

Exploring ethical considerations for providing access to digital heritage collections

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1 Introduction

‘Ethical conduct’ is more than simply doing the right thing. It involves acting in the right spirit, out of an abiding respect and concern for one’s fellow creatures (National Health and Medical Research Council, 2018).

This guidance note raises some considerations for providing ethical access to digital heritage collections in archives, and includes sections that address access considerations for cultural heritage collections. It is not a definitive guide to practice, but a set of considerations to apply to the digital preservation environment when working toward access outcomes.

To illustrate the guidance provided, the paper also provides a case study of approaches and tools that have been useful for collection management professionals at the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) located in Canberra, Australia on the traditional lands of the Ngunnawal people. Providing access to the AIATSIS Collection is core business, and staff utilise a robust framework to facilitate appropriate access, in accordance with Aboriginal and Torres Strait Islander people’s expectations that collections are handled in a culturally sensitive way. The practices acknowledge that both collection management practitioners and clients require a supportive access environment when they encounter sensitive materials.

2 Unique challenges for access to digital assets

Digital archivists are ethically bound to preserve and maintain digital materials so researchers can access them now and into the future (de Klerk, 2018).

Over decades AIATSIS has undertaken an extensive digitization program and has long been the recipient of complex born-digital deposits – these are common experiences among national collecting institutions.

The management of digitized and born-digital assets pose some specific challenges for archival stewardship, and the expectations of access. The following list is not exhaustive, but begins to indicate the breadth of challenges:

- Across the spectrum of organizational capacity and infrastructure to manage increasing amounts of born-digital deposits, organizations may find it challenging to preserve archival context. Unclear provenance of collection materials can affect the provision of ethical access to materials.
- Digitized and born-digital assets may be inherently easy to copy, which heightens the risk of sensitive content being shared widely.
- Expectations of preservation versus the realities of access can be misaligned – it is important to discuss realistic discussions with depositors about what access to certain digital deposits may look like.
- Depositors of analogue collections may not have considered the possibility of their records being digitized and shared online.
- The provision of access to certain types of complex digital assets comes at a cost (for example, time, funds, specialist expertise) that may divert resources from creating access pathways to other material types. Consideration of the ethics of access begins with ethical and self-aware acquisition practices including the consideration of the costs of caring for assets for the long-term.

- Digital access pathways can distance a user from a sensitive, supportive and informed access experience (such as those possible in a reading room).
- The acts of digitizing or carrying out digital preservation activities can expose practitioners to sensitive cultural content, and cultural safety protocols are required in this environment as in many other elements of collection stewardship and access.
- Storage of and access to sensitive cultural content in digital forms must be negotiated, as it would be for physical items, but in a context of digital storage challenges. Considerations include partitioning storage drives to lower the risk of inappropriate access to secret/sacred materials and men's business or women's business. The increased portability of digital assets on storage devices such as USBs also has risks and benefits ([Vaarzon-Morel, Barwick and Green, 2021](#)).

These challenges highlight the need for an institution to have multiple tools in its framework for making ethical decisions that support access to digital heritage.

3 What constitutes ethical access?

Providing access to material held by collecting institutions is increasingly seen as core business for such organizations. Providing access services (such as reference, reading rooms, and online platforms) to collections and increasing ease of access (such as undertaking digitization projects) can raise ethical considerations and instigate new best practice methods.

What ethical access to material looks like for individual institutions and for different content can differ markedly, especially as best practices evolve, and material types expand (for example, the growth of born-digital). The 'ethics of access', broadly encompasses, but is not limited to, the principles of:

- Providing equitable and appropriate access to material.
- Ensuring the needs of depositors, rights holders and researchers are legally and usefully met.
- Ensuring that metadata improves discoverability and access.
- Ensuring that access tools (finding aids, catalogues) as well as bodies of knowledge (staff, organizations) are helpful and approachable (Winn, 2015; Danielson, 1989).

The foundations of ethical access are therefore established across a range of collection and data management steps, for example:

- *Acquisition* – Do rights holders understand options for exercising their rights and their role in granting permissions to access their deposited materials?
- *Description* – Does the metadata meet end user needs?
- *Access* – Are staff supported by procedures and tools (such as checklists, depositor contact databases) that guide and enable the facilitation of access requests?

A tension can exist between an organization's mandate to make collections accessible, and providing appropriate, ethical access, which may manifest as access on limited terms, or to limited parties.

In the context of facilitating access to the AIATSIS Collection, the tension between ideas of open access and the provision of appropriate access is not a hypothetical dilemma, but a daily reality for the Collection Access professionals.

AIATSIS is obliged under its enabling legislation to provide access to the Collection (Australian Institute of Aboriginal and Torres Strait Islander Studies 1989, s5). AIATSIS is equally obliged under

its enabling legislation to deal with its collection in accordance with the instructions of depositors of collection material and consistently with the views and sensitivities of relevant Aboriginal and Torres Strait Islander peoples (ibid, s41). This establishes a legal and ethical landscape that requires careful navigation.

In addition, the daily considerations of access in practice are scaffolded by a range of local, national and international principles, policies, and guides. For AIATSIS, these include:

- An internal ‘access and use’ policy (or similar) that describes the legal and ethical obligations of the provision of access to collection materials in general.
- The AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research, (which encompasses ‘those involved in research governance and policy relating to research or management of collections, including the development of standards’) ([Australian Institute of Aboriginal and Torres Strait Islander Studies](#), 2020a).
- The *United Nations Declaration on the Rights of Indigenous Peoples*, which recognises the right of Indigenous peoples to their Indigenous Cultural and Intellectual Property (ICIP) and emphasises the importance of obtaining free, prior and informed consent for actions that impact ICIP ([United Nations](#), 2007).

A range of other protocols, guides and practices also influence how access is facilitated to the AIATSIS Collection, and some of these are discussed in the following sections.

4 Cultural Safety

It is important to recognise that access is broader than making collection material available in a reading room or online. All staff, consultants, and visitors may consciously or inadvertently encounter collection materials that infringe their cultural beliefs, or are harmful to their wellbeing. As such, cultural safety frameworks are important guides to ensuring ethical access to cultural heritage collections.

In 2018, the National and State Libraries Australasia (NSLA) established the Culturally Safe Libraries resource, defining cultural safety as:

An onsite and online environment that is emotionally safe for Aboriginal and Torres Strait Islander employees and clients; where people feel supported, can express themselves and their culture, history and identity with dignity and pride.
An environment which fosters shared respect, meaning, knowledge and an opportunity to learn together without judgement ([National and State Libraries Australasia](#), 2018).

The NSLA resource is based on the ATSILIRN (Aboriginal and Torres Strait Islander Library, Information and Resource Network) Protocols, which guide information management professionals in ‘appropriate ways to interact with Aboriginal and Torres Strait Islander people in the communities which the organizations serve, and to handle materials with Aboriginal and Torres Strait Islander content’ (Aboriginal and Torres Strait Islander Library, Information and Resource Network, 2012).

As an institution that exclusively holds cultural heritage collections for and about Aboriginal and Torres Strait Islander people, families and communities, AIATSIS aims to ensure the cultural safety of the AIATSIS collection, AIATSIS staff, and clients who access the AIATSIS collection. Cultural safety in relation to the Access and Use of material from the AIATSIS collection means adopting respectful

and culturally informed practices in supporting the needs and rights of people accessing and using the collection. The cultural safety of access encounters may be improved in the following ways:

- Create welcoming and accessible sites for access.
- Train staff in trauma-informed practice.
- Establish spaces in reading rooms that allow clients to view materials with privacy.
- Store and transfer materials in ways that do not inadvertently expose users to culturally sensitive materials, and with appropriate warnings.

It is important, however, to foster an environment of cultural safety throughout the entire stewardship and lifecycle of materials, which can improve cultural safety outcomes when materials are accessed. This includes asking questions relating to the following topics:

Content – the answers may determine who can work with or access this material and under what circumstances.

- Does the material reference or depict people who are deceased?
- Does the material reference or depict death or mourning practices?
- Is the material gender specific?
- Does the material reference or depict secret or sacred knowledge, ceremonies or objects?
- Are colonial attitudes reflected in the material?
- Are colonial attitudes reflected in the description of the material?

Source – the answers may mean that further steps, such as engagement with Aboriginal and Torres Strait Islander communities, need to be taken to facilitate ethical access, and even that the organization may need to reflect on collection policies.

- Was the material ethically collected?
- Are the Traditional Owners aware of the material?

Rights - the answers may mean that further steps, such as engagement with Aboriginal and Torres Strait Islander communities, need to be taken to facilitate ethical access.

- Whose Indigenous Cultural and Intellectual Property (ICIP) exists with the material?
- What are the cultural rights and responsibilities in these materials? Who is best placed to facilitate these requirements?
- Do the Traditional Owners permit the digitization of the material?

5 Indigenous cultural and intellectual property (ICIP)

The recognition of ICIP is a key practice to support ethical access, and cultural safety.

Indigenous Cultural and Intellectual Property refers to Indigenous peoples' rights to their cultural heritage based on the fundamental right to self-determination. Cultural heritage includes all aspects of cultural practices, traditional knowledge, resources and knowledge systems developed by Indigenous people as part of their Indigenous identity ([Terri Janke and Company](#), n.d.).

At AIATSIS, practices to recognise and protect ICIP help to improve cultural safety in access contexts. ICIP informs cultural safety practices in relation to access as it allows Aboriginal and Torres Strait

Islander communities to demonstrate and stipulate the protocols around material and access (Paris Norton, email to author, 17 June 2021).

Importantly, while this guide has largely focussed on the role that the collecting institution plays in facilitating ethical access to collections and data, clients and researchers also have a role. The *Guide to Applying: AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research* advises that ‘Researchers have a responsibility to understand the interaction of knowledge systems and legal systems in research practice’ ([Australian Institute of Aboriginal and Torres Strait Islander Studies](#), 2020b, p.8). This includes seeking and understanding relevant laws, policies and protocols.

6 Discoverability

Practices to improve discoverability have an important role in enabling ethical access.

Libraries, archives and museums in colonised nations do not readily reflect traditional knowledge systems. Catalogues and thesauri are a European-centric construct for listing, describing, classifying and discovering information. There is however, substantial interest worldwide in decolonising the institutions that hold collections and data by and about First Nations peoples.

AIATSIS is committed to facilitating access to collections and data in a respectful and culturally safe way. It has adopted or developed the following approaches to improve the relevance and cultural safety of collection descriptions and messaging at points of collection access:

- AIATSIS aims to increase appropriate access to its collection material, particularly by Aboriginal and Torres Strait Islander peoples. AIATSIS is careful not to censor information, and acknowledges that racialized and offensive language has been used to describe resources in catalogues as part of truth telling. Cataloguers and archivists at AIATSIS approach the description of such resources with sensitivity to lessen the impact of words that may cause offence. Aboriginal and Torres Strait Islander staff have been involved in discussions around formulating processes when describing material that uses racialized or offensive language. More work can be done by the archives sector on decolonising catalogues.
- The ATILIRN Protocols relating to description and classification recommend using national Indigenous thesauri for describing documentation relating to Aboriginal and Torres Strait Islander peoples and issues (Aboriginal and Torres Strait Islander Library, Information and Resource Network, 2012). AIATSIS developed the Pathways thesaurus for subject headings about languages and people, placenames and topics relating to Aboriginal and Torres Strait Islander studies. The language and people terms come from [AUSTLANG](#), which provides information about Aboriginal and Torres Strait Islander languages, assembled from referenced sources. The placename and subject thesauri were developed for the cataloguing and discovery of material held by AIATSIS, so are reflective of what is in the collection.
- A sensitivity message appears at the point of entry into the catalogue to warn that the catalogue contains words, descriptions and terms that either are from the author’s point of view or were prevalent at the time the material was created. In addition, records from the Aboriginal and Torres Strait Islander Biographical Index, which are shared with databases external to AIATSIS, contain a sensitivity message to prepare Indigenous clients for accessing material containing offensive content.

In other settings, Traditional knowledge (TK) labels are being used on catalogue records for material held in cultural institutions such as the Library of Congress and the Smithsonian ([Anderson and Christen](#), 2012). AIATSIS is investigating the application of these labels for its collection.

7 Sources for further guidance

Further useful guides in the consideration of ethical access and use of digital heritage collections have been collated below:

Digital Heritage

- National Library of Australia. (2003). 'Guidelines for the Preservation of Digital Heritage'. UNESCO. Available at: <http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/guidelines-for-the-preservation-of-digital-heritage/>
- GLAM Peak. (2016). 'Draft national framework for digital access to Australia's collections'. Available at: <http://www.digitalcollections.org.au/sites/default/files/GLAMPeak-Draft-National-Framework-Dec16.pdf>
- Drmacich, J., Dundon, K., Farrell, J., Velazquez Fidler, C., Tyndall Watson, C., and Wang, H. (Forthcoming 2022). 'So you want to provide access? Legal and ethical considerations for born-digital archival collections and records.' Digital Library Federation.

Guides to working with First Nations collections with principles and protocols relevant to digital heritage:

- International Council on Archives Expert Group on Indigenous Matters. (2019). Tandanya-Adelaide Declaration. Available at: <https://www.ica.org/en/icanaa-indigenous-matters-summit>
- Terri Janke and Company. (2018). First Peoples: A roadmap for enhancing Indigenous engagement in museums and galleries: Indigenous roadmap. Available at: <https://www.amaga.org.au/shop/first-peoples-roadmap-enhancing-indigenous-engagement-museums-and-galleries-hardcopy-version>

Data Governance

- Wilkinson, M., Dumontier, M., Aalbersberg, I. et al. (2016). 'The FAIR Guiding Principles for scientific data management and stewardship'. *Scientific Data*, 3, 160018. Available at: <https://doi.org/10.1038/sdata.2016.18>
- Research Data Alliance International Indigenous Data Sovereignty Interest Group. (2019). "CARE Principles for Indigenous Data Governance." The Global Indigenous Data Alliance. Available at: <https://www.gida-global.org/care>
- Maïam nayri Wingara Indigenous Data Sovereignty Collective. (2018). 'Key Principles'. Available at: <https://www.maïamnayriwingara.org/key-principles>
- Te Mana Raraunga - Maori Data Sovereignty Network. Available at: <https://www.temanararaunga.maori.nz/>
- UK Statistics Authority. (2021) 'Ethical considerations in the use of geospatial data for research and statistics'. Available at: <https://uksa.statisticsauthority.gov.uk/publication/ethical-considerations-in-the-use-of-geospatial-data-for-research-and-statistics/pages/7/>

8 Conclusion

The provision of access to collections is a key driver of operations in an archive. Building an extensive framework for practice from internal learnings and external expertise supports collecting organizations to facilitate the discussions and decisions that engender appropriate access to digital heritage. The tension between open access and ethical, appropriate access can be guided by the establishment of policy and practice that keeps the needs of the client at its heart.

Access, and particularly the ethical provision of access, is also built upon prior thoughtful acquisition, description, preservation and storage practices. It is also necessary to revisit inherent rights in collection materials, in recognition that deposit and acquisition transactions in archives have not always occurred with the consent of knowledge holders. It is crucial to hold space in practice for appropriate engagement with rights owners, including those who can speak for Indigenous Cultural and Intellectual Property and Traditional Knowledge, throughout the stages of processing and facilitating access.

A drive to expand understanding, as individual practitioners, and at the organizational level is also fundamental to providing responsive and appropriate access services. For example, concepts such as 'cultural safety' have been shaped and shared over time, and many good sources have been developed for the information and collection management sector to learn from. Ethical practice should not stagnate – it is an ongoing dialogue.

9 References

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<https://web.archive.org/web/20200813145415/https://www.artslaw.com.au/article/traditional-knowledge-licences-and-labels/>
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