

**Society of American Archivists
Council Meeting
November 5-7, 2017
Chicago, Illinois**

**Proposed Revision of SAA Public Policy Agenda
(Prepared by SAA Committee on Public Policy)**

BACKGROUND / DISCUSSION

It has been more than two years since SAA has reviewed or updated its Public Policy Agenda. In that time, the Committee on Public Policy and other groups, have developed issue briefs and position statements that the Council has adopted to support the priorities outlined in the Agenda.

COPP believes it is time to issue a new agenda to guide SAA's efforts to influence public policies that have an impact on the archival mission. Past reviews have occurred roughly every two years.

We consulted both the Intellectual Property Working Group and the Issues and Advocacy Section steering committee in developing the proposed revised Agenda.

See the Appendix for the current Agenda. As in the past, issue briefs will be linked within the Agenda for ease of access.

RECOMMENDATION

THAT the following SAA Public Policy Agenda be adopted.

**Society of American Archivists
Public Policy Agenda**

Archival sources protect the rights of individuals and organizations, ensure the accountability of governments and institutions, and provide access to historical information and cultural heritage. The Society of American Archivists (SAA) will work with the archives profession to advocate for public policies and resources that ensure that such records are identified, preserved, and made accessible. SAA defines public policy as any government policy—federal, state, or local—that directly affects archivists or the archival record, including legislation, executive orders, judicial decisions, funding priorities, and other regulatory measures.

In alignment with our [Core Values Statement and Code of Ethics](#), SAA is committed to supporting policies that will ensure the protection of privacy and individual rights; ensure the transparency and accountability of government at all levels; guarantee the administrative continuity necessary for good

governance; make accessible evidence of the diverse and complex elements of the human experience; and preserve historical documentation for future generations.

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. SAA also is committed to actively resisting policies that undermine existing records authority and privacy laws or that endanger the integrity of the historical record held in both public and private institutions.

SAA recognizes that social issues and archival concerns may overlap (e.g., in matters of personal privacy, access to public information, or misuse of records for political purposes). Therefore, SAA reserves the right to speak out on human rights or social justice issues that affect archivists or researchers.

SAA will prioritize the following policy areas:

- Advancing the diversity of the archival record;
- Protecting privacy and individual rights of archival subjects and users;
- Promoting the public's right to access information held or created by public and publicly funded bodies;
- Strengthening of federal, state, and local records authority over information created by public and publicly funded bodies;
- Supporting impartial and non-partisan federal, state, and municipal records authorities;
- Ensuring adequate funding for government archives at the federal, state, and municipal level;
- Ensuring adequate funding for federal and state programs that support archives and archival projects, including, but not limited to, the National Archives and Records Administration (NARA), the National Historical Publications and Records Commission (NHPRC), the National Endowment for the Humanities (NEH), and the Institute of Museum and Library Services (IMLS);
- Supporting a robust public domain, which forms the backbone of creative and research activities by ensuring access to unambiguously free cultural content; and
- Advocating for copyright rules that preserve the incentives for creators to make and publish new works without unduly constraining the work archivists do in pursuit of our mission.

[Requests for SAA's commitment to a specific policy issue](#) will be more vigorously pursued if that issue fits within these priorities. However, many worthy advocacy issues lie outside the scope of this policy agenda. Individual members or groups may request that SAA address these issues using the same procedures as for public policy issues; SAA will consider them on a case-by-case basis.

ADDITIONAL RESOURCES

[How to Suggest SAA Take Action on an Issue](#)

[SAA's Criteria for Advocacy Statements](#)

For more information and perspectives, see the Committee on 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 Section](#). SAA also works cooperatively with the Council of State Archivists, the National Association of Government Archives and Records Administrators, and the Regional Archival Associations Consortium on the [CoSA/NAGARA/SAA/RAAC Joint Working Group on Issues and Awareness](#).

Support Statement: The revised Public Policy Agenda provides members and other prospective audiences with an understanding of SAA's priorities related to public policies that affect archivists, archives, the archives profession, and the communities we serve.

Impact on Strategic Priorities: Addresses Goal 1: Advocating for Archives and Archivists, Strategy 1.1. Provide leadership in promoting the value of archives and archivists to institutions, communities, and society; 1.2. Educate and influence decision makers about the importance of archives and archivists; 1.3. Provide leadership in ensuring the completeness, diversity, and accessibility of the historical record; and 1.4. Strengthen the ability of those who manage and use archival material to articulate the value of archives.

Fiscal Impact: Approval of the Public Policy Agenda does not commit SAA to expend funds on any particular advocacy effort at this time.

Society of American Archivists Public Policy Agenda

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) believes that the archives 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.

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.
Issue Brief: Presidential Records Act of 1978 (2014)
- 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.
Issue Brief: Freedom of Information Act (Revised 2016)

- 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.

Issue Brief: Joint Statement on Access to State and Local Records (2009)

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;
 - 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.

Issue Brief: Health Information Portability and Accountability Act (2014)

- Support efforts to determine the fate of documentation collected by the National Security Agency (NSA) regarding individuals.

Issue Brief: Confidentiality of Private Information Held in Records of the Federal Government’s Executive Agencies (2017)

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.

Issue Brief: Strengthening of Federal Records Authority (2015)

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.

Issue Brief: Archivists and Section 108 of the Copyright Act (2014)

SAA Statement on Draft Revision of Section 108 (2016)

- 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).
Issue Brief: Orphan Works (2014)
- Support revision of the length of current copyright protection.
Issue Brief: Archivists and the Term of Copyright (2016)

View a one-page [overview](#) of SAA's positions on Copyright Issues.

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.
Issue Brief: Federal Grant Funding for Archives (2017)
Issue Brief: Adequate Funding of Government Archives and Archival Programs (2014)
- 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](#)

[SAA's Criteria for Advocacy Statements](#)

For more information and perspectives, see the Committee on 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

To view the 2009-2010 Advocacy Agenda, click [here](#).

To view the 2012-2014 Advocacy Agenda, click [here](#).