

**THE ARCHIVISTS ROUND TABLE OF METROPOLITAN NEW YORK
THE MID-ATLANTIC REGIONAL ARCHIVES CONFERENCE
THE SOCIETY OF AMERICAN ARCHIVISTS**

Oversight Committee on Governmental Operations:
Draft legislation "to amend the New York City charter in relation to the custody and control of city records of historical, research, cultural or other important value"

Thursday, February 27th -- 1:00 PM -- Council Chambers, City Hall

Chairperson: Bill Perkins

Testimony Presented by Janet Linde, Representative of the Archivists Round Table of Metropolitan New York, The Mid-Atlantic Regional Archives Conference, and The Society of American Archivists before the Committee on Governmental Operations, Thursday, February 27th, 2003, Regarding draft legislation "to amend the New York City charter in relation to the custody and control of city records of historical, research, cultural or other important value."

The officers and members of the local, regional and national professional organizations of archivists noted above would like to thank the Council for bringing this important legislation to the floor for a vote and for the opportunity to again submit testimony on this important issue. The archival community has been very concerned throughout the eight months since our last hearing on this subject that no action would be taken to either strengthen the City Charter provisions that control the custody and control of the records of elected officials and other City agencies or to regain immediate custody of the records of the Giuliani administration and restore them to the Department of Records and Information Services (DORIS). While this current legislation does not contain the retroactivity clause that we supported in past versions of this bill, we are hopeful that the new language in Section 6 will somehow bring about a satisfactory resolution to this unacceptable situation. Although this bill is not as strong as we had hoped for in a number of other ways, this legislation will strengthen the foundation set down in the City Charter for the proper administration of public records and the preservation of invaluable historical documents. It is also our expectation that the legislation will help to ensure public access to the records of City government.

Finally, these 4,000-plus professional archivists wish to call upon the Council, as we did a year ago, to work for the full funding of the Municipal Archives as the best solution to the myriad questions raised by the Giuliani administration records. With a fully-funded Municipal Archives and a strong set of records laws we will not again find ourselves in a situation in which the public loses custody of and access to its valuable intellectual heritage and the records that ensure an open government.

We would like at this time to submit the following comments on specific portions of the draft legislation:

- While we applaud the fact that this legislation will help to control the contracting out of the processing of City records, we are concerned that the codification of this type of outsourcing in law, with insufficient safeguards in some areas, will endanger the treatment of future City records

and provide an excuse for not providing DORIS the resources that it needs to carry out its vital mandate;

- While we are pleased to see the establishment of the archival oversight board and the provisions that it must include at least one archivist and one historian and that it is more democratically appointed than the current archives advisory board, we are concerned that qualifications be developed for the positions of the archivist and historian appointees and we fear that we will have a board that has an impossible job to do and no real oversight power.
- We endorse the fact that the bill states that the contracting addressed in this bill cannot be with a private entity, but we are very concerned about the categories of private entities that are excepted from this prohibition (any college or university in the city) and we are equally concerned that public libraries are also now included as potential processors and holders of copies of City records.

We hope that we can work together with the Council in the future to further strengthen the legislative underpinnings of the New York City Archives and Records programs and to strengthen DORIS as an institution through the development and provision of resources to enable this agency's vital work.

The Archivists Round Table of Metropolitan New York The Mid-Atlantic Regional Archives Conference The Society of American Archivistsⁱ

ⁱ The Archivists Round Table of Metropolitan New York (ART) is a not-for-profit organization representing a diverse group of more than 330 archivists, librarians, and records managers in the New York metropolitan area. ART's mission includes advocating for the preservation and use of historical materials.

The Mid-Atlantic Regional Archives Conference (MARAC), is a professional organization of approximately 1,100 members concerned and actively involved with the access, acquisition, and preservation of all formats of historical materials which document the human experience.

Founded in 1936, the Society of American Archivists (SAA) is North America's oldest and largest national archival professional association. SAA's mission is to serve the educational and informational needs of more than 3,400 individual and institutional members and to provide leadership to ensure the identification, preservation, and use of records of historical value.