THE IMPACT OF SWEDEN’S ACCESS LAWS ON ARCHIVES

by

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Abstract

This thesis examines the effects of access laws on archives and uses Sweden as its case subject. The research seeks to address two key questions: first, how does legally guaranteed access to public records affect the role of archival institutions in records management and control and, second, how does legally guaranteed access to public records affect the quality of records as sources of information about government activity. Six Swedish archivists were interviewed, three from the National Archives' Department of Inspection and Consultation and three from other government agencies. According to these archivists, the public, the media and researchers strongly value Sweden’s access laws, although the public tends only to use the laws for investigating matters that directly concern them. Unity of management is not fully realized in Sweden because the National Archives shares some of its responsibilities with other organizational bodies. Unity of control exists in Sweden and access laws are one factor that supports records control. The archivists argued that access laws can have a negative effect on the quality of records because officials occasionally fail to put matters into writing and, occasionally, the public will self-censor its correspondence with the government. However, by far a more common method of circumventing the access laws is to fail to register documents. Overall, none of the archivists felt that these activities occurred frequently enough to pose a major problem.
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Introduction: Access and Archives

... [a] people who mean to be their own governors, must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it, is but a prologue to a farce or a tragedy or perhaps both.¹ – James Madison.

Transparency of government actions is an essential element of any democracy. If the public does not have the ability to determine what its elected representatives and their administrations are doing, and why they are doing it, then there is no basis by which to hold these individuals accountable for their actions or decisions. The importance of this element is widely recognized and illustrated by a resolution of the United Nations that declared that access to information is “a fundamental human right and a touchstone for all the freedoms to which the United Nations is consecrated.”²

Today, access laws have become the legal embodiment of the public’s right to know about its government.³ Records contain evidence of government actions

³ MacNeil, 61.
and access laws provide the public with the right to view these records aside from
some stated exemptions. With this legal right, "legislators have given persons a
new tool with which they can hold their elected officials and their agents
accountable."\(^4\)

### Historical Evolution of Access to Public Records

David Weber has noted that "the idea that openness and access to
government records are fundamental to democracy and freedom of opinion and
expression is becoming increasingly recognized."\(^5\) This is a relatively recent
development. For most of history, political powers maintained their records in
secrecy. Records created or received by kings and priests in ancient times were
under the complete control of these supreme authorities. Only they or their chosen
officials were allowed to access these materials.\(^6\) Typically, these records were
maintained in treasuries and "accessibility to archives was therefore a privilege,
not a right."\(^7\) Governments that possessed unconditional power and were

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\(^4\) David Allen Weber, "Access to Public Records Legislation in North America: A
Content Analysis," (Master of Archival Studies thesis, University of British
Columbia, 1994), 63.

\(^5\) Ibid., 6.

\(^6\) Michel Duchein, Obstacles to the Access, Use and Transfer of Information from

\(^7\) Ibid., 2.
responsible only to themselves did not need to provide knowledge of their actions to anyone else. "Access to records was simply a non-issue." Absolutism was synonymous with no access to government records.

However, there were some exceptions to inaccessibility of government records, such as some ancient Greek city states in the fourth century BC and some Italian city states in the thirteenth century. These city states were democratic societies and government records were regularly publicized.

Aside from these limited examples, government records remained largely inaccessible until the emergence of modern territorial states in Europe. In the fifteenth and sixteenth centuries, historical criticism emerged, where historians developed a new interest in original documents beyond just copying or summarizing them. Protestants particularly favoured these methods to discover false traditions within the Catholic Church. A similar struggle developed between historians and the archives of governments. Access was occasionally granted but remained largely a privilege. Furthermore, even those historians granted access still needed the government’s permission to publish the results of their research.

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8 Weber, 53.
9 Ibid., 54 and Duchein, 2.
10 Weber, 53.
11 Duchein, 3.
This situation eventually changed in the eighteenth century, with the French Revolution and the rebirth of democracy. Political and intellectual changes swept Europe and this led to a gradual liberalization of access to government records in all the countries of Europe.\textsuperscript{12} Archives of feudal institutions began to be transferred to distinct national repositories and researchers were slowly granted increasing degrees of access to these inactive records. Even so, many archives remained restricted to privileged researchers, but certainly, by the eve of the Second World War, most European countries acknowledged that "archives formed the basis for historical studies and that states were duty-bound to open them to researchers . . ."\textsuperscript{13}

Many European countries were slower to follow this trend than others, but only one European country departed from this trend. Reacting to a time of severe government censorship, Sweden, with a change in government, passed its Freedom of the Press Act in 1766 which gave Swedes a legal right of access to government records both active and inactive. Its provisions were considerably more liberal than practices in many other countries, and no other country provided a guarantee of access in law.

\begin{footnotes}
\item[12] Ibid., 4.
\item[13] Ibid.
\end{footnotes}
Although Sweden's earlier access law can be explained by internal Swedish political dynamics, broader, trans-national dynamics are needed to explain the liberalization of access to records that followed the Second World War. Duchein has outlined, in reference to records kept in archival repositories, eight factors that help to explain why liberalization occurred at this time and why it continues to grow today. First, there emerged a greater interest in historical studies that focused on more recent times. Consequently, scholars demanded more and more recent and varied documents. Duchein notes that those countries that emerged as victors at the end of Second World War seized German records and quickly made these available to the public. Not surprisingly, historians and journalists then became interested in viewing records of other countries involved in the war. Second, quantitative methods of research became increasingly sophisticated, and these required large numbers of documents. Third, there was a growing interest in other aspects of history, such as economic and social aspects. In turn, there was an increased demand to view the archives of business enterprises, associations and trade unions. Fourth, international and intercontinental relations eased, creating a flow of researchers in and out of countries. This raised the crucial question of allowing foreign researchers into archives. Fifth, many countries gained their independence following the end of the Second World War and this raised the problem of transferring archives between new countries and their former colonial
power, or between former colonies. It also raised issues relating to laws and regulations for archives in the new countries. Sixth, the notion of “right to information” emerged in Western countries, and, consequently, the public became increasingly reluctant to allow their governments to operate under a veil of secrecy. Seventh, historical studies expanded, resulting in an increased level of handling of documents. Consequently, the deterioration of documents accelerated. Finally, rapid technological progress, such as microfilm, photocopies, and data processing, affected archives and their accessibility. As a result of these eight elements, access to public records became increasingly liberal from the end of the Second World War.14

Before the Second World War, as access became increasingly liberal, many countries still did not have regulations for their archives, and each researcher’s request had to be submitted individually to the governmental authority. Often, access continued to be decided on a case by case basis. Within the environment described by Duchein that followed the Second World War, more and more governments began to pass regulations to deal with access requests. Accessibility of records came to be equated with their transfer to an archival institution and regulated closed periods determined the transfer of these records.15 Wagner notes

14 Ibid., 5.
15 Weber, 60.
that these closed periods were used as a way to thwart the growing use of archives. In some countries, delays of ninety and a hundred years were imposed. During the closed period, again only "loyal" researchers were allowed access, and these were few. Eventually, these rules changed and closed periods were reduced and limited to only specific sets of records.\textsuperscript{16}

Eventually, regulations regarding access to government records were strengthened, and often liberalized, through the passage of access laws. Most of these laws guarantee access to both active and inactive records with stated exemptions. In 1951, Finland passed an access to records law that protected the public's right to access both active and inactive records. It was the first such law passed since Sweden passed the Freedom of the Press Act in 1766. Other countries quickly followed: the United States passed its Freedom of Information Act in 1966, Norway passed a law regulating access to certain administrative documents in 1967, France passed its law in 1978, and Canada and Australia followed in 1982.\textsuperscript{17}

Naturally, the passage of access legislation has generated discussions within and among the archival communities of these countries. An examination of

\textsuperscript{17} Duchein, 12.
these discussions reveals that much of the debate focuses on the effects of access legislation on the management and control of public records, and on the quality of records as sources of information about government activities.

Unity of Management

Traditionally, archivists have spoken of the life cycle of records with a division of responsibility between creating agencies for management of active and semi-active records and archival institutions for management of permanently valuable inactive records.

Recently, this divided responsibility has been challenged by Jay Atherton in his article “From Life Cycle to Continuum: Some Thoughts on the Records Management-Archives Relationship.” He argues that the traditional notion of a life cycle is outmoded in this age of computer technologies and access to information legislation. Instead, Atherton envisions four management stages and he defines these as:

1. creation and receipt of records
2. their classification
3. scheduling disposition of records/information; and
4. maintenance and use of records/information.
He notes that “all four stages are interrelated, forming a continuum in which both records managers and archivists are involved, to varying degrees, in the ongoing management of records.” A unified or continuum approach would, in his view, have complete management responsibilities rest with the archives authority.¹⁸

Eastwood calls this unified approach “unity of management.” He believes that archival institutions have the opportunity to become “a principal agent in the development and implementation of records policy.”¹⁹

Both Atherton and Eastwood recognize that access laws promote unified approach to records management responsibilities, because citizens now have a legal right of access to active records. The result, Atherton says, is that “the formal differentiation between active, dormant [semi-active], and dead [inactive] stages . . . is becoming decidedly fuzzy.”²⁰ Even more than ever, then, this new environment calls for some centralized management responsibility for records at all stages in their existence.

Unity of Control

Records control is at the heart of records administration. As Atherton says, "the idea is catching hold that efficient access to information [in records] depends on effective records management. There is a fair amount of scrambling under way to improve outmoded systems."\(^{21}\)

Robert Hayward and Michel Duchein have also argued that access legislation demands improved records management and control. Hayward notes that "put simply, institutions [i.e., government agencies] have to know what information and records they control in order to respond accurately to demands for access."\(^{22}\) Duchein recognizes the general principle that "strictly organized records management is . . . an indispensable condition . . . for archive accessibility."\(^{23}\)

In Eastwood's view, archivists are experts in systems for administrative and intellectual control of records, and they ought to be able to bring that knowledge to

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\(^{21}\) Ibid., 50.
\(^{23}\) Duchein, 14.
bear on control problems at all stages in the management of records. He refers to systematized administrative and intellectual control as "unity of control." This includes setting standards for classifying, describing, and indexing records, training personnel, and implementing systems for effective retrieval of records and the information they contain.\textsuperscript{24}

In Atherton's terms, unity of control aims to:

1. ensure the creation of the right records, containing the right information, in the right format;
2. organize the records and analyze their content and significance to facilitate their availability;
3. make them available promptly to those (administrators and researchers alike) who have a right and a requirement to see them;
4. systematically dispose of records that are no longer required; and
5. protect and preserve the information for as long as it may be needed (if necessary, forever).\textsuperscript{25}

Unity of control is a facet of unity of management. It has its most visible manifestation in the requirement of access laws that each agency publicize the

\textsuperscript{24} Eastwood, 4-5.
\textsuperscript{25} Atherton, 51.
nature of its records holdings so that citizens can effectively exercise their rights under the laws.

Whether these effects on the role of archival institutions have in fact occurred and are discernible to archivists forms the basis of the first research question that this research study seeks to answer. It is:

How does legally guaranteed access to public records affect the role of archival institutions in records management and control?

Failure to Commit to Writing

When archivists discuss how access laws affect records, many argue that access laws encourage public officials not to put matters into writing or to write less candidly. Trudy Peterson notes that when amendments to the American Freedom of Information Act were debated, some government officials were concerned that a more stringent act would produce a “chilling effect” on records creation. These officials worried that decisions or actions might not be documented and that writing would be less candid.26

A Swedish commentator, Ulf Lundvik, agrees that the presence of access legislation makes records less candid. He argues that when reading a file created within Sweden’s government system, the reader must read between the lines. He demonstrates his point with the example of letters of recommendation. He argues that if the letter states merely that an individual is polite and in good health, then the official knows to ask for verbal elaboration. “The paper said nothing about honesty and this could very well mean that this [individual] is in fact dishonest or strongly suspected of being so.”

Lundvik also argues that access laws encourage government officials to censor their own records. He writes that civil servants are reluctant to “put down in writing all relevant oral information they have received.” He argues that thin Swedish government files demonstrate that government officials regularly conduct discussions of decisive points over the telephone or in person, and do not take notes. He maintains that these actions are clearly against the spirit of the law.

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28 Ibid.
29 Ibid.
Public Self-Censorship

Scholars also argue that access laws encourage private individuals and organizations to self-censor their correspondence to the government or to refuse to provide sensitive information. Rosamund Thomas argues that the presence of access legislation inhibits private individuals and organizations from corresponding or conducting business with governments because their correspondence might be consulted through access laws. Thomas notes that when the US Food and Drug Administration (FDA) analyzed its requests filed under the Freedom of Information Act in 1983, it discovered that 80% of them were generated by businesses seeking information about other businesses.\textsuperscript{30} As a result, some organizations simply stopped doing business with the U.S. government.\textsuperscript{31} However, refusing to do business with the U.S. government is an action that many businesses can not afford. In addition, in many cases conducting business with the U.S. government can not be avoided, such as when an organization needs FDA approval of a new food or drug that it wishes to market.

\textsuperscript{31} Ibid.
Peterson notes that in debates surrounding the American Freedom of Information Act, government officials also worried that outsiders would hesitate to provide information to the government. Peterson says that, "to some extent," this has occurred.32

Quality of Records

Peterson, Lundvik, and Thomas argue that access laws can negatively affect records by encouraging public officials not to commit matters to writing and by encouraging outsiders to censor their correspondence with governments. It remains unclear in what other ways access laws may challenge the quality and value of records. There are, however, some archivists who argue that access laws do not impair the quality of records but rather strengthen it.

Robert Hayward has made such an assertion. He argues that access laws may encourage officials to "create clear, concise and thoughtful records that document how and why a particular course of action was proposed and then taken."33 By creating records that accurately reflect their actions and the reasons for them, officials would better protect themselves from criticism.

32 Peterson, 163.
33 Hayward, 56.
Whether these effects on the quality of records has in fact occurred and is discernible to archivists form the basis of the second research question that this research study seeks to answer. It is:

How does legally guaranteed access to public records affect the quality of records as sources of information about government activity?

Sweden's Experience

After identifying the foregoing research questions about the effects of access legislation, it was decided to examine them in the context of Sweden's archival system. Sweden's archival system is an ideal case study subject because Sweden has had access laws for a long period of time, and its laws are fairly liberal relative to the access laws of many other countries. Sweden's long experience with the Freedom of the Press Act makes it likely that long term effects will be easier to identify than in the cases where governments have only recently introduced access laws. The liberal nature of Sweden's law may also make the impact of the law on Sweden's archival system more pronounced and easier to detect than in countries where the law is less liberal.
This study will seek to determine if there is any evidence of access laws having an effect on records management and control, and the quality of archival records in Sweden. Six Swedish archivists have been interviewed to determine if they have detected any evidence of these effects.

To provide a context for this research study, the next chapter will discuss Sweden’s access and privacy legislation in more detail. It provides a historical account of the Freedom of the Press Act, and describes other acts relevant to access. This legislation includes: the Freedom of the Press Act, the Data Act, the Secrecy Act, the Archives Act and the Archives Ordinance.

Chapter Three discusses the methodology of the research. It reveals how the research subject was defined, the research method was selected, and the interview procedures were developed.

Chapter Four analyzes results of the interviews. It discusses Sweden’s real-life archival context, and the impact of access laws on records management and control and on the quality of records.
Chapter Five concludes the study by discussing the significance of the findings and making recommendations to the archival community and for further research.
Chapter One: Access and Privacy Legislation in Sweden

Sweden has several pieces of legislation that together compose its access and privacy laws. They are the Freedom of the Press Act, the Secrecy Act, the Data Act, and the Archives Act. There are also related ordinances, one of which is the Archives Ordinance. The oldest and most significant of the laws is the Freedom of the Press Act. Its early enactment date of 1766 places it in sharp contrast to similar legislation in other countries. The unique circumstances surrounding its evolution must be examined to better understand the critical role of the Act in Sweden’s archival system and society today.

Emergence of the Freedom of the Press Act

In 1766, Sweden passed the first access to records act in the world, the Freedom of the Press Act. It emerged from a tumultuous period in Sweden’s history, called the Age of Freedom, or the Age of Liberty, which historians typically date from 1718-1771. This period was marked by political and social flux, and it was from this context that the Freedom of the Press Act emerged.

The Age of Freedom contrasted significantly with the period of time preceding it. Preceding the Age of Freedom, Sweden was a strong world power
and historians have called this period "The Age of Greatness." During the "Age of
Greatness," Sweden enjoyed success on the battle field and an unprecedented
degree of influence in the affairs of other countries.

By the early 1700s, Sweden's power began to decline. Swedes, led by the
nobility, began to resent the autocratic rule of Kings Karl XI and, later, his son
King Karl XII. Sweden's involvement in drawn-out wars had crippled its
economy, and foreign interference in Sweden's own affairs increased. In 1718,
King Karl XII died, and the unclear succession to the throne allowed Sweden's
parliament, the Riksdag, to acquire greater power.\(^1\) The Riksdag finally agreed to
accept Ulrika Eleonora as queen, but only under certain conditions: she had to
accept a new constitution, rule according to the advice of a council, and approve
all laws passed by the Riksdag.\(^2\)

Two political "parties" eventually emerged from this new political system:
the Hats and the Caps. Not political parties in the conventional sense, the Hats
and Caps were loosely bound groups of Riksdag members who shared similar

\(^1\) Franklin D. Scott, *Sweden: The Nation's History*, (Minneapolis: University of
\(^2\) Ibid., 239.
views. The Caps dominated parliament from 1719-1738, and then the Hats formed the majority from 1738-1765.

During the Hat’s domination of parliament, the Caps became increasingly frustrated with administrative secrecy and press censorship. The Hats did not allow people to print any publication without the Riksdag’s authorization. This left the Riksdag operating without any outside scrutiny.

Partially prompted by frustration stemming from this issue, a new breed of Caps took control of Sweden’s parliament in 1765. These Caps were radicals, and it was they who passed the Freedom of the Press Act in 1766.

The purpose of the Freedom of the Press Act was to facilitate free exchange of opinions. The Caps realized that freely available information was required to inform public debate, reveal legal deficiencies, and expose abuses of power. With

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6 Scott, 242.
this as their goal, the Caps included in the Act the right to print and publish
official documents. This right would be ineffective without free access to official
documents, so the Freedom of the Press Act also guaranteed every citizens the
right of access to official documents and to reproduce them in print. In this way,
the concepts of access to documents and freedom of publication became linked in
Sweden.  

The Freedom of the Press Act has undergone many challenges since its
inception in 1766. Yet today’s Freedom of the Press Act contains many of the
essential concepts that the Riksdag included in the original law, and its importance
to Swedish society remains evident.

The Freedom of the Press Act

The Freedom of the Press Act forms an important part of Swedish law and
society. The status of the Freedom of the Press Law as a “fundamental law”
makes its importance clear. As a fundamental law, the Freedom of the Press Law
can not be repealed or changed without the Riksdag making two identical

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7 Sigvard Holstad, “Sweden,” Administrative Secrecy in Developed Countries, ed.
Donald C. Rowat (New York: Columbia University Press, 1979), 29 and Bertil
Wennergren, “Freedom of Information in Nordic Countries: Recent
15.
decisions separated by a general election. With this amending formula, legislators have tried to prevent any temporary change in public opinion or overzealous groups of Riksdag members from revoking or altering the public's right to publish and to have access to government records.  

The link between the two concepts of access to records and freedom of the press is evident from even a cursory reading of the Freedom of the Press Act. The Act places the public's right of access to public records in the context of the public's right to publish without censorship, the right to anonymity, and other matters that relate to freedom of the press. The Act provides protection of the press in four general ways:

1. prohibits authorities from inhibiting the printing, publication or dissemination of printed matter;
2. promotes the supply of information (i.e. access to records);
3. defines what may and may not be stated or published in print;
4. provides guarantees of action against penal bureaucratic abuses of the Freedom of the Press Act.

The public's right of access to official documents is stated in the second part of the Act, which promotes the supply of news. The Act states that the public must have access to official documents in order to "encourage the free interchange of information."
of opinions and the enlightenment of the public." The link between access to records and freedom of the press is evident.

The Act is wide-reaching. It applies to all of Sweden’s public authorities. Sweden is a unitary state and, therefore, the Freedom of the Press Act applies to all public authorities, regional and central. The Act also applies to all official documents. The Act defines "official document" as any document kept by a public authority that has been "received, prepared or drawn up by the authority." The Act considers documents to be received by an authority when they arrive at authorities or when they are in the hands of competent officials. A document is also considered received when it "is available to the authority for transcription in such a way that it can be read or listened to or otherwise rendered comprehensible."

The Act considers documents to be drawn up when they have been dispatched or, if they are not to be dispatched, when the matter to which they relate has been settled. Records that do not relate to specific matters, such as

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12 Ibid.
minutes of meetings, are considered received when they have been approved or finalized by authorities.\textsuperscript{13}

The Freedom of the Press Law does exempt some records from being considered as official documents. These include memorandum and preliminary outlines or drafts that have not been dispatched unless they have been accepted for filing.\textsuperscript{14} The Act also excludes other records from the category of official documents, such as: records kept for technical storage or processing on behalf of another, private records surrendered to a public authority solely for purposes of storage and safe-keeping, and records made or received by an authority solely for the purpose of publication in a periodical under the auspices of the authority.\textsuperscript{15}

The Freedom of the Press Act covers all official documents regardless of the medium on which they are stored. The Act states that the term “document” includes:

...any representation in writing, any pictorial representation, and any record which can be read, listened to, or otherwise comprehended only by means of technical aids.\textsuperscript{16}

\textsuperscript{13} Ibid., ch.2 art. 7.
\textsuperscript{14} Ibid., ch. 2, art. 9.
\textsuperscript{15} Ibid., ch. 2, art. 10 and 11.
\textsuperscript{16} Ibid., ch2., art. 3.
This definition of document makes it clear that the Freedom of the Press Act applies to both paper and all other media, including digitally stored records.

The Freedom of the Press Act lists some exemptions from its access provisions. The Act lists seven general areas where officials can restrict access. These restricted areas are as follows:

1. the security of the Realm or its relations with a foreign state or an international organization;
2. the central finance policy, monetary policy, or foreign exchange policy of the Realm;
3. the inspection, control or other supervisory activities of a public authority;
4. the interest of preventing or prosecuting crime;
5. the public economic interest;
6. the protection of the personal integrity or economic conditions of private subjects;
7. the preservation of animal or plant species.\(^\text{17}\)

All of these exemptions are specified in more detail in a separate act called the Official Secrets Act, or the Secrecy Act. The provisions of the Secrecy Act are discussed later on in this chapter.

When individuals make access requests, they must make the request to the public authority that holds the record. This authority then examines the record and

\(^{17}\) Ibid., ch. 2, art. 2.
decides whether it is an “official document” and whether it falls under any Secrecy Act provisions.\textsuperscript{18}

When individuals apply for access to Sweden’s official documents, they do not have to provide their name or the purpose of their request, and the Freedom of the Press Act prohibits authorities from inquiring as to these matters.\textsuperscript{19} In some cases, individuals do not have to lodge requests for specific documents. For example, large authorities often make a separate room available for the media to view daily incoming and outgoing documents.\textsuperscript{20}

Individuals can request documents either verbally or in writing. Individuals can either telephone or visit an agency to obtain information, or send a written request. It is not unusual for public officials to take access to information requests over the phone, view the relevant documents, and then convey the requested information to the individual over the phone.\textsuperscript{21}

\begin{flushleft}
\textsuperscript{18} Ibid., ch 2., art. 14. \\
\textsuperscript{19} Ibid. \\
\textsuperscript{20} Thomas, 145. \\
\textsuperscript{21} Holstad, 44-45. 
\end{flushleft}
The Freedom of the Press Act permits "severing" of documents when portions of a document are exempted from access by provisions of the Secrecy Act. The Freedom of the Press Act states:

If a document cannot be made available without the disclosure of such a part of it as is protected, the rest of the document shall be made available to the applicant in the form of a transcript or copy.\(^22\)

The Act does not classify entire documents as secret or open and, consequently, officials may make portions of documents not covered by the Secrecy Act available to the public.

When individuals make access requests, Sweden’s public officials must produce documents "immediately, or as soon as possible." With a few exceptions, authorities cannot charge for this service.\(^23\) When officials deny an access request, applicants may appeal the decision unless the denial has been made by "the Riksdag or the Government."\(^24\) It is not possible, however, to lodge an appeal against a decision to make a document available.\(^25\)

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\(^{23}\) Ibid., ch. 2, art. 12 and 13.
\(^{24}\) Ibid., ch. 2, art. 15.
\(^{25}\) Holstad, 47.
The Secrecy Act

Unlike the Freedom of the Press Act, the Act on Secrecy (hereinafter referred to as the Secrecy Act) is not a fundamental law. It can be changed with a regular parliamentary amendment. Given the detailed nature of the Secrecy Act, it is important that its provisions be easy to change.

Originally passed in 1980, the Secrecy Act elaborates on the seven general areas of exemption from provisions of the Freedom of the Press Act. The Secrecy Act is a lengthy document because it describes these exemptions in great detail. The Swedish legislation is composed of about 130 articles that detail specific cases where access to official documents can be denied.\textsuperscript{26}

Records that fall under a provision of the Secrecy Act are not forever exempted from public access. The Act outlines maximum periods of secrecy. Fifty or seventy years is the limit for the protection of personal privacy and, in most cases, twenty years is the maximum length of exemption for the protection of public interests or the economic affairs of individuals. However, public officials can release these documents sooner if their release creates no harm.\textsuperscript{27}

\textsuperscript{26} Wennergren, 12.
\textsuperscript{27} Lundvik, 6 and 7.
The Act makes special provisions for researchers. Officials can release a secret document under certain conditions that minimize risks associated with its release. Officials can release specific documents to individuals for statistical or scientific purposes and prohibit these individuals from showing the documents to anyone else. In this way, the Act meets some of needs of researchers.28

The Secrecy Act has provisions relating to the registration of documents. The Act regulates that officials must register public records “whether they are drawn up or received at the public authority in diaries/registers/finding aids.”29 The Act specifies that officials must register documents “without delay”30 and this provides a legal impetus for public officials to register documents.

The Secrecy Law also stipulates that authorities should have a “terminal or other technical aid” available for the public’s use.31 These terminals allow individuals to utilize Automatic Data Processing systems and conduct searches for information.32

28 Ibid., 6.
31 Ibid., ch. 15, sec. 10.
32 Wennergren, 17.
The Secrecy Act also specifies the minimum documentation that is required for Automatic Data Processing systems (ADP). The Law states that documentation for each system must include:

1. The name of ADP system;
2. The purpose of the ADP system;
3. The type of information in the ADP system that is available to the public authority;
4. At what other agencies the ADP system is accessible in readable form;
5. The terminals or technical equipment at the public authority that are accessible to the public;
6. The regulations relating to secrecy that normally apply;
7. The name of the contact person that can give further information concerning the ADP system and its use.\(^{33}\)

Proper documentation of ADP systems is needed to facilitate public access.

When public officials deny access requests, they must justify their decision with references to the paragraphs in the Secrecy Act on which the denial is based. This provides the public with an opportunity to evaluate and appeal denials of their access requests.\(^{34}\)

\(^{33}\) "Swedish Legislation,” 187-188 and Secrecy Act, ch. 15, sec. 11.

The Data Protection Act

The Riksdag passed the Data Protection Act in 1973, in reaction to the growing use of electronic data processing systems within both Sweden’s government and private organizations. Some Swedes became concerned about the ease of linking different automated files and the challenges that this could pose to the protection of personal privacy.\textsuperscript{35} The Riksdag passed the Data Protection Act to address some of these concerns.

The Riksdag created the Data Protection Act with the goal of protecting and preserving the privacy of individuals when data containing personal particulars is recorded and processed in electronic form. The Riksdag decided to assign this task to a particular organizational body, so the Act prescribed the creation of a Data Inspection Board.

The Data Inspection Board controls electronic data processing systems by issuing or denying licenses to organizations that use data processing techniques with personal data.\textsuperscript{36} The Act states that:

\textsuperscript{35} Ibid.
\textsuperscript{36} Ibid., 14.
Personal data files may only be created and maintained by persons who have registered with the Data Inspection Board and received proof of registration (a license) from the Board.\(^{37}\)

In addition to acquiring a license, organizations also need to acquire special permission from the Data Inspection Board to create and maintain files that contain particularly sensitive data.\(^{38}\)

The Data Protection Act also obliges public and private bodies to notify individuals of any information relating to them in personal data files when they request it.\(^{39}\) The Act further provides that officials must delete personal data when it is no longer needed for the purpose of the file.\(^{40}\)

These provisions have the potential to cause considerable difficulties for the preservation of personal data files in archives. However, the law has a special provision stating that:

Permission from the Data Inspection Board shall not be required for personal data files . . . which have been entrusted to an archive authority.\(^{41}\)

\(^{38}\) Ibid.
\(^{39}\) Ibid., sec. 10.
\(^{40}\) Ibid., sec. 12.
\(^{41}\) Ibid., sec. 2a.
This provision exempts the National Archives from the Data Protection Act’s requirements to destroy personal data and notify individuals.

Sweden’s government is now making efforts to harmonize this law with international legislation. A government committee has been formed to address this issue.\textsuperscript{42}

The Archives Act

The Archives Act was introduced in 1991 in an effort to harmonize legislation that already existed in regard to official documents.\textsuperscript{43} The Archives Act supplements the Freedom of the Press Act by stating in greater detail the responsibilities of public authorities to protect and provide access to official records. For example, the Act states that creating agencies must:

1. ensure that records are registered correctly to facilitate long-term accessibility;
2. use appropriate materials and methods when creating records to ensure that the records are accessible and can be preserved for a long time;
3. organize the records in a manner to facilitate access;
4. ensure that the [agency’s] archives are described to provide both an introduction to the archive and a systematic archival inventory;
5. protect the archives from damage, theft and unauthorized access;
6. delimit the archives by defining those records which belong there, and

\textsuperscript{42} “Swedish Legislation,” 188.
\textsuperscript{43} Ibid., 187.
7. conduct appraisal and subsequent disposition of official documents.\(^{44}\)

The detailed provisions of the Archives Act help to ensure that Sweden’s government can meet the aims expressed in the Freedom of the Press Act.\(^{45}\)

The Archives Ordinance

The Archives Ordinance gives the National Archives the authority to issue regulations on matters stemming from the Archives Act. The Archives Ordinance states that the National Archives can issue regulations to agencies in relation to:

1. writing materials and storage facilities used;
2. maintenance of archives, including how the records are organized, described, inventoried, demarcated, protected and appraised;
3. transfer of archives between agencies;
4. conservation of records.\(^{46}\)

The National Archives has significant authority to issue regulations relating to all phases of the record’s life-cycle.


\(^{45}\) “Swedish Legislation,” 187.

\(^{46}\) Ibid., 189 and The Archives Ordinance, (National Archives unofficial trans. sec. 11.
The Ordinance also gives the National Archives the authority to issue regulations regarding the provenance of Automatic Data Processing systems. The National Archives can issue regulations that determine which authority is the rightful creator of an ADP system when several authorities are involved.47

In summary, the Freedom of the Press Act emerged from a tumultuous time in Sweden’s history and continues to play an important role in Sweden today. The Freedom of the Press Act is a fundamental law that protects the public’s right to view official documents. The Secrecy Act states in detailed provisions which records are exempted from public access and for how long. The provisions of the Data Protection Act apply to both public and private personal data files, and the aim of the Act is to protect individual privacy. The Archives Act supports the aims of the Freedom of the Press Act in its regulation of record keeping, and the Archives Ordinance gives the National Archives the authority to issue regulations to authorities in regard to records.

Understanding these pieces of legislation is essential to establish the context in which the respondents are working. The impact of access laws on Sweden’s archives which the respondents discuss cannot be understood without this basic knowledge of the laws themselves.

47 The Archives Ordinance, sec. 4.
Chapter Two: Methodology

Defining the Problem

Today, many countries have enacted access legislation, and archivists are struggling to determine how these laws affect their work. Some archival scholars have made suppositions about the effects, but few have examined whether they in fact exist. This study employs the case study method to discover whether there is evidence to support any of the suppositions about the effects of access laws on archives which were identified in Chapter One.

For the purposes of this research study, the topic of how Sweden's access laws affect Sweden's archives was narrowed to two primary research questions:

1. How does legally guaranteed access to public records affect the role of archival institutions in records control and management in Sweden’s archival system?
2. How does legally guaranteed access to public records affect the quality of records as sources of information about government activity?

Selecting the Research Method

The Case Study method of research is particularly suited to this type of study. Robert K. Yin, a noted scholar in this area, writes that the Case Study method is most appropriately used when:
1. an empirical inquiry must examine a contemporary phenomenon in its real-life context, especially when,
2. the boundaries between phenomenon and context are not clearly evident.\(^1\)

Both of these conditions exist in this study of how access laws affect the administration of Sweden’s archives. It is not possible to separate Sweden’s access laws from the context of Sweden’s legal and administrative system, and the boundaries between Sweden’s access laws and their effects were unclear. Consequently, it was determined that the Case Study method was the best way to examine the impact of access laws on Sweden’s archives.

Yin notes that there are six major sources of evidence when conducting research:

1. Documentation
2. Archival records
3. Interviews
4. Direct Observation
5. Participant Observation
6. Physical Artifacts.\(^2\)

Documentation and archival records could not be used as a major source of evidence for this study because the vast majority of these records were in Swedish and, consequently, largely inaccessible to this researcher. The topic of this study

was also not suited for direct observation or participant observation. Access laws impact a variety of government administrations and it would be difficult to examine all of these through direct observation or participant observation. Physical artifacts were rejected as an evidence source for similar reasons.

Following this process of elimination, it was decided that interviews were the best method of gathering evidence for this type of study. Marion Paris, who has conducted numerous case studies, notes that the nature of the problem under investigation must direct the choice of research methodology. Examining all of the possible source of evidence and eliminating all sources not appropriate to the nature of this research topic ensured that the nature of the research topic was driving the selection of research methodology and not vice versa.

Qualitative interviewing proved to be the appropriate method of researching this topic. Scholars Herbert J. Rubin and Irene S. Rubin have made considerable use of qualitative interviews as a data gathering method. They note,

Qualitative interviewing is warranted whenever depth of understanding is required. It is also the way to explore the broader implications of a problem and place it in its historical, political, or social context.

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Qualitative interviews allow researchers to unravel “complicated relationships and slowly evolving events.” This method is well suited to an investigation of how Sweden’s access laws affect records management and control, on one hand, and the quality of records, on the other. It made it possible to explore the implications and influence of the law on the work of Swedish archives and archivists.

To keep a qualitative study of this nature manageable meant conducting a limited number of interviews. Because the investigator is an outsider who was unfamiliar with both the Swedish language and the structure of Sweden’s archival administration, a senior archivist employed by the National Archives was asked to recommend the names of possible interview subjects. These recommendations were then used to select the interviewees.

In spite of their qualitative nature, the interviews did incorporate some quantitative elements. This information could not be used for a quantitative analysis, but it did force respondents to take a concrete position on issues and, in turn, it did provide a solid basis on which to structure the general analysis. Each interview consisted of general statements used to open discussion of each issue, followed by more probing questions. Each respondent was asked to state his or

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5 Ibid., 51.
her level of agreement with each statement. This scale consisted of five choices: strongly agree, agree, neutral, disagree, or strongly disagree. The ten statements provided quantitative data, while the answers to follow-up questions gave respondents the opportunity to explain their opinions.

The quantitative statements and the follow-up questions were devised beforehand and remained unchanged throughout the interview process. Quantitative statements were read in the same tone and in the same order. Some flexibility was necessary with the qualitative, follow-up questions. Some respondents were asked un-scripted follow-up questions, and not all respondents were asked all of the scripted follow-up questions. The respondents' lead was followed, which resulted in a fuller and deeper understanding of the subject area.

This method proved well suited to the subject. The largely qualitative format allowed testing of suppositions about the effects of access laws on archives, as well as providing a basic understanding of how access laws operate in Sweden.

**Shortcomings of Research Method Selected**

There are two major limitations of the research method used for this research study. First, the generalizability of the study is limited. The conclusions
drawn from this study may not readily apply to other archival systems in other parts of the world. For example, this study may reveal that access laws affect Sweden’s archives in a particular way but this does not mean that access laws affect other archival systems in a similar way. The political, social and historical contexts of different archival systems are too varied to suggest that access laws have the same impact upon them all.

The second major limitation of the research method selected for this study is its inability to show causality. This study reveals archivists’ perception of the effects of access legislation; it does not demonstrate that access laws directly cause any phenomena. The respondents occasionally noted this shortcoming during the interviews by prefacing their responses with the comment that they had no scientific evidence to support their opinions. In spite of these limitations, this study provides a baseline of information on this topic on which other researchers may build.

Credibility of the Research Method Selected

The qualitative nature of this research makes quantitative measures of credibility, such as external and internal validity, and reliability, inapplicable. Instead, Rubin and Rubin suggest that the credibility of qualitative research should
be considered in terms of “transparency, consistency-coherence, and communicability.”

A transparent study allows the reader “to see the basic processes of data collection.” This allows the reader to assess for themselves the strengths and weakness of the study and to identify the researcher’s intellectual biases. When interviews form the basis of the study, the researcher must keep the original recordings of the interviews and any transcriptions. The study report should also note the process by which the research was done, allowing the reader to replicate the method, if desired.

This study has been made as transparent as possible. All interview transcripts and recordings have been retained. The research process is discussed in the following section which describes who was selected for the interviews, how the pilot interviews were conducted, how the interviewees were contacted, confidentiality arrangements, and other related topics.

Rubin and Rubin suggest that consistency is the second element with which to test the credibility of a qualitative study. In a consistent study, the investigator

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6 Ibid., 85.
7 Ibid.
8 Ibid., 85-87.
will have "checked out ideas and responses that appeared to be inconsistent." This includes consistency of themes and consistency of respondents. When inconsistencies arise within a theme described by several respondents or when the responses of one individual are inconsistent, the investigator must attempt to determine why these inconsistencies have arisen.9 Chapter Four, Analysis of Interviews, discusses the inconsistencies encountered in this research study, and explains why they occurred.

The final measure of the credibility of a qualitative research study is communicability. The research report "should feel real to the participants and to readers."10 The communicability of a report can be increased by allowing respondents to speak of their own first-hand experiences. Evidence should be vivid, detailed, and spark the interest of the reader.

The communicability of this study has been considered throughout this report. In the analysis, quotations are liberally used to allow respondents to describe their experiences in their own words. Access laws are important to archives, and this importance is reflected in the analysis of the archivists' remarks.

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9 Ibid., 88-90.
10 Ibid., 91.
Throughout this study, the standards of Rubin and Rubin were considered.

Research that is designed to garner lots of evidence, that is vivid, detailed and transparent; that is careful and well documented; that is coherent and consistent is going to be convincing. These are the standards through which qualitative interviewing studies gain credibility.\(^{11}\)

These have been the guiding principles of this study.

**Procedures**

After selecting the research design, considerable time was spent conducting background research on access law issues. As Rubin and Rubin note, background work is essential when conducting topical interviews. Topical interviews are interviews that "explore what, when, how, and why something happened." Rubin and Rubin write,

\[ \text{factual content matters in topical interviews} \ldots \text{Extensive background information helps you formulate questions that elicit specific, detailed information.}^{12} \]

Furthermore, background work helps determine what questions to ask and who to interview. The background work guides the structuring of the main questions and the formulating of meaningful follow-up questions. Topical interviewers must

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\(^{11}\) Ibid.
\(^{12}\) Ibid., 196-197
prepare carefully because, typically, only a limited amount of time is available for
the interview and it is often difficult or impossible to schedule second interviews.\textsuperscript{13}

With Rubin and Rubin's advice in mind, background research was
carried out to help formulate the interview questions. Archival literature and
literature of other disciplines were examined and English-language translations of
Sweden's access acts were obtained. Swedish archivists were informally
interviewed to ascertain information not available in the English-language
literature. To avoid introducing biases into the formal interviews, all of these
archivists were excluded from the research sample. In total, approximately ten
months were spent researching, interviewing and writing this research report while
at Sweden's National Archives and at the University of British Columbia in
Vancouver, Canada.

The informal interviews revealed that a difficult, cross-cultural element
would have to be overcome in the formal interviews. Swedish archivists would be
interviewed about a highly technical issue in English when English was not the
mother-tongue of these archivists. It would be easy for the interviewer or the
respondent to misunderstand questions or responses. To alleviate this problem, the
interview questions were stated as clearly as possible. Also, respondents were

\textsuperscript{13} Ibid., 200.
reminded at the beginning of each interview that they could ask for questions to be repeated or to have terms clarified. All respondents were provided with the quantitative statements in advance of the interviews. Through these efforts, the respondents could better understand the interview questions and misunderstandings could be consistently clarified.

Steps were taken to prevent biases from being introduced into the interviews. The interviewer wore the same business suit to all interviews to prevent appearance from influencing interview responses. When interviewing, statements were read in a consistent tone of voice to not encourage either agreement or disagreement with any question. Respondents were contacted in the same manner and all were provided with a letter of introduction, a letter of consent, and a list of the quantitative statements in advance of the interview. By maintaining consistency of action, the interviews could obtain valid responses.

Another important part of this process was ensuring that all respondents were aware that their identity would not be revealed. In the letter of introduction, the letter of consent and again at the start of each interview, the respondents were reminded that they would not be identified by name. However, the respondents were reminded that they might be identified by the department in which they work. By ensuring that all respondents were aware of the level of confidentiality
surrounding their responses, it was hoped that they would speak more openly. This confidentiality has been maintained. Neither the audio tapes, the audio tape transcriptions nor this report reveal the identity of the respondents.

Consistency of action was equally important when examining the information obtained from the interviews once the interviews were complete. All formal interviews were tape-recorded and transcribed. Written notes were taken during all interviews as a back-up in case of tape failure, and to give respondents time to consider their responses. By handling the archivists’ interview responses consistently, bias and misrepresentation were reduced.

With the procedures defined and the interview questions determined, the research commenced with the conducting of two pilot interviews. Both archivists interviewed hold senior management positions in the National Archives. These archivists were selected because they have an overall understanding of Sweden’s access law administration and a familiarity with technical terminology. These two archivists would be able to identify any problems with the interview questions.

Information gathered through the pilot interviews has not been included in the results of this research study. It would be inappropriate to include these interviews for two key reasons. First, the pilot interviews did not follow the same
procedure as the formal interviews and this could bias the results. Second, some changes were made to the interview questions after the pilot interviews were conducted and this, again, could bias the research results.

Some minor changes to the interview questions were made after the pilot interviews, and then the six formal interviews were conducted. Three archivists employed at the National Archives’ Department of Inspection and Consultation were interviewed as well as three archivists employed at three different government agencies of varying sizes. Archivists with a varied range of experience were selected to determine whether the impact of access laws is perceived differently by archivists working in different parts of Sweden’s government administration.

With the methodology of this research study explained, the reader can now examine the analysis of the interviews in the following chapter.
Chapter Three: Analysis of Interviews

The responses yielded during the six formal interviews provided valuable and interesting insights into the question of how access laws affect archives. Most interviews lasted one to one and a half hours and an identical format was used for each interview. Each interview consisted of four sections:

1. Background Information
2. Archival Context
3. Records Management and Control
4. Records

The first section on background information was straightforward. Respondents described their department’s functions as well as their own responsibilities within these departments. These questions provided a context for the rest of the interview and helped to guide the follow-up questions.

The second section provided a foundation for the research study by determining whether, in the opinion of the informants, the public, the media and researchers value access laws and how these groups use their right to access records.
The third section explored the first research question, which asks how access laws affect the role of archival institutions in records management and control.

The fourth section explored the second research question, which asks how access laws affect the quality of records.

**Background Information**

To begin the interview, respondents provided the name of their department, a description of their department’s functions, their job title, and a description of their job functions. Archivists Two, Four, and Six worked at the National Archives department of Inspection and Consultation. The role of this department is to work with other agencies in matters related to records. It has “regulating, supervising, consulting and advising” responsibilities. The main function of this department is not to manage records directly, but to ensure that the agencies are adequately managing their own records.

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1 [Archivist Two], interview by author, May 1996, Stockholm, Sweden, transcription, 1.
These three respondents all had the title of Archivist, and all had similar job duties. These archivists were assigned to support and supervise a number of agencies in archival matters. Some archivists were assigned only a few agencies if the agencies were large in size, while other archivists were assigned a greater number of smaller agencies.

Archivists One, Three, and Five worked within three different government agencies. All had the title of Archivist and worked to ensure that their agencies created, maintained, and disposed of their records in accordance with archival principles and the regulations of the National Archives. All of these archivists had considerable experience working with electronic records and were active in giving archival advice to individuals within their agencies.

Valuing the Legal Right

It was essential to determine how Swedish society views and uses its access laws. The real life context of the laws needed to be understood as well as the use of the laws in practice. If the public, the media and/or researchers do not value Sweden’s access laws or never use them, then it is fruitless to explore issues of records management or quality. The first three interview questions sought to
provide this foundation of understanding by determining whether the legal right to view official documents is valued or not. Each question addressed this issue in the context of different user groups: question one asked if the public valued its legal right, question two asked if the media valued their legal right and question three asked if researchers valued their legal right to view official documents. Follow-up questions then tried to determine how often these groups exercised this access right.

The first three statements of the interview were:

The public values their legal right to view official documents.
The media values their legal right to view official documents.
Researchers value their legal right to view official documents.

All six respondents either agreed or strongly agreed with these three statements. It quickly became evident that many different elements of Swedish society strongly value Sweden's access laws. The follow-up questions then determined why each of these groups valued this legal right.

The respondents gave several explanations for why the public values its right to view official documents. A frequently cited reason was the principle of
transparency. Respondents argued that the public values its right to monitor the activities of the government and its agencies. With this ability, the public can make government actions transparent. As Archivist Three noted, "the possibility to watch what the authorities are doing is valued very much."²

Respondents also argued that the public values this right because it enables it to determine what information the government has about each citizen and to ensure that this information is correct. For Archivist Five, the value of this right is self-evident. "Everybody should have the possibility to see what is written about themselves or about other people."³

Archivist Four argued that Swedes value this right because of its long tradition in Sweden. They have become accustomed to having the right and "even if some people are not aware of it, . . . they would be very sorry if the right were taken away from them. They would be very upset."⁴

⁴ [Archivist Four], interview by author, May 1996, Stockholm, Sweden, transcription, 3.
Archivist One noted that the public may also value its right to view public records because it allows the public to uncover information about other people. This archivist noted, for example, that it is possible to discover "how much they earn, what are the taxation values on their property and everything. . . [and] that is very interesting."\(^5\)

The responses to the first statement reveal that, in the opinion of the respondents, the public values its right to view official documents. It values this right for a variety of reasons, ranging from the ability to make government actions transparent to the ability to satisfy its curiosity.

Respondents were then asked the same question but in regard to the media. All the respondents agreed that the media values their legal right to view official documents. Again, the respondents believed that this right is valued for its ability to make government actions transparent. Public records are a major source of media stories. Archivist Six noted that the access laws allow the media to "go to the government, to the ministry, to the agencies and have directly the information, the documents. . . . They [the media] need this."\(^6\) Some journalists visit larger

\(^5\) [Archivist One], interview by author, May 1996, Stockholm, Sweden, transcription, 2.
\(^6\) [Archivist Six], interview by author, November 1996, Stockholm, Sweden, transcription, 3.
government authorities on a daily basis to examine the registers for anything of interest. Archivist Two concurred that, "without this principle, they [the media] would have far less possibility to . . . reveal agency work." 7

The debate surrounding Sweden’s decision to join the European Union (EU) reveals how deeply the media values this right. Archivist Five noted that the media fought very hard to ensure that Sweden’s membership in the EU did not threaten Sweden’s access laws. “They thought that when we went into the EU that it would destroy this right, so the debate has been very, very intense.” 8

The interviews also reveal that researchers strongly value their legal right to view official documents. Archivist One argued that researchers value this right because,

that is the only way they can get hold of them [records]. Even the 16th or 17th century records at the National Archives are being accessed on the basis of the Freedom of the Press Act. 9

Archivist Three noted that if this right did not exist, then it might be more difficult for researchers to get access to information they require.

7 [Archivist Two], 6.
8 [Archivist Five], 5.
9 [Archivist One], 8.
And the researchers, especially, often want data about individuals or about a special company and not this information about groups of people, aggregated data.¹⁰

Sweden’s access laws allow researchers to have special access to sensitive records that would not be freely available to other individuals. These special provisions, along with access in general, is strongly valued by researchers.

The reader should note, however, that some respondents qualified their positive responses. Several respondents noted that some members of the public are not aware of their legal right to view public records. As Archivist Two noted, “many people don’t know their rights.”¹¹ However, most respondents felt that the majority of the Swedish public is aware of its access right because the media gave this right a very high profile during Sweden’s EU membership debate. Archivist Two noted that “this question was very lifted up as a sort of Swedish national identity law.”¹²

Some of the respondents cautioned that public awareness of the law did not imply a complete understanding of the law. For instance, Archivist Four noted, “I

¹⁰ [Archivist Three], 7.
¹¹ [Archivist Two], 3.
¹² Ibid., 3.
don’t know if they are aware in general.” This archivist went on to say that people are aware that they can have access to material about themselves but many are not aware that this is a right protected by law. This respondent also noted that frequently people are only aware of aspects of the law that affect them personally and directly. However, even with these qualifications, respondents generally agreed that the public does value its legal right to view official documents.

Respondents had similar reservations with regard to the media and researchers. Not everyone in the media and not all researchers are aware of their right to view official documents, although the respondents generally agreed that these groups are more aware of their right than the general public. Archivist Two noted that “there [are] a lot of journalists who are not especially informed and not very much engaged in those questions.” Some respondents also noted that the media’s and researchers’ awareness of their right to view official documents is often limited to their own field of interest. The media, for example, are only aware of their right as it relates to their area of expertise, and researchers are only aware of their access right for their own field of research. Again, neither group has a full and complete understanding of its right to view public documents.

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13 [Archivist Four], 2.  
14 [Archivist Two], 6.
In spite of these reservations, the responses to these first three statements remained overwhelmingly positive and provided a firm foundation to carry on with further questions. The Swedish public, the media and researchers value access laws and see them as an important element of Sweden’s legal system and culture.

Using the Legal Right

After establishing that the public, the media and researchers value their legal right to view official documents, the next step was to determine how often these groups actually make use of the law. When this question was posed to the respondents, they often preceded their remarks with warnings that they had no data to support their estimations. Archivist Two, for example, noted, “I have no figures on that.” Many cautioned that their responses are based only on their impressions and, consequently, may not be entirely accurate.

Given these constraints, all respondents felt that the public infrequently uses its right to view official documents. Archivist Four stated that typically members of the public only use their legal right to examine public documents

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15 Ibid., 3.
when it is a matter that concerns them directly. Only very occasionally do members of the public request access to records with the intent of monitoring government actions in general.

How can this situation be explained? The interviews reveal that one reason why the public values its access right is because the laws can make the actions of government transparent. Yet the research also suggests that the public rarely uses the laws for this purpose. A partial explanation lies in the role of the Swedish media. All archivists interviewed felt that the media frequently uses the legal right to view official documents. Many respondents described how journalists check the registers of the larger agencies on a daily basis. Some respondents believe that there is a relationship between the media’s zealous use and the public’s limited use of the access laws. Archivist Four felt that,

They [the public] are aware that the media are able to look up papers but I don’t think that they really are interested to go and have a look for themselves. . . . They want somebody else to do it. . . . They think it is good that the media does it.  

In other words, the media actively monitor the activities of the government and secure the transparency of government actions on behalf of the public. As Archivist Three stated, the media see themselves as:

The second state of power in one way. I think they have some

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16 [Archivist Four], 3.
17 Ibid., 2.
kind of thought about that. They are there to see what the
government and parliament are doing and what the authorities
are doing, to tell people what is going on.\textsuperscript{18}

The interviews reveal that members of the public do not have to monitor the
government's actions because the media perform this function for them.

There is another explanation for the public's limited use of a right that it
highly values. Archivist Three noted the importance of the mere \textit{feeling} that the
existence of this right invokes, regardless of whether it is utilized or not. This
archivist stated,

I think the possibility to watch what the authorities are doing
is valued very much. So that you can go in and see what they
are doing, which decisions are taken and so on. And even if you
don't really go there, the feeling that you have the right is very
important.\textsuperscript{19}

Although the right to view official documents may not be readily used, the feeling
it invokes makes it of value.

The archivists agreed that researchers made frequent use of their right to
view official documents. The respondents made this observation with some
qualifications, however. Researchers' use of their right is largely limited to their

\textsuperscript{18} [Archivist Three], 4.
\textsuperscript{19} Ibid., 2.
own fields and interests of study. Consequently, the records of some authorities are consulted frequently by researchers while others are rarely requested.

The responses to the first three interview statements and the follow-up questions provide a firm foundation for the remainder of this study. Access to public records in Sweden is a highly valued right that is widely recognized if not always fully understood. It is a right that is frequently used, either directly or indirectly, and forms an important part of Sweden's political and social traditions. These findings confirm the validity of proceeding with an exploration of the two research questions: how the laws affect records management and control and the quality of records.

The next section of the interview was devoted to answering the first research question, which is:

How does legally guaranteed access to public records affect the role of archival institutions in records management and control?

In this section, the respondents discussed several different topics relating to the first research question, including: unity of management, unity of control, and relationship among authorities.

20 [Archivist One], 9 and [Archivist Three], 8.
21 [Archivist Four], 5.
Questions Five and Six attempted to address the concepts of unity of management and unity of control. The two interview statements read:

The National Archives is the administrative body that ensures that official documents are controlled through all stages of their life cycle.

The authority to manage records must be centralized in the National Archives to effectively meet the requirements of the access laws.

Respondents found it difficult to respond to these two statements. They stated their level of agreement or disagreement with the quantitative statements, but then frequently contradicted themselves in the qualitative element of the interviews. Many asked for clarification or expressed doubts about their understanding of these statements. For example, Archivist Two expressed doubt about understanding the phrase “manage records.” Archivist Four and One were uncertain of how to interpret the term “control.” Evidently, the quantitative elements of Questions Five and Six caused the respondents some difficulties. The reaction of Archivist One was typical, “I may not understand this but I will go with it anyhow.”

22 [Archivist Two], 11.
23 [Archivist Four], 6 and [Archivist One], 11.
24 [Archivist Six], 13.
Such misunderstandings are not unexpected given the cross-cultural nature of the research. Given the confusion surrounding the quantitative elements of these two questions, they have been discarded from the study. The statements proved to be an ineffective measure of the opinions of respondents.

However, the follow-up discussions proved very valuable. The flexible dialogue of the qualitative elements made it possible to rectify misunderstandings and to ensure that the respondents addressed the issues that lay at the heart of the statements. It is also clear that unity of management and unity of control are closely related and, consequently, respondents often discussed the concepts together. To simplify the analysis, the answers to both questions five and six are considered when discussing both unity of management and unity of control.

Unity of Management

Discussions with the respondents revealed that Sweden’s National Archives has considerable management power. Under the Archives Ordinance, the National Archives has the responsibility to issue regulations on matters stemming from the Archives Act. The National Archives issues these regulations and then has the
authority to inspect authorities to ensure that the regulations are being met.

Archivist Four described their role:

We have the rules and then maybe we will check . . . have you done this and that? Have you seen the regulation that is handling this matter? Have you thought about what you are going to do with the documents after . . . ?

This role provides the National Archives with considerable authority to manage records policy.

The National Archives does not, however, have responsibility for these records when they reside at other government agencies. The responsibility remains with the agencies themselves until they transfer the records to the National Archives. Only then does the National Archives assume some responsibility for these records.

But this is not the complete picture of records policy management in Sweden. Although the National Archives plays a significant role, other administrative bodies also have considerable influence in this area. Perhaps the most important of these is the Data Inspection Board.

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25 [Archivist Four], 8.
26 Ibid. and [Archivist One], 13.
The Data Protection Act created the Data Inspection Board in 1973. The Board's job is to protect the privacy of individuals when data containing personal particulars is recorded and processed in electronic form. To achieve this end, the Board has the power to issue its own regulations concerning electronic data records and the maintenance of personal privacy. Most respondents mentioned the role of the Data Inspection Board when discussing how records are managed.

Archivist One made this point:

Archivist One: The National Archives is not the only authority.

Researcher: Right. And you would say that right now the authority is actually divided?

Archivist One: Yes. Because the Data Inspection has the authority for the Data Law. . . . There are a lot of things that the National Archives wanted to be able to do with this sort of material that they can't do as long as it is a personal registry.27

Archivist Three noted that, as an archivist working in an agency,

We have to follow the Data Inspection Board and what they say and we have to follow what the National Archives says. I don't think it is the National Archives that ensures that official documents are controlled through all stages of their life cycle.28

The Data Inspection Board exercises significant regulatory control of personal data files.

27 [Archivist One], 14.
28 [Archivist Three], 11.
Some archivists also mentioned that the National Audit Bureau has a significant role in regulating records. This Bureau can issue its own regulations for records it requires for audits. Once audits are completed, the Bureau’s interest in these records subsides, but the Bureau remains a considerable force in the formation of records management policy.\textsuperscript{29}

In Sweden, then, although the bulk of authority rests with the National Archives, some authority remains in the hands of other authorities, such as the Data Inspection Board and the Audit Bureau. It is unclear why in 1973 the Swedish government decided to create a new authority responsible for the maintenance of personal data rather than give the responsibility to the National Archives. One archivist suggested that the newness of electronic technologies partially influenced the decision. This archivist stated:

\textit{It was so new that they didn’t know what was going on and things happened very fast then with the new technology and so on. And you have so many personal registers and you register so much information about people.}\textsuperscript{30}

Another possible explanation is that Sweden’s government made a conscious decision to divide the responsibility for openness and privacy between two administrative bodies. Today and in the past, the National Archives is and has

\textsuperscript{29} [Archivist Two], 10.  
\textsuperscript{30} [Archivist Six], 12.
been a strong proponent of openness. The National Archives labours to ensure that Sweden’s society and, in particular, researchers, have access to sensitive records.

Discussions with Archivist Three revealed the degree to which some archivists support openness of records. Archivist Three discussed the Metropolit case. The Metropolit case involved researchers from the University of Stockholm who secretly collected highly personal data on 15,000 Swedish individuals. When the activities of these researchers were discovered, the public and media were outraged. The following is a segment of the conversation with Archivist Three:

Researcher: And in that particular case, the media was lobbying to have that material destroyed?

Archivist Three: Destroyed. And it is a pity because I spoke with one of the researchers last week and now people are coming and asking questions and they would have wished to have this population saved with all the data about them to follow up.31

This archivist obviously sympathized with the notion that the data could have been preserved, for this archivist believed that its value to researchers outweighs any injury to the privacy of the persons involved as subjects of the research. The Metropolit case occurred in 1986, some time after the creation of the Data Inspection Board. Yet, if the attitude of this archivist is representative of other
archivists and the National Archives, it may explain why Sweden's government chose to give privacy responsibilities to the Data Inspection Board rather than the National Archives.

In summary, the results of this research study suggest that archival institutions may have difficulty balancing competing demands for privacy and openness. If archival institutions lean too far in either direction, they risk having to share authority for records regulation with other administrations.

Unity of Control

The underlying assumption of the unity of control argument is that access laws require governments to maintain control of their records throughout the records' life cycle. Question Four, the first question in the Records Management and Control section, attempted to determine whether the respondents accept or reject this argument in the context of Sweden's archival system. Respondents responded to the following statement:

To effectively meet the requirements of the access laws, official documents must be controlled through all stages of their life cycle.

31 [Archivist Three], 6.
All of the archivists either agreed or strongly agreed with this statement. The respondents all believe that if Sweden's access laws are to be fulfilled to their greatest extent, then Sweden's government administration must control the records from creation through to disposal or long-term preservation. Archivist Six commented that, "Of course you must have control of these documents. You must know how you can offer it and which access you can have."32 With all of the respondents agreeing on this point, they strongly support the ideas of Atherton, Eastwood, Hayward and Duchein.

Many respondents noted that although they agreed that records must be controlled to meet the demands of access laws, they believe that this degree of control is rarely achieved in reality. The comments of Archivist Three is representative of this thinking.

In principle, you have to know where a document is, otherwise you can't release to these people who are asking for it . . . but in practice it is difficult. I mean, I think it should be so but I don't think it is the facts in reality.33

In spite of this reservation, the responses to statement four do support the argument of the archival scholars.

32 [Archivist Six], 6.
33 [Archivist Three], 9.
Respondents also described how unity of control is maintained in Sweden’s public archives. Respondents noted that registration is the key way in which the government controls its records. As Archivist Six pointed out, Chapter 15 of the Secrecy Act states that all agencies must register their documents. The law states that

An official document shall, when it has been received or drawn up by an authority, be registered without delay. . . . it shall appear from the register:
1. the date at which the document was received or drawn up,
2. any record number or other notation marked on the document,
3. if relevant, the person who submitted the document or to whom it was dispatched,
4. a brief account of the contents of the document.³⁴

Through this registration system, Sweden’s government establishes control over records from the moment of their creation. This system allows the public, the media and researchers to check the registers and ask for any documents that they wish to see at any stage in the record’s life cycle. Public officials will only refuse access to these records if the records fall under a provision of the Secrecy Act.

Unfortunately, there are some problems with this system. It is difficult to ensure that all documents are registered. This is particularly true when documents are sent directly to officials working within government agencies rather than sent to the agency itself. For example, if an individual sends documents to the National

³⁴ The Act on Secrecy, ch. 15, sec. 1-2.
Archives and addresses the envelope “National Archives, John Smith,” then agency staff will open the envelope and register its contents. If an individual addresses the envelope “John Smith, National Archives,” then agency staff will not open the envelope. John Smith must register the contents of the envelope himself. A similar situation exists with e-mail. If e-mail is sent to a central address, then it will be registered by agency staff. If e-mail is sent directly to government officials, then it is up to those officials to ensure that the e-mail is registered.\textsuperscript{35}

As a consequence of this procedural loophole, some documents are not registered. Sometimes officials find the process to be too time-consuming or, occasionally, they do not understand that the law requires them to register documents. Archivist Five noted,

\begin{quote}
We have had some problem with our staff that take care of [personnel] when it is a delicate matter for some employee. So, they won’t register it but that is absolutely what you should do. . . . So we have had to talk to them. But you encounter new people and then you have to start the process all over again.\textsuperscript{36}
\end{quote}

The comments of this archivist suggest that staff turnover can also contribute to the problem. In spite of these problems, the registration system does work

\textsuperscript{35} [Archivist Six], 16.  
\textsuperscript{36} [Archivist Five], 15.
reasonably well. Archivist Three felt that although the system does have shortcomings, officials do register their most important documents.

If it is coming . . . to me directly, I have to see that it is registered. It is a problem. But I think that really important documents, it is not a problem.37

Although it is clear that records in Sweden’s government are controlled from the time of their creation through to disposal or long-term retention, the findings did not show the extent to which control is a result of access legislation. Archivist Four noted,

. . . most authorities, they are aware of that if they keep their documents in a way that serves the law, it also serves themselves very much, the administration is gaining from the laws.38

In other words, access laws may prompt administrations to keep their records under better control, but this increased control also suits their own administrative needs. If the government revoked access laws, for example, agencies would continue to maintain control over their records. With so many factors involved, it is impossible to conclude that the strong Swedish control measures exist as a result of access laws alone. However, it is possible to conclude that access laws are one factor that encourages strong records control.

37 [Archivist Three], 10.
38 [Archivist Four], 6.
Relationship Among Authorities

To explore further the nature of the relationship between the National Archives and other authorities, respondents were asked to respond to the following statement:

The National Archives' authority to develop and implement records policy is willingly accepted by other government authorities.

Five of the six respondents either agreed or strongly agreed with this statement. The sixth archivist disagreed but stated that the "general relationship is fairly good." This archivist, like some of the others, is unhappy with some elements of the relationship.

Most respondents seem reasonably satisfied with this relationship. Generally, archivists working in government agencies are happy to have the help and advice of archivists working in the National Archives. Archivist Four, noted that "many authorities see us as a service, as consultants." Archivist Two stated that the relationship was cordial as long as archivists representing the National Archives provided constructive advice.

I think it is related to how much help you give them also. If you only convey as some sort of police officer then you get a bad

39 [Archivist One], 16.
40 [Archivist Four], 11.
relationship with those who are supposed to do the job. There is some psychology there.\textsuperscript{41}

Many respondents believe that archival laws and regulations help to foster a positive relationship between the National Archives and other authorities. When archivists working for the National Archives' Department of Inspection and Consultation were asked how other authorities respond to negative inspections, these respondents felt that authorities usually treat problems seriously. This point was most clearly expressed by Archivist Four. When asked if animosity results from negative inspections, Archivist Four stated:

No, there isn’t. I think it is because of the regulations. We have it on paper, it is not just stupid me that is coming out and telling them.\textsuperscript{42}

The existence of the access laws and regulations lends greater authority to archivists conducting inspections and, in turn, supports smoother relationships.

Archivists employed by authorities sometimes welcome the National Archives' advice and criticism because these archivists can use this as a tool to pressure their own agencies to act on archival issues. Some archivists noted that when negotiating with their own agencies for archival improvements, such as for

\textsuperscript{41} [Archivist Two], 12.
\textsuperscript{42} [Archivist Four], 11.
better storage conditions, their positions are considerably strengthened by having
the support of the National Archives. Archivist Five had experienced this situation
and was able to tell his/her agency that:

...this is what the law says and this is what our National Archives
demands us to do. So I get another impact on my problem. So
the law can be good to use sometimes.\(^43\)

The laws and regulations surrounding archives help not only to define the
relationship between the National Archives and the authorities but also to provide
archivists working in authorities with advice and ammunition for negotiation.

Although the relationship between the National Archives and other
authorities is cordial, respondents are unhappy with some elements. Financial
concerns are particularly likely to cause friction. Several archivists stated that the
relationship sours when the National Archives advises authorities to undertake
expensive projects.

Of course, when we tell them that they should have perhaps
rebuild their repositories, or something that costs them a lot
of work . . . there can be protests.\(^44\)

Other archivists noted that although the National Archives often responds in
a helpful and timely fashion, sometimes it seem “out of touch” with activities in.

\(^{43}\) [Archivist Five], 13.
\(^{44}\) [Archivist Two], 12.
authorities. Archivist One makes this point,

There are a lot of things they are doing that is good and is very “in place” at the right time and so forth. But they tend to have a very dogmatic view of certain things. We have an expression that people point with their entire fists.45

This archivist also felt that some of the recommendations of the National Archives are unreasonable.

It is even more hilarious when the entire archival society of Sweden knows that they can’t even meet the recommendations themselves . . . . I would probably have to hire ten people just to be able to meet them.46

Other archivists concurred with this assessment. Archivist Three noted that sometimes archivists at the National Archives “lagged” behind in their knowledge of what is happening in the authorities, especially when the knowledge concerns electronic records. Archivist Three stated:

But mostly, when they come with the decisions, I think it is mostly good ones. Sometimes I don’t think they realize what the realities are, and then when the decision comes, it is a bit old because of the EDP [electronic data processing] development that has gone on.47

It is difficult for the National Archives to keep its advice up-to-date with technology changing so rapidly.

45 [Archivist One], 16.
46 Ibid.
47 [Archivist Three], 12.
Respondents, whether working in authorities or in the National Archives, did not characterize the relationship between these two groups differently. Perhaps archivists working in the Department of Inspection and Consultation held a slightly more positive view but generally these archivists' views seemed to be fairly realistic.

This concludes the examination of issues surrounding the first research question which asked how access laws affect the role of archival institutions in records management and control. This research study shows that, in the Swedish context, access laws support a significant degree of unity of management and unity of control. In addition, access laws support positive relationships between archival and other authorities.

The final section of the interview was devoted to answering the second research question, which is:

How does legally guaranteed access to public records affect the quality of archival records?

In this section, respondents discussed several different topics that relate to the second research question. These topics included: failure to commit to writing, public self-censorship and quality of records.
Failure to Commit to Writing

Trudy Peterson and Ulf Lundvik have suggested that access laws encourage officials not to put sensitive matters into writing or to write less candidly. Peterson notes that when the United States passed its Freedom of Information Act, officials worried that decisions might not be documented and that writing would be less candid. Ulf Lundvik believes that access laws have had this effect in Sweden. He argues that government officials frequently choose to conduct matters verbally rather than putting sensitive matters into writing.

To determine if these problems exist in Sweden’s archival context, the archivists were asked to respond to the following statement:

Government officials sometimes avoid conducting sensitive matters through written correspondence because they fear that the matter could be made public through the access laws.

Several archivists agreed that occasionally public officials do fail to commit matters to writing. These respondents cited the example of minutes of meetings. Archivist Four summarized the situation:

And I know that at many authorities, they have stopped making notes at meetings because they don’t want it to become public. And why they don’t want it to become public, two reasons: . . . it is such silly matters that they talk about, simple things, so they don’t want to show it to anyone. . . . the other is more about they
don’t want to show what is going on, what changes they are making in the organization and things like that.\textsuperscript{48}

Four of the respondents argued that rather than officials avoiding the recording of sensitive matters, it is more common for officials not to register sensitive records. The officials intentionally leave sensitive records outside the formal registration system, often in a separate folder. As Archivist Two stated, “I don’t think that you actually avoid corresponding or avoid writing things down, it is more that the official keeps those documents in his own shelf.”\textsuperscript{49} Sometimes officials eventually register sensitive records after they have resolved the issues, but not always.

Some respondents believed that failure to register records most commonly occurs at higher levels in the government hierarchy. Archivist Five explains:

We have seen that in some governments, the head of governments have their own correspondence because they say it is, well, it is just a discussion, it is not official and when it is official I will give it to you.\textsuperscript{50}

Because the higher level of the government hierarchy deals with more sensitive matters, it is perhaps not surprising that officials fail to register records more frequently at that level.

\textsuperscript{48} [Archivist Four], 13.
\textsuperscript{49} [Archivist Two], 13.
\textsuperscript{50} [Archivist Five], 13.
Yet most of the respondents agreed that these practices occurred only occasionally. None of the archivists saw failure to register or failure to commit matters to writing as a major problem. Archivist Three noted that,

No, it doesn’t happen very often but in some cases. Sometimes. . . . because if you do not want to have it accessible, you must find a reason under the law and that is not always possible.\textsuperscript{51}

Although officials sometimes avoid the law, the respondents did not believe that it occurred often enough to be a major concern.

This research study suggests that public officials occasionally circumvent Sweden’s access laws by failing to commit matters to writing or, more often, failing to register records. However, none of the respondents felt that this was a common occurrence or posed a major problem.

\textbf{Public Self-Censorship}

Scholars Rosamund Thomas and Trudy Peterson have argued that access legislation may inhibit private individuals and organizations from corresponding or

\[ \textsuperscript{51} \text{[Archivist Three], 14.} \]
conducting business with governments. Both of these authors note that this has occurred in the American environment. Question Nine sought to determine if access laws have a similar impact in Sweden. The statement provided was as follows:

People that correspond with the government sometimes censor their correspondence because they fear that it may be made accessible to the public under access laws.

This issue divided the archivists. Three respondents agreed with the statement and three respondents either disagreed or strongly disagreed.

Archivist Three noted that the public sometimes fears that “the authorities themselves or some other authority should use this data against you another time. Or that they will exchange data and so on.” Archivists Six and Five agreed that individuals occasionally censor their correspondence with the government. Archivist Five further noted that archivists occasionally advise individuals to do so! This archivist noted that when individuals consider applying for employment at agencies, they are sometimes advised that “everything is going to be official so if you don’t want to show your whole life, don’t send it to us.” Of course, if individuals seriously want a job, then they must forward their resumes, but they

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52 Ibid., 15.
are informed of the rules regarding access to records. "So, we just tell them, not to censor, but just to make them aware."\(^{53}\)

The three remaining respondents argued that people do not censor their correspondence with the government. Archivist Two has never seen any evidence to suggest that this occurs. Archivist Four argued that most people are unaware that their correspondence with the government can become public, so they do not consider censoring their writings. This archivist also argued that even if members of the public were more aware, they would not censor: "I think they would write what they really wanted to anyway."\(^{54}\)

Archivist One argued that the access laws encourage individuals to be more forthright in their correspondence with Sweden's government. This archivist argued that access laws help to ensure that correspondence does not become buried in bureaucracy.

People will see this. Somebody who is writing to an agency, they don't do it for fun. They have a quarrel or something with the agency. So, it is a way of reaching the public with their cause, their point of view, or whatever.\(^{55}\)

\(^{53}\) [Archivist Five], 16.  
\(^{54}\) [Archivist Four], 14.  
\(^{55}\) [Archivist One], 21.
Quality of Records

Archival scholars have suggested some of the ways in which access laws may have a negative impact on records. The tenth and final question attempted to address whether, overall, access laws have a negative impact or whether their impact has been positive. This statement read as follows:

Overall, the provisions of the access laws have a negative effect on the quality of the archival record.

The responses to this statement varied considerably and several respondents found it difficult to voice their agreement or disagreement.

After much soul-searching, Archivist Two settled on a position of neutrality and argued that access laws do not have a negative effect if a balance is struck between transparency and privacy. If the transparency principle is driven too hard, the quality of the archival record suffers. When asked where the balance sits in Sweden today, Archivist Two replied that the balance has shifted towards loss of archival quality in agencies subjected to a high level of media scrutiny. 56

Archivist Three stated that access laws can have a negative impact on the quality of electronic records. This archivist argued that concern about the

56 [Archivist Two], 15-16.
Manipulability of databases encourages individuals to provide incomplete or inaccurate information about themselves to the government. This archivist noted that the public dislikes the easy manipulability of databases because it allows users to obtain complete views of individuals more easily than with paper-based records. “They are more aware of the fact that you can misuse this computerized data.”

Other respondents argued that, overall, Sweden’s access laws do not have a negative effect on the quality of the archival record. These archivists believe that the long tradition of access to public records is ingrained in Swedish society and that, as Swedes, they are less concerned about privacy than other cultures. Archivist Four made this point most clearly:

Strongly disagree, of course! I can’t do anything else, I have only written ‘no’ here, and I don’t know what to say! As a Swede, I don’t understand this!

This archivist also argued that the Secrecy Act provides strong measures of protection for sensitive information.

...we have the Secrecy Act and the Secrecy Act protects things that really should be protected and some things that maybe shouldn’t be. It protects a lot. And that is enough.

[Archivist Three], 16.
[Archivist Four], 15.
Ibid.
Chapter Four: Conclusion

Information is power. Everybody should have the possibility to get the same information as everybody else . . . . We have had a long discussion about this matter in Sweden.¹

This quotation bears considerable resemblance to the quotation from James Madison which begins this research study. Information is power, knowledge is power, and access to information laws are the legal embodiment of the public’s right to know.² Without access laws, democratic governments may indeed descend into farce or tragedy.

The six interviews conducted for this research study provide interesting insights into how Sweden’s access laws affect records management and control, and records. The respondents believed that the public, the media and researchers strongly value the Freedom of the Press Act. They argued that the public values its right to view official documents because this right offers a way to make the activities of the government transparent as well as a way to determine what information the government holds about each citizen, and that this information is correct. Some respondents argued that the public also values this right because of its long tradition in Sweden and because it allows the public to uncover information about other people. These attitudes strongly colour everything to do

¹ [Archivist Five], 3.
² MacNeil, 61.
with the keeping of records in Sweden. They may partially explain the strong authority and position of the National Archives.

The respondents also agreed that the media value their right to view official documents for its ability to make the actions of the government transparent. Researchers, in the opinion of the respondents, also value their legal right to view official documents because it secures their ability to get the records they require for their research. Respondents qualified their remarks on this topic by noting that not all members of the public or media and not all researchers are aware of this right or completely understand it.

Respondents were also asked to discuss how often the public, the media and researchers use the access laws. These discussions revealed that there may be a discrepancy between the degree to which the public values its legal right to view official documents and how often it makes use of this right. This discrepancy may be partially explained by the media’s active use of the law which allows them to communicate information about government actions to the public. Furthermore, the presence of the law alone, aside from its use, provides an important feeling of openness that the public values. The respondents also argued that researchers make frequent use of the law, and it is an essential part of their work.
Two research questions were defined at the outset of this investigation: first, how does legally guaranteed access to public records affect the role of archival institutions in records management and control, and, second, how does legally guaranteed access to public records affect the quality of records as sources of information about government activity. To answer the first question, issues of unity of management, unity of control and relationship among authorities were discussed. The research suggests that Sweden’s National Archives has considerable management power. However, the National Archives shares some of its responsibilities with the Data Protection Board and other agencies and, consequently, unity of management is not fully realized in Sweden. The research also suggests that unity of control does exist in Sweden, and the respondents agreed that official documents must be controlled through all stages of their life cycle to meet the requirements of access laws. The research suggests that Sweden’s access laws are one factor that contributes to unity of control.

The findings of this research study also suggest that Sweden’s National Archives, an archival administration with strong management authority, generally has an amicable relationship with other government authorities although some friction occasionally arises. Many respondents believe that archival laws and regulations help to foster a positive relationship between the National Archives and other authorities. Advice and criticism from the National Archives is
sometimes welcomed, because archivists working in the agencies can use this as a tool to pressure their own agencies to act on archival issues.

To answer the second research question, respondents discussed access laws and their impact on records. The research shows that, in the opinion of the respondents, officials occasionally fail to put sensitive matters into writing. Some respondents also argued outsiders may occasionally censor their correspondence with Sweden's government. However, four respondents argued that it is far more common for officials to avoid the provisions of the access laws by failing to register documents. None of the respondents believed that any of these activities occurred frequently enough to be a major problem.

Recommendations for Archival Communities

The findings of this research study suggest several recommendations to archival communities around the world. First, archival institutions should not advocate openness over privacy or vice versa. Archivists must understand how much openness or privacy their societies will tolerate or demand. Only when armed with this understanding can archivists help to promote a balance between openness and privacy that is acceptable to their societies. By promoting this
balance, archival institutions will be in a strong position to gain responsibility for maintaining that balance. Furthermore, archival institutions will ensure that they remain, above all, defenders of the record.

Second, archivists should promote clear and concise laws surrounding records registration. Sweden's experience demonstrates how public officials can circumvent access laws by not registering records. Regulations must be very clear, officials must be aware of them, and failure to comply with them must be addressed.

Third, archivists should not be terribly concerned about the effects of access laws on the quality of records as sources of evidence about events. Both agencies and members of the public create records to accomplish business, and it is knowledge of this business that the records give. Therefore, the quality of information is not at issue.

Fourth, archivists must make extra efforts to state questions clearly when conducting cross-cultural research. Archival researchers should pilot test questions several times and use flexible data gathering techniques. These will ensure that both the researcher and the respondent understand each other.
Recommendations for Further Research

Archival scholars need to conduct a greater number of structured research studies to better understand the impact of access laws on archives. In particular, case studies and comparison studies would contribute to the archival world's present understanding of access laws and their impact. Thus far, archival scholars have relied too heavily on informal observation or anecdotal evidence to formulate ideas.

Archival scholars should also further explore issues surrounding the quality of records created in an access law environment. During this research study, archivists were asked to give their impressions of how access laws affect records creation. Further research could ask public officials how access laws affect their own records creation practices. Such a question would be best addressed in a North American context, where individual public officials have created records in environments both with and without access laws and this will allow for some comparison.

It is likely that access laws will be the topic of more research studies as archivists struggle to understand their impact. After all, access laws are not going
to go away, and this conveniently provides archival researchers with ample time to examine these laws.
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Sweden, Archives Ordinance. Unofficial National Archives Translation.


Appendix

Interview number:

Before the interview, ensure that the consent letter is signed and understood.

Introduction to the Interview

Thank you for agreeing to be interviewed. This interview is being conducted to reach a better understanding of how Sweden’s access to information laws affect Sweden’s public archives and archivists.

During the interview, you will be asked to state your level of agreement or disagreement with statements that I will read to you. Please limit your response to one of the following: strongly agree, agree, neutral, disagree, strongly disagree. (Hand the terms to the interviewee). Each of these statements will then be followed by more detailed questioning.

Although it is not explicitly stated in each question, it is very important to remember that all questions are directed at Sweden’s archives and archivists and the Swedish archival experience in general.

If any of the terms used in the interview are unclear, please ask me for clarification.

Please remember that your responses will not be linked to your personal identity. However, your responses will be linked to a general description of the department in which you work and your job description.

Before we begin, are there any questions that you would like to ask me?

Background Information

Date of Interview:

Interview Number:

Interviewees’s Department:

Description of Department functions:
Interviewee’s Job Title:

Interviewee’s Job Description:

Archival Context

1. The public values their legal right to view official documents.

☐ strongly agree
☐ agree
☐ neutral
☐ disagree
☐ strongly disagree
☐ no answer

If respond strongly agree/agree:
Why do they value this legal right?
How often do they use their legal right to view official documents?
Is the public mostly interested in active, semi-active or inactive records?
How much influence does the public have on the appraisal decisions of the public archives?
How much influence does the public have on your own work?
(Examples)

If respond neutral:
Please explain.

If respond strongly disagree/disagree:
Why does the public not value their legal right?
How often does the public use their legal right?
How much influence does the public have over appraisal decisions of the public archives?
2. The media values their legal right to view official documents.

☐ strongly agree
☐ agree
☐ neutral
☐ disagree
☐ strongly disagree
☐ no answer

If respond strongly agree/agree:
Why do they value this legal right?
How often do they use their legal right to view official documents?
Is the media mostly interested in active, semi-active or inactive records?
How much influence does the media have on the appraisal decisions of the public archives?
How much influence does the media have on your own work?
(Examples)

If respond neutral: Please explain.

If respond strongly disagree/disagree:
Why does the media not value their legal right?
How often do they use their legal right?
How much influence does the media have over appraisal decisions of the public archives?
3. Researchers value their legal right to view official documents.

☐ strongly agree
☐ agree
☐ neutral
☐ disagree
☐ strongly disagree
☐ no answer

If respond strongly agree/agree:
  Why do they value their legal right?
  How often do they use their legal right to view official documents?
  Are researchers mostly interested in active, semi-active or inactive records?
  How much influence do researchers have on the appraisal decisions of the public archives?
  How much influence do researchers have on your own work?
(Examples)

If respond neutral:
  Please explain.

If respond strongly disagree/agree:
  Why do researchers not value their legal right?
  How often do researchers use their legal right?
  How much influence do researchers have over appraisal decisions of the public archives?
Records Management and Control

4. To effectively meet the requirements of the access laws, official documents must be controlled through all stages of their life cycle.

☐ strongly agree
☐ agree
☐ neutral
☐ disagree
☐ strongly disagree
☐ no answer

If respond strongly agree/agree:
   Describe how official documents are controlled.
   Describe the state of records control in government authorities.
   (same for all levels?)

If respond neutral:
   Please explain.

If respond disagree/strongly disagree:
   How is it possible to meet the requirements of access laws if official documents are not controlled throughout their life cycle?
5. The National Archives is the administrative body that ensures that official documents are controlled through all stages of their life cycle.

☐ strongly agree
☐ agree
☐ neutral
☐ disagree
☐ strongly disagree
☐ no answer

If respond strongly agree/agree:
   Why does the National Archives have this responsibility?
   Could this responsibility be divided between different government authorities or professional groups
   (or by active/semi-active vs. inactive?)

If respond neutral:
   Please explain.

If respond disagree/strongly disagree:
   Who has this responsibility, if anyone?
   Is the responsibility divided?
6. The authority to manage records must be centralized in the National Archives to effectively meet the requirements of the access laws.

☐ strongly agree
☐ agree
☐ neutral
☐ disagree
☐ strongly disagree
☐ no answer

If respond strongly agree/agree:
   Why must this authority be centralized in the National Archives?
   Is this authority currently centralized in the National Archives? If not, why not?

If respond neutral:
   Please explain

If respond disagree/strongly disagree:
   Why does the authority not need to be centralized in the National Archives?
   Would you agree that the authority to manage records is currently centralized in the National Archives? If so, why?
   Could the authority be divided? How could the authority be divided?
7. The National Archives' authority to develop and implement records policy is willingly accepted by other government authorities.

☐ strongly agree
☐ agree
☐ neutral
☐ disagree
☐ strongly disagree
☐ no answer

If respond strongly agree/agree:
Why is the authority of the National Archives willingly accepted?
How would you characterize the relationship between the National Archives and other government authorities?

If respond neutral:
Please explain.

If respond strongly disagree/disagree:
Why is the authority of the National Archives not accepted?
How would you characterize the relationship between the National Archives and other government authorities?
8. Government officials sometimes avoid conducting sensitive matters through written correspondence because they fear that the matter could be made public through the access laws.

☐ strongly agree
☐ agree
☐ neutral
☐ disagree
☐ strongly disagree
☐ no answer

If respond strongly agree/agree:
How do you know that it occurs?
How often does it occur?
Have you ever done this?

If respond neutral: Please explain.

If respond disagree/strongly disagree:
Why isn’t it occurring?
9. People that correspond with the government sometimes censor their correspondence because they fear that it may be made accessible to the public under access laws.

☐ strongly agree
☐ agree
☐ neutral
☐ disagree
☐ strongly disagree
☐ no answer

If respond strongly agree/agree:
What evidence is there that this is occurring?
How often do you think it occurs?
Is it mostly people writing as individuals or people who are writing on behalf of an organization?

If respond neutral:
Please explain.

If respond disagree/strongly disagree:
Why is it not occurring?
10. Overall, the provisions of the access laws have a negative effect on the quality of the archival record.

- strongly agree
- agree
- neutral
- disagree
- strongly disagree
- no answer

If respond strongly agree/agree: In what ways?

If respond neutral: Please explain.

If respond disagree/strongly disagree:
Do the provisions have a positive effect? In what ways?
Do creators of records make more clear, concise and thoughtful records to protect themselves?