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## **Draconian rules on archives use cast a chill on researchers**

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British Columbia researchers who want to work with "sensitive" archival records -- including writers, journalists and university professors -- must now agree to random security checks of personal computers, offices and even their homes by the government.

Security agents from the Royal BC Museum, which manages the provincial archives, carried out the first formal audit Monday at the office of Dominique Clement, a University of Victoria assistant professor who -- ironically -- researches the history of human rights.

Believe me, sparks should really fly when citizens discover that to study "sensitive" documents they must let museum officials into their homes and subject themselves to "any measures deemed necessary to verify compliance."

What defines a sensitive document? It contains an individual's name, address or telephone number; race, national or ethnic origin, colour or religious or political beliefs or associations; age, sex, sexual orientation, marital or family status; an identifying number, symbol or other particular assigned; fingerprints, blood type or inheritable characteristics; health care history including a physical or mental disability; educational, financial, criminal or employment history; anyone else's opinions about the individual; the individual's opinions, except if they are about someone else.

In other words, it's a big net with a fine mesh. Using this definition, the telephone book might qualify. A Bible with family records written on the flyleaf might.

How draconian are these research agreements? In a memo Clement sent to the chair of his history department, he reported that in discussions with the museum he was told:

"An individual who refused to provide the auditors with access to their home/office, or is in violation of the agreement, will have their research privileges at the B.C. archives revoked. At one meeting it was suggested that all UVic employees would have their privileges revoked if the university did not ensure compliance."

In fairness, Clement's memo also said the process is new and nobody, including the museum, is clear on how it will evolve. He wrote that it will be up to the information and privacy commissioner to determine sanctions for non-compliance.

However, Clement noted, "such aggressive statements could easily intimidate some researchers, notably graduate students and new scholars, and force them to comply with potentially abusive practices."

Things were civil, even friendly when the museum's agents examined the software on Clement's laptop, vetted the encryption program used to secure data on a

memory stick, checked the locked cabinet in which he's required to secure documents and questioned him closely about who else had access to the office (a colleague, administrative staff, janitors.)

The audits are to ensure that any sensitive personal information included in archival records isn't released accidentally through theft, loss or simple snooping. But Clement's memo is a clear warning that the scope of this policy should immediately trigger significant concerns about its potential both for abuse and for a profound chilling effect upon academic freedom and public discourse.

For example, graduate students generally don't get offices with locking cabinets, so how do they comply with security demands? Either cash-strapped universities must provide expensive security or students may simply opt not to do valuable research.

Furthermore, Clement's memo said, the research agreement stipulates how notes should be taken by individuals studying sensitive documents or data.

"It is possible that future audits will include a detailed review of private notes," he wrote. "At the very least, our community should be cautioned against what they write in their files and be aware that an outside source will review their notes. Unfortunately, this means that scholars may have to self-censor their personal notes if they wish to keep them private."

All this, obviously, has big ethical implications for reporters, too. We need a vigorous discussion about what constitutes reasonable balance between the individual's right to privacy, the scholar's right to academic freedom and the public's right to know what its government has done.

(Disclosure: I'm registered with the B.C. Archives where I do research for The Vancouver Sun, and since I also occasionally teach one university course in writing and/or research, it can be argued that I have a dual interest in this issue.)

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