In the Name of the Right to Oblivion, What will be left of Europe’s Future Heritage?

To keep big Internet corporations (Google, Facebook etc...) from retaining and using our personal data, the European commission and European parliament are ready to rush through a radical solution for the spring of 2013: a regulation\(^1\) that will compel public and private organisations to destroy or anonymize such data once the purpose for which they were created and gathered is achieved. The Commission wants to ensure a right to oblivion for European people that guarantees respect for privacy.

This regulation will focus on personal data in every format, paper or electronic. It will be implemented immediately and will prevail over national existing legislations and regulations.

Did you recently graduate? Schools or universities will destroy your file. Did you sell your real estate property? The land registry office will destroy every trace of your property. Are you no longer employed? The organisation you worked for will delete every bit of information related to you. Do not count on public organisations or your employer, you will be the only one responsible for your own personal data.

It is obvious that the re-use of personal data unbeknown to citizens and for commercial purposes, all this easily facilitated by new technologies, must be fought by every means, but systematic destruction or anonymization of data to avoid any trouble is like throwing the baby out with the bathwater. Rather than reinforcing the role of archives institutions and services, which already ensure a secured preservation and a controlled access to our heritage, compliant with individual liberties, Europe will impose a collective amnesia for our own good.

The French government is about to react to this regulation project, that has not yet been brought to the public’s attention.

The Association des archivistes français, which gathers over 1600 archives professionals, wants to remind all concerned of some obvious facts and to alert them on the anti-democratic consequences of such a regulation.

\(^1\)Projet de règlement européen « relatif à la protection des personnes physiques à l’égard du traitement des données à caractère personnel et à la libre circulation de ces données » :
Rapport Albrecht sur le projet de règlement européen :

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– Current technological means enable secure preservation and access to information, in a much more reliable way than a few years ago. "Leaks", and data losses are consequences of organisations neglecting to set up optimal governance information policies, at the citizens's own expense.

– Archives are "authoritative sources of information underpinning accountable and transparent administrative actions. They play an essential role in the development of societies by safeguarding and contributing to individual and community memory" (Universal declaration on archives, 2010)

– Collecting and preserving personal data for patrimonial or legal purposes beyond the needs leading to their creation, ensuring access to information while protecting privacy is the privilege of democracies, which have had strict legislation in this domain for a very long time.

– It is absurd to impose the same drastic obligations on commercial corporations (which detain personal data in the only aim of profit), on private organisations for which the constitution of historical heritage is already part of their culture, and on public service structures.

– The European commission seems to ignore the very existence of departments and services dedicated to recordkeeping, staffed with experts and a strict code of ethics, whose sense of duty and responsibility has never been questioned. Archivists and records managers are able to set up collecting policies and ensure a secure preservation of data in order to ensure their integrity. They are able to regulate access to data according to each individual's rights, under the control of the judicial system.

– Europe must not forbid data preservation, but on the contrary ensure their protection and controlled access. It must ensure citizens that sufficient technical, financial and human resources, including the recruitment of skilled professionals will be granted to manage data properly.

Public opinion was recently moved by news of the destruction of the Timbuktu manuscripts. In the same way, it must react to the planned disappearance of its own memory, a too hasty reaction by European lawmakers to block the scandalous ambitions of a handful of corporations.

To avoid a decision with irreparable consequences, we ask the European commission to adjourn the adoption of this regulation in order to further discussions and call on all stakeholders in France and other European countries to do the same.

http://www.ica.org/6574/documents-de-rfrence/dcloration-universelle-des-archives.html