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Digital oral history: ethical & legal dilemmas

Preliminary results of a survey

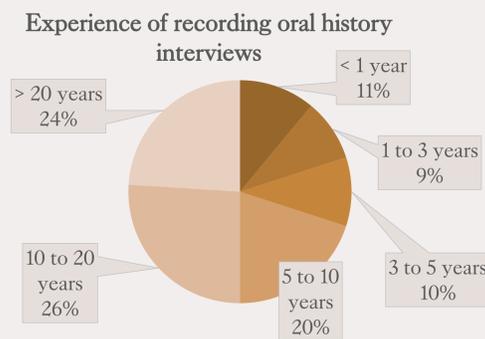
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About the survey

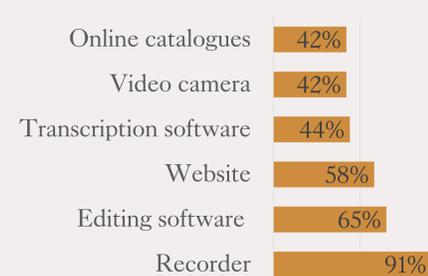
- Carried out for my PhD on digital oral history
- Online survey in June-August 2018
- Open to all oral history practitioners, regardless of country, discipline or institution
- Up to 27 questions, incl. 15 open-ended questions
- Questions covered digital tools, regulations, ethical and legal dilemmas, anonymisation, access to interviews
- 3 languages (English, French and Spanish)
- Survey accessed 1300 times; 112 completed responses were received

About the 112 participants

- Based in 16 different countries; the most represented are the U.S., the U.K., France, Australia, Canada, Ireland
- 43% work in higher education, 10% in archive centres, 10% in libraries, 10% in the 3rd sector (NGOs, charities...)



Digital tools they use for oral history



Employees in their institution	Respondents
≥ 10,000	13%
1,000 to 8,000	24%
100 to 800	20%
20 to 80	17%
≤ 20	26%

Ethical & legal dilemmas related to digital tools

71% of respondents said that they have already been confronted with ethical or legal dilemmas when using digital tools. This is a summary of 80 detailed responses.

1. What dilemmas?

Dealing with what is said in the interview (mentioned 36 times)

- Information about a third party
- Information about crimes or illegal activities; about different cultures or faiths ; or about family matters
- Use of racist comments or vocabulary
- Potential consequences for the interviewee, their group/community
- Use of older social representation, not politically correct for the audience

Dealing with information related to interviewees' identity and privacy (24)

- Identity or private life of the interviewee
- Confidentiality worries
- Health information

Dealing with consent (21)

- Is consent informed (clear enough; written vs. oral)
- Missing consent forms
- Interviewees changed their mind and refused that interview is used

Dealing with a disagreement between the interviewee & the interviewer/team (15)

- Interviewee's will vs. ethical and legal responsibilities of the team
- View on what is confidential and what should be anonymised
- Team's archival role (access, permissions...)

Clarifying rights over interviews (11)

- Copyright
- When the interviewee dies

2. When did the dilemmas arise?

Dissemination stage (37 mentions)

Incl. when giving access, publishing, sharing with students, anonymising, using external services...

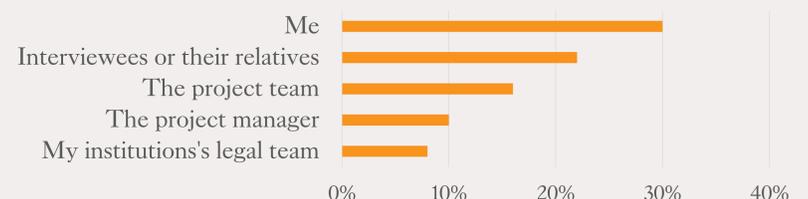
Archiving stage (11)

Incl. when describing, transcribing, cataloguing, anonymising, categorizing...

Recording stage (7)

Incl. when consent is sought; when interviewees worry during the interview...

3. Who was involved in answering the dilemmas? (Top 5 choices)



4. Have you already modified a project following such dilemmas? - 79 responses -

63% of respondents said yes; the modifications were as follows:

1 Dissemination & use of interviews (48 mentions)

- Editing the dissemination version (deleting extracts; editing transcripts)
- Using different levels of access (public, restricted to registered users, on-site only)
- No dissemination at all or taking it down
- Dissemination on hold or embargo
- Modifying the online presentation of the material, incl. information about interviewees

2 Describing & archiving interviews (10)

- Transcription: accuracy, interviewee's approval
- Documentation: modifying summaries or catalogue entries
- Destruction: erasing part of/whole interview

3 Collecting the interview (9)

- Consent forms: more options/ more effort made to explain them
- Interview questions amended or not used
- Choice of interviewee

4 Conducting the project (8)

- Dialogue with witnesses
- Better risk awareness
- Workflow modified
- Guidance for staff
- Regular ethics meetings

Use of anonymisation or pseudo-anonymisation - 112 responses -

43% of respondents have already anonymised or pseudo-anonymised interviews.

Main reasons

1. **Someone else's decision** - usually the witness' decision; or the project team's or the interviewer's (35 mentions)
2. **To protect interviewees/their community** - e.g. of context: illegal activities, vulnerable community, contentious history, war, homosexuality, migration, health, prison, religion... (14)

Main benefits

1. **It helped to disseminate or use the interviews** - easier access or display of the interview; avoiding the reader's bias around the interviewee's identity; mass dissemination; unified citation in publications; use with students... (16)
2. **It enabled to collect the interviews in the first place** - researching new topics or groups; interviewing people who would refuse if they were not anonymous; recording a wider range of voices (13)

Why it is not used (57% of respondents have never anonymised or pseudo-anonymised interviews)

Top 3 reasons: I didn't have to do it (25); this is not good practice (14); the project required the use of names (13).

Giving access to interviews - 112 responses -

81% of respondents have already given access to interviews.

Main reasons

- It was the objective of the project or institution (36 mentions)
- For research or teaching purposes (33)

Main benefits:

- For the project or collections: increased use or visibility (48)
- For the field or topic researched: new sources; better illustration/understanding of a question (33)

Main change in giving access to interviews: online dissemination (39 mentions).