



Chapter 'Zero'

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Role of Chapter Zero

- Scoping report
- Some explanatory text in draft
- MoREQ2 core applying to all member states
- Subsidiarity
- Local needs
- Different records management and archival traditions



Outline

A few examples.....

- Terminology
- Policy differences
- Different emphases in implementation of EU Directives
- Different archival systems
- Different sectors..... ?



Terminology

- Some member states [attempt to] describe management of active records in terms of archival terminology
- France; “*Record*” = *Les documents d’archives* ?
- Link to approach to MoREQ translations [Executive Committee]
- Early adoption, pre-translation?
- Glossary, key concepts



Policy differences

- Public policy within the Union / mbr states
- Different legal systems
- Archival policy
- Split between EU-inspired legislation, national legislation and regulations
- Differences between whether new archival legislation passed in recent years or not
- Cascade down to organisational policies and implementation issues



Digital signatures [chapter 10.8]

Different levels of implementation

- 2004 / 07 accession member states may not yet have implemented
- Civil vs. common law jurisdictions
- Public / private sector provision of signatures
 - Irish / Estonian position contrasts with UK



Digital signatures [chapter 10.8]

Preservation issues with digital signatures

- Handle in Legal system or Archival system?
- Is archival transfer a preservation process or an ‘eGovernment messaging’ transaction? Discuss!
- Interpret directive [national legislation] as a mandate to treat only ‘once off’ transmission or accept technical authentication for longer term



Data protection

Fair processing principles

- Compatible purposes
- Not disproportionate
- For no longer than required
- Includes *retaining* personal data



DP's challenge to record integrity

Aggregation of records [MoREQ record type, Ch.6]

Integrity of individual records:

- *[Meta]-data about:*
 - participants in the business transaction
 - [who has been involved in the creation or management of the records]
 - incidental references to other identifiable, living individuals



Challenge to integrity of records

How does your national exemption work?

- Purposive?
- Statutory archival system / other legislation?
- Archival regulations
- Many exemptions are very discreet clauses that can easily be misinterpreted [*and frequently are*]



How does your exemption work?

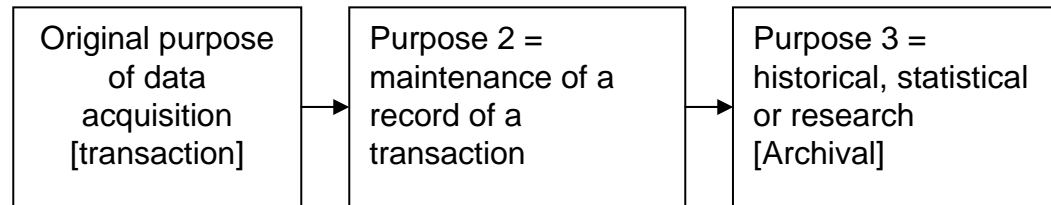


CONSTRAINTS

Constrained by retention policies

Constrained by appraisal system

PURPOSE {



Time



How does your exemption work?

- **Integrity of the aggregation** [R-T in Ch. 6]
- **Integrity of the record** [removal of some record content; exceptionally, by administrator Ch. 9]
- DP directive proportionality principle
- Preserve accountability [and archival record], whilst allowing fair processing
- Proper auditable procedures



Archival system

Possibly had new legislation for digital environment?

Ability to make regulations?

- Chapter 0 could be used as a temporary vehicle to fill some gaps
- Care required to be generic
- Example of German references
 - Decomposed within files and sub-files
 - Configuration guidance in Chapter 0?



Archival system

Statutory defaults?

- Towards destruction or preservation?
- Square with system defaults?

Migration requirements

- Migrate 3 years after creation



Shameless plugs [privacy, other policy areas].....

- Iacovino & Todd, Archival Science [online since September 2006]
- Todd, Archivaria 61 [2006]
- Iacovino: *Recordkeeping and the law*, Springer 2006
- InterPARES2 policy framework
Would help with resolving other questions of how to implement archival principles in a digital environment [in press]



Other possibilities.....

MoREQ Chapter 0 equivalents for corporates in same *sectors*?

- Global environment might make it essential to map to extra-European standards?



Questions?