



Národní archiv

Personal data in the archives: privacy and openness in the information age

Invitation and programme

The development of the information society and the newly acquired freedom of recent decades have brought a whole range of issues related to the regulation of conflicting civil rights – the right to know, freedom of research, right to information from state institutions, but also personality and privacy rights, and citizens' right to information self-determination. Archives, which primarily hold records originating from the activities of state institutions, must make difficult judgements regarding the conflicts between the legitimate protection of private and public interests. This conflict affects the entire life cycle of a record and increases the demands on the preservation of information by its originators, its transfer, processing and public access. Moreover, researcher expectations are more than diverse, ranging from scientific research, through citizen scrutiny of public authority, to the commercialisation of machine-extractable data in the reuse of public sector information.

Following European legislation, the principle of minimising personal data and limiting their storage is beginning to resonate more strongly in records management and archiving in the public interest. At the same time, when providing access to archival records, archives will probably not have the capacity to carry out the complicated process of determining whether personal data contained in such records belong to deceased persons, or whether living persons agree to the disclosure of sensitive data to a particular researcher. Many historical sources used to date are at risk of being lost or rendered inaccessible for the entire lifetime of a person, or even longer. For archiving in the public interest, this opens the hitherto under-discussed topic of so-called post-mortem protection.

Is the research community ready for these current challenges? Is there a risk of a widespread destruction of certain categories of records, databases and registers with major implications for historical, social science or biomedical research that use quantitative methods to investigate social dynamics and population health and to monitor its changes, the impact of the environment on health, etc.?

Archives, as well as public authorities and records management, are gradually using the tools of data anonymization or pseudonymization, especially the data of personal and sensitive nature. Can they become a viable solution for the protection of personality and privacy rights, and do archives have enough personnel and financial capacity to apply them in practice? Are there viable ways today to use machine learning and artificial intelligence to identify personal data in archival records and facilitate access to them? Or is the promise of restricting access to personal and sensitive data for a fixed period, e.g., 110 years, a more realistic solution in the future? Is it appropriate for record access policies to take into account the identity of the researcher (public, scientific research, journalists, official researchers, etc.) and the purpose of requests if access is to be granted to personal and sensitive data (including some complicated record categories such as databases)? Should archival systems open the door to privileged access to archival records and use it as one of the possible tools for protecting personality and privacy rights?

The aim of the conference is to open these as well as other questions, to look at the latest developments in this area and, last but not least, to consider the possibilities of archival practice and legislative changes in the field of protection of personal data, personal rights and privacy in the archives. The results of these reflections should also have significant implications for the current preparation of the new archival law in the Czech Republic.

Event date: November 9, 2021 9 a.m. – 4 p.m. (on-line with simultaneous interpretation in Czech / English)

Registration: <https://pdarchives2021.cz/english.php> (until November 7, participation is for free)

Event was supported as output of the "Analysis of personal data processing in the archives" research project (Code: VI20192022125) carried out within the Security Research Programme of the Czech Republic in the years 2015–2022 (BV III/1 VS) provided by the Ministry of Interior of the Czech Republic.

Programme:

8.00 – 9.00 Registration

9.00 – 9.05 Opening address

Eva Drašarová, Head of National Archives, Czech Republic

Daniel Doležal, Head of State Regional Archives in Prague, Czech Republic

9.05 – 9.45 *Personal data and personality rights protection in the archives in international and Czech perspective*

Mikuláš Čtvrtník, State Regional Archives in Prague, Czech Republic and Karolína Šimůnková, National Archives, Czech Republic

9.45 – 10.45 *A human rights view of privacy in the archives: principles, cases, problems*

Antoon de Baets, University of Groningen, the Netherlands

10.45 - 11.00 Coffee break

11.00 – 12.30 *Personal data in the archives: new challenges and solutions on national and European level*

Speakers:

Giulia Barrera, Central Archives of the State, Italy

Clemens Rehm, State Archives of Baden-Württemberg, Germany

Iván Székely, Vera and Donald Blinken Open Society Archives at Central European University, Hungary

12.30 – 13.30 Lunch break

13.30 – 15.00 *Personal data in the archives: over the horizon*

Speakers:

Tomáš Lechner, University of Economics, Czech Republic

Josef Prokeš, Office of Personal Data Protection, Czech Republic

Jan Vobořil, Iuridicum Remedium, Czech Republic

15.00 – 15.15 Coffee break

15.15 – 16.00 *Methodology for accessing archives containing personal data*

Speakers:

Markéta Munková, State Regional Archives Prague, Czech Republic

Karolína Šimůnková, National Archives, Czech Republic

Jiří Úlovec, Ministry of Interior, Czech Republic

16.00 – 16.30 Discussion and final conclusions

All sessions hosted by Mikuláš Čtvrtník, State Regional Archives in Prague, Czech Republic and Zbyšek Stodůlka, National Archives, Czech Republic.

Speakers:

Prof. dr. Antoon de Baets graduated in history, history education and Third World Studies at the University of Ghent. Since 1995 founder-coordinator of the Network of Concerned Historians. Professor of history, ethics and human rights at University of Groningen (Netherlands) focusing his research on the censorship of history, the ethics of historians and problems at the crossroads of history, ethics and human rights. Among others author of *Censorship of Historical Thought: A World Guide* (2002), *Responsible History* (2009) and *Crimes against History* (2019).

Giulia Barrera, Ph.D. is an archivist and Africanist historian, currently in charge of personal and family archives in the Archivio Centrale dello Stato (Italy). She also serves in the staff of the Data Protection Office of the Ministry of Culture. For over a decade, she has been in charge of international relations at Italian Directorate General of Archives. She coordinated the drafting of the *EAG guidelines on the implementation of the General Data Protection Regulation in the archive sector* (2018).

PhDr. Mikuláš Čtvrtník, Ph.D. is in charge of the Department of Public Administration Archives in the State Regional Archives in Prague (Czech Republic) and assistant professor at the Department of Archival Science and Auxiliary Sciences of History, Faculty of Arts, Jan Evangelista Purkyně University in Ústí nad Labem (Czech Republic). Postgraduate studies (Ph.D.) at Charles University in theory and methodology of history. His research focuses on archival science, theory and methodology of history, historiography, public administration and records management.

Mgr. Tomáš Lechner, Ph.D. graduated at the Faculty of Mathematics and Physics, Charles University, postgraduate studies (Ph.D.) at the University of Economics in Prague focusing on eGovernment, currently lectures there as assistant professor. Author of more than 60 studies on the field of personal data protection, records management and electronic trust services, among other monographs co-author of *Ochrana osobnosti, soukromí a osobních údajů* (Protection of personality, privacy and personal data; 2019).

Mgr. Markéta Munková studied law at Charles University. She has been working in advocacy since 2001, in 2005 passed the bar exam. Until 2012 she worked as a lawyer and supervisor in the non-profit organization Iuridicum Remedium, since 2013 working as a lawyer at the State Regional Archives in Prague, since 2021 as the head of the secretariat of the Director.

Mgr. Josef Prokeš graduated in law at Charles University, held a number of senior positions within the Office for Personal Data Protection, participated in the preparation of legislation in the field of personal data protection and currently holds the position of Vice-Chairman of this office.

Dr. Clemens Rehm serves as deputy president of the State Archives of Baden-Württemberg, 2009-2013 Vice-Chair of Association of German Archivists (board member 1999-2013). Research interests in archival science, archival legislation, regional and church history, among others publications editor and co-author of *Archivrecht für die Praxis: Ein Handbuch* (Archives law for practice: a manual; 2017); since 2017 board member of Arbeitsgemeinschaft Orte der Demokratiegeschichte (working group Places of the History of Democracy).

Mgr. Zbyšek Stodůlka is a senior digital archivist in the National Archives (Czech Republic). In his research and application practice of digital archives deals with the issue of records management, transparency of public administration and digital preservation. Among others co-author of the monograph *Digitální archivnictví* (Digital archiving; 2019), lectures on that field at Faculty of arts Charles University and Masaryk University.

Ivan Székely is social informatist and internationally known expert in the multidisciplinary fields of data protection and freedom of information, holds CSc in sociology. Former chief counsellor of the Hungarian Parliamentary Commissioner for Data Protection and Freedom of Information, Székely is presently Senior Research Fellow and Counsellor at the Vera and Donald Blinken Open Society Archives at Central European University. His research interests and publications are focused on

openness and secrecy, privacy, identity, surveillance and resilience, memory and forgetting, and archivistics.

Mgr. et Mgr. Karolína Šimůnková graduated in law and history at Charles University, since 2004 she has worked in the National archives, in 2013 at the Ministry of the Interior in the Department of Archiving Administration and Filing Service, until 2017 head of the State Administration Funds Department 1945 -1992 in the National archives, since 2017 senior research methodologist in Department of Records Management Inspection, Public Administration Records after 1992 and Electronic Records.

PhDr. Jiří Úlovec is archivist and historian, graduated in ethnography and history at Charles University. Until 1987 employed as an archivist in the then State Central Archives (Czechoslovakia), then in the publishing house Naše vojsko and since 1992 at the Ministry of the Interior (Department of Archiving Administration and Filing Service), currently as a head of this department.

Mgr. et Mgr. Jan Vobořil, Ph.D. graduated in law and economic and social history at Charles University, serves as attorney in personal data protection and privacy, also as director of Iuridicum Remedium, a non-profit human rights and privacy watch-dog. Member of the Committee on Human Rights and Modern Technologies and the Committee on the Rights of the Elderly of the Government Council for Human Rights.