required to fulfil the obligations of responsible archiving within a specific field or for a given technology.

Anyone can choose to comply with the principles of **responsible archiving**:

- by publicly undertaking to adhere to the rules of responsible archiving for their occupation, while actively encouraging their associates to do so, in accordance with the **general guidelines for responsible archiving**; or
- in the case of professional archivists, by formally undertaking to apply the **technical specifications** relevant to each technology used, in addition to applying the **general guidelines for responsible archiving**.

## Quality Certification

A **RESPONSIBLE ARCHIVING CERTIFICATE** could be awarded to:

- professional archivists who have given a legal undertaking to comply with the **specifications** applicable to them;
- public or private archiving services that formally undertake to comply with the **general guidelines for responsible archiving**.

**A copy of this document has been filed in the records held at the Chambers of Maître Catherine Lecollinet, Notary, 42 b, Boulevard Richard-Lenoir, 75011 Paris, FRANCE.**

Done in Paris, 21 December 2009

*Lucien Pauliac*