—Samuel Edquist—The Archival Paradox of Power: When are Records Menaces to Privacy or Evidences of Maltreatment?—

Introduction

Traditionally, archives are associated with a yearning for keeping, storing and retention. It is just as fair to say that archives are gatherings of documents that for some reason were not erased, destroyed, or lost. Archives are therefore the results of constant negotiations between keeping and destroying records. There are several reasons for keeping records, as well as there may be different arguments why certain records should be destroyed.

In this article, I will discuss the implications of a particular form of record destruction, motivated by ethical reasons, when certain documents are regarded as menacing to personal privacy. I will use empirical examples from Sweden, and for simplicity reasons, I will label this phenomenon *ethical destruction*, a term used particularly by Swedish archivists since the 1970s. My aim is to demonstrate that the history of present-day Swedish regulations about ethical destruction is one of competing interests. Some agents have argued for the destruction of certain sensitive records, while others argued for their retention, depending on shifting viewpoints and motives.

Shortly, ethical destruction is an example of archival politics and the power aspects of archiving. The power dimension is paradoxical: for some, records must be destroyed in order to protect privacy, but for others, the very same records should be preserved in the interest of the individuals concerned. Ethical destruction also underlines archiving as a contemporary phenomenon, something constantly happening, as a combination of cultural, legal, political and other societal processes.

Furthermore, ethical destruction underscores the complexities of appraisal, which is the common term among archivists for deciding between what to keep and what to destroy. Appraisal is generally

regarded one of the most difficult endeavours of archival practise, and it also constitutes an important part of archival theory. Appraisal theory addresses questions such as: How to decide what to be left? Who should be involved in deciding? For whom should archives be kept? Should appraisal primarily focus on the actual records or rather on the context in which the records were assembled? Is it possible at all to predict what information that might be interesting for future users?[1] However, while appraisal theory in that sense is largely normative – *what should be kept and destroyed?* – I analyse appraisal processes from an outside perspective, as conflicts between certain interests and needs, asking: *what do different people think should be kept and destroyed?* In the following, I will demonstrate some of the most common arguments for records destruction and retention that typically occur in archival appraisal processes. Later in the article, I will demonstrate the ways such arguments were performed in debates on Swedish ethical destruction.

Archival appraisal as a contested arena

The questions of appraisal became urgent in the first half of the twentieth century, when the increasing number of documents made record destruction into a norm rather than an exception. With that followed a (perceived) heightened risk that records truly valuable for research might be destroyed. Soon, varying appraisal doctrines developed, with rather different ideas and principles. In early twentieth century archival theory, such as in Hilary Jenkinson's often-cited *Manual of Archive Administration* (1922), the archivist should not interfere in deciding what might end up in the archives. That was up to the creator to decide — the archivist's duty was to protect the archive afterwards.[2] But later on, the interests of outside users

became increasingly taken into account, most famously conceptualised in Theodor Schellenberg's distinction between the *primary value* of records for the creator and the *secondary value* for outsiders.[3] The secondary value could on the one hand be useful for telling the story of the institution that created the records – the *evidential value*. But it could also tell things about entirely different things, about people coming into contact with government agencies, about the language used, and so on. Respecting this *informational value* is a principle far from the classical archival theory of Jenkinson, but none the less, it has influenced archival appraisal in many countries. For example, in the existing official appraisal policy for Swedish government archives, it is pointed out that evidential and informational values should be appreciated equally.[4]

The arguments of Jenkinson and Schellenberg show that there has been no unity among archivists on what principles that should guideline appraisal. The diversity of ideas and perspectives is further underlined in contemporary archival theory,[5] and even more if we include all other agents within society that have been involved in decision processes on what records to keep and which to destroy: politicians, lawyers, journalists, academic researchers, and many more. When analysing archival appraisal processes "from the outside", as a practice that happens because different agents have conflicting ideas on what is worth keeping or not, the following set of ideal-typical arguments for retention as well as for destruction,[6] might be useful for categorising opinions in appraisal debates.

First, retention is normally motivated by at least one of these four arguments:

R1) The *usefulness* argument denotes the urge to keep records for practical reasons, for the benefit of the creator – be it a govern-

ment, a private company or a single individual. Often articulated as *business value*, records might be directly important for the everyday work, and it could be risky not keeping them. There might be legal obligations to keep records for taxation or bookkeeping purposes. This is the "standard" reason for archival growth; things are kept because they are directly useful – or at least potentially useful – for the person, organisation or agency that holds them.

R2) The *accountability* argument articulates the view that records should be accessible for the general public or media to control the exercises of power in all aspects, or for individuals or groups that might have need of records for supporting their rights and interests. It echoes in the freedom of information legislation, and it is often associated with concepts such as *openness* and *transparency*. Like the usefulness argument, the accountability argument has normally a limited timeframe.

R3) The *heritage* argument denotes the societal view that archives are important as such, as remnants of history, and markers of identity for individuals, certain groups, organisations or nations. This is the classic reason for archives being kept after the time-limited factors mentioned above having expired (beside that it might simply be easiest just to let old records remain on their shelves).

R4) finally, the *academic* argument of making use of information of archives for research efforts should be regarded as a separate factor. In reality, it may overlap the usefulness, openness and/or heritage arguments, but the explicit urge of using archives for purely cognitive reasons makes it something own.

However, most documents never end up for long-time preservation in the archives. The destruction of records also has its arguments:

D1) the *redundancy* argument is a major reason for record destruction: getting rid of information regarded as unimportant is regarded as necessary in order to retain a limited number of records that is possible to survey. In the digital era, the systematic culling of the unimportant is increasingly difficult, since there is no longer an obvious passage from "living" to "archival" documents. In the analogue period, you just moved the document from an office via a transitional record storage to a final archival repository. In the digital period, it is seldom possible just to hand over a digital document to a final archival repository. Often, there are no clear-cut "documents", but rather masses of data in information systems that can be shown in different ways.[7] When there are documents, such as Word or PDF documents, they are often spread in different versions and it might be difficult to find out which one is the "original". Furthermore, at least one of the working documents must normally be migrated to another format suited for long-term preservation.

D2) the *economic* argument has been a major reason for destroying documents and data; it would cost too much to store everything. The economic argument for destruction often overlaps the redundancy argument, but while redundancy destruction normally focuses on copies, doublets and other "unimportant" types of records, economic destruction may also lead to sacrificing (potential) information that might have been kept earlier for the interest of future research. Appraisal is very often a pragmatic weighing of interests between keeping and destroying, where certain records end up be-

ing considered not interesting *enough* to avoid destruction. Outside the archival world, it is often taken for granted that digitisation would solve this problem since one no longer need vast archival rooms. However, some archival scholars have feared that long time preservation of digital archives might be even more expensive than in the analogue period, since digital records must be carefully controlled and regularly migrated to new storage media.[8]

D3) the *ideological* argument means destroying archives for political or ideological purposes. In all times and most societies, archival records have been destroyed in order to protect fallen regimes or regimes that wants to avoid justice or influence their future legacy. Typically, it is an extra-legal measure, conducted during wars, revolutions and coups-d'états. But it is also occurs "under the radar" where politicians or officials for any reasons wishes to remove traces.[9] However, the idea of ethical destruction must also be included in this category of ideological motives, here understood as views, ideas and doctrines which include standpoints on the proper relations between individuals and institutions, and how to distribute power within society.[10]

D4) finally, the *too-much-information* argument is yet another reason for destruction, which takes ground in general reaction against what is perceived as an accelerating information overload in society. Therefore, the bunk of records, information and data must be haltered since it is regarded as choking individuals and society. This stereotype of information overload and the heralding of *tabula rasa* has been expressed since at least Classical antiquity.[11] It is seldom voiced in concrete discussions on archival appraisal. Still, it should be included since it exists in a more general cultural sphere and is

hard to include in any of the arguments above. The too-much-information argument differs from the redundancy argument since it aims universally, not at a specific category of records. It can also be regarded as the direct opposite of – or counterpart to – the heritage argument.[12]

The ethical destruction phenomenon

Ethical destruction takes place when secrecy measures are considered insufficient. Secrecy and non-disclosure legislation have otherwise been the normal way of handling records for which free access is not considered appropriate out of various reasons: protecting government and business information or law enforcement, as well as guarding the right to privacy for individuals. But, if the records are destroyed, no one can of course get access to the sensitive information or evidence (unless, of course, the records are saved somewhere else).

The practice of ethical destruction has developed worldwide since the 1960s, often related to the fear of a "surveillance society" based on large databases and computer systems in governments and large corporations. However, ethical destruction has also been applied on analogue documents, such as research data and student records, which indicate that ideas on privacy protection has a wider scope beyond criticism on computerisation. In many countries, decisions on ethical destruction are made on a local level by archival authorities or by the creators themselves, and the motive of protecting individual privacy join with economic motives in order to reduce the growing bulk of records.[13] Those arguing for ethical destruction can easily point at insecurities whether archived information actually is safely stored, and the fact that archival records have come into

"wrong hands" in many cases. In case of major shifts of state power such as wars, revolutions, and *coups-d'états*, former legal guarantees are often worthless. For example, during the Spanish Civil War, it was common to force the release of secret records on political opponents, in order to identify – and execute – them.[14] Census data – often centuries old – were famously utilised for establishing racial belongings in Nazi Germany.[15]

With digital society, along with the increased possibilities of storing and processing enormous amounts of personal information, the notorious imperfection of digital systems constitutes another problem. Unauthorised persons can get access by hacking and other forms of data breach; and the systems themselves can malfunction, which has happened with medical records that are accessible online.[16] There are also incidents when government agencies, for reasons of convenience, economy or an ambition to appear as flexible, have chosen not to follow security demands for sensitive information in digital systems.[17]

Ethical destruction in Sweden

In Sweden, ethical destruction is regulated by national legislation. From the 1960s and onwards, a large number of specific laws and ordinances have been put into force that make destruction of records mandatory after a certain time concerning various kinds of central computer registers.[18] However, ethical destruction is also applied on records that – at least until recent years – were in paper form. The most important example is the mandatory destruction of social services records, which is regulated in the Social Services Act. The social services include elderly care, drug care, support for persons with no other economic relief, support for disabled people,

intervention in families and children with social problems, and also the official handling of family counselling and adoptions. Since 1991, the social services legislation includes a general rule that a "duty of destruction" (*gallringsplikt*) enters five years after the last annotation regarding a person in that person's case file within the social services.[19] The actual destruction must then be executed, at the latest, during the following calendar year. There are, however, certain exceptions. For sake of legal security, certain records are to be kept anyway, since they are considered too important as evidence. That applies for all investigations on adoptions, all investigations on establishing parenthood, and all files on children (under the age of eighteen) being placed in foster care. Furthermore, for the sake of research interests, all records are kept in a specific set of counties and municipalities, and elsewhere, all records on persons born on the fifth, fifteenth or twenty-fifth in every month.[20]

The legislation on ethical destruction constitute an exception to the general legislation on public records in Sweden. The legislation of freedom of information, secrecy and archiving is traditionally kept together in Sweden, based on the Freedom of the Press Act, which is one of the four fundamental laws of Sweden. According to that legislation, retention is the basic rule concerning so-called official documents (*allmänna handlingar*): created or received by an agency belonging to the central government sphere or to regional and local governments (country councils and municipalities).[21] Destruction of official documents must be in appliance with the Archives Act, which regulates archives in the public sector. In Sweden, documents are considered to be legally archived very soon, normally as soon as a matter is finished, which means that public "archives" exist not only at archival institutions but also at all kinds of public offices all over Sweden. According to the Archives Act,

destruction may be permitted but only if the records are deemed not interesting enough for transparency and freedom of information interests, for legal and organisational needs, and "the needs of research". It is also pointed out that it should be remembered that public sector archives are part of "the national cultural heritage".[22]

However, the Archives Act also states that if there is *another* law or ordinance that includes regulation on records destruction, those rules overrule the three above-mentioned principles of retention. Most of those other laws and ordinances regulate ethical destruction of particular records.[23] The essence of this is that ethical destruction is not legitimated *as a principle* in the archival legislation, but rather as a form of institutionalised *exception*. If there had been a more united opinion in Swedish society on the phenomenon of ethical destruction, privacy reasons could perhaps had been written out in the Archives Act (or even in the Freedom of the Press Act) as a general legitimating factor for deciding which records to keep and which to destroy. This peculiar legal compromise instead signals that the phenomenon of ethical destruction has been a battlefield between different agents and interests. In the following, we will look at a couple of empirical examples.

The social services records

Ethical destruction is a controversial phenomenon, since destroyed records may obstruct future research as well as the possibilities to verify improper exercises of power.[24] This was evident in the process leading to the legislation put into force in 1991 on social services case files. The issue stimulated conflicts between varying groups of agents, such as archivists, client groups, social workers, academic researchers and privacy advocates, with contrasting views on archival records. The end result constituted a compromise after more than fifteen years of investigations and debates, where mainly academic and accountability arguments for retention competed with economic and ideological arguments for destruction. There were also changes in the delineation of exceptions only at a late stage, for example records regarding adoptions (first all cases, later those within Sweden), as well as files on foster care, were supposed to be destroyed in the initial proposals.[25]

The main rule of mandatory destruction was the result of the opinion that some archival records *must* be destroyed for the sake of privacy. Records that have been identified as possible objects for ethical destruction have generally been protected by strong secrecy legislation, but those who argued for ethical destruction tended to claim that secrecy legislation was no absolute guarantee for protection.

Many of those arguing for destruction in the 1970s, echoed the then widespread discourse on the potential dangers of a surveillance society where "Big Brother" controlled all personal information. However, another influence came from movements who aimed at democratising the welfare institutions. They voiced a critique of an unjust and hierarchical system where clients were powerless against expert and professionals, who sometimes treated clients with contempt, for example by using derogatory language in the documents.[26] This critique had strong base in reality – the modern social services have developed from older systems of poor relief, drug addict care and childcare that was originally taken care of by local governments. In the twentieth century a system of formal institutions developed, which often led to new forms of abuse. It was largely an authoritarian system with distinct power relations between local officials and/or professionals and clients, and highly stigmatising.[27]

Representatives of clients in the social services, such as disabled persons, were among those who argued for increased privacy measures in the archives, for example anonymisation or total destruction of records. They also pushed for a more controlled regulation of the documentation to be made in social services case files, and the right for clients to control their own records. One result in the Social Services Act was also a general rule of proper documentation, and that clients should be informed of the content in records about them.[28]

The exceptions from destruction have two reasons; on the one hand safeguarding the interests of clients for having proofs of origin and possible abuse, and on the other hand academic research interests. As for the first motive for exception, in the debates preceding the legislation, persons adopted within Sweden strongly opposed the destruction of records that might be used as evidence. Social services professionals also voiced concerns over the proposed destruction on files on placements in foster care.[29] It is paradoxical that certain social services records are destroyed in order to safeguard the interest of individual – his or her privacy – while certain others are kept in order to safeguard the individuals' possibilities to find information relating to their personal background, as well as potential evidence of misdeeds from individuals or authorities.

Academic researchers on the march

The interests of academic research constitute the main reason for the sampled retention of all files for persons born on certain dates or in certain geographical areas. That kind of sampled retention became widespread practice all over the world during the twentieth century, when the problem of a growing bulk of archives became increasingly pressing. Most agreed on the impossibility to archive all potentially interesting records from the growing government and welfare systems, while the total destruction of entire series of records was regarded as too detrimental for research interests. Various forms of samplings have therefore been made as a compromise between economic limitations and academic interests.[30] Even though economic motives also figured in arguments for not keeping all social services records, the legislation put into force in 1991 rather constituted a compromise between privacy and research. The same was the case for many forms of computer registers, where there are similar kinds of exceptional retention for research purposes. This exception is also paradoxical, that the privacy interest makes it totally illegal to, for example, save the records for some individuals, while it is equally illegal not to save them for others.

The academic community were generally on the march in archival questions in the 1970s and 1980s. Some researchers, particularly within the social sciences, aimed at changing Swedish archival appraisal into more "rational" strategies, predominantly for the benefit of a kind of research that had a high status at the time: quantitative methods using mass data.[31] There were plenty of discussions on how to make the samples as representative as possible, partly channelled through government research boards, including a special authority for longitudinal research. With ideas proposed not least from authoritative geographer Torsten Hägerstrand, it was favoured that one should keep as much archival material as possible in certain geographical regions, which would then be used as a sort of laboratories for future research.[32] How to organise the sampled retention in so-called *intensive data regions* were discussed by researchers, archivists and representatives of various government agencies from the late 1960s to the early 1990s, when there was a final decision, mainly implemented in the social services legislation.

The same principles were also put into force in some other regulations from the National Archives, combined with advisory guidance for certain archives in the municipal sector. The original idea was to include much vaster areas in which the government, municipal and private archives would follow the same rules, but the end result was much more limited, and in the time of writing, most legislation and regulations on intensive data regions have been abolished, except that on records in the social services.[33]

Archivists and academic researchers: it is complicated

The debates on ethical destruction also show examples of divides between archivists and academic researchers, which underline some fundamental differences of perspective, even though leading archivists at this time still largely had a background as researchers, mainly as historians. Archivists generally condemned the idea of ethical destruction. The very term "ethical destruction" was predominantly used within the archival sector from the mid 1970s, and generally it was regarded a measure that contradicted the classical archival doctrine according to which archives should reflect the creators, unaffected by short-sighted political and ideological trends.[34] In the international archival literature that deals with issues of refusing access to archives or destroying documents out of political reasons, most authors tend to interpret such measures as (unwanted) exercises of power.[35]

Academic researchers and archivists have often been united in favouring retention rather than destruction of sensitive personal information in archives, at least when it concerned records from creators to which both groups were external, such as medical records or social services records. However, when the researchers themselves were the creators of archival records, there has been less of harmony. In issues regarding handle the archiving of research records, the relations between university researchers and the archival world have sometimes been tense. In Sweden, almost all universities are legally considered government agencies and fall under the freedom of information legislation as well as the archival legislation, and thereby, researchers at universities produce and receive official documents which should follow the archival legislation.

However, there have been tendencies of researchers trying to defend their freedom to decide themselves on the archiving of research data, including the right to decide what to keep and what to destroy. Some researchers have strived at performing ethical destruction, normally legitimised by research ethics perspectives which have sometimes collided with archival regulations. After World War Two, research ethics grew quickly as a concern, partly as a reaction towards older practices where research persons' privacy were violated in for example medical and psychological research. In international declarations on research ethics, the consequences for archiving are largely put in the background. Since the Nuremberg Code in 1947 and especially in the Helsinki Declaration of 1964 (with its latest version of 2013), a cornerstone of research ethics have been the informed consent by research subjects, and that they might have the right to end the on-going research if they want to.[36] Often, the view has followed that records containing personal information should be destroyed after the termination of research projects, and in many countries the privacy legislation has favoured such measures, leading to interpretational problems if the archival legislation favours retention.[37]

In Sweden, there was in the 1980s and 1990s a debate whether

records created by researchers within on-going research projects would at all be considered official documents, or whether they should be regarded as working papers that could be legally destroyed at the free will of the researcher at the end of the project. This form of ethical destruction was seen as a solution on how to handle sensitive documents such as field notes, interview recordings, registers and other documents containing personal data.[38] Archivists generally opposed this suggestion and complained that the research world tended to ignore archival legislation. Following a National Archives regulation in 1999, the question of the legal status of records created during projects was "won" by the archival side, but on the other hand, the decisions on keeping or destroying research records were mainly decentralised to universities. There are indications that research records often are treated as the personal belongings of researchers, and therefore never formally appraised nor archived at the universities.[39]

Even now, researchers dealing with sensitive information sometimes avoid central university initiatives for storing research data, since they do not trust the information and the integrity of informants to be safe.[40] Not only that technical storage security might fail, the government and the Riksdag (the parliament) have a general right according to the Swedish secrecy legislation to get access to any kind of secret information,[41] and it is also considered impossible to trust that the information would be safe in a different political situation. In this case, such Swedish researchers echo an opinion that has been more widespread in countries with a stricter privacy legislation, such as Germany and France, while the Swedish system depends on a general trust in the government institutions.[42]

Ethical destruction: an archival paradox of power

The phenomenon of ethical destruction brings perspectives on the power aspects of archives, that are partly different from those that are normally put into the front. Numerous scholars and theorists have rightly shown how archival holdings may reflect power structures, in many ways: both the content in the archival records and the fact that control of the records and non-disclosure for others are examples of power, as well as that archival records traditionally have given a richer documentation of the powerful and wealthy, while the broad layers of society are marginalised.[43]

Concerning for example social services case files, I have given examples on the inherent paradox that records on individuals might be used *against* the individual, risking their privacy, but the same records could also constitute evidence on maltreatment or satisfy needs for individuals to find out more on their own past. In a longer time perspective, such records can also become valuable historical sources on marginalised groups of society. This duality is evident when some social historians treat older case files from institutions. Invoking a Foucauldian power/knowledge perspective, they interpret the acts of documentation as forms of oppression and abuse.[44] That viewpoint bears some resemblances with the common arguments of privacy advocates in modern society that has fought against mass storage of personal information,[45] while the former none the less regarded the old files as tools that could help broaden history-writing.

Thus, there are two aspects of power in documentation, where the same record can be regarded as oppressive and emancipatory. Advocates for ethical destruction argue that archival *silence* is for the benefit of the persons involved in records. On the contrary, archival *existence* is often described as a prerequisite for history writing, identity, and justice.

Conclusion

The ideas and practises of ethical destruction can be seen as a nexus that gathers several conflicting ideas and conceptions about archives. They underline additional archival paradoxes: between contrasting interests of power, between orderliness and contingency, and the constant negotiations between keeping and destroying. Debates on ethical destruction demonstrate that archiving happens in a political context, where different agents have diverse interests in the archive, and where the same archival record may be seen either as a potential evidence or as a menace. Discussions on ethical destruction directly touch upon the questions of knowledge versus power, where records such as personal case files connected to government institutions such as foster homes, prisons or hospitals may be regarded as oppressive tools of power but also as evidence of that same oppressive system.

The actual implementation of ethical destruction also underlines the inherent paradox of archives between order and disorder. Archives are generally both the results of planned decisions of keeping and destruction for the needs of the future, as well as the accidental remains of contemporary bureaucratically, technical and material trends and needs in the moments when documents were created. The legal regulation of Swedish ethical destruction is an expression of the aspiration to control archives in a rational way. This rationality is what archivists and archival authorities have been attempting for a long time, with the utmost ideal to control archiving, but perhaps more realistically: to somewhat influence the process by which archives are formed into somewhat more controlled and unitary forms. However, in reality archival collections are often amassed more or less randomly or irrationally. Even if that is particularly true for personal archives, also public sector archives develop in many ways on their own terms, since it is often in reality hard to follow all intentions and regulations due to lack of economy, staff, and knowledge.[46]

Ethical destruction also underlines that archival appraisal is an interesting phenomenon to analyse "from the outside", rather than from the normative standpoint usual within archival theory. In some cases, professional archivists or records managers have the possibility to make the decisions on keeping or destroying, but in many cases, the decisions are made above both archivists and creators: through the legal system, which in its turn is a function of society. Laws are created and changed by political agents, which in their turn are more or less adaptive of various interest groups in society – and generally laws tend to reflect the dominant ideologies at a certain time. Once created, the legal system sets frames on what is possible, for example concerning how to handle archival records. But in the end, appraisal can also be made below archivists and the legal regulations, by individuals who disagree with the rules or are unaware of them, or by machines that malfunction.

Endnotes

1   For historical and normative overviews of archival appraisal, see e.g. Frank Boles and Julia Marks Young, *Archival Appraisal* (New York, NY: Neal-Schuman Publishers, 1991); F. Gerald Ham, *Selecting and Appraising Archives and Manuscripts* (Chicago: Society of American Archivists, 1993); Barbara Craig, *Archival Appraisal: Theory and Practice* (München: K. G. Saur, 2004).

2   Hilary Jenkinson, *A Manual of Archive Administration: Including the Problems of War Archives and Archive Making* (Oxford: Clarendon Press, 1922).

3   Theodor R. Schellenberg, *Modern Archives: Principles & Techniques* [1956] (Chicago: The Society of American Archivists, 2003).

4   Riksarkivet [Swedish National Archives], *Bevarandet av nutiden: Riksarkivets gallrings- och bevarandepolicy* (Stockholm: Riksarkivet, 1995), 6. There were no explicit mentions of Schellenberg in the preparation work of the policy, which strengthens the argument that the Swedish archival tradition has been pragmatic rather than governed by specific archival doctrines: Berndt Fredriksson, "Vad skall vi bevara? Arkivgallringens teori, metod och praktik", *Arkiv, samhälle och forskning* 2003, no. 2: 27–28; Reine Rydén, "Hur ska nutiden bevaras?" *Arkiv, samhälle och forskning* 2011, no. 2 (published 2014): 15; Samuel Edquist, *Att spara eller inte spara: De svenska arkiven och kulturarvet 1970–2010* (Uppsala: Uppsala universitet, 2019).

5   See e. g. Fiorella Foscarini, "Archival Appraisal in Four Paradigms," in *Currents of Archival Thinking*, ed. Terry Eastwood and Heather Mac-Neil, 2nd ed. (Santa Barbara: Libraries Unlimited, 2017), 107–133.

6   The typology presented below has of course overlaps in previous literature, archival handbooks, and it is echoed in archival and freedom of information legislations, but most of that is normative, while I aim at a more general typology that might be used in analyses of archival ideas and practices.

7   Some archival scholars argue that this is a virtual shift of paradigms, e. g. those promoting the "records continuum model" that has superseded the older 'life-cycle model': Sue McKemmish, "Recordkeeping in the Continuum: An Australian Tradition", in *Research in the Archival Multiverse*, ed. Anne J. Gilliland, Sue McKemmish and Andrew J. Lau (Clayton, Victoria: Monash University Publishing, 2017), 122–160. For a critical discussion, see Geoffrey Yeo, *Records, Information and Data: Exploring the Role of Record Keeping in an Information Culture* (London: Facet, 2018), 16–21.

8   Yvette Hackett, "Preserving Digital History: Costs and Consequences", in *Better off Forgetting? Essays on Archives, Public Policy, and Collective Memory*, ed. Cheryl Avery and Mona Holmlund (Toronto: University of Toronto Press, 2010), 124–140. For a more optimistic view, see Yeo, *Records, Information and Data*, 31.

9   See e. g. Verne Harris, "'They Should Have Destroyed More':

The Destruction of Public Records by the South African State in the Final Years of Apartheid", in *Archives and the Public Good: Accountability and Records in Modern Society*, ed. Richard J. Cox and David A. Wallace (Westport, CT: Quorum Books, 2002), 205–228.

10   Cf. Terry Eagleton, *Ideology: An Introduction*, 2nd ed. (London & New York: Verso, 2007).

11   David Lowenthal, "Archives, Heritage, and History", in *Archives, Documentation, and Institutions of Social Memory: Essays from the Sawyer Seminar*, ed. Francis X. Blouin and William G. Rosenberg (Ann Arbor: The University of Michigan Press, 2006), 195–196; Ann M. Blair, *Too Much to Know: Managing Scholarly Information Before the Modern Age* (New Haven: Yale University Press, 2010).

12   If I would develop this argument in other settings and follow the Derridean tradition of archival discourse, this contradiction could perhaps be seen as partly corresponding to that between the death drive and the happiness drive, which Derrida claimed was a driving force of all archiving: Jacques Derrida, *Archive Fever: A Freudian Impression* (Chicago: University of Chicago Press, 1996), 8–12, 29 and 91.

13   Marjorie Barritt, "The Appraisal of Personally Identifiable Student Records", *The American Archivist* 49, no. 3 (1986): 263–275; Inge Bundsgaard, "The Question of Access: The Right to Social Memory Versus the Right to Social Oblivion", in *Archives, Documentation, and Institutions of Social Memory: Essays from the Sawyer Seminar*, ed. Francis X. Blouin and William G. Rosenberg (Ann Arbor: The University of Michigan Press, 2006), 114–120. For a general study of privacy concerns after computerisation, see e. g. Colin J. Bennett, *Regulating Privacy: Data Protection and Public Policy in Europe and the United States* (Ithaca, NY: Cornell University Press, 1992).

14   Antony Beevor, *The Battle for Spain: The Spanish Civil War 1936–1939* (London: Weidenfeld & Nicolson, 2006), 59–60 and 66.

15   Evelyn Ruppert, "Seeing Population: Census and Surveillance by Numbers", in *Routledge Handbook of Surveillance Studies*, ed. David Lyon, Kevin D. Haggerty and Kirstie Ball (London: Routledge, 2012), 210; see also on medical information: R.D. Strous, "To Protect or to

Publish: Confidentiality and the Fate of the Mentally Ill Victims of Nazi Euthanasia", *Journal of Medical Ethics* 35, no. 6 (2009): 361–364.

16   Rikard Friberg von Sydow, "Medical Records – the Different Data Carriers Used in Sweden from the End of the 19th Century Until Today and their Impact on Confidentiality, Integrity and Availability", in *The Right of Access to Information and the Right to Privacy: A Democratic Balancing Act*, ed. Patricia Jonason and Anna Rosengren (Huddinge: Södertörns högskola, 2017), 51–55.

17   Christina Anderson, "Swedish Government Scrambles to Contain Damage from Data Breach", *The New York Times*, July 25, 2017, https://www.nytimes.com/2017/07/25/world/europe/ibm-sweden-data-out-sourcing.html.

18   Sören Öman, "Särskilda registerförfattningar", in *Festskrift till Peter Seipel*, ed. Cecilia Magnusson Sjöberg and Peter Wahlgren (Stockholm: Norstedts juridik, 2006), 685–705. There are some minor examples of mandatory destruction of records partly due to the sensitiveness of private information, e. g. from 1903 on material sent to the authorities for tax assessment, that were destroyed after five years: *Swedish Government Bill* 1908, no. 109, 12.

19   I use the word "destruction" rather than "disposal", since the latter term has a wider meaning of "getting rid of", which may include the transfer of records to another institution.

20   *Swedish Social Services Act* (1990), sections 60 and 62; *Swedish Social Services Ordinance* (1991), section 5; *Swedish Social Services Act* (2001), chap. 12; *Swedish Social Services Ordinance* (2001), chap. 7 section 2. Since 2005, a similar model is applied in the *Swedish Law regulating Support and Service to Persons with Certain Functional Disabilities* (2005), chap. 21, and its corresponding *Swedish Ordinance regulating Support and Service to Persons with Certain Functional Disabilities* (2005), chap. 12.

21   "Official document" is the official Swedish translation of *allmän handling* (www.government.se; search for "official documents"). *Allmän* implies that the document is stored at an authority within the public sector. The word *handling* may roughly be translated as "document": something that could be read or understood with or without the help of technical equipment. It is rooted in older legal terminology, rather than archival discourse. The closest equivalent of the English term "record" in Swedish would be *arkivhandling*, which means a *handling* that has been archived.

22   *Swedish Archives Act* (1990), sections 3 and 10.

23   Ulrika Geijer, Eva Lenberg and Håkan Lövblad, *Arkivlagen: en kommentar* (Stockholm: Norstedt juridik, 2013), 197–201.

24   Cf. Johanna Sköld, Johanna Hedström and Emma Foberg, "Conflicting or Complementing Narratives? Interviewees' Stories Compared to their Documentary Records in the Swedish Inquiry on Child Abuse and Neglect in Institutions and Foster Homes", *Archives and Manuscripts* 40, no. 1 (2012): 15–28.

25   For further details, see Samuel Edquist, "Ethical Destruction? Privacy Concerns Regarding Swedish Social Services Records", in *The Right of Access to Information and the Right to Privacy: A Democratic Balancing Act*, ed. Patricia Jonason and Anna Rosengren (Huddinge: Södertörns högskola, 2017), 15–24.

26   Edquist, "Ethical Destruction", 15.

27   Lovisa Broström, *En industriell reservarmé i välfärdsstaten: Arbetslösa socialhjälpstagare 1913–2012* (Göteborg: Göteborgs universitet, 2015).

28   *Swedish Social Services Act* (1980), sections 51–52. With a change in legislation in 1997, it was also underscored that the documentation must be designed in a way that respects the privacy [*personlig integritet*] of the clients. *Swedish Social Services Act* (1997), sections 51–52; *Swedish Social Services Act* (2001), chap. 11 sections 5–6.

29   Edquist, "Ethical Destruction", 20–23.

30   Frank Boles, "Sampling in Archives", *The American Archivist* 44, no. 2 (1981): 125–130.

31   Christer Winberg and Sune Åkerman, *Forskningens framtida datatillgång* (Stockholm: Samarbetskommittén för långsiktsmotiverad forskning, 1976), 6.

32   Torsten Hägerstrand, "Kulturgeografiska synpunkter på arkiveringen av data," *Arkiv, samhälle och forskning: Svenska arkivsamfundets skriftserie* 11 (1969): 7–20.

33   Jan Högrelius, Sven-Olof Lindqvist, and Hans Sand, *Förslag till intensivdataområden* (Stockholm: Forskningsrådsnämnden, 1979); *Swedish Government Bill* 1989/90, no. 72, 44–56; Edquist, *Att spara eller inte spara*, chap. 3.

34   For an example of such an argument, see Nils Nilsson, *Arkiven och informationssamhället* (Lund: Studentlitteratur, 1976), 78–81.

35   E. g. Terry Cook and Bill Waiser, "The Laurier Promise: Securing Public Access to Historic Census Materials in Canada", in *Better off Forgetting? Essays on Archives, Public Policy, and Collective Memory*, ed. Cheryl Avery and Mona Holmlund (Toronto: University of Toronto Press, 2010), 71–107. However, some archivists argue stronger for privacy concerns, e. g. Heather MacNeil, *Without Consent: The Ethics of Disclosing Personal Information in Public Archives* (Metuchen, NJ: Society of American Archivists and Scarecrow Press, 1992).

36   Zachary M. Schrag, *Ethical Imperialism: Institutional Review Boards and the Social Sciences, 1965–2009* (Baltimore, MY: Johns Hopkins University Press, 2010); Susan C. Lawrence, *Privacy and the Past: Research, Law, Archives, Ethics* (New Brunswick, NJ: Rutgers University Press, 2016).

37   Cf. Livia Iacovino and Malcolm Todd, "The Long-term Preservation of Identifiable Personal Data: A Comparative Archival Perspective on Privacy Regulatory Models in the European Union, Australia, Canada and the United States", *Archival Science* 7, no. 1 (2007): 107–127.

38   Hans-Gunnar Axberger, *Offentlighet och sekretess i forsknings-verksamhet* (Stockholm: HSFR:s etikkommitté, 1983), 2–3 and 14–16; cf. Lennart Lundquist, "Forskningen och offentlighetsprincipen", memo 16 Sept. 1986, registration no. 1156-86-63 (archived within the file of 1047-86-050), series F1, vol. 12, Younger main archive [*Yngre huvudark-ivet*], Archives of the National Archives [*Riksarkivet*], Stockholm. Most agreed, however, that material sent *into* the research project from "the outside", such as letters and survey responses, were to be considered official documents.

39   A well-known example in Sweden is the Gillberg case, in which research data containing information on children with the contested diagnosis 'DAMP' was (illegally) destroyed in 2004 after external requests to get access to them. See decisions by The Parliamentary Ombudsmen (JO), registration numbers 1568-2003 and 1606-2003, available at www.jo.se; see also Eric T. Meyer and Ralph Schroeder, *Knowledge Machines: Digital Transformations of the Sciences and Humanities* (Cambridge, Mass.: The MIT Press, 2015), 109; Samuel Edquist, forthcoming publication on the archiving of Swedish research records; Sten-Åke Stenberg, *Född 1953: Folkhemsbarn i forskarfokus* (Umeå: Boréa Bokförlag, 2013), 68–69.

40   Oral statements from scholars which I, of course, cannot specify further. In an authoritative handbook on research ethics by a prominent Swedish philosopher, it is advised that researchers, if necessary for protecting their informants, might consider to illegally destroy research records and "take the punishment that this may cause": Göran Herme-rén, *Kunskapens pris: forskningsetiska problem och principer i humaniora och samhällsvetenskap* (Stockholm: Humanistisk-samhällsvetenskapliga forskningsrådet (HSFR), 1986), 178.

41   *Swedish Public Access to Information and Secrecy Act* (2009), chap. 10 section 15.

42   David H. Flaherty, *Protecting Privacy in Surveillance Societies: The Federal Republic of Germany, Sweden, France, Canada, and the United States* (Chapel Hill, NC and London: The University of North Carolina Press, 1989); Patricia Blanc-Gonnet Jonason, *Protection de la vie privée et transparence à l'épreuve de l'informatique: (droit français, droit suédois et directive 95/46/CE du Parlement européen et du Conseil du 24 octobre 1995)* (Paris: Université Paris XII, 2001).

43   E. g. Margaret Procter, Michael Cook and Caroline Williams, eds., *Political Pressure and the Archival Record* (Chicago: Society of American Archivists, 2005); Randall C. Jimerson, *Archives Power: Memory, Accountability and Social Justice*. Chicago: Society of American Archivists, 2009); Jeannette A. Bastian and Ben Alexander, eds., *Community Archives: the Shaping Of Memory* (London: Facet, 2009); Derrida, *Archive Fever*.

44   E. g. Franca Iacovetta and Wendy Mitchinson, "Introduction:

Social History and Case Files Research", in *On the Case: Explorations in Social History*, ed. Franca Iacovetta and Wendy Mitchinson (Toronto: University of Toronto Press, 1998), 6 and 9.

45   See e. g. Alan F. Westin, *Privacy and Freedom* (New York: Atheneum, 1967), 57–63, which discusses surveillance and Big Brother in a very different way compared to the Foucauldian Panopticon discourse that flourishes in contemporary "surveillance studies", see e. g. David Lyon, Kevin D. Haggerty and Kirstie Ball, eds., *Routledge Handbook of Surveillance Studies* (London: Routledge, 2012).

46   Even in the largest Swedish municipality, Stockholm, official manuals on how to handle social services records show, for example, that it might be impossible to separate records that are to be kept and those that are to be destroyed: Edquist, "Ethical destruction", 13. Concerning rationality and irrationality in archives, see my article "Archival Divides: Archives as Contested Realities and Metaphors" in this volume. That the Swedish legislation often makes it possible for single individuals within public agencies to decide what should be constituted as official documents, and consequently as potential archival records, see Anna Rosengren, "The Swedish Black Box: On the Principle of Public Access to Official Documents in Sweden", in *The Right of Access to Information and the Right to Privacy: A Democratic Balancing Act*, ed. Patricia Jonason and Anna Rosengren (Huddinge: Södertörns högskola, 2017), 77–109.