

Voice from the Vault

By Gregory Sanford, State Archivist

Public Records Go Public

Public records certainly have been getting a lot of ink lately. National attention has been drawn to Howard Dean's gubernatorial records. Databases compiled by municipal appraisers have been subject to litigation pitting right to know arguments against privacy concerns. A legislatively-mandated study committee on municipal land records is wrestling with traditions of local control confronting the centralizing tendencies of economic and technological realities. Hearings on allowable charges for copies of public records heard from public officials about unremunerated costs of staff time, and from citizens about how staff time charges would make copies prohibitively expensive. A fire in the Winooski municipal clerk's office made us all think about disaster planning and the security of our records.

Government recordkeeping does not usually receive such attention. And that is as it should be; recordkeeping should be invisible. And yet recordkeeping does not take place in a vacuum and changes in the larger society affect the environment within which recordkeepers work.

The unusual and heavy use of gubernatorial records is obviously related to the successes of Howard Dean's campaign for the presidential nomination. Beyond the immediate impact on staff time, the use of the Archives for political, as opposed to institutional, purposes inspires a rethinking of traditional processes. What is it we want or need to document about a gubernatorial administration and what records best support that goal? How do we balance our right to know with the legal authorities a governor properly exercises to protect policy development? How can we separate the intertwined realities that gubernatorial records document both individual administrations and institutional continuities that bridge administrations? And how, when news media begin to focus on the use of the records, do we protect researchers' ability to inspect records without media scrutiny?

The issues surrounding the municipal appraisal records are linked, in part, to enhanced access through new technologies. What do we mean by "public" record when public now entails the ability to share information globally through the Internet? The changing nature of "public" leads us to re-examine what information government collects, in what form, and whether privacy safeguards can be established without diminishing our right to know? For an earlier discussion of this issue see *Voice from the Vault* in the October 2003 *Opinions*.

Changing technologies and economic patterns also raise questions about cherished traditions of local control versus external centralizing forces. The study committee on municipal land records has heard

strong arguments against mandates on how a municipality manages land records. It has also heard from key users of land records about how local control has created a patchwork of practices that may lead lending institutions and title insurers to withhold services from some municipalities. How can we shape recordkeeping practices so that local governments can respond to change without being overwhelmed by technological and market forces—or by new mandates? For an earlier discussion of standardization see *Voice from the Vault* in the September 2003 *Opinions*.

The information held in public records is, arguably, the most valuable resource controlled by government. Public records prove a citizen's and government's ownership of property, provide government accountability, allow for the measurement of policy decisions, and contain significant economic, environmental and demographic information. Extracting that information in response to requests for copies of public records can be expensive, particularly in terms of staff time. Who should bear the costs? Can we rethink our recordkeeping systems to allow the better identification of records, including distinguishing between open and exempt records, to reduce the costs of responding to copy requests? However we define the issue or whatever solutions we envision, how do we effect a cultural change in an environment where recordkeeping is seen as separate from, and subservient to, service delivery?

The four hour fire rated vault in the Winooski municipal offices, by all accounts, protected the records stored within it. Yet the potential loss of electronic records because computers were not effectively backed-up raises questions for all of us charged with preserving public records. Again, this more than a technology-inspired issue. For example, recent case law and legislation has extended the range of documentation associated with maintaining marketable title to property. In many cases those (primarily zoning) records are not stored in town vaults but in the offices of the administrators. What would happen to property titles if those records were lost in a fire? But how can municipalities afford vaults adequate to the growing volume and extent of public records?

Each of these recent records-related stories raises opportunities to emphasize the importance of recordkeeping and attract support for our work. The Archives hopes to add a new section on disaster planning to its web site, while the collections care program of the Vermont Museum and Gallery Alliance is developing a cooperative emergency response program for records. The legislature may soon be taking up a wide range of record issues, providing opportunities for municipal and state recordkeepers to shape new approaches. Our time is now—let us make the most of it.