

Enhanced preservation of records in the event of a crisis

Guidelines

Version 1.0 Date 2023-01-25

Publications of the Swedish National Archives for Public Administration

Primarily aimed at government agencies but can also be used by other authorities and bodies that have to apply the Archives Act (SFS 1990:782).

The guidelines "Enhanced preservation of records in the event of a crisis" have been developed within the Department for Information Management. The guidelines are aimed at the authorities and bodies that have to apply the Archives Act, but also at private-sector organisations.

Skrifter för offentlig förvaltning 2023:1

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Introduction

The Swedish National Archives urges government agencies, regional authorities, municipalities, companies and other stakeholders to enhance the preservation of information of societal importance in the event of a crisis. These guidelines propose measures to enhance preservation and offer advice on evaluating a crisis and assessing informational value.

Extraordinary events and other crises that negatively impact society justify an increase in the preservation of records and information. In the wake of tumultuous events, there is often a keen interest in charting what has actually occurred, in evaluating the measures taken and in demanding accountability. It is therefore important that archives are available that provide detailed testimony about the scope and consequences of the crisis.

The guidelines are intended to promote the preservation of records during a crisis that affects the entire country and vital societal sectors in Sweden. They also aim to promote the preservation of records during local and sector-specific crises that might only affect one locality or branch of society.

By exercising enhanced preservation during a crisis, public authorities and other societal actors can ensure that documents are preserved for the archives that might otherwise have been lost, making our archives richer. This benefits the administration of justice, public administration, the public and future research, as well as contributing to the preservation of our common cultural heritage.

How archival documents are preserved differs depending on the sector and organisation. Documents in the public sector are covered by the Swedish Archives Act (SFS 1990:782) and Archives Ordinance (SFS 1991:446). Documents received or drawn up in the course of a public authority's core activities are official documents and are dealt with accordingly. Documents that do not constitute official documents are not always archived. Certain official documents are weeded out pursuant to regulations if, under normal circumstances, they are deemed to have no informational value.

The preservation of documents by private- and third-sector organisations is not regulated in archival legislation. However, a large proportion of information of societal importance is generated by such companies, associations and non-governmental organisations. This is equally true under normal conditions and extraordinary circumstances. It is therefore vital that this information is preserved.

The guidelines are therefore intended for the public, private and third sectors alike.

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In what types of crisis should enhanced preservation be applied?

Not all events and situations that are commonly referred to as a crisis warrant enhanced preservation. For example, media headlines concerning a perceived housing crisis, chocolate crisis or aviation crisis should be approached with caution. A crisis that justifies enhanced preservation is one with a certain gravity and scope.

The crisis should imply a unique and temporary strain on Swedish society that is so great that public authorities and other organisations are forced to deviate from normal procedures for management, resource allocation or communication in order to deal with the situation.

- The crisis should be *unique* and *temporary* in the sense that it is possible to discern a time before it occurred and a (probable) end within the foreseeable future. So, the crisis must be transitory in nature but sufficiently protracted to leave its mark. Recurring or seasonal events, such as a stock market crash or heatwave, do not justify enhanced preservation. Nor do more or less constant crises, such as the climate crisis.
- The crisis should have an *impact on society*. National emergencies such as wars and nationwide epidemics most certainly warrant enhanced preservation. That said, a crisis need not necessarily impact society as a whole. It is sufficient if it only affects a local community or societal sector. For example, an isolated environmental disaster in a city or the sabotage or breakdown of a vital societal function or infrastructure warrants enhanced preservation. In this context, the decisive factor is the societal impact of the crisis. To justify enhanced preservation, the societal impact should be relatively widespread and profound.
- While the crisis should have an impact on *conditions in Sweden*, it need not originate in Sweden. Crises in other countries may also justify enhanced preservation, given that they place a strain on Swedish society. So, a global refugee crisis may be relevant, as might a nuclear accident or natural disaster in a neighbouring country.
- The crisis should result in some form of *crisis management*. While crisis management based on legislation concerning Sweden's total defence, heightened alert, major accidents and extraordinary events during peacetime is clearly relevant here, any crisis management

that requires government agencies and other organisations to deviate from normal procedures even marginally may justify enhanced preservation.

Important legislation concerning Sweden's total defence, heightened alert, major accidents and extraordinary events during peacetime include: the Act (1992:1403) and Ordinance (2015:1053) on Total Defence and Heightened Alert; Ordinance (2022:524) on the Preparedness of Government Agencies; Act (2006:544) and Ordinance (2006:637) on Municipal and County Council Measures prior to and during Extraordinary Events in Peacetime and during Periods of Heightened Alert; Ordinance (2017:870) on County Administrative Boards' Contingency Planning and Information Ahead of and in Times of Heightened Alert; Civil Protection Act (2003:778) and Civil Protection Ordinance (2003:789).

You can learn more about Sweden's total defence, heightened alert, major accidents and extraordinary events during peacetime and vital societal functions and critical infrastructure on the website of the Swedish Civil Contingencies Agency (MSB) at <https://www.msb.se/sv/amnesomraden/krisberedskap--civilt-forsvar/>.

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Measures specifically for public authorities

3.1 Keep an eye out for new types of document!

Measure: Remain alert for any new activities, documentation needs and official documents that a crisis or the management of a crisis may give rise to. Likewise, whether normal activities take a new turn that requires new archival measures. Map your processes, determine who has responsibility for archiving and ensure that the documents are processed within the framework of routine archiving.

Tip: Documents relating to activities that have arisen suddenly and for which there is no given operational system often find their way into common digital storage areas. You should therefore pay particular attention to network folders, workspaces and applications such as Teams and other SharePoint solutions. Bear in mind that even if documents are referred to as working documents within the organisation, they may constitute official documents in the legal sense.

What are the statutory requirements? A document is official if it is held by a public authority, and if it can be deemed to have been received or drawn up by a public authority (Chapter 2 Article 4 of the Swedish Freedom of the Press Act (1949:105)). The archive of a public authority consists of official documents related to the authority's operations and those documents referred to in Article 12 of Chapter 2 of the Freedom of the Press Act that the authority decides to archive. The archives of public authorities shall be preserved, kept in order and cared for. Each public authority is responsible for the care of its own archive, unless that responsibility has been taken over by the archiving authority. The care of archives includes delimitation by establishing which documents are to be archived (Sections 3 and 4 of the Swedish Archives Act (1990:782)).

3.2 File and archive more!

Measure: Investigate whether documents that are not official, and thus do not have to be archived in accordance with the principle of public access, have informational value in relation to a crisis or crisis management. If so, archive them.

Tip: Internal emails and notes are examples of documents that, while not official, may have significant informational value. When assessing informational value, consider not only the content of the document in itself but also the relationship to other documents within the organisation. Be alert to whether documents complement other series of documents within the organisation, thus contributing to a fuller picture of events, measures and decisions.

What are the statutory requirements? Public authorities can archive the memorandums, preliminary outlines, draft decisions or written communications referred to in Article 12 of Chapter 2 of the Freedom of the Press Act for future reference if they consider them to have value for the administration of justice, public administration, the public and future research. Government agencies are subject to regulations stating that they *shall* take advantage of such documents. When a public authority archives these documents, they become official and are subject to the same statutory requirements as other official documents (Chapter 2 Article 12 of the Freedom of the Press act; Section 3 of the Archives Act; Chapter 3 Section 2 of RA-FS 2019:2). Documents containing personal data also become official documents when archived. Personal data may then be stored even after the original purpose of processing has ceased, i.e., they do not need to be erased pursuant to the provisions of the General Data Protection Regulation (GDPR) on the principle of data minimisation. This also applies to sensitive personal data (Article 5e, recital 50 GDPR; Section 6 of the Swedish Act containing supplementary provisions to the EU General Data Protection Regulation (2018:218)).

3.3 Exceptions to weeding

Measure: Consider preserving documents that under normal circumstances would be weeded out because they are considered to lack significant informational value. If weeding can no longer be justified, review the possibility of temporarily amending the public authority's standard procedure so they can be preserved. Document any exceptions to standard weeding procedure in archiving reports and information management plans.

Tip: Certain documents related to governance, support and core operations are routinely weeded out by public authorities pursuant to regula-

tions. For example, survey responses and accounting information such as invoices and supporting documentation. In extraordinary circumstances, a reevaluation of the informational value of such documents may be called for. Survey responses may, for example, provide an accurate image of people's opinions in a time of crisis, while detailed accounting information may deepen understanding of the economics of crisis management.

3.4 Pay particular attention to social media posts!

Measure: Monitor social media traffic and consider whether it might be possible to preserve some or all of the information flow.

Tip: Many public authorities have social media accounts on platforms such as Facebook, Instagram and Twitter. Social media posts are often considered to be routine questions, answers and messages and are therefore usually weeded out pursuant to regulations when no longer needed by the organisation. However, social media is highly likely to play a key role in a crisis. In hindsight, the information flow can often tell us a great deal about a crisis. For example, posts may bear witness to the actions of public authorities, the reactions of individuals, group cooperation and the consequences of the crisis.

What are the statutory requirements? Regional authorities and municipalities are subject to the regulations and decisions on weeding issued by regional and municipal assemblies (Section 16 of the Archives Act).

Government agencies are only permitted to weed out documents pursuant to regulations or decisions issued by the National Archives, unless specific provisions exist in an act or ordinance (Section 14 of the Archives Act). The National Archives issues regulations in its two statute books: the National Archives' regulations and general recommendations (RA-FS), and the National Archives' regulations and decisions for public authorities (RA-MS). The National Archives' regulations and decision concerning weeding are formulated as consent (may be weeded out) or mandatory provisions (shall be weeded out). If regulations and decisions are in the form of consent, the public authority may choose not to weed out a document solely by changing its application of the regulations. In the case of a mandatory provision, the public author-

ity must contact the National Archives to seek a dispensation or change to the decision.

Certain public authorities and organisations are subject to registry legislation with mandatory provisions concerning weeding. These take precedence over the Archives Act. The National Archives does not have the authority to amend these provisions unless it is specifically stated that the National Archives may grant dispensations from weeding.

3.5 Comment in your archiving reports!

Measure: In your archiving reports, state clearly that certain processes and types of document are related to a crisis. This is particularly important if a crisis has led to new processes and types of document or changed the content and/or significance of old processes and types of document.

Tip: Make notes in archive descriptions or process descriptions to facilitate searches. Meanwhile, maintain the original location of documents in your classification structure and archives. Do not create collections of documents with different provenances simply because they relate to the same crisis or emergency response.

What are the statutory requirements? The duty of public authorities to maintain archives includes organising them in a manner that facilitates the public's right to access official documents. Public authorities are required to prepare an archive description containing information about and a systematic list of the documents stored in the archive (Sections 4 and 6 of the Archives Act). Government agencies are subject to specific regulations concerning the design of archive reports, which must make it possible to understand the relationship between their operations and the documents (Chapter 6 Section 1 of RA-FS 2019:2).

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Measures specifically for private-sector organisations

In many cases, recommendations to public authorities concerning enhanced preservation can also be applied by organisations in the private sector. However, as the conditions for documentation and preservation differ in the private sector, there is reason to emphasise two specific pieces of advice.

4.1 Secure your documentation!

Measure: Ensure that important activities are thoroughly documented.

Tip: Design documentation procedures. These procedures should, at the very least, convey what is to be documented and in what medium. To make sure you preserve documentation about important activities, take advantage of the documents that arises routinely within your own organisation. Do not gather documents originating elsewhere simply because they relate to the same crisis or emergency response.

For advice on documentation during a crisis, please read Jonas Landgren's report "Glöm inte att dokumentera": *Hantering av dokumentation vid krishantering* [Don't Forget to Document: Dealing with Documentation in Crisis Management] (MSB 2011), which is aimed at crisis management stakeholders. <https://www.msb.se/sv/publikationer/glom-inte-dokumentera--hantering-av-dokumentation-vid-krishantering/>

4.2 Ensure long-term preservation!

Measure: Even if your own organisation no longer has any use for the documents, they may be of interest to the public and researchers. Analyse their informational value. If your analysis suggests that they might be valuable, investigate the possibility of transferring the documents to an archival institution.

Tip: Many archival institutions accept archives from companies, associations, NGOs and individuals. Listed below are a few of the major private-sector archival institutions. Under certain circumstances, the National Archives, regional archives and municipal archives also accept private archives. Please contact the National Archives for guidance.

What are the statutory requirements? Documents containing personal data are subject to GDPR and supplementary national provisions on data protection. The processing of personal data requires a clear purpose and a legal basis pursuant to Article 6 of GDPR. Just like public authorities, private archivists may process and store personal data after the original purpose of processing ceases on the basis that archiving is in the public interest.

Pursuant to point (b) of Article 5(1) of GDPR, further processing for archiving purposes in the public interest shall not be considered to be incompatible with the initial purposes for which the data was collected. Consequently, no further legal basis is required for archiving over and above the legal basis on which the data was originally collected. So, personal data do not need to be erased pursuant to the principle of data minimisation in GDPR. Whether or not archiving is in the public interest is another matter, and one that the private archivist must give due consideration to in the course of their work and that may ultimately be determined by the application of law.

In the case of sensitive personal data, in addition to the legal basis for collection pursuant to Article 6.1, further processing by a private archivist for archiving purposes in the public interest must also meet the conditions set out in point (j) of Article 9(2) of GDPR. Among other things, this means that processing must be necessary for archiving purposes in the public interest based on Union or Member State law. As private archivists are not subject to the provisions of the Archives Act, you will therefore need to rely on the National Archives' regulations and general recommendations concerning the processing of personal data for archiving purposes in order to further process sensitive personal data.

There are private regional archiving institutions that accept archives from companies and other private organisations and individuals. Please contact the industry organisations Svenska Arkivförbundet and Näringslivets Arkivråd for guidance regarding a suitable archival institution: <https://arkivforbundet.se/> and <http://nla.nu/>.

There are also specialised national archival institutions: the Swedish Labour Movement's Archives and Library, the Centre for

Business History and the TAM Archives: <https://arbark.se/>;
<https://www.naringslivshistoria.se/>; <https://tam-arkiv.se/>.

You can learn more about the National Archives' acquisition policy and the possibility of accepting private archives at <https://riksarkivet.se/ta-emot-enskilda-arkiv/> and <https://riksarkivet.se/Media/pdf-filer/Forvarvspolicy-enskilda-arkiv.pdf>.

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Recommendations on assessing informational value

Not all documentation generated during a crisis is worth preserving.

In order to determine which documents are important enough to be considered for enhanced preservation, their relevance to the crisis and informational value must be considered.

5.1 Relevance to the crisis

It is not only documents generated by the public authority's crisis organisation or related to vital societal functions and critical infrastructure that are of interest in this context; all documents of relevance to the crisis are interesting, irrespective of the organisation in which they were generated.

Documents are relevant to the crisis if they document:

- the crisis itself;
- crisis management and interventions by public authorities, other organisations or individuals; or
- the societal impact and consequences of the crisis.

5.2 Informational value

Any potential use in research, inquiries and information searches should be considered when assessing informational value. The value of a document should be judged based on two areas of use: the documentation of the organisation in which it was generated; and the documentation of events in the surrounding community. These two criteria should be afforded equal importance when assessing the informational value of a document. The cultural-heritage value of the document should also be given due consideration.

The features of a document that should be most highly valued are:

- uniqueness;
- continuity;
- data quality and the possibility of critically evaluating sources;
- is it primary data or low-level aggregation;

- the presence of identifying data, i.e., data relating to an identified or identifiable natural person or other entity;
- linkability and functional relationships;
- representativeness;
- accessibility and transparency; and
- cultural and aesthetic expression.

These characteristics are desirable in both individual documents and in types of document and archives.

Hence, there are documents with various types of informational value. Some documents are highly valuable in their own right, while others have relatively little value until used to supplement or enhance the value of other documents. If connections and context are safeguarded in archival reports and the maintenance of archives, this value can be retained.

Learn more about assessing informational value in the National Archives' policy document on preservation and weeding out, *Bevarandet av nutiden* [Preserving the Present] (1995) https://riksarkivet.se/Media/pdf-filer/Bevarandet-av-nutiden_Riksarkivet.pdf and the National Archives' acquisition policy for private archives <https://riksarkivet.se/Media/pdf-filer/Forvarvspolicy-enskilda-arkiv.pdf>

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References

Acts, ordinances and regulations

The Swedish Archives Act (SFS 1990:782).

The Swedish Archives Ordinance (SFS 1991:446).

The General Data Protection Regulation (GDPR): REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.

Regulations amending the National Archives' regulations (RA-FS 1991:1) and general recommendations on archives held by government agencies (RA-FS 2019:2)

The Swedish Civil Protection Ordinance (SFS 2003:789)

The Swedish Ordinance (SFS 2006:637) on Municipal and County Council Measures prior to and during Extraordinary Events in Peacetime and during Periods of Heightened Alert

The Swedish Ordinance (SFS 2015:1053) on Total Defence and Heightened Alert

The Swedish Ordinance (SFS 2017:870) on County Administrative Boards' Contingency Planning and Information Ahead of and in Times of Heightened Alert

The Swedish Ordinance (SFS 2022:524) on the Preparedness of Government Agencies

The Swedish Act (SFS 1992:1403) on Total Defence and Heightened Alert

The Swedish Civil Protection Act (SFS 2003:778)

The Swedish Act (SFS 2006:544) on Municipal and County Council Measures prior to and during Extraordinary Events in Peacetime and during Periods of Heightened Alert

The Swedish Act containing supplementary provisions to the EU General Data Protection Regulation (SFS 2018:218).

The Swedish Freedom of the Press Act (SFS 1949:105)