



**Archives & Records
Association**
UK & Ireland



Code of Ethics

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ARCHIVES & RECORDS ASSOCIATION (UK AND IRELAND)
(A COMPANY LIMITED BY GUARANTEE)
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PURPOSE

This Code of Ethics sets out the standards of professional behaviour expected of archivists, archive conservators, records managers and those occupied in related activities, who are individual members of the Archives and Records Association (UK and Ireland). The purpose of the Code is to inform, guide and help members in the full variety of work and non-work roles. It does not specifically cover wider ethical issues that might have an impact on ARA members, such as the need to respect the law and human rights, the general public interest, the principles of courteous and respectful behaviour; the importance of such behaviours is implicit in any such Code. It will be used to guide disciplinary procedures. All ARA members should recognise and promote the Code and not act in any way to undermine its provisions.

Why do we have such a Code? Records of all kinds are the building blocks of individual and community rights, memory and identity. Good management of records therefore underpins the ability of individuals and groups to exercise their rights, ensure public accountability and protect the public interest. Professional archives and records management support legal compliance and protect against litigation, underpin corporate social responsibility (e.g., to recipients of company pensions or with respect to environmental impact), protect intellectual copyright and other assets (such as brand), and are central to efficient information sharing and decision-making. Mismanagement of records in any context – whether through ignorance, incompetence or intent to cause harm – can at worst lead to significant injustice or organisational harm. It can have a hugely destructive impact on the individual and collective rights and the welfare of our fellow citizens. Records managers, archivists and conservators are therefore more than just processors and preservers of information – as a profession we are the guardians of ‘the record’ with significant responsibilities. We may occasionally be the last line of defence against decisions that we know could have serious detrimental consequences. Such situations will be rare and exceptional.

This Code of Ethics exists to help ARA members navigate both ‘the everyday’ and ‘exceptional’ circumstances; it sets out the principles that should guide members in their work. This Code recognises that no two situations will ever be the same and that no code of ethics can cover all possible situations in detail. The ARA’s Ethics Panel is there to offer advice and guidance to members on how to interpret the principles as well as how to propose/secure changes to the Code. The Panel will adjudicate in situations where interpretation may not be clear and also revise the Code periodically. Individual members also have the option of securing a ruling from the ARA Board, by submitting a request to the Honorary Secretary of the ARA, if in doubt as to the proper professional response they should adopt in a particular circumstance.

As well as informing members of the ethical standards governing their work, this Code also serves to advertise those standards to stakeholders connected to members' work and activities, and to the general public, with the aim of promoting trust in the profession and allowing members to be held to account for meeting standards, as well as offering members some measure of protection.

The ARA recognises that individual members in work may ultimately be bound by the terms of their employment to implement decisions that may conflict with this Code. If members find themselves under pressure to behave in such a way, they have several options. They can argue that their status as a professional, their membership of the ARA, which includes a commitment to be bound by the

principles of the Code, to resist that pressure and to argue that they are protecting the reputation of the employer. However, the Code does not and cannot compel members to act in ways that conflict with their terms of employment. If members are overruled by someone with the proper authority to do so, members shall not be deemed to have breached the Code, providing they can clearly document their recommendations or actions and show that they have been given an instruction that compels them to act accordingly.

Members may also be able to protect themselves and their organisations further by seeking confidential advice from the ARA where the Code and an employment situation may conflict. A member can seek confidential advice from the Chief Executive, for example where an employer had overruled the ethical objection of the member that would lead them to breach the Code of Ethics. The ARA will protect the confidentiality of both the people notifying us and the details of their specific situations.

THE CODE OF ETHICS

A. PROFESSIONAL RESPONSIBILITY AND THE PUBLIC INTEREST

As professionals, record-keepers have a broad responsibility to the public interest which they must keep in mind alongside their responsibilities to their employer. Records and archives have an important organisational, legal, historic and societal role by preserving accurate information for the efficient and effective management of organisations, and for wider social benefit. Professional record-keepers should keep this societal role in mind when conducting their work. On occasion, the societal memory has to prevail over the preferences of individuals. Members will be transparent where this is the case.

1. The primary duty of members is to manage, preserve and protect the integrity of documentary heritage and records in the public interest, in order to ensure that they continue to provide reliable evidence of past actions and decisions.
2. Members should treat other members and users lawfully and with respect.
3. Members have an explicit duty to be acquainted with the regulatory environment relevant to records and archives; their creators, users and subjects; preservation; access, and to members' dealings with stakeholders and fellow professionals.
4. Members should ensure open and equitable access to records and archives as far as they can, compatible with respect for other concerns such as the privacy of information subjects and their organisational context. The rights of information subjects are addressed further in paragraph 29.
5. Members should be advocates for good record-keeping and should promote awareness, preservation, understanding and use of the world's documentary heritage and intangible cultural heritage amongst stakeholders, cultural and information professionals and the public, and where appropriate, work co-operatively with members of their own and other professions, and/or community groups and/or representatives to do so.

6. Members should take account of the impact of their actions and activities on the environment, seeking to minimise adverse effects and advocate for environmental sustainability when appropriate/whenever possible/when in their power to do so.
7. Members should be aware of, acknowledge, and where appropriate seek to address any limitations of their professional understanding and ability. Should any member recognise that their professional work requires expertise that they lack or is not covered by their training, they should seek advice from an individual or organisation with the necessary expertise, or in the case of conservation work, not undertake the specific task unless supervised by another conservator with the relevant skills and expertise.
8. Members should demonstrate a commitment to continued professional development throughout their career.
9. Where they are aware of another member whose behaviour is in material breach of the principles in this code, members should consider how best to ensure any resulting issues are rectified and prevent a recurrence. This may involve reporting the member's behaviour to their employer or to the ARA.
10. Members should never accept into their custody or carry out work on documents which they have reason to believe have been created, acquired or processed through illegal or unethical means. Members should do what is in their power to verify the origin of documents, and should accurately record information relating to the origin of documents as an aid to accountability and comply with the relevant national and international laws.
11. Disposal of documents should be on the basis of legal requirements and a proper appraisal process, and must not be solely driven by resource limitations. Members should do everything within their power to avoid the destruction of documents that are of historical or public value, including value for documenting and/or redressing gross human rights violations and/or protecting human rights and fundamental freedoms for individuals and/or groups.
12. Members should work towards finding mutually satisfactory solutions to questions concerning shared records, archival heritage and displaced archives, recognising legal and ethical considerations.

B. IMPARTIALITY, FAIRNESS AND EQUITY

Being impartial is a matter of being motivated only by the right considerations. In record-keeping, the right considerations include the aims and purpose of the record-keeping service, and professional principles. They do not include personal interests or affiliations. Equity and fairness involve discharging one's duties to individuals and groups without favouring one individual or group over another and recognising that equality of treatment may amount to discrimination.

13. All professional decisions made by members relating to the record-keeping process, including but not limited to creation, classification, retention, acquisition, accessioning,

access, conservation and disposal, should be made on the basis of sound record-keeping principles and their organisation's retention schedules and record-keeping policies.

14. Members should be aware of potential threats to their impartiality, including but not limited to
 - inappropriate pressure from employers, managers, depositors, users or other stakeholders;
 - their own personal interests, e.g. research interests;
 - their personal feelings about the individuals or groups represented in the archive;
 - personal prejudice and implicit bias;
 - the relative ease of obtaining documents from particular sources.
15. Members should not allow conflicts of interest to affect their judgment. Where they are aware of a conflict of interest, they should make this known to relevant stakeholders including their employer.
16. When acquiring documents in any format, or appraising documents for acquisition, members should take account of whether another repository would be better placed to accept the documents in question, either because of the purpose or collection policy of the other repository, or because of the expertise available to it.
17. Members should facilitate the provision of open and impartial advice to stakeholders, users and potential users of the records in their remit.
18. Members should seek to ensure that access to documents is provided on a timely, fair and equitable basis. As well as allowing access, where appropriate, they should proactively seek to make the service and its resources known to relevant groups of potential users.
19. Members should have regard to the extent to which their holdings and associated information are representative of the communities documented or affected by the archives and records in their care, taking particular account of under-represented and/or under-documented groups.
20. Members may use their repository's holdings for personal research and publication purposes, providing the records are publicly available for research purposes and other users' access is not hindered.

C. ACCURACY, TRANSPARENCY AND ACCOUNTABILITY

Part of the societal role of records and archives lies in their use in holding individuals and organisations to account. This requires that they preserve an accurate record. It is also important that record-keepers themselves work transparently and are accountable in their actions.

21. Members should ensure that the evidential value of records, including electronic or multimedia records, is not impaired through the work of appraisal, arrangement and description, surrogacy and migration, and of conservation and use.

22. Members should ensure that users of the records in their remit are able to contextualise the information contained in the records adequately for its interpretation, for example via inclusion of additional descriptive information.
23. Any appraisal, selection, sampling, surrogacy or conservation should be carried out carefully, according to appropriate methods and criteria, and should be adequately documented. Replacement or supplementation of originals with copies in other formats should be done with due regard for the intrinsic evidential, legal, and information value of the records. Any decision to digitise should recognise the potential for increased accessibility and the possible impact on individuals named in the documents.
24. Members should respect the principles of provenance and of original order.
25. Where restricted documents have been temporarily removed from a file or series that is otherwise publicly available, or is intended to be publicly available at a specified future date, this fact should be made known to the user.
26. Members should have regard to the possible role the documents in their remit have in holding individuals or groups to account, where those individuals or groups have a public role. Members should not dispose of documents because those documents are, or could be, embarrassing to individuals or institutions. Disposal decisions should be made based on documented and authorised policies.
27. Members should ensure that their decisions and the justifications for those decisions are transparent. In particular, they should keep a permanent record documenting the rationale for appraisal and conservation decisions, particularly those undertaken with a view to acquisition or disposal or where treatments will materially affect the document.

D. THE RIGHTS OF STAKEHOLDERS

There are many stakeholders in managing records and archives. Members should have regard to the legitimate, but sometimes conflicting, rights and interests of these stakeholders, including employers, owners, community members, data subjects and users, past, present and future in line with current legislation.

28. Members must respect the privacy and confidentiality of individuals and corporate bodies who created, use or are the subjects of records, especially those who had no voice in the creation, use or disposition of the documents and those who are still alive. Members will not generally disclose personal data of living individuals. Personal data should only be disclosed if required by law
29. Where possible, members should seek to ensure that information subjects have given consent for information about them to be processed subject to the provisions of current data protection legislation. Exceptions to this principle may include:
 - Where information is in the public domain already (though members should bear in mind that by including information in an archive they may be increasing the extent of access to that information);
 - Where personal information has to be disclosed for legal reasons;

- Where documents were created outside the remit of current data protection legislation (either by date or by being created in a private capacity);
 - Where the numbers of data subjects makes it impossible to gain consent;
 - Where data subjects cannot be located in order to gain consent;
 - Where data subjects are or may be presumed to be deceased (in the context of personal data, a human lifespan is considered to be 100 years unless there is evidence otherwise and personal records retained in the public interest should be closed for this period);
 - Where data subjects are not competent to give consent and it is not possible to gain consent from proxies, such as parents or guardians.
30. Where one of the above exceptions applies, or where the mandate for processing is legal authority or legitimate interest rather than consent, members should take particular care to avoid possible harm to individuals named in the records and/or living individuals.
31. Members should take account of people’s legitimate and reasonable concerns about how they are represented.
32. Members negotiating with transferring officials or owners of records should seek fair decisions based on full consideration – when applicable – of the following factors: authority to transfer, donate, or sell; financial arrangements and benefits; plans for processing; copyright and conditions of access.
33. Members should act on the wishes of the owners of documents, or the owners of intellectual property in documents, to have them closed or removed from a record-keeping service unless doing so conflicts with the public interest.
34. Members should be aware of the power of records to impact on individuals and groups and take reasonable steps to identify any documents in their holdings which might be distressing to employees and/or users of the service, and should put in place measures to mitigate any harm arising from contact with such documents, for example:
- raising awareness with their Senior Managers (given ‘duty of care’ responsibilities)
 - clearly labelling potentially distressing items;
 - actively warning those who are likely to come into contact with such items;
 - putting in place measures to safeguard the wellbeing of those who are likely to be working with such items over a long period of time.

GENERAL REQUIREMENTS ON MEMBERS

All applicants for Individual membership of the Archives and Records Association (UK and Ireland) are required to sign an undertaking that they will endorse the Code of Ethics if elected.

All ARA members are required to read the Code of Ethics and recognise and, where relevant to do so, promote its principles and aspirations. The code is intended to govern professional behaviour, but student, affiliate, corporate and supporter members are expected to take the Code into account in any activity involving archives, archive conservation or records management.

All institutional ARA members are required to endorse the Code and abide by its principles and aspirations in as much as they affect their duty of care and custody of their own records and those records deposited with them whether donated or where ownership remains with the depositing individual or institution.

All ARA members must seek to promote the objects of the Association as set out in its Memorandum and Articles of Association and must not engage in any activity which is contrary to those objectives.

ENFORCEMENT

Should a case arise where an individual member is believed to have fallen short of the standards desired then procedures are defined within the Bye-Laws of the Association.

APPLICATION

The term “members” as used in this code is intended to encompass all those concerned with the control, care, custody, preservation and management of records and archives who are individual members of the Archives and Records Association (UK and Ireland).

Where a member is supervising the work of people who are not members, but whose work is concerned with the control, care, custody, preservation and management of records and archives, whether those people are employees, consultants or volunteers, the supervising member must do what is in their power to ensure that those people’s work is consistent with the principles of the code.

The primary application of the code is to the professional work of members. However, members should take into account when their behaviour outside the workplace might reflect on the profession or their employer. In addition, members should consider how their expertise might contribute to good practice in record-keeping more generally. This might include taking an interest in record-keeping practices outside work.

RESPONSIBILITIES OF ORGANISATIONS

All employing organisations should be encouraged to adopt policies and practices that facilitate the implementation of this Code.

Members should bring the Code to the attention of their employing organisation, especially if that organisation is not an institutional member of the ARA, to ensure that policies and practices facilitate the implementation of the Code.

The Code is dependent upon the willingness of organisations to implement it.

GLOSSARY

The following definitions apply:

Access: The availability of records/archives for consultation as a result both of legal authorisation and the existence of finding aids.

Accessioning: Taking legal and physical custody of an acquisition.

Acquisition: The process of acquiring documents from any source by transfer, donation, purchase, loan, or inheritance. Also 'an acquisition', a body of documents taken into custody by a repository as a discrete group.

Appraisal: The process of assessing the value of records for the purpose of determining the duration and conditions of their preservation.

Appropriate: In general, appropriate actions are those sanctioned by professional standards, codes of best practice or, where these are not available, using established methods selected with the needs of the specific circumstances in mind. On occasion, if no existing method would meet these needs or if a substantial part of the process includes the additional purpose of developing knowledge or skills, it may be appropriate to pursue an unprecedented course of action. In such cases the action shall be deemed appropriate if the action and its rationale are carefully considered and documented, and its effects monitored and documented, in an open and transparent fashion.

Archives: Archives consist of documents which have been selected for preservation from all of the documents from one source or provenance because of their enduring value.

Community: A self-identifying group defined by shared characteristics and/or interests.

Conservation: Should be taken to include all conservation activities both passive and active.

Cultural professionals: Qualified workers in the cultural sector, including museums, galleries, arts organisations etc.

Deaccessioning: The formal, documented removal of a collection or item from the accession register or custody of an archive service.

Displaced archives: Archives removed from their place of creation, often in contexts of war or decolonisation.

Disposition: The range of processes associated with implementing records retention, destruction or transfer decisions, usually the outcome of an appraisal decision as to whether an archive should be acquired by a particular repository.

Disposal: The transfer of records, especially noncurrent records, to their final state, either by appropriate destruction or transfer to an archival repository.

Documentary heritage: Items which are moveable, made up of signs/codes, sounds and/or images, preservable (the carriers are non-living), reproducible and/or migratable, the product of a deliberate documenting process and which have been retained for their ongoing historical value.

Document: An item in any format or medium which is moveable, made up of signs/codes, sounds and/or images, preservable (the carrier is not a living being) and reproducible or migratable, and has been created and/or captured into a record-keeping system as part of a deliberate documenting process.

Evidential value: The quality of archives and records that provides reliable information about the origins, functions, and activities of their creator.

Historical value: The usefulness or significance of archives and records for understanding the past.

Human rights: as defined by the Universal Declaration of Human Rights, <http://www.un.org/en/universal-declaration-human-rights/>, the International Covenant on Civil and Political Rights and the United Nations Declaration on the Rights of Indigenous Peoples, taking into account any current guidance offered by the International Council on Archives human Rights Working Group.

Impartiality: The quality of one who chooses or judges one thing over another only for proper reasons, and not because of bias, prejudice or favouritism.

Implicit bias: Unconscious bias. Studies suggest that those who reject unfair discrimination against a group may nevertheless unintentionally discriminate against that group (for example, feminists may unintentionally discriminate against women).

Individual members: People working in or qualified in archives, records and archive conservation, who are registered as Individual members of the ARA. Includes archivists, archive conservators, records managers, archive education officers, archive assistants, record clerks and other staff both in paid employment, or self-employed, in an archive or records management or conservation service.

Information professionals: Qualified workers in the information sector, including information management, knowledge management, librarianship, archives management, records management, etc.

Information value: The usefulness or significance of archives and records based on their content, independent of any intrinsic or evidential value.

Intangible cultural heritage: as defined by the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, taking into account the associated ethical principles.

Intrinsic value: The usefulness or significance of archives and records derived from their physical, associational, cultural or spiritual qualities, inherent in their original form and generally independent of their content, that are integral to their material nature and would be lost in reproduction.

Legal value: The usefulness or significance of records and archives to document and protect the rights and interests of an individual, organisation or group, to provide for defence in litigation, to demonstrate compliance with laws and regulations, or to meet other legal needs.

Preservation: Preservation is the **non-invasive** act of minimizing deterioration preventing future damage of the object.

Public value: Value of records and archives to wider society beyond their original creators and users.

Public interest: Public interest cannot be rigidly defined as it will be context-dependent and is a matter of judgment. The public interest may not be served by every aspect of a record-keeper's role, but should always be borne in mind by a professional. It relates to the impact of an action or information upon the public as a whole, rather than the potential for the public to find something interesting (which involves a different definition of interest). Matters which may be of public interest can include but are not restricted to

- freedom of expression
- transparency and accountability
- freedom of the press and other media to investigate, and inform and comment on matters of public concern and importance

- the proper administration of government and regulation of organisations
- open justice and upholding the law
- legitimate protection of rights, including privacy and property rights
- public health and safety
- national security
- the prevention and detection of crime and fraud
- the economic wellbeing of the country, including ensuring fair commercial competition in a mixed economy.

Freedom of expression and freedom of the press are matters of public interest in general terms; this does not mean that the public or the press have a right to access private information. It should also be noted that there is a public interest in the respect for and legitimate expectation of personal and institutional privacy.

Record: Information in any format or medium created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business.

Record-keepers: Workers in the record-keeping sector, including archivists, conservators and records managers.'

Record-keeping system: A system which captures, manages and provides access to records through time, such as a records management system or an archive.

Records Management: Field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records (from ISO 15489-1:2016(E))

Regulatory environment: The regulatory environment consists of statute and case laws, and mandatory regulations governing the sector-specific and general organisational environment, including laws and regulations relating specifically to records and archives, access, privacy, evidence, electronic commerce, data protection and information; mandatory standards of practice; voluntary codes of best practice; codes of conduct and ethics; and identifiable expectations of the community about what is acceptable behaviour for the sector, organization and/or individual.

Repository: an establishment whose primary work is the holding and management of records and archives.

Shared archival heritage: Archival documents to which more than one state or jurisdiction can legitimately lay claim.

Standards: Recognised and published professional best practice, national or international.