JUST FOR THE RECORD, Information Governance in the Digital Age

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Good morning,

I am really happy to be part of this conference, not in my former role as national archivist (a position I left in 2014, exactly 10 years ago) but as vice-chair of the (quite new) Dutch Advisory Board on Open Government and Information Management. This is a position in combination with my full-time job as chief executive of Amsterdam Public Library, with one central library and 28 branch libraries in this City one of the largest local library systems in the Netherlands. My colleagues' reactions to my career steps during the last decades illustrate exactly how we value "government", "records management" and "information services for citizens" in our country.

When I decided in 2007 to leave my position as director of the Arts Department for National Archives in 2007, my colleagues in The Hague saw that as a very unwise voluntary demotion. Policy making is much sexier than keeping records. When seven years later I left National Archives in The Hague for the local public library, people saw it again as professional suicide. Keeping and safeguarding information

for the country seems to be much sexier than helping people to find answers to their questions in your own city. I must admit that I do love policy making, I do love archives and records, but above all I do love people and this city. So that's why I am happy with the combination of my positions at the library network of Amsterdam and the Advisory Board on Open Government and Information management.

Yesterday, during the first conference day, I have been wondering in what way the reports, advises and actions of our Advisory Board meet the "two building blocks" and "three facets of analyses" of the Recordkeeping Informatics model. I'll leave it to you to decide on that, listening to my story. I must admit that, apart from these five components of the model, three remarks Laura Millar made, struck me and made me rethink my contribution for this morning.

The first remark -and we discussed it already yesterday- is the importance of "evidence" to make a distinction between "need"- and "nice-to have" information. The word "evidence" might be helpful, but my problem with the use of this word as a central definition in processes of business analyses and appraisal is that it suggests that there is an objective standard to determine the evidential aspects of various categories of information. It is my opinion that appraisal and selection processes always are subjective, determined by time, place and other circumstances, so I would suggest replacing the more or less "objective" notion of "evidence" by the more "subjective" notion of

"value", to be determined by public procedures that can be followed, influenced and adapted to new insights.

These are important jobs to be done because I fully agree with Laura's statement: Less is More. That one really warmed my heart. Our last advice has the title 'All is nothing' and I do think this is one of the challenges we have to face when it comes to what we keep and make accessible and for how long. If we don't take up that challenge, all relevant information will drown in sludge.

This brings me to the theme of bridges in Laura's presentation. Great metaphor! You will understand her bridges triggered in me the Dutch preoccupation with dikes and water management. Our national hobby since we live -for instance in this city- somewhere between 2 and 6,5 meters below sea level. Our primary dikes have been designed and build over the last 70 years, to allow one flood per ten thousand years. But not all possible futures have been considered. Climate change has changed the flood dynamics drastically.

There is a parallel here with the explosion of information dynamics mentioned yesterday. We may drown in sludge in a few years from now. So, we need a new approach.

[*slide with dikes and canals*]

Right now, we regulate and organize the water at its present level. But we must regulate for a totally different situation: a far more diverse and complex water system at a much higher level. We have four options here:

[slide with 4 scenarios]

- higher dikes (more of the same; very expensive and unsustainable)
- build out into the sea (more depositories, more room - for water or information - but expensive and maybe not sustainable).
- keep our dikes, but with room for water to flow between them (less costly, sustainable but limited certainty about what will be lost or not); or
- let the water flow freely and learn to swim or navigate the waves, build floating houses. (probably the most impactful, innovative, and sustainable strategy, but requires innovation, new skills and embracing uncertainty).

I [INTRO AND MAIN MESSAGE]

How do these metaphors relate to the management of public information in the Netherlands? First, let me conclude that it is widely acknowledged in our country that proper management and disclosure of government information are key to a democratic society (operating under the 'rule of law'). According to a recent report of the Organization for Economic Co-operation and Development we are fifth on a world ranking of open government.

This is thanks to our quite liberal legislation with limited criteria for confidentiality and a wide definition of public documents that people can request, including, for example, drafts of official documents, e-mails, and chat messages.

Still, that is theory. In practice our government, regional and local authorities are struggling to keep up with the legal principles. The missing link, I think, is attitudes and real-life behavior. My main message today is that information management in governments is shaped by people; by politicians, by civil servants, by journalists, researchers and in fact all citizens participating in democracy and decision making. A special position in this process should be reserved for information professionals, in particular those who can cross the border with digitalization. More on that later.

As public information management is shaped by people, we must take a people's perspective if we want to keep ideas of public accountability and trust alive in the digital age. That implies that we should address recordkeeping as a very political and a very practical matter. To explain this, I would like to share with you the main findings of a research report that the Advisory Board has issued. It analyses 35 years of efforts to improve digital information management in Dutch government agencies. The title comes with a spoiler alert: the report is called Groundhog Day. It refers to this American film in which the main character, a tv-reporter slash weatherman, wakes up on the same day

over and over again. And every day again he must cover the Groundhog Day event, while making none or little progress in charming a nice woman he keeps running into.

Before sharing the research findings of Groundhog Day, I will give some background on the origins of the Advisory Board.

II [BACKGROUND: THE OPEN GOVERNMENT ACT AND THE ADVISORY BOARD]
The Dutch Advisory Board on Open Government and Information Management is a baby, a newborn. We were installed in June 2022. This was a consequence of the then brand-new open government act, which is our Dutch legislation about the disclosure of government information. On this new open government act work had been ongoing already since 2012. Yet it took a good crisis to get it done.

We mentioned it already yesterday: in the last decade the Dutch government took tough measures to prevent fraud with childcare allowances. This eventually evolved into a major problem and a big political scandal. There were mounting signals that thousands of families, acting in good faith, were suffering unjust financial sanctions. At the end of 2020, a devastating report was published (devastating for Dutch government, that is) and the poor state of the information management and public disclosure was identified as one of the causes of the unprecedented injustice that had been done. Eyebrows

were raised, but unfortunately only afterwards. Why did it take the government so long to issue memorandums warning of the problem? Why was this information shared at such a late stage, years after journalists and parliament had started digging? Even today, poor information management prolongs the suffering, since it takes a lot of time and effort to get the victim's files for the compensation of their damage in order.

After this report on the child allowance scandal, there was a sudden support for substantial measures. The open government act was swiftly adopted by parliament, with a brand-new first article that identifies access to public information as a fundamental citizen's right: "Everyone has the right to access public information without having to declare their interest in it, subject to limitations set by this law." The new legislation enforces active publication schemes of government documents and other data. It allows everybody to request information on anything relating to government and get the relevant documents within a shortened period - of six to eight weeks.

The scandal brought information management higher on the political agenda than ever. It was recognized that open government or rather "the citizen's right to information" is the driving force behind information management and recordkeeping. A complete reform of the public records act is also on its way, to help the government deal with all the pitfalls and possibilities of digitization for information

management. The open government act too contains articles on information management, to improve the conditions for public disclosure.

The open government act also required the installation of an Advisory Board on Open Government and Information Management. It got a wide mandate. This also was a direct consequence of the scandal. I think the general feeling by then was that an outboard motor was needed to get the job done. The first task of the Advisory Board is to issue policy recommendations to government and parliament, not only on public access, but also on information management since this is now seen as a crucial condition for the public's right to know. Our second task is to issue practical guidelines. And our third task is to help journalists and researchers; they can turn to us for mediation in disputes with government organizations about the handling of their information requests.

The problems we have encountered so far won't be a surprise to you: a fear of breaking confidentiality, a slow take up of active public enclosure, protracted handling of information requests, and a general distrust between government and journalists. Many factors are involved, but the continuing challenges around digital information management surely make it harder for our government organizations to live up to the legal standards.

III [GROUNDHOG DAY]

Back to the issue that is central to this symposium: recordkeeping in the digital age. What does it take to translate abstract concepts, general principles, and legislation into a working practice? As I said, we have compiled a report on the Dutch efforts to improve government information management over the last thirty-five years: Groundhog Day. It is based on desk research and interviews and in it, we have identified six repetitive and intertwined patterns that hinder the way forward. I will try to summarize them.

1.   **The importance of information management is underestimated**. Within the Dutch public administration, information management is often seen as a part of business operations, a household task. Yet actually it should be Chef Sache, as they say in Germany: a core task for politics and government.

2.   **The autonomy and interests of one's own organization are given too much priority**. Our open government act and the public record act equally apply to all 1,600 government organizations in the Netherlands. Yet they all claim their own status and prefer their own arrangements for information management and open government. Compartmentalization and fragmentation are inefficient and expensive, yet central government in The Hague is not very successful to reverse that trend.

3.   **Specialists are not in position**: Inspired by digitization, we have declared archive employees and information specialists redundant, as they did with the painters of Laura's fourth bridge. With

record management systems in place, "everybody will be his or her own archivist," we said triumphantly. My goodness were we wrong. Along the way we have learned that we need them more than ever, also in architectural and guiding roles. And: with the dual skills set that is needed for the digital age. We need professionalization for informatization.

4.   **An incident-driven approach - instead of a structural one**: During the last 35 years programs and projects to improve information management and open government as a rule have been created instantly, in reaction to a crisis or scandal, and preferably to be completed within the same cabinet period. But once a new cabinet is installed, or budget cuts are needed, or another crisis takes the public stage, these initiatives stop, are being overruled or wither away. Usually long before their goals are achieved.

5.   **Insufficient control over compliance with agreements**: The management and supervision of public access and information management is fragmented and cooperation between departments and government organizations on these issues in general is insufficient.

6.   **Standards and generic facilities are underused**: What we are actually trying to do, is laying the foundation for a novel and overall approach to information management; from creating, storing, publishing and reusing to destroying. We are trying to invent the digital information management equivalent of the A4 paper format and the post-stamp in the top right corner of the envelop. All to serve

everybody's right to information. Individual government organizations, however, often keep developing their own standards and not-so-generic facilities, resulting in fatal speed bumps in the information flows.

IV [WHAT NEXT?]

Back to the attitudes and real-life behavior. When I was director of the National Archives, I kept spreading the word to politicians and civil servants to ensure their commitment to good recordkeeping. "It is not your information," I used to say to them, "it is everyone's information", or - if you wish - public information.

Today, I tend to add a two other messages. I already referred to the "All is nothing"-rule, Laura's "Less is More". As I tell government executives: the public record act does not tell you to keep all snippets of digital information in perfect condition and preserve them forever. On the contrary: deleting information is an integrated part of the deal. And an inevitable step if you want to keep the ever-growing flow of public information in check. This is where one of the oldest concepts of archiving kicks in. Appraisal, establishing the *value* of public information for society and then taking a decision about *proportionate* measures to keep it available and usable for a certain *period.*

To do this effectively requires courage and guts, just as we need for sustainable water management below sea level. If courage and guts are not part of your attitude and behavior, you risk introducing a fatal arbitrariness into the appraisal process. And this will jeopardize the right to government information, the people's trust in government and finally our democracy.

So, we have advised to focus on that information which is most important for citizens, companies, and society as a whole, and to prioritize three categories within this scope. The first priority is information that is essential to trace the rights and obligations of individual citizens and companies. Think file formation around executive tasks, such as granting permits and fees, imposing fines and taxes, and declarations regarding conduct and judicial procedures. These are all necessary for a good, just, and lawful public service and personal data are by default an important part of this. The second priority is information that is essential for public accountability of governmental decision-making. For example, regarding policy development and implementation. Everyone should be able to check or reconstruct which information and considerations are playing what role, and when and how decisions are made. The third priority concerns multi-year and large-scale data sets and series, which are often (or even: continuously) updated and reused, for example for a data-driven approach to major societal challenges (for example regarding spatial planning; nitrogen and climate, noise

pollution, the energy transition, mobility, housing construction and – yes - water management). Reusability and interoperability are key here.

As I said, this focus and these choices require courage and guts. To embrace them and to stick with them. I know how hard this is; they can make government officials feel vulnerable or incapable of protecting their ministers, mayors and aldermen. No wonder then, this is also where heated discussions in our country start.

I don't know if other countries have their archival system and public disclosure in better order, but I do know that in other countries the related legislation is not always as all-encompassing as in the Netherlands. We have a very 'wide' record-concept. It is not restricted to the *formal* flow of information within government, consisting of documents for the preparation of decisions, addressed at high level government executives and ministers. Our legislation also encompasses all research, deliberations and discussions that somehow lead up to formal decisions. Including earlier drafts of documents, e-mails, and chat messages. The Advisory Board strongly endorses this point. It makes the Netherlands a frontrunner when it comes to shaping information management in such a way that it serves the citizens right to information, with transparency, open government and accountability as underlying values.

At the same time, we have put ourselves in an extremely complicated situation. On the one hand: a steady growth of the quantity of government information (all information, in fact) and on the other hand stricter rules that require us to preserve a large part of this information and make it quickly available to all. This is where theory and practice must meet, yet also where some say – mostly those working in government –that the legal rules are not realistic, whereas others say that we need to change, to invest and innovate better. The Advisory Board has stepped right into this discussion, with a position paper and two succeeding advises.

We advise to prioritize (I explained that already) and to deal with the requirements for preservation in a smart way. Not everything needs to be preserved and disclosed with the same degree of thoroughness, nor for the same duration. Again: "All is nothing", "Less is more". There is another dimension to this issue if we look at the state of practice of information management in our country. It has to do with threat of politization and juridification of the recordkeeping and open government processes. This can be tricky. On the one hand we think we can only solve the issues from the Groundhog Day report if there's attention at the highest political level for recordkeeping and open government. Yet personally I am convinced that this political attention should not lead to too much political interference with the choices at hand.

Good recordkeeping and open government processes serve *civil rights*. These should not depend on political choices and considerations. In my time as National Archivist, I have often had to explain to very high government officials that the public access exception of the archive law regarding 'the interests of the state and its allies' cannot be used for 'the political interest of an individual office holder, not even elected or crowned'. Not to mention legal concepts such as 'unity of the crown' and 'the proper functioning of the state'. This remains very difficult to distinguish. That is why depoliticization of information management processes is so important here.

The last point I want to make is the immense importance of fully embracing developments in data technology. This is the question you could discuss as academic community: when does information become 'sludge,' not producing the value we expect it to have for democracy? Or – let me phrase it differently - how can we guide, limit, and manipulate the flow of public information in order to keep information accessible that is relevant and valuable to citizens, companies, researchers and journalists?

In our last advice we advocate to make full use of the possibilities that technology offers for further automation of the storage, organization, disclosure and destruction of information: To improve and standardize formal information management systems, to make the digital workplace of civil servants more user-friendly and suitable for

collaboration, to use automatic metadata, machine readability and open file formats so that smart software can search, filter, organize and summarize information 'after the fact'. All off course with the required attention to boundary conditions like standardization and interoperability.

This is not a question of mere efficiency, it is an issue of bridging the gap between theory and practice, between technology and people, and between politics and society. We live in times of huge new water and information floods. Let's deal with it guided by the motto of the people of "old" Zeeland. Luctor et Emergo. We struggle and emerge.

By the way: we have had translations made of the *Groundhog Day* report as well as our position paper *Public access is work in progress*. They are available also on the website of this event.
Thank you!