1. Introduction
Access to public information is a fundamental right and a key instrument for citizen participation in a democratic system since it strengthens involvement, accountability and trust in public institutions, among other things. The right of access to public information is a means for exercising other rights. Now: What is public information? How does it originate? Where can it be found? How is it preserved? How can it be accessed?

In this paper, we will try to give an answer, from the perspective of the Archiving discipline, to some of the questions that are generally posed when thinking about the effective exercise of the right of access to public information. It is worth noting that, given that this description is targeted to a non-expert audience, the overall intention of the text will be to introduce the most general matters, resorting to footnotes to register some of the issues currently under discussion by the players of the discipline.

To that effect, we will start by differentiating the concepts of information and document, mentioning the specifics of the archive document and briefly summarizing the history of archives and the archiving discipline. We will then refer to the manner in which administrative procedures operate for managing information by explaining what Archiving refers to as the Life Cycle of Documents. We will further address the accessibility conditions that must be present in archives to allow access to the information they preserve, distinguishing practical conditions from legal conditions, exemplifying possible problems through the Argentine case. Lastly, we will provide examples to show that adequate archive planning is of the utmost importance by evaluating the relation between the right to know and the electronic government, specifying some development strategies that should contribute to progress in reducing the gap between rhetoric on access to information and its factual possibilities.

2. Some basic concepts
The concept of information and the State constitute mutually related contemporary historical phenomena. The State as an institution is, among other things, a creator of information and the main manager of the product of other information sources in its capacity as recipient, organizer and discloser of that information. From this point of view, the relevance of archives lies in that they are the essential repositories of documents, information support; while the relevance of archiving institutions is reflected by the fact that they are responsible for archive operation and coherence. In order to progress in the description of the methods through which information is preserved, it is necessary to define each of the concepts involved in the activity.

2.1 Information and document
In accordance with the Model Law on Access to Public Information,\(^2\) information is “...any kind of data kept or controlled by a public authority”. Based on the approach contained in this

\(^1\) The author would like to express her gratitude to Natalia Torres and Andrés Pak Linares, for their comments and suggestions on the drafts of this work.

\(^2\) http://www.oas.org/dil/esp/CP-CAJP-2840-10_Corr1_esp.pdf
definition of the Model Law, we believe that the wording refers to a specific type of information rather than to information as a whole: public information. This definition of information is generally extended to data that is not in the hands of public authorities but is, nevertheless, produced with public funds. Hence, public information consists in any kind of data that is kept or controlled by a public authority, or that is in the hands of third parties, provided however, its preparation has been financed through public funding. In the field of Social Sciences, there are various definitions for the word document and they are related to the context in which it is used. In this case, we are interested in pointing out the difference between information and document. The most basic definition of document refers to any record of human activity fixed in durable supporting means. That is to say, any information fixed in a supporting means that may be subject to recovery.

This is the key distinction regarding the manner in which information is treated and defined traditionally or within the community that promotes access to information, whereby information and supporting means are generally regarded as synonyms. For the archiving community, information may lack supporting means: a conference while it is being lectured, a meeting while it is being held, and an order that is given orally. All these activities give rise to information that transforms into documents when a record of those activities is kept: for instance, when a conference is recorded in a supporting means (digital, tape, or otherwise), when a meeting is registered in minutes, or when an order is given in writing, etc. If the information is not recorded in supporting means, it cannot be recovered.

2.2 Document and archive document
The concept of document includes various types and their classification can follow different approaches. Generally, classification is made on the basis of the elements that characterize documents (such as the supporting means, the code, the content or their disclosure possibilities) or their use. In this case, we will classify documents based on their functional source, i.e.: who produces them and for what purpose. The guide we will use is the production context, the context in which the documents were created.

Indeed, based on the variety of documents that may exist, various disciplines analyze their treatment and accessibility. That distinction is necessary to differentiate archive documents from other concepts that are usually referred to by using the term archive as a synonym of "document repository", irrespective of which ones they are.

In summary:

a- Bibliographic and hemerographic documents: they may originate in society as a whole, they are the result of collective or individual human intent to disseminate; their function is to retell, disseminate, report, recreate, instruct; their nature is that of a copy; they may be grouped into collections and classified based on their content.

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3 As regards this aspect, note the Comments to the Draft Law on Transparency, Access to Information and Good Governance (04/26/2012) of Spain made by the Association of Spanish Archivists working as Civil Servants; point 1 provides an explanation for the issue of the use of the term public information, considering it confusing, and suggests resorting to the concept of publicly-owned documents. As active members of the Committee of Experts for the Draft Law on Transparency, Access to Information and Good Governance, they managed to include that amendment in the second version of the Draft, commented through the Proposal for amendment of the sections of the Draft Law on Transparency, Access to Information and Good Governance (11/06/2012).

4 In this context, and given the need to make the text as intelligible as possible, we establish a critical difference with the proposal of Cruz Mundet, who stated that the expression archive document is redundant: "since, in any case, it would indicate characteristics, that of being kept in an archive, but it does not alter its essence. Technically, there is a pleonasm; i.e. a vicious excess or redundancy of words." (Cruz Mundet, 2011: p. 35)
(topic, proper names, etc.), or (in the case of hemerographic documents) their creator; their repository are libraries and/or newspaper and periodicals libraries, and they are accessed to through purchase, gift or exchange.

b- Documents from documentation centers: they originate in the assembly of a collection based on the classification and selection of any information on a given topic; their function is to inform, recreate and instruct; their nature is that of an original or a copy; they are grouped into documentary collections depending on the topic, their repository is a documentation center, and they can be accessed to through purchase, gift or exchange.

c- Museological documents (or museum pieces): their provenance or source is society as they are the remains of collective or individual human activity; their initial function varies depending on the piece, but when transformed into a museum object their function is to inform, recreate and instruct; their nature may be that of an original or a replica; they are grouped into collections based on their content or function, their repository are museums and they are accessed to through purchase, gift, exchange or research.

d- Archive documents: they originate in the management of an organization (funds) and/or individuals (private funds); their function is to witness an activity, based on their value (primary or secondary); their nature is that of an original (unique and unrepeatable); they are grouped based on documentary collections; their repository is the archive and they should be accessed to through the administrative procedure based on the life cycle.

It is essential to differentiate these concepts in order to think about the manner in which information can be accessed to and to suggest or establish appropriate public policies. Very frequently, certain information circulates and is used by administrations, having relevance for decision-making, but is nevertheless not recorded in any supporting means. In addition, that information may be recorded so that, when requested by citizens through a different name, the institutional response is negative. Hence, it is frequently stated that “irrespective of the topic to be researched or reported, it is necessary to have the skills and strategies to make the request clearly in order to increase the chances of obtaining the information” (Bertoni, 2011: p. 27). In summary: one of the possibilities is that the question is being made at the wrong place, that it is not intelligible, that the information is not recorded in documents, etc. In general, these situations, which result in a dialogue of the deaf, may be intentionally used to conceal information and usually give rise to conflict that is ultimately solved impulsively by forcing access to certain information, but persisting in confusion when using the concepts so that they end up regulating in relation to documents that would have required a different type of policy.

At this point, we would like to note that by “impulsive solutions” we mean a series of procedures recently detected that are related to the creation of Documentation Centers or Reference and/or Information Centers as a means to facilitate access to information without taking the necessary measures as to preservation and access to the supporting means in which the information is fixed. As mentioned above, if the information is “the action and effect of informing (making aware, giving notice of something) and/or the communication or acquisition of knowledge that allows to broaden or specify prior knowledge on a given subject” (translation of the definition of the RAE), a Reference and/or Information Center should be responsible for carrying out reference transactions and other activities involving the creation, management and evaluation of information or research resources, tools and services. This
definition, taken from RUSA, holds that the creation and management of information resources includes the development and maintenance of research collections, research guides, catalogues, databases, web sites, search engines, etc. that can be enjoyed by users independently, at the center or remotely, to satisfy their information needs; and that the evaluations of the activities include the assessment and evaluation of reference works, resources and services. Therefore, Reference and/or Information Centers are highly valuable tools to facilitate access to information, but transform themselves into an entelechy, a fiction, unless they are built on the existence and accessibility of documents.

Hence, we will use archive documentation to refer to those documents produced by an institution or individual in the course of their duties. Archives are elements inherent to the activity of human beings and institutions. They result from spontaneous action and can be thought as the sedimentation of ongoing activity. An archive document is the testimony of the activity carried out by a legal entity or individual, whether public or private, whose specific characteristics are: originality, organic and serial nature. These characteristics differentiate them from the rest of documents, and are absolutely valid as testimony or supporting means for information, though of a different nature (museological, library-related, hemerographic); and these characteristics allow certain archive document to comply with their main functions: being guarantors of the law, in addition to possible sources to social sciences.

2.3 Archive

Upon defining what we refer to by Archives, we will address the definition of the International Council of Archives (ICA), which contemplates three meanings for the term “archive”: 1) The set of documents, irrespective of their date, form or physical supporting means, produced or received by any legal entity or individual, through any private or public entity or service in the course of their activity, preserved by their creator or successors for their own benefit, or transferred to the competent archiving institution, depending on their archival value.

2) The institution responsible for gathering, handling, classifying, preserving and disclosing archives, also referred to as archive service or archive.

3) The building or part of the building where files are preserved and disclosed, also referred to as archive repository.

Therefore, for ICA, archive includes the documentary production, the institution that preserves it and the specific place where documents are kept. For the first meaning of the term —set of archive documents—, it is also possible to use the concept of documentary collection, or the word archive in lower case letters. As regards the second meaning —the institution that preserves archive documents—, the renowned Spanish expert Antonia Heredia Herrera (2005) suggests using the word Archive in capital letters to distinguish it from the first meaning. For

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5 The Reference and User Services Association (RUSA) is the division of the American Library Association (ALA) that groups professionals from the reference and information librarian service sector.
6 As regards this topic, see Merlo Vega (2009), (2011)
7 This topic will be addressed thoroughly in the following chapter.
8 ICA is a non-governmental organization established in 1948 under the UNESCO for the purposes of promoting international cooperation, research and development in all fields related to archives. Today, the institution is engaged in the development of archives worldwide, by defining the functions of archives as those that “provide data of human businesses and activities, guaranteeing the rights of citizens and the States, and that are essential for democracy and good governance. Archives are a safeguard for the memory of humanity as they preserve the testimonies of the past. ICA works for the development of archives and it is concerned with the preservation of the memory of humanity.” ICA website http://www.ica.org/es/en/welcome/index.html We will focus again on ICA on page 9.
the third meaning –physical space where documents are kept-, we prefer to use the word storage.

One of the particular characteristics of archives is their threefold social function. Archive documentation is preserved because it is a possible source for writing the history of humanity, for the memory of the institution that creates that documentation and as a guarantee of the exercise of rights. This threefold function is another characteristic that differentiates archive documents from other types of documents; and it highlights the specificity of the document regarding the information it contains: the possibility to submit it before judicial authorities in the event of rights in dispute.

As long as archive documentation is characterized for containing information that is mutually related to other information created by the same institution, the archival discipline –as explained in the section below- recognizes three fundamental principles that must be respected to guarantee that such information is not lost: the principles of provenance, original order and integrity of collections.

The **principle of provenance** establishes that documentary collections should be treated individually and should remain autonomous in relation to others (documents from a shared source should not be mixed with documents from other sources). This principle should be particularly respected for Archives that preserve more than one documentary collection. The principle of **original order**, which supplements the previous one, provides that the order in which documents were created should not be altered. The principle of **integrity** establishes that archive documents should suffer neither unauthorized fragmentation or elimination nor the addition of foreign elements from any other source in order to retain their value as evidence and information. When dealing with documents where these principles have been altered, the first goal of the archivist should be their reconstruction; undoubtedly, this task requires vast knowledge of the field. The alteration of any of these principles may hinder recovery of the information contained in the documents and/or the possibility of enquiring as to the conditions of production or the integrity of the documents. Thus, the concept of documentary collection “is not defined based on the possible use of that collection, but on its intrinsic structure and, ultimately, it reinforces the need to comprehensively know the structure and the operation of the institutions and entities that created the documents, as well as the administrative-legal context in which documentary production occurred” (Alberch, 2003: p.38)

**3. Brief summary of archives and Archiving**

A brief review of the history of archives will allow us to state that, in line with the definition we have been using, archives originate in relation to State organization. One of the referential periodizations of the history of archives is that of Bautier (1968). In line with the classical periodization of universal history, the author identified four stages: the palace archive period (Ancient Times), the **chartulary period** (First Middle Ages, 12th to 15th centuries), the period of archives as authority armory (from the 16th to the early 19th century) and the period of archives as history labs (early 19th century to 20th century).

The palace archive period covers archives dated around the 7th century BC found in Ancient Egypt, which contain government orders, justice administration judgments and parties’ agreements on clay boards, including the archives of the 4th century BC collected from classical Greece temples, where they ordered the texts of laws, assembly and Council proceedings, minutes of justice and public accounts, including records of republican Rome, some of them preserved at Temple of Saturn together with the treasury, others in the Temple of Jupiter, such as the bronze roof tiles recreating diplomatic, legislative or religious acts carried out by
pontiffs. In the times of the Empire, it was ordered that all documents necessary for government should be assembled in the *Scrinia* inside the Imperial Palace, under strict supervision.

The *chartulary* period owes its name to the compiled transcription of the most important original documents that, due to replacement or security reasons, was mainly carried out in Abbeys. As stated by Alberch, “the rebirth of Roman law in the 12th century reestablishes the relevance of the written documents and, parallel, the development of the archives of the large governmental institutions” (Alberch, 2003: p. 32). The growth and diversification of administrative affairs gave rise to an increased documentary volume. That increase, resulting from the multiple sovereignties typical of Feudalism, was followed by the necessary preeminence of the authenticity notion (being capable of guaranteeing the identity of the creator of the document through seals and other formalities).

The period of archives as authority armories is connected with the unification of sovereignties under absolute monarchical hegemony, where the archive opens its way through the mechanisms for exercising power. According to Rodríguez de Diego (1998), archives allowed monarchs to exercise power through their intervention, possession and control. This was defined as the “coercive function of archives”, characterized by ownership (archives were the exclusive property of the monarch), secrecy (archives were impenetrable, almost sacred), and inaccessible (due to the impossibility to access information).

The period of archives as history labs is associated with the upsurging of nationalism, the outburst of Romanticism, the dissemination of the principles of the Enlightenment and the beginning of the professionalization of History in the early 19th century. This transformation led to the emergence of a division into historical archives and management archives. In the words of Cruz Mundet: “The first ones were the preferred object of archivists, so their professional evolution was radically characterized, until the late 20th century, by historicism and burdened by the centuries-old influence of Paleography and Diplomastics that, while requiring ancient documentation, led the profession to a long-lasting imbalance and the need that was ultimately the source of archives and their servants: administrative affairs” (Cruz Mundet, 2003: p. 39).

Upon observing these periods from an archive access approach, we find that -except for Classical Greece, where the concept of democracy was closely related to the ability of citizens to request documents from official archives in the event of legal disputes, and also the case of the *Metroon*, to which “all citizens had the right to access and to get a copy” (Alberch, 2003: p. 30)- access to archives was strictly limited to the officers in charge of their safekeeping or to certain individuals who enjoyed exceptional permits granted by the highest authority. Duchein accounted for these features of documentary preservation: “Indeed: the preservation of archives has always been connected with the exercise of power; having memory at one’s disposal is an essential instrument for governance and administration. Consequently, accessing memory was a privilege rather than a right” (Duchein, 1983: p. 2). According to Alberch, the period of archives as an *authority armory* was faintly the beginning of the cultural-historical function of archives and the development of the archival theory thanks to the edition of the first texts (paleographic and diplomatist). Rodríguez de Diego (1998) analyzes the process whereby the monarchs perceived in the historical discipline a means for representing the government (16th and 17th centuries).

The changes in ideas that commenced in the 18th century slowly led to the opening of archives. There are two paradigmatic examples of this. The Constitution of the Kingdom of Sweden that, since 1766, connects the right to freedom of the press with access to Government archive documentation (Duchein, 1983). A measure adopted after the French Revolution, the Law of 7
Messidor, Year II (June 25, 1794) established in its section 37 that every citizen may consult any document in the interest of the protection of its rights: “Every citizen may request from archives, in the days and at the time set forth, any information contained in the documents kept; such information will be provided freely and directly, and taking all appropriate security measures” (Quote in Vilchez Ureña, 2011: p.20).

However, these new ideas on access that started to become avant-garde rules, that recognized the right of citizens to consult public documents, had no practical possibility to become effective, which would turn the process into a gradual task, controlled by the authorities, which ended up focusing on access for historians. These circumstances were translated into the creation of institutions aimed at gathering the documentation owned by the disappeared institutions, the National Archives, whose aim was at the service of culture and research. Thus, archives transformed from traditional armories of power into history labs, with “all the consequences that entailed, highlighting the fundamental (and certainly unfortunate) cut between historical and administrative archives.” (Cruz Mundet, 2003: p. 39).

The privilege of accessing the Archive extended during the 19th century to History scholars; thus, we could say that the sovereign’s archive became the expert’s archive. After the Second World War, Archives slowly broadened their accessibility frontiers. On the one hand, the need to research on and increase awareness of Nazism’s crimes against Humanity led to the declaration of free access to the 3rd Reich’s archives and, consequently, to recognize the interest of contemporary documentation for the research. This circumstance was also connected with the appearance, after the 1960s, of the concept of “right to information” as a constituent of a democratic form of government. Moreover, that circumstance was also related to the growth of historiography and changes in analysis perspectives. The result of this process was a considerable growth of Archives, the number and profile of users and the consolidation, dissemination and internationalization of the archival discipline.

Another change in the political situation gave rise to new challenges and a greater opening: “the 80s in the last century witnessed an unavoidable dismantling process on repressive political regimes worldwide” (González Quintana, 2009: p.29). Together with the fall of the Berlin Wall, the end of military dictatorships in the Southern Hemisphere, democratization processes in Africa and the Balkans War, various international instances combined to reflect the need to engage in shared actions to guarantee the preservation of large volumes of documentation, which would become essential to impose liability, secure remedies, reconstruct History and safeguard collective memory in countries undergoing their transition into democracy. This resulted in a fruitful understanding among legal scholars, historians, archivists and human right supporters, which helped make great progress as regards the production of tools for the preservation, opening, standardization and dissemination of archives.9

9 An example of this is the Report drafted by Louis Joinet at the request of the UN on impunity regarding the perpetrators of human rights violations, published in 1997 as “Set of principles for the protection and promotion of human rights through action to combat impunity”, whereby a connection was established between the need for preservation and access to archives, and the right to know, justice and relief. Or the Recommendation of the OAS Inter-American Commission on Human Rights to member States in 1998, at the time of the Fiftieth Anniversary of the American Declaration of the Rights and Duties of Man, which provided that: “adopt legislative and such other measures as may be necessary to effectuate the right of free access to information in files and documents in the power of the State, particularly in cases of investigations to establish criminal responsibility for international crimes and serious violations of human rights”, Press Release No. 21/98, quoted in González Quintana, 2008, p. 45.
That notwithstanding, still today there are serious limitations on access to many historical archives and it is very difficult to implement a comprehensive approach that includes administrative archives as regards access. This topic will be addressed in the chapters below.

3.1 Emergence and dissemination of Archiving

The currently widespread definition of Archiving is: “disciplina que trata de los aspectos teóricos y prácticos (tipología, organización, funcionamiento, planificación, etc.) de los archivos y el tratamiento archivístico de sus fondos documentales.” (Ministry of Culture of Spain http://www.mcu.es/archivos/MC/DTA/Diccionario.html). Also “Science qui étudie les principes et les procédés méthodiques employés à la collecte, à la conservation, au traitement et à la communication des documents d’archives” (International Council on Archives http://www.staff.uni-marburg.de/~mennehar/datiii/franskamgl.htm).

Irrespective of the debate as to its definition as a science or a discipline, Archiving involves two fields of action: theory and practice. Theory covers history, the subject matter or scope of performance (document/archive) and the method (principles, rules and terminology). Practice is composed of the techniques and procedures used for the preservation of documents and for the dissemination of information. Archiving was born as an experimental technique and consolidated as a discipline. That evolution was the result of the fact that it has a subject matter (archives) and a purpose (the preservation and recovery of documents) and that, in addition to its practical procedures, it has prepared theoretical principles and work is already in progress to achieve solid and consistent regulations. Therefore, it consists in the theoretical and practical study of the principles, procedures and problems related to document storage, intending such documentation to be maintained over time, consulted and classified.

Various periodizations can be found in surveys on this discipline. Cruz Mundet proposes a first fundamental division: the pre-archival period, when treatment of documentary collections was characterized by “the lack of definition of its assumptions and also by submission to the principles of other disciplines” and the period of archival development, where “the theory and treatment of documentary collections reached sufficient autonomy levels so as to adequately designate it as Archiving” (Cruz Mundet, 2003: p. 20).

Alberch notes that the evolution of Archiving from an evidently practical approach to the securing of its scientific nature ended by the mid 19th century, when its main two principles were drafted and the first doctrinal collections appeared, with global theoretical thoughts, and the opening of the first training schools. However, as mentioned before, in this period Archives started to be treated distinctly based on their nature as historical or management archives. Historical archives, which became History labs, are those to which archivists will devote their greatest attention and are negatively influenced by historicism, Paleography and Diplomatics; indicating a serious imbalance as regards the treatment of management archives.

Such imbalance started to be overcome after the Second World War due to the “increasing integration of archiving into technologies and new supporting means, and as a result of the need to organize an unstoppable growth of bureaucracy and documentary production” (Alberch, 2003: p. 20). After this period, archiving will bring together these two environments, based on the overall approach to document management (known as Records management) from its origin at production offices to its admission (or not) at archival institutions, as it consolidated the principles of the profession through internationalization and authentication. To that effect, the role played by the International Council on Archives (ICA) is crucial, as it is a “professional organization of the archive community, engaged in the promotion of the
preservation, development and use of the world archive heritage. The Council brings together the heads of national archives, professional archivists’ associations, regional and local archives, and archives from other organizations, as well as independent archivists.”

In summary, to this date, “archiving displays a specific core of techniques and procedures, but, in turn, it resorts to the sources of administrative law, the legal system and general history, as well as the history of institutions” (Alberch, 2003: p. 21), and it is the discipline that allows to effectively organize the documentary production of institutions (and individuals), whose main purpose is to guarantee its preservation and accessibility. When dealing with State documentary production, it is necessary to bear in mind that **archives are essential for good governance, since “they” allow governments to account for and prove their capacity to promote democracy. A good archive and document administration policy enables a country to understand ‘who, when, how and why’ in relation to government actions. It facilitates the respect for the rights of men and it allows the government to explain and defend its actions. Proper archiving is also a guarantee for effective governance. However, proper archiving is a hard process.” (ICA: http://www.ica.org/6365/welcome/espaol.html).

Archives record decisions, actions and memories. Archives are a unique and irreplaceable heritage passed from one generation to another. Archives are managed from creation to preserve their value and meaning. They are authoritative sources of information underpinning accountable and transparent administrative actions. They play an essential role in the development of societies by safeguarding and contributing to individual and community memory. Open access to archives enriches our knowledge of human society, promotes democracy, protects citizens’ rights and enhances the quality of life.

**To this effect, we recognize:**

- the unique quality of archives as authentic evidence of administrative, cultural and intellectual activities and as a reflection of the evolution of societies;
- the vital necessity of archives for supporting business efficiency, accountability and transparency, for protecting citizens rights, for establishing individual and collective memory, for understanding the past, and for documenting the present to guide future actions;
- the diversity of archives in recording every area of human activity;
- the multiplicity of formats in which archives are created including paper, electronic, audio visual and other types;
- the role of archivists as trained professionals with initial and continuing education, serving their societies by supporting the creation of records and by selecting, maintaining and making these records available for use;
- the collective responsibility of all – citizens, public administrators and decision-makers, owners or holders of public or private archives, and archivists and other information specialists – in the management of archives.

**We therefore undertake to work together in order that**

- appropriate national archival policies and laws are adopted and enforced;
- the management of archives is valued and carried out competently by all bodies, private or public, which create and use archives in the course of conducting their business;
- adequate resources are allocated to support proper management of archives, including the employment of trained professionals;
- archives are managed and preserved in ways that ensure their authenticity, reliability, integrity and usability;
- archives are made accessible to everyone, while respecting the pertinent laws and the rights of individuals, creators, owners and users;
- archives are used to contribute to the promotion of responsible citizenship.

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10 To date, ICA has “more than 1,400 associates in more than 190 countries and territories, thus exhibiting a truly international nature. The Council is a non-governmental organization; this means that it exists independently from political processes or ups and downs, and that its members include private and public institutions and individuals. The ICA works in close cooperation with intergovernmental organizations such as UNESCO and ICCROM. It is also connected with other non-governmental organizations.” http://www.ica.org/6365/welcome/espaol.html
4. Administrative procedures
The concept and purpose of archives having been defined, it is now necessary to address their content and searching method.

We mentioned before that the difference between information and document is that the latter contains information in a durable supporting means. In their daily operations, institutions produce a large number of documents that enable performance of their specific functions and missions or that facilitate or support that task. The manner in which these documents are generated is not eventful, nor by chance. It is usually governed by rules that set forth the manner in which administrative procedures should be carried out: “We define the administrative procedure as that part of administrative law that studies the rules and principles governing the participation of the interested parties in the preparation and challenging of administrative intentions. Hence, it studies the participation and defense of the interested parties (an individual, an officer or a public authority; a legal entity, e.g. an association of neighbors, users, interested parties or individuals subject to administration) throughout the preparatory stages of the administrative intention (either individually or generally; i.e. particularly, the public hearing procedure should be followed, irrespective of the ordinary administrative procedure) and, undoubtedly, the manner in which administrative procedures should be carried out as regards the defense, participation and intervention of such interested parties. The administrative procedure studies, in particular, the defense of the interested parties and, consequently, any challenges to administrative procedures and actions by those parties. Therefore, the administrative procedure is concerned with administrative complaints, claims and remedies: their formal conditions of provenance, the procedure to be applied, the problems that their processing may give rise to, and how and by whom they should be solved. However, it does not study how all the fundamental issues that such remedies, etc. bring about, unless they are closely connected to a procedural problem.” (Gordillo, 2009: p. 271)

That is to say, an administrative procedure involves formal performance of the actions required to make effective the administrative participation necessary for achieving a specific goal. The purpose is to perform an administrative act and, to that effect, it is necessary to comply with certain stages and formal steps that grant guarantees to citizens. That guarantee is governed and controlled by the legal system and by certainty that all individuals can access and control information. This ensures that administrative actions are not arbitrary or discretionary and, to that end, four principles serve as basis and criteria for adequate implementation of the procedure: unity principle, confrontation principle, impartiality principle and official nature principle.11

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11 Unity principle: The procedure consists in a single process that has a beginning and an end. All procedures must be solved irrespective of the manner in which they commence and, moreover, they must be notified.
Confrontation principle: The resolution of the procedure is based on the facts and questions of law; such resolution is achieved upon assessment of the facts through evidence. In general, the facts can be proven through any legally admissible means.
Impartiality principle: Administration should be impartial, and should not be subject to favoritism or enmity. Officers should keep themselves out (refrain from taking part) if they have a personal interest in the matter, if they are relatives or are subject to clear friendship/enmity relations, or if they are witnesses to the procedure involved; otherwise, the interested party may challenge their participation.
Official nature principle: The procedure should be initiated suo sponte as regards all proceedings. The administration has the duty and responsibility of directing the procedure, ordering that all measures necessary for passing a resolution be taken. The responsibility of enforcing the procedure lies with the heads of the entity and the staff reporting to them.
These administrative procedures, which are regulated through rules, consist of various types of proceedings. In countries where there is some regulation on access to information, a high percentage of denied requests for information are frequently associated with the manner in which requests were submitted, or the manner in which the question was posed. The considerations above do not refer to a case where an officer refuses to provide information on formality grounds, since one of the basic principles of administrative law -that was subsequently incorporated into discussions about the right to know- is the principle of lack of formalism to the benefit of the administered party. We are referring to the manner in which the question is raised as to the content of what is asked. I have repeatedly heard journalists state that, after a given time, they learnt how to phrase questions and have obtained better results; as already said “it is necessary to kiss many requests for information before finding a prince” (Roembauaun, 2004, quoted in Bertoni, 2011: p. 28). As explained above, conflicts may arise in relation to requests for information submitted before an institution that does not exercise those functions, to intelligible requests, to requests for information that has been recorded otherwise in documents, etc.

This happens more frequently in places where no specific areas have been established to act as mediator between citizens and administrative areas (such as offices providing access to information), that are specifically engaged in serving as translators and/or guides. In addition, in some countries, offices providing access to information can transform into true information centers that interpret questions, identify the administrative circuits where that information is disseminated, gather, compile and deliver such information once processed. In some other countries, the right of access can only be implemented by establishing its existence and by regulating the Administration’s duties, response terms and possible exceptions. In those cases, it is essential to understand the manner in which the Administration generates, processes and accesses information.

5. Thinking about documentary production

When defining an archive document by differentiating it from other types of documents, we explained that an archive document is a testimony of the activity carried out by an individual or legal entity, whether public or private, whose specific characteristics are: originality, organic and serial nature.

These are the characteristics of any document produced by the administration in the course of its activities. According to Schellemberg (1961), they are organic, as they were created by an institution or individual in the course of a specific activity; they are exclusive, as the information they contain probably cannot be found in any other document with the same scope and intensity; they are of serial nature, as –even though they are unique regarding the information they contain- they are the reflection of a regulated activity and, hence, part of a series of documents; and they are interrelated, as it is general principle that isolated parts (single documents) have scarce or no meaning at all, and that their raison d’être derives from their nature as parts of a set and the relations established among them.

Other characteristics that define archive documents and that provide for the requirements to think about electronic supporting means, as stated by Cruz Mundet (2011), are:

a. Authenticity: the document may prove to be what it is claimed to be, that it has been created or sent by an alleged person in an alleged moment.

b. Reliability: its content is true and can be thought as a complete and accurate representation of the transactions, activities or facts they acknowledge, throughout their development, as well as in future actions or transactions.

c. Integrity: the document is complete and unaltered, it keeps its internal and external features.
d. **Usability:** it can be accessed, located, recovered, presented and interpreted.

Each document corresponds to a given documentary type. A documentary type is composed of documents that have the same internal and external characteristics. The **external characteristics** refer to the external format, the documentary supporting means, its material structure, and are as follows:

a. **Class:** it is determined by the procedure used to transmit the information. It may consist in textual procedures (transmitting information through written text, whether handwritten, typed or printed); iconographic procedures (using images, symbols, non-textual signs, colors, etc. to represent the information, such as maps, plans, drawings, photographs, slides, transparencies, microforms, etc.); sound procedures (enabling the recording and playing of any sound, mostly words in the case of archives such as disks, magnetic tapes, compact disks, etc.); audiovisual procedures (combining motion images and sound, although the first examples lacked that last feature, e.g. films, video tapes, video disks, etc.); electronic or informatics procedures (generated in computer environments, such as index cards, magnetic tapes, diskettes, CDROM, etc.)

b. **Type:** This characteristic goes beyond mere material or external aspect as it reveals the content and structure of the document, and results from the action the document represents. The type is established based on physical structure (individual, judicial, governmental, etc.)

c. **Format:** The manner in which documents are materially gathered and grouped for record keeping (bound volumes, files, etc.)

d. **Amount:** It refers to the number of units; it may be stated in volumes, dossiers, documents or meters of documents.

e. **Form, nature:** or documentary tradition, it is the condition as original or copy, and their variations such as simple copy, certified copy, whether typed, photocopied, microfilmed, digitalized, etc.

**Internal characteristics:** they can be found in the content of the document, for instance:

a. **Creating entity:** the author of the document; it can be an individual or an institution, or an individual on behalf of an institution.

b. **Functional origin:** the reasons for its origin, function, activity and the proceedings followed for its preparation.

c. **Date and place of production:** or time and topic data, placing documents in time and space.

d. **Content:** matter or subject of the document, the information it contains can be provided **intensively** (a great deal of information is provided on a specific matter, e.g.: a summary, a medical record), extensively (little is said about many, e.g. census), diversifiedly (combining both forms above).

Documents having the same external characteristics and the same form of presentation of their internal characteristics constitute **documentary types** (e.g., attendance forms, memoranda, orders, etc). Documentary types can be simple (when formed only by one type) or combined (when formed by various documentary types); for instance, court files.

Another grouping method is **documentary series**; they are formed by documentation generated for performance of a specific activity or function, based on a homogeneous proceeding, generally regulated through an administrative procedure. Documentary series may consist in a single documentary type or various types, for instance: orders are a documentary type that compose a series, they occur in the context of regulations to perform a given function and are continuously preserved. However, many series are formed by various
documentary types, such as the *school establishment* series of the National Board of Education (Consejo Nacional de Educación).

Identifying documentary series is the starting point for archival organization since documents are treated, classified and appraised based on documentary series.\(^{12}\)

In summary, progressing from the simpler to the more complex concepts, we may think that these testimonies of activities developed by the institutions, these pieces of information recorded in supporting means that constitute their own operation, are not “performed” in any whatever manner, but respond to certain guidelines. Such guidelines establish documentary types to be prepared by the institution. Those documentary types are grouped (or not) with others to comply with a specific activity, and in this procedure series of documents are formed, and are created to comply with a specific activity. Most of the times, this is regulated through an administrative procedure.\(^{13}\) These documentary series are the ground, the reason for an activity. Once the activity has been carried out, what happens with documents? Once the reason for their creation ceases, should they be preserved? Why? For how long?

6. The Life Cycle of documents

By the mid 20\(^{th}\) century, the theory of the Life Cycle of archived documents appeared in the archival world. By resorting to a metaphor about the life of biological organisms, the theory proposes three periods that are undergone by documents.\(^{14}\)

The **first period** runs from the moment the document is planned, drafted and until the function/purpose for which it was created is achieved; documents remain active while the proceeding that originated them has not concluded. During a **second period**, when the proceedings have finished but documents remain in force, they are preserved to respond to potential legal or administrative claims or to serve as direct precedent for a document; i.e. they are kept for precautionary purposes. Upon conclusion of this period, documents may be

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\(^{12}\) We can find other definitions of documentary series in Spain that are useful to think about its classification, namely: “The set of documents produced by one person in the course of a single administrative activity and regulated by the same procedure and/or legal rule” (Dictionary of archival terminology) [“*Conjunto de documentos producidos por un sujeto en el desarrollo de una misma actividad administrativa y regulado por la misma norma jurídica y/o de procedimiento*” Diccionario de Terminología archivística]; “the set of documentary units, that serves as continuous testimony of a single activity” (Andalucía Law No. 3/1984 on Archives), “the set of documents produced in the course of a single administrative activity, regulated by a single procedure and legal rule; or documents produced in a continuous manner as a result of the same activity”, Navarra Autonomous Law No. 12/2007; “the set of documentary units of similar type and continuous production, generated as the result of the same administrative activity, and as documentary reflection of the various management processes or procedures developed by public administrations in the course of their functions and duties” (Ruiz, Cabrera and Rodriguez, 2012).

\(^{13}\) Exceptionally, a given proceeding may be carried out based on ordinary administrative practices only, which is referred to as daily proceeding routine.

\(^{14}\) By the end of the 1990s, the theory of the *record continuum* emerged in Australia as criticism for that proposal. That theory established that it is necessary not to think about the life of the archival document as lacking connection but as continuity; therefore, document management should be contemplated as a continuous process (documents should not be characterized as evidence or memory exclusively). This approach is presented as a philosophy that is aimed at going beyond traditional archiving as regards its analysis of document management, providing a more comprehensive approach, focusing on changes involved in the incorporation of electronic documents into administration affairs. Though this is interesting, we believe it is best to first introduce the idea of the life cycle to think about the problem we wish to present. For a more thorough analysis, visit: [http://www.infotech.monash.edu.au/research/groups/rcrg/publications/recordscontinuum-fupp1.html](http://www.infotech.monash.edu.au/research/groups/rcrg/publications/recordscontinuum-fupp1.html) (last visit February 5, 2013)
set aside (eliminated) or may start their **third period**; i.e. a stage undergone by documents where, upon documentary evaluation, they are appraised as permanent or historical.

In general, the question about documentary selection and appraisal (elimination of certain documentation and preservation of other) is an issue that makes those who are not familiar with the topic uncomfortable (or even frightens them). Therefore, we will start by stating that preservation of all documentary production is undesirable, given the impossibility to have all necessary resources and the futility of that procedure. If we understand that archive documents of permanent value are part of an organic universe and are not created to be read by historians as part of an administrative procedure, the ultimate archival disposition is decided based on a documentary evaluation process, where the values of documentary series prevail over simple lapse of time.

This is one of the most sensitive procedures in the discipline and it would be naïf to view it as an aseptic method fully disconnected with power networks. Carrying it out through a defined procedure offers the opportunity to leave the doors open for future intervention and hermeneutic reinterpretation, which would not be possible upon selection outside the discipline.

Firstly, it is suggested that the documentary evaluation process be performed by a multidisciplinary commission that is in charge of appraising the diverse value of documents, which occurs within the creating entity and is aimed at establishing time charts for documentation keeping.\(^{15}\)

Documentary selection is firstly performed by differentiating facilitating documentation (which contributes to the operation of the organization) and substantive documentation (which conveys meaning to the organization), taking into account the life cycle of documents. Documents are thought to have a primary value (that is connected to the direct purpose for which the entity created the document), while they go through the first and second periods.

The **primary value** can be: administrative (the value a document has for the administration of origin as it confers rights and imposes obligations, and serves as guarantee to justify facts and situations); informative (it serves as reference for the preparation or reconstruction of any administration activity and can also be a testimony of collective memory); tax and accounting (documents that can serve as explanation or justification for transactions aimed at budgetary control or as evidence of compliance with tax obligations); and legal-regulatory (that which confers rights and imposes legal obligations regulated by ordinary law or as evidence before the law).

On the other hand, the **secondary value** is that possessed by documents that go through the third period and it arises from assessments that are not the actual administrative purpose of the document. That value can be as evidence (permanent usefulness based on their relation to imprescriptibly rights of individuals or legal entities); testimony (permanent usefulness that reflects the evolution of the administrative entity that created it); and historical-information (permanent usefulness consisting in providing substantial and unique data for research and for the study of any field of knowledge).

\(^{15}\) In Argentina, the entities of the Federal Public Administration fall under the rules of Decree No. 1571/81 on this matter. See the paper written by María Julia Scarensi in this publication for further reference on this topic.
The selection task is carried out by evaluating and defining terms for the primary and secondary values of each documentary series, rather than of each documentary unit. Any documentation that has complied with its primary record keeping terms and that has no secondary or historical value can be eliminated.

The process involves, not only simple destruction of documentation, but also the preparation of instruments that can account before future generations for discontinued series, their description, deadlines and the criteria used to decide on their destruction. Thinking of historical Archives, this is based on the idea that it is impossible to preserve everything (positivist habit) and to know what will be interesting in the future for researchers, but can provide them with the elements necessary to know which documents they will not be able to find and why. From the point of view of the Administration, it is the most effective way to invest resources in what should be preserved, instead of distributing them for keeping “mixed” documentation, including what need and what need not be preserved.

In graphical terms, the Life Cycle of documents could be presented as follows:

<table>
<thead>
<tr>
<th>Period</th>
<th>1st Period</th>
<th>2nd Period</th>
<th>3rd Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value</td>
<td>Primary (administrative)</td>
<td>Primary (tax and/or accounting, legal and/or regulatory, information)</td>
<td>Secondary (evidence, testimony, historical information)</td>
</tr>
<tr>
<td>Term / Period of validity</td>
<td>Until conclusion of proceedings</td>
<td>Precautionary term (defined in the procedures of Decree No. 1571/81 for the Federal Public Administration)</td>
<td>Permanent</td>
</tr>
<tr>
<td>Storage</td>
<td>Office or management archive*</td>
<td>Intermediate/central archive*</td>
<td>Historical archive*</td>
</tr>
</tbody>
</table>

16 The items marked with * involve the matters that are less effectively differentiated from the electronic document approach and by reviewing the category of users through incorporation of the principle of access to information and administrative transparency. Therefore, an amendment is made from the perspective of comprehensive Archiving, which insists on the need to cover document management from the very beginning in the administrative process until final preservation. This entails “combining the life cycle, that is the basis of Record management; the analysis of the needs of administrations, the definition of a preservation calendar, the sensible design of documents, the protection of essential documents, the organization and management of documents, and their elimination or transfer to historical archives for final preservation” (Cruz Mundet, 2011: p. 23).
7. Documentary accessibility

It is worth noting that mere physical existence of documents containing information does not guarantee access to it. However, denial of access is not as detrimental as it is failing to understand why that happens. Structuring the limitations on documental accessibility in a systematic manner allows us to understand if that limitation is temporary or conclusive, as a result of a decision made under the law or arbitrary, if it is in our hands to cooperate in reversing it or if that decision is unalterable, if there are instances of review that can be resorted to, if access to part of that information should be allowed, etc.

As explained above, in order for an archive (whether office, central or historical) to comply with its main functions—safeguarding documents for the history of humanity, for institutional development and for documentary support of citizens’ rights—it must comply with certain accessibility conditions. These conditions can be divided into two categories: those of practical nature and those of legal or regulatory nature (Duchein, 1983).

7.1 Practical accessibility conditions

Practical accessibility conditions refer to the possibility of material preservation of documents, the existence of repositories, archive service and equipment, organization and respect for documentary collections, allocation of staff and economic means, preparation of auxiliary and descriptive instruments, dissemination (of archives, documents and descriptions), the possibility of performing reprographies to avoid excessive manipulation of originals, availability of adequate machinery for computerized or audiovisual document reading, etc.

a. Material document preservation

The first fundamental condition to access the information preserved through documents is guaranteeing their physical preservation. This involves guaranteeing that the documentation is kept in a proper place where there is no risk of damage, and restoring any information damaged, in addition to reporting any elimination.\(^\text{17}\) Unless these conditions are complied with, information can hardly be reconstructed. This aspect, which might seem obvious, should be taken into account in the long term. Very frequently, in order to save space, to guarantee faster access to information or to set state-of-the-art information centers, documents that were originally kept in other supporting means are digitalized. In those cases, it is necessary to

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\(^{17}\) See related section in this document.
guarantee the preservation conditions of the original. In the case of electronic documents, long-term preservation calls for planning that involves guaranteeing the authenticity, reliability, integrity and usability of supporting means.  

b. Availability of archive repositories, services and equipment
Another condition consists in guaranteeing an adequate space for preservation of these documents. A storage, shelves and boxes in the case of documentation in paper; storage, hardware and software in the case of electronic documents. It also involves the query rooms where users may access information (either a physical room or a website) with adequate furniture, defining days and time for consultation. It might seem obvious, but many archives are not open to the public every business day, so you have to visit them several times until you “find” the “person” who will “open” the archive. In addition, there are archives where there are no rooms and users are received at the storage itself or in rooms with no table or chairs. Archives should guarantee a fixed clear schedule that should be made available to users in the conditions allowed, by making an appointment or not, but offering citizens the chance to consult documents under the best possible conditions.

c. Organization and respect for documentary collections
As stated above, respect for the principles of provenance, original order and integrity is crucial to guarantee access to information, as it may exceed the literal information contained in each document. Certain issues can be best understood upon comparing the information contained in a given document to that contained in others of the same series or others of the same nature. Maintaining the integrity of documentary collections and organizing documentation based on a classification (intellectual task) to reflect the structure in which they were produced and an order (physical task), respecting the order in which documents were produced, purports enabling access to further information on those documents.

d. Allocation of staff and economic means
Without economic means to support the area, the information will be in good conditions but unavailable for access. Without qualified staff to perform the tasks mentioned above, no access will be possible either. One of the problems that are usually detected upon evaluating the accessibility level of an archive is the absence of qualified staff. This may cover penalized staff or availability of portery staff only. It is impossible to think about a policy to access information without reappraising the place of the archive within the institution, and this refers to its place in the organizational chart and the budget share allocated to it, as well as the quantity and quality of staff.

e. Preparation of auxiliary and descriptive instruments.
If all requirements above are complied with, but there is no information as to the type of information contained in the documents, access is -once again- hindered. If there is no knowledge as to contents or there is only very general knowledge, the user will have to review a large number of documentation to see what it is about or to find what he or she is searching. Therefore, it is necessary to prepare descriptive instruments. In historical archives, it is necessary to go from the general to the specific, and planning such task should be based on the number of resources available in order to facilitate the mediation task between researchers and documentation. Archiving defines description as the task that covers activities to prepare instruments that facilitate access to collections, in general, and to documents, in particular. Within an archive, the first description instrument to be found is the general description of the collection (or each of the collections, if there are many). Then, an organized way to know its content is the Classification Chart. The relation between documentary

18 See related section in this document.
production and the production context becomes evident through classification charts. Classification charts reflect the functional-organic structure of the creating entity and its relation to documentary production in a simple format. Then, it is possible to prepare itemized lists with a higher or lower level of thoroughness. This scheme can also be applied for administrative archives. Document-by-document itemized lists can usually be found in databases used by sorting offices to follow proceedings carried out through a court file. If a database, together with the general description of the documentation available, is accessible to the public, the level of administrative transparency achieved would be very high.

f. Dissemination
It is important, and sometimes essential, to disseminate archives, description instruments and documents. If there are no problems to access documentation, but no one knows of its existence, then documentation cannot be consulted. Publishing reference information on the Archives, documentary collections, forms of access and recommendations to confront information in websites involves: establishing reference and information centers; that is probably one of the best ways to make proactive transparency effective.

g. Possibility to perform reprographies to avoid excessive manipulation of originals
Enabling performance of copies of the material, particularly today when access to digital photo cameras is so widespread, is a way of facilitating access and guaranteeing preservation of original supporting means.

h. Availability of adequate machinery for digitalized or audiovisual document reading
Lastly, availability of machinery for reading documents that are not legible in themselves. Cases have been reported where documentation was digitalized or microfilmed, or where only those supporting means were available, but there is no guarantee as to the necessary budget to secure availability of adequate machinery for reading such documentation. When working with electronic documents, this item ranks first in the list.

7.2 Legal accessibility conditions
Legal accessibility conditions refer to the regulations whereby documents are classified, admitting or denying consultation. Since this topic has been addressed in another work,19 we will only mention a few questions.

In countries where democracy rules, where the right to free access to information by citizens is allegedly guaranteed, any limitation to that right is deemed an exception and is made in connection with the need to protect the security of the State and its multilateral relations, the respect for private life (protection of sensitive and personal data), intellectual property, industrial and trade secrets, and the right to private property of archive owners. However, the above-mentioned limitations must comply with certain requirements in order to avoid discretionary power as to unfairly reserved information. We will particularly refer to the first two cases.

Considering all legal limitations on access to information, the classification of documents as secret, confidential or reserved for State security reasons is the most frequent limitation and -in our opinion- the most widespread. Since this topic has been thoroughly analyzed in the text Seguridad Nacional y Acceso a la Información en América Latina (2011), we will only focus on a few questions that should be born in mind for documentary management in States governed by the Rule of Law to avoid discreional use:

19 See the paper written by María Julia Scarensi in this publication.
a. The classification of documentation must be regulated through public rules that follow certain principles, namely:

b. The procedure for restricting consultation of classified documents should be defined clearly,

c. Criteria to be used and categories of information. Submitting a list in as much detail as possible describing the type of documentation that will not be available after a given term. This classification can be easily performed by resorting to the documentary series concept.

d. Determining the terms and periods for de-classification and public access in the case of documentation that will be excluded; such terms should operate automatically.

e. Definition of responsibilities for adequate enforcement of regulations regarding documents, and registration by name and position of the person responsible.

f. Preparation of public description instruments on classified documentation that enable quantification and location of information, even if it cannot be de-classified.

The right to privacy is usually one of the most frequent limitations at the time of accessing information. The limitation on access to documentation occurs in relation to documentation that contains sensitive and/or personal information. Since the issue of access to information and personal data has already been address by Torres (2012), we will not address here the discussion of related concepts, but only those questions that should be clearly established for managing information.

a. The protection of personal data and sensitive personal data should be regulated through public rules

b. The definition of personal data and sensitive personal data must be clearly determined and subject to "social review"

c. It is desirable to establish documentary management models that, similarly to classified information, identify documentary series and (within them) the documentary types of this kind of information

d. The Life Cycle of Documents should be taken into account to establish the terms for accessing documents

e. A distinction should be made as to differentiated regimes for documentation created before the enactment of a regulation and before a change in administrative procedures, if any, since after that it is possible to define criteria for reporting to citizens and to request consent for consultation at the time of obtaining information

f. The existence of sensitive or personal data cannot be sufficient condition to exclude documentation

g. It is necessary to establish protocols to distinguish instances of access, consultation and dissemination of data, and to implement policies on users’ responsibility.

In summary, for the purposes of analysis, the conditions of accessibility to documentation can be divided into those of practical and those of legal nature. That notwithstanding, to achieve an effective solution, it is necessary to address them as a whole, based on a documentary management policy. Such policy should include the elements mentioned above and, in particular, the performance of archival tasks for identification, classification, description and appraisal of documentary series in order to hold (and allow public access) identification of functions, administrative procedure and (specifically) the type of proceeding –series- and documentary types contained.

This enables documents to be classified based on security reasons, or on whether they contain personal data or sensitive personal data, to have descriptions that allow to disclose to citizens
the type of documentation that is not available to them, defining terms for its opening and setting and disseminating terms for consultation of documentation that will be excluded. In summary, the importance of effective documentary management –planned before the creation of each document and until its ultimate disposition- lies in that it enables identification of documentary series and that it facilitates:

a. Knowing in advance to their creation the documentary series that will be classified or that will contain sensible data, in order to provide for:

   Terms for access
   Possible openings for access to certain documentary types, while others remain reserved
   Terms for elimination or transfer to the historical archive

b. Drafting descriptions that can be used throughout the life cycle and that are accessible through the web to promote proactive transparency; these descriptions must also include the series for which access has been temporarily exempted.

Moreover, these questions reveal that it is necessary to differentiate archival accessibility policies from programs to improve access to information. Even though we understand that there can be no access policy without archival policies, the truth is that many cases have been detected where there is an aim to implement access programs based on the creation of Documentation Centers or Reference and/or Information Centers, without the appropriate policy on archive access and preservation. A paradigmatic case is that of access to information related to Human Rights violations. Programs have been detected in various countries aimed at establishing documentation centers (usually referred to as “memory archives”) consisting in original archive documents that lose their contextual information and their principle of integrity regarding the documentary collection they belonged to. Thus, in an attempt to guarantee access to them and preserve memory, very frequently, information repertoire are created and memory is frozen. Another case can be found in the creation of information offices that cannot guarantee access due to practical limitations upon accessing archives. Therefore, we insist that it is not possible to implement an effective policy on access without a comprehensive archival policy.

8. Documentary accessibility in Argentina

In Argentina, the right to access public information is enshrined in the National Constitution. Even though during the last 10 years various national bills were submitted in order to regulate that right, no consensus has yet been achieved in Congress to obtain the necessary approval; however, the Federal Executive passed Decree No. 1172/03 on Transparency and Access to Public Information. On the other hand, out of the 23 provinces in the country, 12 have recognized that right through a law and 3 through a decree; similarly, the City of Buenos Aires enacted a Law and a Decree on the subject.

As in most other countries, regulating the right of access encounters challenges at the implementation stage. As stated by Torres (2012), one aspect of these challenges is articulation with the preexistent regulatory and institutional network, and coordination with legislation whose content –also- regulates management of public information.

Public entities have the duty to publish and disclose information on their activities, budgets and policies.

As regards this topic, see the document written by Mariana Nazar (Nazar, 2012).

A map of the aforementioned regulations can be found at http://blogs.lanacion.com.ar/data/ acceso-a-la-informacion-2/el-derecho-de-acceso-a-la-informacion-en-argentina-un-mapa/
This challenge could be classified as of legal nature: the harmonization of the right to know and the protection of personal data and national security, and any contradictions that may arise regarding regulations on administrative procedures and document keeping. The lack of a comprehensive Archive policy nationwide is reflected by the existing contradiction of a practical impossibility to fully comply with the legal regulatory framework on the right to access public information (decree 1172/03). The ways in which these limitations are usually overcome are normally specific and temporary. As regards the subject we are discussing, the decree mentioned above excludes from the right of access any classified documentation or documentation containing sensitive information.

In reference to security classifications, until 2006, in Argentina there were laws, decrees and a large variety of documentary series produced by the entire Administration that were classified as secret, confidential and reserved. In August that year, Law No. 26.134 was passed and cancelled any classification as secret or classified of any law that had been enacted as such, ordering publication of those laws in the Official Gazette and prohibiting enactment of further reserved or secret laws. Recently, in October 2012, Decree No. 2103 cancelled, without exceptions, the reserved or secret nature of the Administrative Decisions and Decrees passed by the Federal Executive and the Head of Cabinet, respectively. These measures purported a huge step in relation to democratic principles on documentary classification.

However, still today there are ministerial resolutions, court files and other documentary series that remain secret, confidential or reserved. Research made by the Intermediate Archive Department of the National General Archive (Departamento Archivo Intermedio del Archivo General de la Nación - AGN-DAI) explains that there is documentation classified as mentioned above as a result of the work carried out with documentary collections that had the same nature (Nazar, 2003). The main problem detected upon attempting a general description of this issue is that classified documents were regulated, mostly, by classified regulations. To date, there is no legislation that regulates the creation and life cycle of secret, confidential and reserved documentation or, otherwise, such legislation is classified and, therefore, it is as if it did not exist for citizens in general.

As regards the protection of personal data, Law No. 25.326 is in force in Argentina. One of the main problems of this provision, that is connected with its drafting and enactment aiming at protecting data related to information trafficking, is that it uses the terms archive, record, base and database indistinctively. By failing to take into account the specificity of original archive documents, disregarding their potential historical (secondary) value, this law promotes destruction of those documents once their administrative validity expires: “data must be destroyed once they are no longer necessary or appropriate for the purposes for which they were gathered.” Indeed, upon consultation in 2004 by the Intermediate Archive Department of the National General Archive as to the possibilities of access by researchers to a series (staff dossiers) from a documentary collection that contained personal data, the National Personal Data Protection Board (Dirección Nacional de Protección de Datos Personales - DNPDP) answered that if it was not possible to disassociate the data for consultation (explaining that, in general, data cannot be used for purposes other than those that justified their gathering),

23 The exception refers to documents that, to this date, require to be maintained as classified due to national defense, domestic security or foreign policy reasons; those related to the South Atlantic military conflict and any other inter-state conflicts. To that purpose, the Ministries and Secretaries reporting to the President of the Republic were called to survey the administrative decisions and decrees that were classified as secret or reserved.
24 Law No. 25.326 Section 4(7).
25 DNPDP Report No. 13/04, conclusion paragraph d.
sufficient measures should be taken to eliminate the archives, banks or registries where such information was stored.\textsuperscript{26}

In both cases, i.e. classification and protection of personal data, one of the most serious problems detected is the criteria that govern the enforcement of exceptions. This is possibly the result of the lack of national legislation on the field. In the case of Historical Archives, the lack of defined time periods is another important aspect. That is why the temporary solutions implemented at the National General Archive consist, as regards classified documents that have been transferred, in solving it by requesting authorization from the creating entity before making them available for consultation. This is always made effective based on the time elapsed (number of years) from creation of the documents. As regards protection of personal data, given that no specific discipline for treatment of archive documents -and, consequently, for their secondary value- was available, the National Personal Data Protection Board was enquired again in 2007. In an attempt to perform a multi-disciplinary joint work, staff from the Intermediate Archive Department of the National General Archive appeared at that office to summarize the situation, mission and functions of archives pursuant to Law No. 15930, the basic principles of the archival discipline (particularly the Life Cycle of Documents) and the importance of the material excluded from consultation for current research lines. Based on that work, the National Personal Data Protection Board issued its Report, whereby the National General Archive is allowed to offer historical material for consultation, asking user/s to undertake to disassociate information in the event of its publication.\textsuperscript{27} That notwithstanding, Law No. 15.930 is still enforceable on both cases, and sets forth that any documents that are at least thirty years old should be considered historical documents. Therefore, even though temporary solutions have been established to redress the lack of appropriate government policies, such solutions only apply to documents that have been created more than thirty years ago and that are available at the National General Archive.

Another challenge to the implementation of the right of access are the conditions for institutionalization. In the terms we have been using so far: practical accessibility conditions. The situation is one of profound weakness in Argentina. Basically, this is the legacy of government policies that failed to provide for preservation of documentary heritage through management and governments that have implemented neoliberal measures during the 70s and 90s in the last century, causing severe damage in the long run.

These circumstances become evident in various ways: the lack of an administrative archive concept in the organizational charts of the Public Administration; low budget allocation to areas performing Archive functions, the lack of transparent and effective competitive examination processes to cover management positions, the lack of trained and duly remunerated staff, and the widespread idea that the Archive is a warehouse where papers are intermingled with disused furniture and disciplined staff. In addition, the archival discipline lacks sufficient promotion. Even though there are schools in Argentina that provide training in this profession, that the Government approved their curricula, and that there are associations that represent these professionals in order to establish cooperation methods, this profession

\textsuperscript{26} DNPDP Report No. 13/04, conclusion paragraph g.\textsuperscript{27} Researchers undertake that commitment through a form with the following wording: “I hereby declare that I am aware of the rules applicable to document consultation. Furthermore, I state that the requested documentation will be used for cultural purposes only and that I will not disclose the headings of any sensitive data (defined under Section 2 of Law No. 25.326 as “personal data revealing ethnic or racial origin, political opinion, religious, moral or philosophical beliefs, trade union membership and information regarding health or sexual activity”) to which I may have access from time to time as a result of this research work, disassociating such data (Sections 4, 7 and 28 of Law No. N\textdegree 25.326).”
has not gained recognition by the State: i.e., the Government has not passed any law regulating the responsibilities and qualifications necessary for performing archive-related work.\textsuperscript{28}

A survey carried out in 2007, under a research on training and education within the MERCOSUR,\textsuperscript{29} including 7 out of the 10 Ministries of the National Executive, revealed that central (or intermediate) archives were almost non-existent within the structure of the National Public Administration. The maximum level reached at the Ministry of Foreign Affairs concerning Archives was that of a Project. The fact that there is no specific structure in the area reflects the lack of government policies on archiving. Such lack of government policies, reflected both by unavailability of staff and budget, and of appropriate regulations, constitutes a gap as to an essential responsibility of the Administration that is bridged thanks to the voluntarism of responsible officers. The idea that an Archive is an information repository at the service of the Administration and the right of citizens was usually absent. The staff in charge of archival tasks are usually directly associated with portery functions, with the work of a carrier of dossiers. Hence, their salaries are mostly among the lowest on the scale and the prevailing level of education is high school. Only a few graduated archivists were identified and archival training was nearly inexistent, even though it was recognized as a necessity by 100\% of the persons surveyed. During the last 5 years, this situation started to change. The development of Archive projects in various ministries, for instance the Ministries of Labor, Agriculture, Defense and Security, the implementation of a training program at the National General Archive and the ongoing and increasing work of the Intermediate Archive Department of the National General Archive in relation to technical assistance are making the difference, though the problem certainly remains unsolved.\textsuperscript{30}

Lastly, it is necessary to admit that, until recently, the increasing technological progress aimed at "de-paperizing" administrative procedures, replacing papers with electronic supporting means, was considered by administrations as an imminent problem. However, through Decree No. 512/2009, the Argentine Digital Agenda (Agenda Digital Argentina - ADA) was created, reporting to the Head of Cabinet, as a tool to promote organization of a Multi-Sector Cabinet aimed at taking advantage of the possibilities offered by the Knowledge and Information Society. It defines itself as a national plan for inclusion and appropriation by the government, institutions and individuals of the benefits of the Knowledge Society though a strategic and intensive use of TICs (Communication and Information Technologies). The main purpose of the Argentine Digital Agenda is to increase access as a key to development and social inclusion, favoring local production of TIC services and goods.\textsuperscript{31} Its initiatives include Electronic Government, where the National General Archive participates to direct its efforts towards best practices regarding international archiving.

\section*{9. The right to know and the electronic document as a challenge to the archival task}
As mentioned in our presentation on Archiving, the concept of Record Management appeared after the second half of the 20\textsuperscript{th} century, when the discipline started to develop its practice

\begin{itemize}
\item \textsuperscript{28} For further information on this topic, see the paper written by Mariana Nazar (Nazar, 2005).
\item \textsuperscript{29} Report drafted by the "Education, Training and Work Commission", working Sub-group on Archives and Information (Comisión de Trabajo Capacitación y Formación, Subgrupo de Trabajo de Archivos e Información - STAI), presented at the 7\textsuperscript{th} Mercosur Archiving Congress in Chile, in November 2007.
\item \textsuperscript{30} Within the National general Archive, the Modernization Program carried out in the last few years includes the implementation of a digitalization program, the incorporation of trained staff and documentary description and classification projects, including construction of a new building.
\item \textsuperscript{31} See \url{http://www.agendadigital.gob.ar/agenda-digital}
\end{itemize}
towards the areas of commencement, follow-up and use of public documents, and elimination tasks. As explained by Antonia Heredia-Herrera in its classic handbook “Archivists cannot remain indifferent to that period of the document, ignoring it before its arrival at the Archive, and should not wait inactively at the doors of the storage until the documentation delivered for final preservation is received” (Heredia Herrera, 1986: p.113).

That notwithstanding, the need for such intervention only became urgent upon the passing of policies on access to information and it will be unavoidable and necessary when thinking about the implementation of electronic documents, since its durability, authenticity and possibility for recovery in the long term depend on its method of creation. One approach to this issue calls for some determinations.

The first one consists in defining **Electronic document management**, which can refer either to the management of electronic documents or of digitalized documents that will not be used as replacement of the original, as documents in paper, etc. The **digitalized document** is a type of reprography of an original document. Instead, the **electronic document** is a document produced, managed, preserved and accessible in a digital environment that, to be considered valid, must comply with the requirements of **authenticity, reliability, integrity and usability**.\(^\text{32}\)

The **management of electronic documents** should consider the special features of the e-doc. As regards documents in traditional supporting means, this would be:

1) **Registration and use of symbols**: it is gathered in a means through symbols that must be de-codified to make them accessible to the human being. Therefore, the means (**hardware**) and symbols (**software**) are conditions to the existence of the electronic document.

2) **Connection between content and means**: the electronic document can be separated from the original means and transferred to other supporting means. That increases the possibilities of corruption and constitutes a critical factor upon guaranteeing authenticity and reliability.

3) **Characteristics of the logical and physical structure**: for e-docs, it depends on the **hard and the soft**; the logical structure, on the other hand, identifies it and represents the elements of its internal structure, as determined by its creator. To be considered complete and authentic, the document should preserve that original structure.

4) **Meta-data (data about data)**: they render the document usable and understandable. The electronic document lacks the elements that in a traditional document (external and internal characteristics) enable establishing their administrative and functional context.

The particular issues that arise from these specificities and that should be taken into account upon proposing a policy on electronic document management are related to the archival tasks of identification, classification and appraisal, transportation and transfer, preservation and accessibility in the long term and to effective management systems.

1) **Identification**: it cannot be done through traditional methods but through metadata in connection with their classification.

2) **Classification**: it has to be carried out prior to creation of documents. It requires preparation of a classification chart to manage electronic documents, so as to know the type of information produced by each sector.

3) **Preservation and accessibility**: it does not depend on storage conditions, which are more subtle, but on the rapid obsolescence of software and hardware, and metadata preservation. In order to guarantee the conditions for preservation of electronic

\(^\text{32}\) We have already included in the appropriate section the definition of “archive document”.

documents, it is necessary to guarantee its authenticity, reliability, integrity and usability in the long term, considering the scarce long-term reliability of digital signatures.

4) Transportation and transfer: the traditional tasks of transportation and transfer of documentation in paper from administrative archives to historical and/or central archives play a secondary role as regards the systems for on-line, off-line and near-line access.

In summary, as stated by Serra (2002), “the point of departure of a digital document preservation strategy is the existence of a system for evaluating and selecting administrative documents, within the context of a documentary management system that allows identifying archive documents and establishing the characteristics of creation, use and disposal. Secondly, in order to apply the rules of evaluation, there must be other elements in the document management system that enable identification of documents and that allow their actual management, pursuant to the guidelines defined during evaluation. That is to say, it is necessary to rely on a complete implemented documentary management system. The possibilities for capturing authentic and reliable electronic documents within the IT system of an organization, self-described by their metadata and validated through version control and modification records, are directly related to having a corporate application for electronic document management or EDMS” (2002: p. 18-19).

Hence, to guarantee effective management of electronic documents, it is necessary to establish a policy that considers the above specificities and that enables task automation, storage condition monitoring, final disposition, the on line, off line processing, automated access levels processing, etc. In summary, the key words –mutually dependant- will be standardization and automation.

1. Access to information: from recognition of a right to practical possibilities for enforcement

As explained above, the conditions of institutionalization for exercising the right of access to information require the involvement of micro and macro order factors. If the possibility to sustain an effective policy on access is based on generalities, it becomes a mere statement of intention. Even though it can be fairly recognized as a first step, since it is impossible to think of a policy on access without macro order factors; in some cases, micro order factors are left behind so as to threaten the possibility of institutionalization. We have somehow analyzed this upon discussing the role of Documentation Centers created on the basis of original documents.

In this work, we tried to present a perspective on access to information that departs from its foundation, where information is registered in the systems that organize it. The purpose was to prepare a map to perceive the critical aspects, where the possibility of enforcing the right of access is usually impaired. To that effect, we focused on providing an initial approach to the manners in which information is produced and managed for institutional operation of state administrations based on the conceptual differences between archive document and information, explaining the stages of the administrative procedures for information management, highlighting the key importance of documentary series identification, both for description tasks related to access to information by citizens and for tasks for preservation, appraisal and possible elimination of documents regarding their Life Cycle.

Furthermore, a historical analysis of the role of Archives and access to them was carried out, establishing the various types of government structures and presenting the discipline for which archives are the subject matter in order to guarantee the accessibility conditions that were
described by differentiating practical order conditions from legal order conditions, proposing the case of Argentina as an example.

In summary, the aim was at justifying the unavoidable relevance of proper archival planning in order to guarantee effective enforcement of the right to know. This situation becomes absolutely necessary upon evaluating the implementation of systems for electronic documentation management that may constitute an essential contribution to policies on proactive transparency.

Proper archival planning calls for state policies on archiving that consider the necessary technical abilities for planning, drafting rules that are not restricted to the short term and creating effective mechanisms to control compliance. In that sense, the implementation of integrated and interoperating documentary systems within state institutions is a priority issue, together with budget and political appraisal of National Archives and/or Archive Councils, which must be capable of projecting rules that are consistent with those with which they are in conflict, articulating regional rules to allow detection of lack of guarantees for exercising the right to access public documents through administrative procedures and remedies for prompt processing and resolution.

In turn, there is an urgent need to prepare and implement specific legislation that enables documentary management programs contemplating and planning functions, administrative procedures and proceedings based on which information can be managed. Identifying, describing and appraising the documentary series produced by the administration allows to facilitate the tasks of documentary access and dissemination, classification of security, protection of sensitive and personal data and –mainly- the definition of terms for publicity and elimination or transfer of documentation, the allocation of areas in charge of safeguarding and enabling access to them, transfers, etc.

To achieve efficacy, it is necessary to guarantee from an economic and structural perspective the existence of central archives in the various administrations to operate effectively, which in turn would help avoid attempts to outsource the service. This involves providing areas with templates and the economic and physical means necessary, establishing criteria for selection of archivists in the various public administrations and performance of selection processes not involving competitive examinations to cover positions. It is also necessary to promote the development of an adequate university space for professional training in the organization and treatment of archives, boosting specific training in the field and recognizing the independence of archivists in their technical and scientific work.

If the minimum conditions for accessibility to Archives are guaranteed, the creation of an area to cooperate with access to information engaged in translating, directing and guiding citizens regarding their requests for access—as well as carrying out follow-ups and research- is an excellent way to guarantee reactive transparency.\(^3\) This area can be organized as an information, documentation or research center, depending on its functions. Documents should not be “centralized” under the area’s own principles; i.e. this area should not confuse its responsibilities with those of an Archive since -we insist- without Archives there is not actual accessibility.

\(^3\) Citizens have the right to request public officers any kind of information and the right to receive a satisfactory documented response.
If the conditions for accessibility to archives are guaranteed and the State implements a policy on electronic documentation management, establishing guidelines and criteria for website dissemination is an excellent way to promote proactive transparency.

Lastly, note that, even though most governments and various institutions have vast experience in access management, the International Council of Archives - after admitting this situation - prepared a declaration of professional practice referred to as Principles of access to archives as a “supplement of existing processes, allowing archivists to measure their institutional practices with an external reference and to strengthen where necessary.” Also, favoring that “in those institutions where access practices were weak or have been challenged, the declaration of professional practice provides guidance to examine and review processes” (ICA, 2012: p.5). Such declaration is accessible through ICA’s website in English, French and Spanish.

We expect that this work has contributed to present the current situation and some development strategies that contribute to reduce the distance between the theory of access to information and its practical possibilities for exercise, and to think about archives as the institutions that guarantee the democratic activity of societies, the identity of individuals and communities, and the defense of the rights of men.