

**Society of American Archivists
Council Meeting
May 28 – 30, 2015
Chicago, Illinois**

**Proposed Revision of SAA Public Policy Agenda
(Prepared by Committee on Advocacy and Public Policy Chair Frank Boles)**

BACKGROUND / DISCUSSION

At its November 2014 meeting the SAA Council reviewed and provided feedback on a draft revision of SAA's Public Policy Agenda that was prepared by the Committee on Advocacy and Public Policy (CAPP).¹ The Council's feedback at that time focused on the need to broaden the agenda somewhat to include archives and records beyond those held by government. CAPP provided a revision to the SAA office on November 26, with careful attention to the Council's preference that we "keep it short."

Subsequently SAA Executive Director Nancy Beaumont had several conversations with Kathleen Roe and Dennis Meissner about modifying the Agenda to ensure that it would serve as an effective communication tool with several key audiences, including (potentially) SAA members, prospective members, prospective allied partners, and the media. She revised CAPP's November 26 draft to incorporate some of the language that accompanies SAA's growing body of issue briefs. The revision is no longer as "short," but CAPP agrees that it serves as a good outline of and introduction to SAA's public policy priorities.

RECOMMENDATION

THAT the Public Policy Agenda as drafted by the Committee on Advocacy and Public Policy (below) be adopted.

**Society of American Archivists
Public Policy Agenda
(Proposed)**

Because archival records ensure the protection of citizens' rights, the accountability of governments and organizations, and the accessibility of historical information, the Society of American Archivists (SAA)

¹<http://www2.archivists.org/sites/all/files/1114-VII-A-AdvocacyAgenda.pdf>

believes that the archival profession must take an active role in advocating for the public policies and resources necessary to ensure that these records are identified, preserved, and made accessible. This Public Policy Agenda identifies a limited set of broad priorities that serves to guide the Society's advocacy efforts in the public policy and legislative arenas. Requests for SAA's commitment to a specific advocacy issue will be more vigorously pursued if that issue fits within these priorities.²

SAA believes that archival records created by government serve certain public needs that are fundamental to the nature of a democracy. These records:

- Ensure the transparency and accountability of government at all levels.
- Ensure the protection of citizens' rights and individual privacy.
- Guarantee the administrative continuity necessary for good governance.
- Make accessible evidence of the diverse and complex elements of the human experience.
- Preserve historical documentation for the next generation.

To serve these needs, sufficient public funding of archives and records management functions is required at all levels of government.

In pursuit of these beliefs, SAA will advocate in the following policy areas:

To hold government accountable and ensure its transparency, SAA will pursue the public's right to equal and equitable access to government information found in archives. For example, SAA will:

- Advocate for reform of the Presidential Records Act of 1978 to ensure that it is enforceable on both the President and the Vice President, adequately encompasses electronic as well as paper records and communications, and cannot be altered at the discretion of a sitting chief executive via executive order. [*See Issue Brief.*]
- Support all efforts to strengthen the federal Freedom of Information Act to ensure that agencies follow both the letter and the spirit of the law, delays and backlogs in the FOIA request process are reduced to a minimum, and communication between agencies and FOIA requesters and between the government and the public regarding FOIA matters is improved. [*See Issue Brief.*]
- Advocate for reform of the processes through which, and the length of time for which, government records may be classified, as well as for the streamlining of declassification procedures.
- Support all efforts to strengthen access to state and local records. [*See Issue Brief on State Freedom of Information Laws, pending Council approval in 0515.*]

To ensure the protection of citizens' rights as well as the individual's right to privacy, SAA will consistently take into account privacy concerns in certain categories of archival records. For example, SAA will:

- Support efforts to strengthen the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to:
 - Redefine "protected health information" to balance privacy and access concerns regarding access to PHI about individuals whose death dates are not known;
 - Allow access to PHI for family members doing medical genealogy research;

² See "For SAA Members: How to Suggest that SAA Take Action on an Advocacy Issue" here: <http://www2.archivists.org/groups/committee-on-advocacy-and-public-policy/procedures-for-suggesting-saa-advocacy-action>.

- Clarify which archival repositories holding health-care-related materials are subject to Business Associate Agreements and provide guidelines for them;
- Revise the Privacy Rule so that previously published individually identifiable information and photographs are not considered PHI; and
- Support efforts to standardize PHI definitions and requirements in state law and regulation based on federal rules and regulations, with the goal of creating a single, nationally recognized standard regarding PHI. [[See Issue Brief.](#)]
- Support efforts to determine the fate of documentation collected by the National Security Agency (NSA) regarding individuals.

To guarantee the administrative continuity necessary for good governance, SAA will:

- Advocate for the National Archives and Records Administration’s (NARA’s) authority to regulate records designated as archival throughout the federal government. [[See Issue Brief, pending Council approval in 0515.](#)]

To make accessible evidence of the diverse and complex elements of the human experience, SAA will:

- Oppose any attempt to restrict further the very limited exceptions in Section 108 of the U.S. Copyright Act and work to update the law to reflect the realities of the digital world in which we live. [[See Issue Brief.](#)]
- Support legislation that would more appropriately balance copyright owners’ interests with the diligence incumbent upon users in cases of “orphan works” (i.e., situations in which the owner of a copyrighted work cannot be identified and located by someone who wishes to make use of the work in a manner that requires permission of the copyright owner). [[See Issue Brief.](#)]
- Support revision of the length of current copyright protection.

To support the public’s need for strong and adequately funded institutional stewardship of the American historical record, SAA will:

- Advocate for funding within public archives programs (and within governmental grant programs) that is comparable to that provided to libraries, museums, and other cultural heritage organizations throughout the U.S.
- Support reauthorization of the National Historical Publications and Record Commission, the grant-making arm of the National Archives and Records Administration. [[Read more.](#)]
- Advocate for passage by Congress of the Preserving the American Historical Record Act. This legislation would create a federally funded formula grant program to provide essential resources to support and enhance the capacity of state and local records sources to provide access to the “other half” of America’s story—that is, those significant records that are kept by sources other than the federal government. SAA supports authorization and funding of PAHR at \$50 million. [[Read more.](#)]
- Support the conduct of meaningful studies to determine the direct and indirect costs of identifying, maintaining, and making available for use the public records housed in archives across the nation.

In stating these priorities, SAA understands that reasonable accommodation must be made so that:

- Confidential or personal information held by government at all levels is not disclosed in ways that may cause significant harm.

- Information—or more properly the expression of information in a particular way—can be excluded for a limited time from the public domain and used exclusively by the creator for private gain.

SAA firmly believes that the critical nature of information in a democracy places the burden to prove the need for confidentiality, or the legitimacy of excluding information from the public domain, on those asserting such claims. Unless there are legal or other compelling reasons to the contrary, SAA will consistently value the general good obtained through open access to information over the limited good achieved by information closure or proprietary use.

ADDITIONAL RESOURCES:

[For SAA Members: How to Suggest That SAA Take Action on an Advocacy Issue](#)

For more information and perspectives, see the Committee on Advocacy and Public Policy's [microsite](#).

Several other SAA groups track issues of importance to archivists and the archival community. See, for example, the microsites of SAA's [Committee on Ethics and Professional Conduct](#), [Intellectual Property Working Group](#), and [Issues and Advocacy Roundtable](#).

For a complete list of SAA component groups, see:

http://saa.archivists.org/Scripts/4Disapi.dll/4DCGI/committees/ListAllGroups.html?Action=List_Committees&

Approved by the SAA Council, May 2015.

Support Statement: The Public Policy Agenda identifies a limited set of broad priorities that serves to guide the Society's advocacy efforts in the public policy and legislative arenas. It is presented as a summary of SAA's views, with links to additional information (including Council-adopted issue briefs) for those audiences that wish to understand the issues in more depth.

Relation to SAA Strategic Priorities: Addresses Goal 1 (Advocating for Archives and Archivists), Activity 1.2. (Educate and influence decision makers about the importance of archives and archivists).

Fiscal Impact: Adoption of the Agenda does not commit SAA to expend funds on any particular advocacy effort.