

## **Privacy and data protection: consequences for managing the lifecycle and archives in Europe**

The European single market means that citizens of European member states need to be able to rely on equivalent levels of protection of their personal details throughout the Union. The Data Protection Directive of 1995 had been implemented across the 15 member states prior to May 2004. More recent members of the Union will need to implement on another timetable in due course.

There have been a number of anomalies emerging in how states implement the Directive into their domestic law. Some states have had to have two attempts at enactment and others have had the threat of legal action from the Commission. In addition, the right of privacy enshrined in Article 8 of the European Convention on Human Rights has extended the protection of privacy: the Working Party under section 29 of the Data Protection Directive has in fact been working on areas excluded from their strict remit, including exchanges of passenger name data with other continents for security purposes.

How all this affects the management of documents and archives could be profound. The issues are far less obvious than the need to redact personal information when giving access to data about living individuals, but arguably just as important:

- questioning the ability to retain; altering the methodology of disposal scheduling;
- a shortening time window to appraise and select archival information;
- greater accountability and unexpected interfaces with freedom of information policies;
- our understanding of the lifecycle and the records continuum;
- our understanding of what we do as archival professionals; and
- a worrying situation for private archives in some countries.

The presentation informed the conference of forthcoming published papers in the professional archival literature that were drawn on and highlighted ongoing research.

### **Publication of papers**

The research underlying the presentation at the 2005 DLM forum conference is shortly due for publication in reviewed professional journals:

*Archivaria* Issue 61 (Early 2006)

*Archival science* special research edition (December 2005)

The second phase of the InterPARES project will report at the end of December 2006. This will include the policy framework (also including archival legislation, intellectual property and authenticity research) and the report on privacy combining the research from the above papers and the work of some other research collaborators.