Private in public
Addressing the ethical, legal and curatorial issues of digital oral history

Fellous-Sigrist, Myriam

Awarding institution:
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Private in public:

Addressing the ethical, legal and curatorial issues of digital oral history

By Myriam Fellous-Sigrist

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Department of Digital Humanities, King’s College London

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Abstract

This research analyses the changes brought about by digital technologies in the ethics of oral history. These technologies greatly enhance the visibility and use of audiovisual archives such as oral history interviews. Yet, the new scale of creation and potential access to personal stories, combined with contradictory regulations, create competing expectations. Ethical difficulties around consent, privacy and misuse of information are amplified. My thesis unpacks these tensions and assesses their novelty in the digital context. I also analyse the current strategies used by interviewers and archive custodians to address these difficulties. My work concludes with recommendations for practitioners, their employers and professional associations.

My research methodology is interdisciplinary, comparative and empirical. I developed my project by surveying the academic literature across four disciplines: Oral History, Digital Humanities, Information and Computer Ethics, and Legal Studies. I researched the practices of interviewers and curators working in the 2000s and 2010s in archive centres, libraries, museums and charities or as independent interviewers, with a focus on the United Kingdom, the United States and France.

My research fieldwork enabled me to collect two types of primary sources – survey responses and research interviews – which together gathered the experiences of 126 practitioners who faced these tensions when creating or looking after oral history recordings. To complement these first-hand accounts, I reviewed and compared technical and guidance documents produced in three areas: oral history; archives, data management and data protection; and the Social Sciences. The analysis of this grey literature helped me to critically and constructively assess the information available to the professionals I was studying.

The analysis of my primary sources focused on the interview lifecycle and on how information is handled between its creation and its reception. In particular, I drew on Privacy Studies, Information Ethics and Nissenbaum's (2010) framework to examine how oral history interviews flow as private in public information and are made even more public as a result of digital, and particularly online, dissemination. This approach led me to focus on the situational dimension of the difficulties of digital oral history. I show the importance of examining the context of each interview, collections or project to understand the reactions to changes in technologies, practices and expectations.

The widespread availability of digital technologies is creating new opportunities in terms of better discoverability, organisation and preservation of information, but these changes are also triggering concerns about privacy, decontextualisation, datafication and increased distance from sources and research participants. In my work, I have observed the effect of these aspects on the democratisation of knowledge, as an objective pursued by both oral historians and digital humanists, and how this process
is to some extent hindered by digital technologies. This has led me to highlight the tension between the openness and quality of the historical sources created by interviewers and curators.

As a result, my main findings deal with the multiple influences of digital technologies on oral history creation and curation. The increase in publicness created by digital dissemination practices and expectations amplifies existing privacy worries. Two key ethical norms for dealing with oral history interviews are respect of interviewees’ informational privacy and decisional privacy; these norms are being challenged by the (new) norm of broad and fast dissemination. To alleviate these tensions, I developed the concept of plural privacy, which enables to take into account the diversity of stakeholders and risks associated with the increased visibility of interviews. Based on this concept, I show how the ethical, legal and curatorial issues of digital oral history could be better prepared for and anticipated.
Acknowledgments

This research would not have been possible without a studentship awarded by the London Arts and Humanities Partnership (LAHP); between 2017 and 2020, I was privileged to be funded and supported to carry out this project. I want to thank the reviewers who believed in my research proposal, as well as the LAHP and AHRC who decided to offer a chance to so many Humanities students, regardless of their nationality, career stage and personal commitments.

I am also grateful for the complementary financial help given by my Faculty of Arts and Humanities and Department of Digital Humanities. I have benefited over the last seven years from many small grants allowing me to cover the costs of conferences, fieldwork, training courses and IT equipment.

Most of this project was prepared and developed while I was working at UCL Library; I am most thankful for the understanding and flexibility of my former colleagues. June, thank you for your trust.

The empirical layers of this research would not have been so rich without the time taken by my 126 research participants; they cannot be named but they all have my gratitude for their patience in answering my questions.

I am most grateful to my supervisors for their help. This thesis would not have been initiated, funded and concluded without the continuous support of Dr Mark Hedges; thank you for your commitment over seven years. I am most thankful for Dr Bernard Geoghegan's enthusiastic and constructive comments, and for stepping in at the right time. I have also benefitted from Professor Tobias Blanke and Dr Jennifer Pybus' advice and introduction to new research areas.

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Chapter 1: Introduction

Digital technologies enhance the visibility and use of historical archives, yet they also trigger tensions. Projects collecting audiovisual archives such as oral history recordings have to reconcile a number of competing expectations. These include rapid and open access to information, use of the latest technologies for dissemination, respect of confidentiality, the necessity of data protection for interviewees and third parties, and the requirement of narrators’ informed consent.

These conflicting demands are voiced by a project’s internal and external stakeholders: interviewers, curators, funders, host institutions and archive users. My thesis unpacks these tensions and assesses their novelty in the digital context; I also analyse the current strategies that oral history interviewers and curators are using to address these difficulties.

This chapter will first offer contextual elements to understand the areas of difficulty shared by oral history and other Humanities and Social Science disciplines. I will also describe the relevant technological and regulatory changes that affect the handling of interviews. I will then highlight the gaps that my research is filling and summarise my main contributions. This will be followed by an explanation of my research questions, research methods, research scope and key definitions. I will conclude with a presentation of my thesis structure.

1. Digital oral history in context

The changes experienced by oral history interviewers and curators take place on multiple levels: through technologies, regulations and practices. These changes and the related challenges cannot be understood without considering the broader research and social context. Drawing on parts of my literature review, I will explain to what extent many of these developments are also experienced by practitioners in Humanities and Social Science research in general, and in History more specifically. I will then focus on the digital “information flow” (Nissenbaum, 2010, p. 4), showing the recent technological and regulatory changes that affect oral history interviews.

1.1. Digital technologies and their use in Humanities and Social Science research

Many authors have reflected on the impact of digital technologies in their discipline, as we will see below. Similarly to most academic and social areas, digital technologies have been described as bringing both positive and negative changes to the Humanities and Social Science fields; we will see later that the same dual impact is observed in oral history.
1.1.1. The benefits of digital technologies

The field of Digital Humanities has developed since the 1990s with the ambition that digital technologies could enable a shift from a context where knowledge is made of “scarce materials, limited access and expert gatekeepers” to “widening the scope of the humanities, opening access to sources and broadening definitions of scholarly activity” (Thomas III, 2016, pp. 524–525).

New dissemination and preservation technologies are already drawing in new audiences who are benefitting from scholarly projects and outputs. In the field of oral literature for example, “the locus of dissemination and engagement has grown beyond that of researchers and research subjects to include a diverse constituency of global users”, among which are policy makers and journalists (Turin et al., 2013, p. xv). Digital archiving in oral literature helps to prevent data loss; before such technologies were available, tapes would be recorded over or “buried in personal archives”, which became cemeteries of “boxes of tapes awaiting transcription and translation” (Widlok, 2013, p. 4).

Computational methods have at least two benefits. They “revitalise long-standing methods used by humanities scholars” and “give them renewed relevance”, enabling for example the use of prosopography and network analysis to process and analyse large email archives (Blanke & Prescott, 2016, p. 193 and p. 198). The new capacity to mine, store and process large sets of data also offers an unprecedented “dimension of scale and scalability” (Nygren et al., 2016, p. 64).

1.1.2. The concerns raised by digital technologies

Yet, several authors point to the risks and tensions created by digital technologies in their fields, seemingly because many digital technologies have only been developed for a limited number of methods and sources (such as text analysis) used in the Humanities (Warwick, 2012).

Digital Humanities’ infrastructure, resources and tools have so far mainly focused on textual and visual culture information. Taking the example of audio sources, Clement (2016) even observes that this is “a typical Digital Humanities problem”: the resulting “lack of models for researching, writing and teaching with sounds” makes it impossible to imagine what could be done with such sources and what research questions could be asked; this, in turn, explains why adapted tools are not created (p. 348). A possible reason behind the underdevelopment of such tools and methods may be that computers cannot easily process and interrogate unstructured data such as audio or video interviews. Because the latter cannot be organised in a database, tools to date mainly exist to extract information about the records but not to engage with the content within them (Blanke & Prescott, 2016).

When it comes to dealing with qualitative sources such as interviews or blog posts, available software is not always adapted to these purposes and can even be damaging. Ethnographers Johansson and Lundgren (2016) regret the “fantasy of scientificity” created by qualitative analysis software and they
show that these are far from neutral tools: they threaten to turn fieldwork into “mere archiving practice” and to create a distance from the human experiences they recorded, which eventually become “pieces of digitised information” (pp. 157–159). Such tools can also lead to an “ideal of quantity” that “devalues purely qualitative approaches” and can harm the process of qualitative data analysis (pp. 157–159).

1.1.3. The debate about digital technologies put in historical perspective
Several authors remind us that these tensions and debates are not new. Blanke and Prescott (2016) explain that the use of statistics in Humanities research was already discussed (and criticised) in the 1950s and 1960s; this may explain a current suspicion about using big data, which is seen as antagonistic with Humanities values such as the importance of contextualisation. Johansson and Lundgren’s (2016) literature review on ethnography and computing also shows that the questions they raise about quantification have been debated since the 1960s.

In the field of History, Dorn (2013) explains that the use of digital technology is not the first “wave of concern about professional legitimation” (paragraph 1). He shows that this already happened in the 20th century with other historiographical developments, which include oral history, quantitative social history, public history and post-modernism (Dorn, 2013, paragraph 1).

1.2. Digital technologies and their use in history
To a large extent, digital history reflects the ambitions, changes and challenges briefly observed above in Humanities and Social Science research. I will explain below how digital technologies, used to gather, analyse and publish historical sources, both improve and disrupt analogue practices; for instance, the central role of online dissemination will be apparent in this debate.

1.2.1. The benefits of digital technologies
Digital media help historians to present multiple narrations of the same historical event and “might help recover some of the complexity of human activity” (Tanaka, 2013, paragraph 30). Nygren et al. (2016) agree that the exploration and representation of different perspectives and experiences, sometimes simultaneously, is one of the main areas of opportunity offered by digital history.

The Internet is described by Hitchcock and Shoemaker (2015) as an opportunity to “bridge the divide between the academy and the wider audience”, to “render the discipline more open and democratically accessible” and hence to “let history serve its primary function as a form of social memory” (p. 75). Such opportunities were made possible from the 1990s onwards through open access to publications and written sources, brought about by the creation of websites such as the digital library JStor in 1995. Digital-only books such as Writing History in the Digital Age, published in 2013 by the University of Michigan Press, offer a model of digital scholarly publishing that seeks to “protects authors’ attribution rights while maximizing public access” (Dougherty & Nawrotzki, 2013, n.p.).
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Dorn (2013) observes yet another effect of this wider public dissemination of historians’ outputs. The online display of primary sources, the spread of publishing platforms, and the numerous digital infrastructures funded for digitisation and educational purposes, have enabled an “undress[ing] of the historical argument” by showing the extent of “pre-argument work” carried out by historians. This allows “explicit, public reworking of argument” (Dorn, 2013, paragraph 25).

From the user’s viewpoint, it is now possible to learn in a short time about history, as can be seen with online projects such as the Old Bailey Online (in 2003) or London Lives (in 2010). This contributes to creating “an empathetic contact” with people from the past (19th-century Londoners in these examples) and enables non-academic historians to gain access to more sources and more quickly than by visiting archive centres (Hitchcock & Shoemaker, 2015, pp. 78–79). There seems to be an appetite for such online resources, as the first launch of the online British Census showed in January 2002; according to a BBC News report at the time, the website crashed because of the overwhelming demand (Hitchcock & Shoemaker, 2015).

1.2.2. The concerns raised by digital technologies

For Hitchcock and Shoemaker (2015), the so-called “digital revolution” has two drawbacks. On the one hand, the use of online sources “with little sense of context or meaning” leads to selecting “flashy quotes located using key words” for the distant reading of a large corpus of sources (p. 82). As a result, no link is created between “the individual” and “the complex patterns of data that we generate” (p. 82). On the other hand, they observe that the Internet enables users to find new resources that “threaten to deracinate the leavings of the past” (p. 82).

These two issues are explored by Crossen-White (2015) as she reflects on her own use of digital newspaper archives to research the history of drug-takers in the early 20th century. She observes the following impact of digital technologies on the discoverability of “forgotten” individuals: more people can search sources more thoroughly thanks to a better availability and combination of information, improved Internet access and computer literacy (including that of “citizen historians”). She highlights the risk of losing sight of the individual behind the large amount of information found.

Through the example of the (mis)use of data visualisation, Nygren et al. (2016) highlight two areas of concern in digital history, which relate to a lack of critical thinking in choosing digital technologies. First, digital data can be “too seductive and misleading” as they seem to offer “complete and definitive accounts” of what is actually “incomplete and complex records”. Second, analysis with digital tools carries the risk that data is shaped by and for the logic of tools; the authors warn against “a tendency to privilege the ‘codeable’ and the ‘clean’, the available and the cheap” (p. 63). In this thesis, I will show the relevance of their analysis in the context of digital oral history.
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The antagonism between the culture of historians and that of the Internet is another area of concern. Hitchcock and Shoemaker (2015) remind us that, for academic historians, the “very publicity of the Internet” is an issue, and that they sometimes lack the willingness or the skills to engage with a wider audience, and in particular with local and public historians (Hitchcock & Shoemaker, 2015, p. 76). As editors of the digital book Writing History in the Digital Age, Dougherty and Nawrotzki (2013) also acknowledge the challenges of online publishing in an academic field where the research and writing practice is mostly hidden from the public gaze.

1.3. Technological and regulatory changes in the flow of research, cultural and personal information

As seen above, digital technologies have impacted not only the format and content of research and cultural sources, but also the methods and infrastructure used to collect, analyse, store and disseminate such information. Although change in specific hardware and software is a valuable area of study, this thesis concentrates on the characteristics of the information created with digital technologies, because this analysis is essential to gain a better understanding of the ethical and legal tensions experienced in a field such as digital oral history. For that purpose, oral history interviews will be considered here as research, cultural and personal information.

1.3.1. Technological changes and flow of (personal) information

In the first part of her book on privacy and digital technologies, Helen Nissenbaum (2010) describes the evolution of new technology systems and processes since the 1990s. She explains how the capacities of states, businesses and citizens have changed in three key areas (in Western countries at least): first, in the methods used for information monitoring and tracking; second, in information aggregation, storage and analysis; and finally, in information dissemination and publication (Nissenbaum, 2010, p. 20 and pp. 22–64). In the research and cultural sectors, hardware and software have been developed and made accessible at an increasingly cheap price to collect, store, describe, study and share sources and outputs.

Charles Ess (2014; 2020) also analysed recent changes in flows of information. He compared digital media with analogue forms of communication and information media, including printed books, newspapers, letters, radio and television. He found that digital media such as websites, webmail services and social media have three distinguishing characteristics. First, there is a “convergence” of information, since binary digital formats enable the sharing of any type of file via various media; second, information is “greased” in the sense that it is shareable by others very quickly and without control; and finally, there is a novel interactivity because it is easier to alter information or comment on some content and share it as new (Ess, 2020, pp. 10–20). As I will explain throughout my thesis, my
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literature review and fieldwork show that developments in dissemination technologies represent the biggest change and challenge for digital oral history in research, archival and educational contexts.

When it comes to the protection of personal information and related privacy rights, several authors highlight changes brought by digital technologies, and in particular the use of the Internet (Mills, 2008; boyd & Crawford, 2012; Ghezzi et al., 2014). Privacy concerns have increased, and for some privacy experts this brings an additional worry of a “regulatory backlash” that could impact economical activities and innovations (Tene & Polonetsky, 2012, p. 63).

The effect of the Internet on the distinction between private and public spaces is a debated issue. On the one hand, such digital technologies have been identified as responsible for the “blurring or even hybridisation” of these spaces (Ghezzi et al., 2014, p. 1), in turn triggering new challenges for identifying and making explicit the permissions for using personal information found online, and especially on social media (boyd & Crawford, 2012; Cocq, 2016). On the other hand, it can be said that the Internet reveals an ambiguity which was always true: “privacy in public” has always been an expectation of citizens (Nissenbaum gives the example of a phone call made in a public phone booth) and new information technologies “are disorientating as they reveal the inconsistency” of these boundaries (Nissenbaum, 2010, p. 101). This latter position is verified in my research; it shows the importance of further analysing what are also referred to as “public personal spaces” which are “online venues” (Ess, 2014, pp. 73–74). Such ambiguous, mixed spaces include social media, blogs, and discussion forums, but also websites exhibiting oral history interviews.

1.3.2. **Stricter data protection regulations**

Regulations are created to adapt to new technologies and social practices. This was already the case in the 1890s in the United States, with the first recorded debate about “the need for a comprehensive legal right to privacy”; this debate started in reaction to new developments in portable cameras and cheap printing (Nissenbaum, 2010, p. 19).

Regulations are here understood to encompass laws, rules and policies. I will only describe in this Introduction two key regulatory developments that are directly relevant to understanding the changes around the flows of research, cultural and personal information. These are also regulations that I analysed through my fieldwork sources.

The most recent major change in the rules around personal information was introduced in May 2018 in the European Union (EU), and subsequently in the national legal framework of all EU countries, with the General Data Protection Regulation (GDPR). Seen as one of the most influential and advanced pieces of legislation on data protection in the world, it is also directly relevant to the countries and types of institutions I chose to focus on, as my fieldwork data show. The GDPR offers an update to the 1995
EU Data Protection Regulation to reflect new developments in technology and practices, with the objective of protecting citizens and giving them more control over the use of their personal information (UK Data Service, n.d., Data protection).

The new regulation focuses on living individuals’ personal information and “special category personal data”, such as information about a person’s health history, political activity, beliefs or sexual orientation. The GDPR (2018) states how such information can be processed, which covers all of the activities involved in handling information, from collecting to archiving and re-using it. It makes clearer that individuals and institutions are responsible for protecting personal information but retains the same broad principles as in the 1990s version of the regulation, with an emphasis on lawfulness, fairness and transparency. As we will see throughout this thesis, most cultural and research institutions, but also professional associations, are still in the process of adapting their processes and resources to comply with the changes; my fieldwork shows its direct impact on oral history practitioners, both in terms of their workflows and concerns. Although my thesis focuses first and foremost on the ethical issues of digital oral history, we will see how the tightening of this legal framework is key to understand the difficulties facing oral history practitioners.

1.3.3. Expectation of “openness”

The second key development in regulations concerns the “Open Data” and “Open Access” policies adopted in the last two decades at national and institutional levels, in Western countries mostly, to make the most of new dissemination technologies. Usually such policies (or sets of goals) encourage the free and widespread sharing of research and cultural outputs, in the name of transparency for publicly-funded projects, verifiability of findings as well as usefulness for researchers and citizens in the future. “Open Data” is the latest trend in academia and part of a broader phenomenon now called “Open Science”, but sometimes also named “Open Research” (Pinfield et al. 2020, p. 25) or “Science 2.0”. Roughly defined, it refers to the online sharing of research sources. It uses the model of the “Open Access” movement that has been promoting since the 1980s the idea that “academic content should be freely and openly available for all users” (Pinfield et al. 2020, p. 14) and made available as online academic publications that are “free of most copyright and licencing restrictions” (Suber, 2012, p. 4). This movement was given a formal framework with the 2002 Budapest Open Access Initiative Declaration (BOAI, 2002) and the 2003 Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities (Max Plank Society, 2003).

The starting point of the “Open Data” trend in Europe can be roughly dated to 2012 with the report entitled Science as an Open Enterprise, published by the Royal Society in the United Kingdom. Since 2016, the main British and EU research funders have recommended that researchers make their sources available online whenever possible and appropriate (European Commission, 2016; Research Council...
UK, 2016). Many universities have followed suit and actively encourage their members to comply. Similar dynamics can be found in the United States, other Western countries and increasingly countries from the Global South.

In the political context in the United Kingdom, the “will behind the open data movement […] was chiefly commercially motivated” (Lowry, J. & Sexton, A. 2021, p.108). In the academic and GLAM contexts, however, these policies and trends can be seen as continuous with debates surrounding the ideals of “commons” found in the cultural and IT sectors since the 2000s. The concept of “commons” expresses the idea of a universal shared knowledge, comparable to the right to a shared natural environment which cannot be “commodified” (Frosio, 2012, p. 8). Authors arguing for such universality suggest creating a “copyright 2.0” in areas such as the music and film industries but also software programming. They advocate that the usage of permissive licences, and mainly the Creative Commons licences CC-BY and CC0, should be the default rule in the cultural or academic sectors (Ricolfi, 2012, p. 56; Dulong de Rosnay, 2018, pp. 45–47).

Similar propositions have already been put forward by major funders, including the National Heritage Lottery Fund, “the largest dedicated grant funder of the United Kingdom’s heritage” (Melvin, 2021, p. 122), but also by advocates of the “Open Science” agenda. Accordingly, research sources and outputs are seen as part of a universal good which should ideally be openly shared with a CC0 licence, allowing anyone to re-use information, and to modify and share it as theirs (see for example LIBER, 2014; National Heritage Lottery Fund, n.d.; RCUK, 2015).

As we will see, competing expectations of protection and openness trigger tensions within the oral history community and beyond (see the case of government data in Lowry, J. & Sexton, A., 2021), but also lead to creative (yet resource-intensive) solutions being explored. I will show the limitations of using blanket policies initially designed for Science disciplines. Because of the characteristics of the methods and information gathered in fields like oral history, such policies are often ill-suited and potentially damaging to the Humanities and Social Sciences, even more so when human participants are involved. My analysis of the related privacy concerns and “informational frictions” will contribute to a more “thoughtful treatment of personal information” (Bawden & Robinson, 2020, p. 1034) in digital oral history.

1.4. Oral history done digitally

Oral history interviews are collected for historical reconstruction, to record, understand and enhance the memories of people who were eye-witness participants to past events (Grele, 2016). As I will explain in Chapter 3 (pp.50–70), this type of audiovisual archive is unique for several reasons, including the interviewee-interviewer’s relationship and the high sense of responsibility experienced by interviewers
towards the respect of their interviewee’s wishes and privacy; the recording of highly personal and confidential stories; and the near impossibility of anonymising the records and their transcripts.

“Digital oral history” is here understood to comprise oral history interviews and collections that employ digital means across the interview lifecycle: for recording, storing, processing, archiving, using, analysing and/or disseminating interviews. Therefore, digital oral history is a broader notion than “online oral history”; nevertheless, this thesis will show that online dissemination represents one of its most problematic dimensions.

The creation and archiving of digital oral history started in the mid-1990s and can be divided up into two distinct decades (Boyd & Larson, 2014). As I will detail in Chapter 3 (pp.50–70), one of the turning points was the possibility to make full interviews accessible in a multimedia format and on an unprecedented scale through online open access. This shift in the early 2010s was already described by Doug Boyd (2014), but its ethical, legal and curatorial consequences are yet to be analysed. They will be at the core of this thesis.

2. Gaps and contributions

My research thesis will help bridge three gaps: the lack of guidance for the wide dissemination of oral history interviews; the lack of critical reflection on the use of digital technologies; and the under-representation of audiovisual sources in Digital Humanities research.

2.1. A lack of guidance for the wide dissemination of oral history interviews

The online dissemination of unstructured data and intangible heritage such as oral history recordings triggers a range of difficulties. For ethical, legal and curatorial reasons, such sources are among the most complex to disseminate and re-use, whether using analogue or digital means; yet, little guidance is available to address these difficulties. Trust, privacy, inter-subjectivity and the discordance between individual and collective memories are at the core of oral history methodology. This forces archive creators and custodians to constantly assess risks associated with publicly disseminating privately-recorded conversations; risks include law-breaking and deception of participants.

This was dramatically illustrated in 2014 by the controversial “Boston College” case, where confidential oral history interviews recorded as part of a project about Northern Ireland’s recent history were used to build a criminal case against Gerry Adams, the then leader of Sinn Féin in the Republic of Ireland. The dispute over the access to the recordings, the case’s publicity and its outcomes embody the nightmare of most oral historians, archive curators and university representatives, as I will detail in
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Chapter 5. The British and American oral history professional organisations’ reaction has been to hold it as a warning about the potential effects of carelessness when seeking consent and about the dangers of not anticipating the potential legal and ethical risks of wide dissemination (Oral History Association, 2014; Oral History Society, 2014).

A recent controversy about the handling of 550 audio and written testimonies by the Irish Commission of Investigation into Mother and Baby Homes further illustrates the devastating impact of a lack of transparency and competency about the use of such audiovisual records. A report was published in 2021 about the five-year inquiry into the management of these institutions across Ireland in the last century. Following this publication, several witnesses who testified confidentially to the Commission made public declarations in the media; in particular, they criticised the inquiry’s lack of clarity on the issue of consent and preservation methods. They also expressed their deception at not finding their testimonies in the main inquiry report and showed their hurt at being misquoted in a sub-report (as described in Catriona Crowe’s article in The Dublin Review, June 2021). Although the inquiry did not claim it was using oral history methods and standards, these ethical and curatorial shortcomings and the mishandling of such sensitive topics worry oral historians. These problems led the Oral History Network of Ireland, the Irish association for oral history, to publish an official statement that “condemns, in the strongest possible terms, the appalling treatment of survivor testimony by the Commission” (Oral History Network of Ireland, 2021, p. 3).

To some extent, best practices and tools for handling and especially for making widely available such personal and sensitive audiovisual sources are still not fully standardised and taught. As highlighted by Kevin Bradley, an oral history curator and past president of the International Association of Sound and Audiovisual Archives (IASA), at its 2015 conference, a “code of conduct” to handle ethical issues associated with the online dissemination of interviews has yet to be written, tested and shared. My research will offer a basis to draft and disseminate such guidance, hence contributing to the “important conversation over how best to respect the rights of the inhabitants in our archives” (Raychaudhuri, 2021, p. 79).

2.2. A lack of critical reflection on the use of digital technologies

In addition to this practical ambition, my research offers a robust reflection on digital oral history. A critical analysis is needed to help alleviate the difficulties brought about by digital technologies, while making the most of the opportunities these technologies create. Several oral historians encourage us to think about our current practices and motives, whether as interviewers or curators (Perks, 2009; Borland, 2016). Among them, Mary Larson (2014) is a strong advocate of renewing the discussions about ethical issues in relation to online dissemination; she highlights that “the [ethical] questions have only evolved, not disappeared” (pp. 161–162).
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Reflections about the use of digital technologies in this field are at an early stage. To Kuhn (2012), “oral history practitioners have only begun to consider and appreciate the attributes and implications of oral history in an online environment” (p. 312). More recently, Sheftel and Zembrzycki (2017) have observed that there is “little critique” of how we “embrace technological changes”; they suggest that one reason might be “trends in academic funding” encouraging the public dissemination of sources, at the risk of damaging oral history’s integrity (p. 96).

Such critical reflection about the practices and expectations around digital technologies is relevant not only for current practitioners, but also for future ones. Indeed, future interviewers and curators may have to face more technological changes. These include the wide use of automation in preservation and access tasks; of apps for generating interview questions, transcriptions and documentation; and of interview mining (sound, video and text). The shift towards online interviewing is another challenge raising important ethical and legal questions; however, we will see that since 2020 this change seems to have already started.

2.3. Integrating audiovisual sources and critical analysis in the Digital Humanities

My third objective is to contribute to redress an imbalance in Digital Humanities research, which is still largely focused on text. Projects “typically, but far from exclusively, focus on computer methods applicable to textual materials” (Fitzpatrick, 2012, p. 13). Kirschenbaum (2012) explains this prevalence of textual sources by the fact that numerical data and texts are the “most tractable data type” to manipulate for computers (p. 9). Digital Humanities infrastructure, resources and tools have so far mainly focused on “textual and visual culture artefacts” (Clement, 2016, p. 348), with a “bias” against sound sources which is “at the root of humanistic enquiry” (p. 348). My project centres on digital oral history interviews, which are typically audio or video-recorded; although the majority of such collections are still audio (Perks & Thomson, 2016, p. 448), many of the ethical, legal and curatorial issues analysed here are relevant for both formats.

Several Digital Humanities authors furthermore highlight the need for a more critical approach to digital technology, which they hope will characterise the next stage of the discipline. Drucker (2012) calls for this next stage to arise from humanistic principles: qualitative, critical, interpretative, nuanced research, in contrast with the “reification of information” created by visualisation tools (p. 86–87). More recently, Thomas III (2016) observed that there still has been “little interpretative or argumentative scholarship” in the field (p. 525); I aim to participate in this new phase of Digital Humanities scholarship.
3. Research questions and methods

3.1. Research questions

My two overarching research questions have been formulated to investigate and alleviate some of the emerging difficulties encountered by creators and curators of oral history interviews. As briefly explained above, these difficulties are linked to new dissemination technologies, the special status of audiovisual records and conflicting interests surrounding privacy rights.

First, what tensions are experienced by these professionals, between the need to retain private information and the need to reveal historical sources? Are these tensions experienced during the process of preparing online access to interviews, or also at other stages of the interview lifecycle?

Second, to what extent has the digital context exacerbated such tensions? Is it only by providing the technology to share interviews online and by blurring the boundary between the private and public spheres, or are other factors involved?

3.2. Disciplines

To answer these research questions, I will be guided by research in four academic disciplines.

First, I draw on publications in the field of Oral History and in particular, reflections on the impact of digital technologies, on ethical practice and on the content of the interviews created. We will see in Chapter 3 (pp.50–70) that a few authors already point to the tensions generated by the use of digital technologies in the creation and use of interviews; ultimately, what is at stake is the nature of the discipline and of the historical sources created through oral history. Mary Larson (2014) was already highlighting this risk in 2014:

If oral history is to survive as a meaningful and scholarly endeavour, there must still be room in the profession for controversial or sensitive interviews that would never become part of the archival record if widespread dissemination were a part of the plan. (p. 162).

I aim to address this challenge and make recommendations to resolve it.

Second, I rely on critical approaches from the Digital Humanities and digital history. I will follow in the path of Nygren et al. (2016) who warn historians that “data should not be taken for granted and the tools should not take precedence in the organisation of information” (Nygren et al., 2016, pp. 63–64). In a similar vein to McCarty (2012a), who encourages to study if “the computer is fruitful for the humanities” (p. 118), Nygren et al. (2016) suggest assessing “why, as historians, we ought to contemplate using” digital technologies (p. 64). They identify two poles in the “continuum” of work with digital tools: these can be used as “building blocks on which interpretation can be layered” or as a
medium for scholarly communication; they highlight the importance of being aware of where we stand on this continuum (Nygren et al., 2016, pp. 83–84).

Information Studies, and in particular Information and Computer Ethics, was another key guide for this research; my analysis of changes in applied ethics as a result of the digital context will borrow from the approaches of Charles Ess (2014 and 2020). In particular, I will ask to what extent digital technologies change ethical quandaries in oral history. By doing so, I am positioning my research in the area of “data ethics” (Floridi & Taddeo, 2016, p. 3), which is comprised of three axes: ethics of data, ethics of algorithms and ethics of practices; my project touches mostly on the latter.

In complement to this applied ethics strand of my research, I draw on Legal Studies. Specifically, I borrow Nissenbaum’s (2010, pp. 129–230) “framework of contextual integrity” to analyse the tensions around privacy rights in digital oral history. The three key elements of her framework will help to structure my thesis by first focusing on the explanation and evaluation of the changes and tensions created by digital technologies, to better assess current solutions and make prescriptions.

3.3. Research approaches and scope
My research methods are based on an empirical and qualitative approach. As will be explained in my methodology chapter, the ethical, legal and curatorial issues created for oral history by digital technologies are hardly described in the academic and grey literature. I therefore had to fill an information gap by collecting sources through an online survey and research interviews. Throughout my thesis, I will show how these sources complement the academic literature and the grey literature that I reviewed for this project.

Furthermore, my comparative approach was aimed at contrasting the experiences of practitioners based in different countries and different types of institutions, throughout the two decades of digital oral history (spanning from the mid-1990s to the mid-2010s). This thesis focuses on the practices of interviewers and curators of oral history interviews in the 2000s and 2010s; these practitioners mostly work in archive centres, libraries, museums, charities or as independent interviewers, and are based in three countries: the United Kingdom, the United States and France. I will detail in my methodology chapter the reasons behind these choices.

3.4. Research topics
By analysing my research sources, I will develop three topics that serve as key threads throughout this thesis. These research topics help me answer my research questions and bridge the gaps described above.
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3.4.1. The difficulties of respecting digital privacy

Oral history interview collections and the digital practices of oral history interviewers and curators represent a relevant object of study to analyse the issues around digital privacy. Analysing these collections and practices leads to a better understanding of the changes brought by digital technologies when it comes to respecting privacy; I will show how this fundamental right is more complex to protect in the digital context, and that conflicting rights force practitioners to take into account a large range of possible risks and stakeholders, in the short and long terms.

My study will offer a nuanced and detailed picture of what is at stake when information contained in interviews is private but made widely available as a result of technologies, expectations and regulations. I will describe a shift from concerns mostly about individual privacy, to the need to take into account what I refer to as a more plural privacy. This shift creates a tension for areas and methods like oral history because their ethics are developed around interviewees as individuals.

Therefore, digital technologies challenge the capacity of interviewers and curators to find the right balance in how to grant each interviewee “respect without relinquishing [their own] responsibility” (Borland, 2016, p. 414). Over several decades, these practitioners have developed an expertise in thinking about and addressing ethical and legal questions related to privacy and consent, in the analogue context and in the first decade of digital oral history. Yet, the increased pressure to make interviews widely available and the constraints placed on resources make it more difficult to use existing ethical, legal and curatorial strategies.

Finally, the diversity of oral history practices, projects and collections make them a relevant object of study to use a situational analysis to investigate the tensions brought by the increased publicness of personal information.

3.4.2. Challenges to the democratisation of knowledge in the digital context

The study of digital oral history collections and practices also raises the question of access to future historical sources. I will show that, in the context of oral history specifically, digital technologies challenge the democratic ambition of creating historical sources that are widely and easily available, but also representative and meaningful. One of the pitfalls of digital oral history is to encourage censorship and self-censorship because of compliance with stricter data protection regulations and expectations of openness; such risk should be analysed in the current context of heightened scrutiny online and fear of reputational harm (for both individuals and institutions).

I will also explain why open access is not always the solution when seeking to democratise knowledge. This analysis will show the limitations and risks of applying the policies and principles behind the Open
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Access and Open Science movements to disciplines relying on qualitative methods and human participants. My observations about the impact of both technologies and regulations will be relevant for oral historians, archivists, librarians and museum curators, as well as digital humanists.

Asking how and for whom knowledge is made more accessible touches on a broader ethical question about the wide use of digital technology in all areas of society (not just in the academic and cultural sectors, but also in personal communications, education, health, elections, use of local authorities services, banking, etc.). The shift from analogue to digital services and practices is often encouraged in the name of democratisation of access (ubiquity and permanent availability) but there is little reflection about the actual relevance for different users and about long-term consequences. In the limited context of digital oral history, I will explore that tension and will ask what the democratisation of knowledge and access mean, for whom, and what its costs are.

3.4.3. Shared responsibility in dissemination

My thesis analyses the role of a shared responsibility in the curation and dissemination of oral history interviews, borrowing the concept of “shared authority”. This concept was first developed by oral historian Michael Frish (1990) and refers to the co-authorship of oral history interviews, during which both interviewer and interviewee construct the content of the record. One of the challenges brought by the digital context is to respect interviewees’ wishes about access to their stories and to involve interviewers in curational decisions, but without blurring the lines of responsibilities.

We will see that in the digital context, more stakeholders have a say in dissemination choices. Interviewees have wishes about what happens to their interviews once they are recorded, but their relatives and representatives also need to be involved, especially when interviewees are deceased and new modes of dissemination are used that were not included in the original consent documents (this is one of main issues with collections of pre-Internet interviews). Curation teams also need to factor in the rights and expectations of third parties mentioned in recordings. These considerations are not new but I will show that the risks are amplified and their management made more complex, because of the increased visibility of collections online.

From the viewpoint of interviewers, one of the risks of extending the “shared authority” to the dissemination stage of the interview lifecycle is that the lines of responsibilities can become blurred, thus asking interviewers to also become jurists, ethicists and curators, as described by legal expert Anne-Laure Stérin (2018). The lack of clarity of responsibilities is analysed in Chapter 8 (pp.178–212); I will also show the impact on curators’ job remits.

The workload and multiple expertise required by this increased multi-tasking is present in other professional contexts. In academia for instance, the bureaucratisation and scrutiny of the research
practice is seen as a burden; more administrative tasks have to be performed and mastered by researchers to conduct their projects and fieldwork (ethics clearance, Data Protection Risk Assessment, Data Management Plans, reports on outputs). When it comes to ethics, these demands are sometimes seen as a form of institutional interference that restricts and slows down fieldwork because practitioners have to navigate a “watery landscape” of constantly changing ethical and legal regulations (Association of Social Anthropologists, 2019, essay on Ethical navigation, n.p.).

I am aware of these difficulties for practitioners; nevertheless, I will show the relevance of asking interviewers and curators to collaborate more, to amend some of their workflows and to use a few extra forms to address the ethical, legal and curatorial issues of digital oral history. I will pay attention to finding a balance between assessing the benefits of new partnerships, processes and tools, and contributing to a bureaucratisation of oral history.

4. Key definitions

4.1. Digital context, digital technologies and the Internet

The phrase “digital context” will be used to show that this thesis analyses more than technological changes. This phrase therefore refers to the digital technologies of dissemination (such as the Internet or social media), of storage (such as hard drives or clouds), and of curation (such as information management systems or sound editing software). However, it will also encompass the related regulations, expectations and practices of such technologies. I will only refer to “digital tools” in the context of my fieldwork analysis.

When discussing the impact of the Internet and online dissemination, I will refer to both the Web and the Internet. Although the latter pre-existed the Web and was accessed by a minority of users, my focus is on the evolution of digital oral history since the mid-1990s, which is when the Web was starting to be widely used by the general public and hence by the practitioners I am observing.

4.2. Interview lifecycle, archives and curation

Throughout this thesis, I harness the idea of the information lifecycle used in digital curation (Higgins, 2008; Sabharwal, 2015) and in information ethics (Floridi, 2008). This lifecycle is usually divided up into several broad stages; these stages may vary in detail across different lifecycle models, but can roughly be described as follows: planning, creation, storage, description, analysis, dissemination, preservation and re-use. Within the information lifecycle, the processes of access-giving are often referred to as information “dissemination” or “sharing”. I will also use these phrases.
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Archives are often defined in relation to records: the latter are recorded evidence of activity; archives are records of long-term value (Shepherd, 2009). Records and archives can be textual, physical, visual or audiovisual; analogue, digitised or born-digital. David Zeitlyn (2012) adds that archives refer to both “repositories of materials” and “the materials contained therein” (p. 462). This thesis will look at interviews as archived historical records but also at the practices of archive centres’ employees.

4.3. Interview creators and curators

The impact of the digital context on oral history will be described from different angles in this thesis: the technologies and the regulations that control their use, but also the actual uses of digital technologies and the conflicting demands facing practitioners. For the sake of clarity, I have chosen to categorise these actors into two groups: the creators of oral history interviews (i.e. mainly interviewers) and the curators of such interviews (i.e. archivists, librarians, data repository employees and museum curators). As we will see, such a distinction of roles is also relevant to understanding the differences between creators’ and curators’ relationships to interviewees, their concerns about consent and their input into dissemination choices.

My fieldwork reveals that, often, the boundaries between these two groups are difficult to delimit: the same person can record and curate the interview (hence my third category of interviewer-curator), and sometimes other professional roles cover some of the many activities involved in preparing, collecting and curating interviews (repository manager, project manager, research assistant, sound engineer, transcriber, indexer, etc.).

I will use the term “curator” to refer to the custodians of interviews and to all of the information professionals who receive, organise, describe, preserve and give access to interviews; this broad definition also concurs with the Multilingual Archival Terminology where a curator is defined as “an individual responsible for appraising, acquiring, arranging, describing, preserving, and providing access to records of enduring value” (International Council of Archives, 2021, n.p.).

Although I am aware that the term “curator” sometimes only refers to the job title of a museum curator, it is relevant to employ this term in a broader sense in this thesis; indeed, it enables me to show the breadth of professionals involved in preparing oral history interviews for preservation and dissemination. This term also highlights their responsibility for giving access to interviews, a central topic of discussion here, whereas the term “custodian” suggests that interview collections have a less dynamic afterlife once they have been archived.
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5. Thesis structure

My research methodology will be described in the following chapter. I will then present my research findings and answers to my research questions. To do so, I have divided this thesis up into three parts, each containing two chapters.

Part I will offer a contextualisation of the ethical, legal and curatorial tensions of digital oral history. It will introduce key elements to understand the difficulties analysed in Part II, and to assess the extent to which the digital context amplifies old issues. I will start by analysing the specificities of digital oral history as a whole (Chapter 3). I will then narrow my focus to the stage of the interview lifecycle when most tensions arise: access-giving (Chapter 4). I will mostly rely on the academic literature to do so and on my fieldwork sources to a lesser extent.

Part II will present my detailed analysis of the ethical, legal and curatorial tensions involved in digital oral history. By describing my research findings, I will unpack these tensions and reveal the four main areas of concern in digital oral history. Chapter 5 will concentrate on the most commonly shared area of concern: the respect of informational privacy; this will involve an analysis of the risks of inappropriate dissemination and of the increased publicness of interviews as a result of online open access. Chapter 6 will then describe the three other main areas of concern, which are all linked to decision-making by different stakeholders of digital oral history. In these two chapters I will mostly use my fieldwork sources, and less frequently the academic literature.

Part III will explain how the ethical, legal and curatorial tensions of digital oral history can be alleviated. To do so, I will assess the approaches and practical ideas available in the grey literature and in my fieldwork sources to address the difficulties analysed earlier; I will also identify the remaining gaps. In Chapter 7, I will outline the limitations of the current recommendations in the academic literature and the role of the grey literature to identify ways around the ethical, legal and curatorial issues. This will show how these informational and decisional privacy difficulties could be anticipated at early stages of the information lifecycle. Chapter 8 (pp.178–212) will then formulate recommendations to clarify interviewers’ and curators’ responsibilities and to make the most of oral history’s slow workflows and layered access options; I will conclude with suggestions to improve the current guidance and resources.

In an effort to both contextualise my findings and highlight the gaps in the academic publications, my literature review will be interspersed throughout all the chapters; this will allow me to confront these publications with my other three research sources (survey responses, research interviews and grey literature). I will now turn to present these research sources and the methods used to select and analyse them.
Chapter 2: Methodology

This chapter describes the research methodology I have used to answer my research questions. First, I give an overview of my research methods and show their relevance. I then explain in detail how they were implemented through my selection of research sources, their analysis and the ethical considerations that guided the research.

1. Research methods and relevance for answering my research questions

1.1. A multidisciplinary project

This research project aimed to understand, intellectually and practically, the tensions experienced by oral history practitioners. To do so, I drew on my academic and professional backgrounds in oral history and information management. I designed my PhD as a multidisciplinary research project, combining several relevant approaches to answer my research questions and to describe my project outcomes. The latter include both research findings and practical recommendations.

Throughout my project, I have been guided by a diverse set of approaches found in the literature published in four key fields: Digital Humanities, Oral History, Information Studies and Legal Studies. This multidisciplinarity proved relevant for the topic I was studying. In particular, I developed my project in Year 1 and 2 under the joint influence of Digital Humanities and Oral History; the relevance of this combination is demonstrated by many authors, as I will explain below, and my research confirms the correspondences between these two disciplines.

In the latter stage of my research, in Year 5, the analysis of my fieldwork findings led me to increasingly focus on the applied ethics of digital technologies, as well as on privacy rights in the digital context, thanks to the suggestion of one of my second supervisors. My research project also offers a contribution to these fields and proposes digital oral history as an example of the relevance of theories and frameworks developed in these disciplines in the last decade.

1.2. Empirical and qualitative social research

Following my assessment of the relevant literature, I confronted my findings with a qualitative analysis of oral history practitioners’ accounts of the tensions they are experiencing. Because these ethical, legal and curatorial dilemmas are hardly described and even less analysed in the academic (and grey) literature, I embarked on creating my own record of these issues, by surveying and then interviewing
creators and curators of oral history collections. My ambition was to hear them describe, in their own
words and with regards to their own circumstances, the difficulties exacerbated by the digital context.

This empirical approach was therefore implemented through qualitative social research methods, and
namely a multilingual research survey followed by research interviews. I surveyed and/or interviewed
126 practitioners in total (112 survey respondents and 21 research interviewees, among which 7 had
also answered the survey). My sample was made up of oral history interviewers, researchers, archivists,
librarians, museum curators and audiovisual collections managers. When planning and conducting my
fieldwork, my aim was twofold: capturing their experience of ethical, legal and curatorial issues; and
mapping out the solutions they were already using to address these.

A qualitative social research approach enabled me to explore in depth and describe in detail the tensions
and changes they experienced. My goal was also to gather information that is otherwise absent from
written sources about topics such as individual and collective decision-making processes, main sources
of advice and support, lines of responsibilities and practitioners’ actual job remits and financial
constraints. I used my fieldwork sources to test and improve the feasibility, scalability and sustainability
of the strategies and recommendations made by authors in the academic literature and grey literature
that I analysed throughout the project.

1.3. A comparative approach

My original intention in adopting a comparative approach was to contrast the experiences of
practitioners based in different countries. The three national contexts I focused on were the United
Kingdom, the United States and France for the following reasons. The United Kingdom and the United
States have had comparable oral history traditions since the 1960s, and large interview collections are
held across their GLAM institutions. Practitioners in France and the United Kingdom are subject to
almost the same European data protection regulations. My choice of fieldwork sites was also informed
by the following factors: the predominance of these countries among my survey respondents; my
linguistic and practical ability to recruit informants there; and, finally, my familiarity with their oral
history and information management traditions.¹

¹ My initial plan was to also study the experience of practitioners in Spanish-speaking countries, and to do so,
Spanish was one of the three languages in which I conducted my survey. However, I made communications
mistakes and, as a result, this aspect of the survey yielded disappointing results (I received only one response in
Spanish among the 112 completed surveys). This showed me that I did not possess enough knowledge of the
Spanish-speaking professional communities, networks and contexts and I decided not to focus on them. If I were
conducting a longer and better-resourced project, I would complement my present findings with a study of two
Yet, my analysis of survey responses in Year 4 showed me that other levels of comparison were more relevant than the national ones to understand the issues experienced by creators and curators of digital oral history. My research interviews and their analysis in Year 5 confirmed this; as a result, my thesis mostly focuses on the types of tensions experienced at the following levels: professional (job title and remit), institutional (size and type of the institution) and information lifecycle (interview recording, archiving or dissemination stage). The latter point of comparison proved the most relevant to identify and untangle the most acute sources of tension, as we will see in Chapters 4, 5 and 6.

My comparative approach, combined with empirical and qualitative methods, enabled me to achieve two goals. On the one hand, I put my findings into perspective and therefore studied the nuances and shared causes of difficulties. On the other hand, I led a situational analysis that encouraged me to understand the importance of context in the creation and curation of oral history interviews. This theme is central to my findings, as we will see throughout the thesis.

1.4. Project timeline

This research project was carried out in roughly three stages that can be described as follows:

- Year 1 to 3 (2015 to 2017; part-time studies): I reviewed the academic literature, developed the project scope, refined my research questions, prepared my upgrade report and eventually obtained a research scholarship; I passed my upgrade viva in December 2017.

- Year 4 and 5 (2018 and 2019; part-time until mid-2019): I defined my fieldwork methodology and my clusters of key themes; I designed and carried out my online survey, analysed its results and prepared my interviews; I recorded my interviews in three waves in the United States, France and the United Kingdom; I analysed my recordings and wrote up the first findings.

- Year 6 and 7 (2020 and 2021; full-time with an 8-month break): I wrote up my thesis and did further analysis of my fieldwork sources concomitantly; I selected and analysed grey literature sources, integrated the results in the writing up of the last chapters; I prepared the thesis for submission.

This project took seven years. Because of this extended research period, I benefitted from sufficient time to prepare my fieldwork and adapt it to my initial findings and my iterative analysis. This enabled me to adjust my recruitment methods by extending my survey deadline. Later, I also divided up my interviewing stage into several waves during which I analysed what I had already collected, refined my

other contexts where oral history traditions have different origins, purposes and stakes: Spanish-speaking countries (Spain and Latin America) as well as Central and Eastern European countries.
questions list and targeted research participants according to the results of my first analysis. However, this research timeline also made it more difficult to stay up-to-date with the academic literature; I have therefore had to be very selective in my reading in the last years of my research, by concentrating on essential publications, focusing on digital oral history and digital privacy.

2. Research sources and fieldwork organisation

I have used four types of research sources to answer my research questions: academic literature, survey responses, research interviews and grey literature. The Data Management Plan in Appendix 1 (p.242) details how I have stored and looked after my sources.

2.1. Academic literature

This project started with an assessment of the academic literature in the four broad disciplines listed earlier. In particular, I focused on publications dealing with the following domains: digital technologies and practices in oral history; critical Digital Humanities and digital history; audiovisual and computational archive studies; digital curation of research data; and applied ethics and privacy rights in the digital context. Because they were the most relevant to the national, linguistic and temporal scope of my project, I focused on publications written in English and French in the 2000s and 2010s.

Publications in the fields of Digital Humanities and oral history served as the foundations of my project, both as distinct disciplines and as interlinked fields. One of the key books used for my literature review, Boyd and Larson’s (2014) *Oral History and Digital Humanities: Voice, Access, and Engagement*, demonstrates the closeness of these two disciplines; its authors point to their common concerns and approaches, with digital curation as one of their strong links. In a chapter dedicated to this proximity, Rehberger (2014) highlights in particular the collaborative dimension as well as the “battle for legitimacy” and shared political ambition (pp. 190–195). All of these themes are key to my thesis, as we will see later.

To me, the similarities between the two fields are most striking in three other areas. First, the emphasis on practice as theory and the reflection on the impact of methodologies lie at the core of both fields. Digital humanists indeed see the “acts of creation” as “constitut[ing] research methods in their own right” and analyse them as “always theory- or value-laden, as research is never neutral” (Hayler & Griffin, 2016, p. 2). Interdisciplinarity is the second shared characteristic. The Digital Humanities have indeed been described as a “nexus of fields” where the use of multiple disciplinary approaches enables a creativity of knowledge (Fitzpatrick, 2012, p. 12). The oral history methodology draws on Anthropology, Sociology, History, Literature and Psychology amongst others.
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The third and most significant characteristic for my project is that both disciplines are defined by a non-elite focus and a democratic ambition. Many Digital Humanities projects endeavour to move away from a heritage “skewed towards government and elite sources” (Thomas III, 2016, p. 525). This echoes (or follows) the bottom-up approach championed by many oral historians since the 1970s and their political and academic goal to give a voice to the “underside” and to write “a history built around people” (Thompson 2000, p. 9 and p. 23). This relates to a shared ideal of a democratic creation of and access to knowledge.

One of the ambitions of my project is to address this ideal in a critical way by analysing the tension between two objectives: on the one hand, democratisation by sharing information with all citizens and, on the other hand, democratisation by representing all citizens in the information shared. Throughout my thesis I therefore ask and answer the following question: how, in the digital context, can cultural and historical sources be made as widely available as possible, without betraying the goal of wide representativeness?

I was able to answer this question by relying on publications about applied digital ethics and digital privacy; this literature helped me analyse this tension between information subjects and information recipients. In particular, Nissenbaum’s (2010) Privacy in context and Ess’s (2014 and 2020) Digital media ethics were most relevant; their analyses confirm and frame in a more theoretical way the conclusions I reached through my empirical investigation.

2.2. Research survey

2.2.1. Purposes, design and communication

My research fieldwork aimed to better understand practices in digital oral history and the impact of ethical, legal and curatorial tensions on the ground. My ambition was to fill a gap I identified in the literature. Indeed, these issues are hardly tackled in academic publications, and almost as little in the grey literature, as we will see later. Asking practitioners direct questions about the dilemmas resulting from these tensions was therefore the only way to map out and analyse precisely the difficulties caused and exacerbated by the digital context.

My online survey enabled me in a short amount of time to reach out to a large number of practitioners in many countries and institutions to start this mapping out. I drafted the questionnaire in March to April 2018; my choices of questions, their order, phrasing and length were influenced by the handbooks Surveys in Social Research (De Vaus, 2014) and Social Research Methods (Bryman, 2008). The design
aspect and attention paid to the appearance and online accessibility of the survey were guided by the advice given in *The Science of Web Surveys* (Tourangeau et al., 2013, pp. 151–170).²

I translated and tested the survey (a French version and an English version were trialled by four testers) and improved it in May 2018 following the feedback of my testers on its content, length and accessibility. I launched it on the 7th of June 2018 and kept it open for two months. I advertised it through a range of communications channels to maximise its reach.³ I targeted mostly the English-speaking and French-speaking communities in the areas of Oral History, Digital Humanities, Archives and Libraries.

2.2.2. **Targeted population, content and results**

The survey was open to anyone who had already recorded, archived and/or disseminated oral history interviews, regardless of their country, institution and length of experience. The respondents could choose to respond in one of the 3 languages available (English, French and Spanish). It took circa 20 minutes to complete, had 14 compulsory questions and up to 27 questions to answer, including 15 open-ended questions (the English version of the questionnaire can be found in Appendix 2, p.243). After collecting information about the profile of the respondent (country, type and size of institution, number of years of oral history practice), the questions focused on the following themes:

- digital tools: what respondents currently use;
- digital tools: regulations and advice they are aware of, their sources of information, and their role in shaping these;
- ethical and legal dilemmas related to digital tools, how they have solved them and how these dilemmas impacted their oral history projects;
- access to interviews in the digital context, their use of anonymisation or pseudo-anonymisation, the support that their institution could bring, and how access to interviews has changed.

² I created the survey with the software Online Surveys, which is supported by Jisc and available for free through my university’s subscription. After comparing several pieces of survey software, I chose Online Surveys because of its availability and reliability, but also because of its data security and personal data protection features, in line with the ethical dimensions of my fieldwork, which I will discuss later. It also proved most adapted to my needs by offering the following features that facilitated the questionnaire design, my respondents’ experience and my analysis of their answers: responsive questions, flexibility of design, distribution and analysis options, and helpful FAQs.

³ My communications tools included announcements in 1 to 3 languages sent through more than 30 mailing lists, professional association websites, discussion forums and academic news forums; more than 20 personal emails; flyers displayed at two major oral history conferences; personal letters with flyers posted to the heads of 11 local history and sound archive centres and libraries in the United Kingdom; personal emails to 36 representatives of local oral history or archives networks in the United Kingdom.
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The introductory text explicitly stated that the survey responses were anonymous. At the end of the questionnaire the respondents were invited to take part in an optional follow-up interview in the autumn 2018. I indicated my email address and they could notify me by sending a message, hence maintaining a separation between their survey answers and their name. In total, 15 participants contacted me and I later interviewed 7 of them; the other 8 volunteers were no longer available.

The survey landing page was accessed more than 1300 times. I received 112 completed responses, which amounted to 80 pages of data (in PDF format), including 56 pages of text in response to the open-ended questions (after translation into English, single-spaced and in font 11). In August and September, I merged all the responses and did the translation from French and Spanish to English.

The survey received 112 completed responses: 80% in English and the rest in French and Spanish. The participants were based in 16 different countries; the most represented countries are as follows: United States (41 respondents); United Kingdom (26); France (21); Australia (4); Canada (4); Ireland (4). The other countries represented are Austria, Belgium, China, Czechia, Djibouti, Greece, Italy, Singapore, South Africa and Switzerland.

The most common place of respondents’ employment was higher education (43%); other institutions where they work included archive centres, libraries and the third sector (10% each). Five respondents were independent workers. Towards the beginning of the survey, I asked them what their oral history activities have mainly involved; I gave them three choices: recording, curating and/or disseminating interviews. Among the respondents who answered, the breakdown is as follows:

- 12 interviewers (i.e. 11% of 112 respondents only selected "recording interviews")
- 19 curators (i.e. 17% of 112 respondents selected "archiving interviews" and/or "disseminating interviews")
- 73 interviewers-curators (i.e. 65% of 112 respondents selected "recording" and "archiving", or the three descriptions).

I paid great attention to disseminating widely my survey and interview invitations; nevertheless, the respondents represent a self-selected sample of interviewers, curators and collections managers in two respects. First, my participants voluntarily responded to my survey call and later my interview requests; some of the imbalances of the survey respondents were redressed by extending the deadline and by targeting more small and under-resourced institutions to obtain a more diverse sample of practitioners. Second, the practitioners more likely to respond were the ones who have encountered difficulties linked to digital tools. The topic of my research interested them enough to take at least 20 minutes to answer
a survey and, for some of them, at least one hour to meet me. This may have led to an over-representation of practitioners with a negative view of digital oral history or with an existing interest in ethical issues. I have used my semi-structured interviews to address this bias and obtain a more nuanced view by asking questions about both the opportunities and concerns brought by digital technologies.

With more time for my fieldwork, I would have liked to complement my survey and research interviews with an observation of beginner and advanced training courses for interviewers and curators. This could have enabled me to include a greater diversity of views on the importance, and experience, of applied ethics in collecting and looking after interviews.

2.3. Research interviews

2.3.1. Purposes and adaptation of my interviewing methods

My survey responses helped me obtain information not available in written publications on topics such as decision-making, responsibilities, sources of advice, diversity of stakeholders and of privacy risks, and gaps in the current guidance. I explored these themes further in my interviews, obtaining an even more nuanced understanding of the tensions on the ground, the coping strategies used by practitioners, and any remaining gaps in the current practical guidance.

I carried out 21 semi-structured interviews between October 2018 and September 2019, in three waves. Just as setting up a research survey was a new experience for me, I learnt how to conduct a social research interview. The dynamic of my very first recording was influenced by an unstructured, life story interviewing approach, which is my professional background. However, I realised that it did not provide enough of the information I needed; I therefore adapted my method for the remaining 20 interviews. Inspired by Bryman’s (2016) advice in his handbook on Social Research Methods, I moved away from a role of mostly prompting the interviewees and letting them tell their experience at length, to being a more inquisitive and active interviewer. Thus, I interrupted more often to ask for details and explanations or to test some ideas. This resulted in more focused and shorter recordings (decreasing from 1 hour 45 minutes for the first interview to an average of 1 hour for the rest).

Only one more recording was done in the fashion of a life history interview, because that interviewee had prepared our meeting so well (bringing detailed notes of the topics to talk about) and answered my questions with several 5-minute monologues. I was clearly not the one leading the interview anymore and had to sit back and listen; my adaptability proved fruitful as I obtained a very controlled but rich and honest account of ethical dilemmas, regrets and mistakes.
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My 21 interviews were recorded with an audio recorder and were all done face-to-face with the exception of one conducted over the phone because the trip would have been too long for me. I used a short list of 6 to 8 questions as a rough interview guide (see Appendix 3, p.248) and I took some notes throughout each recording to help me remember important details and follow-up questions. I asked all of my interviewees to complete and sign a recording agreement before the start of the interview, as will be discussed later in this chapter.

2.3.2. Recruitment methods and three waves of recording

My recruitment methods were diverse: seven research interviewees contacted me following their completion of my online survey; I met one at a conference; and six were contacted directly because I had a pre-project knowledge about their collections, repository or expertise. I got in touch with the remaining seven thanks to my effort to expand my participants’ representativeness; indeed I realised by doing a quick analysis of my first recordings that the profiles of both the participants and institutions were too homogenous and did not include enough small institutions with more restricted human and financial resources. To answer my research questions, I needed to study the experience of a range of institutions, professional roles and collections. I therefore decided to reach out to a selection of institutions with which I had no previous contact, focusing on the United Kingdom to adapt to my travel budget.

For my second wave of interviews (April to June 2019), I started this new recruitment method by searching the Jisc Archives Hub catalogue. This tool gives access to the catalogues of over 350 institutions across the United Kingdom and enables users to search collections held by private, public, charitable, local, academic and national institutions. This resulted in 13 archive collections being pre-selected, out of 668 search results for “oral history” in the “all text” search box. My pre-selection criteria included the following elements: holding at least 20 oral history interviews in their collections, contributing to the diversity of my sample in terms of institution size and location (including being outside of London or regional capitals), and possessing collections created over several decades.

The preparation of my third wave (June to September 2019) followed a similar recruitment method but this time I used the National Archives catalogue. My search of that catalogue enabled me to locate an additional 100 archive collections that I pre-selected out of 1,700 search results with the same method as above. Among these 100 short-listed collections, 65 were based in museums and matched my new target for this last wave of interviews to get more interviewees from that professional context.

My interviews were carried out in French or English and took place in 11 different cities across 3 countries; I recorded them in locations convenient for both the interviewee and me, usually in a quiet café or in a meeting or reading room at the interviewee’s workplace.
In both situations, the large majority of the curation teams I contacted answered my emails but most were either too short of time and staff, or unable to answer my questions. However, I still succeeded in meeting seven archivists and collections managers in that way.

As a result, my research interviewees are based in the United Kingdom, France or the United States. Their workplace is diverse: Higher Education Institution archive centre (7), local archive centre (4), museum (3), charity (3), research institution (2), repository (1) or independent (1). Six of them belong to my category of “interviewers”, six are “curators” and nine are “interviewer-curators”.

Throughout this thesis, I will analyse the responses given by all of the practitioners I surveyed and interviewed. To avoid any confusion, I will refer to them as “research participants” (including both respondents to the survey and to my interview questions), or “research interviewees”, whereas the people that these practitioners interviewed as part of their oral history practice will be referred to as “interviewees” only.

2.3.3. Narrowing my question guide

The questions list I used for the interviews in the first wave was based on the preliminary results of my online survey; accordingly, I chose to focus on themes where the survey responses were unexpected (such as the wide use of interview de-identification), or where I needed more details that were not given in writing (including on the lines of responsibilities in making ethical decisions).

Following the analysis of my first wave of interviews, I identified transversal themes which were significant and used them to adapt my questions for the remaining recordings. As a result, I reduced my question guide and kept only three opening questions, focusing the remainder of each interview on ethical dilemmas, risks management and processes.

2.4. Grey literature

2.4.1. Purposes

In Year 6, I used a fourth type of research sources in my research project. Based on my survey answers, I selected 34 technical and professional documents that were produced in three broad areas: first, oral history; second, archives, data management and data protection; and third, the Social Sciences. My late introduction of grey literature was done for the following three reasons.

First, I wanted to get an up-to-date overview (as of February 2020) of the advice and tools available to practitioners to deal with the ethical, legal and curatorial issues I had analysed so far. I also needed to check what guidance had been produced and updated since the introduction of new data protection regulations in 2018 (which was most relevant for the United Kingdom and France). Second, I aimed to
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compare the resources practitioners I surveyed and interviewed knew about with what was actually at their disposal. My goal was also to complement my fieldwork sources (mainly focused on oral history practitioners) with literature produced in related but larger areas, namely archives, data protection, digital curation and qualitative social research. Lastly, I wished to propose a critical assessment of these guidance documents by analysing their strengths, weaknesses and gaps.

2.4.2. Selection method

I selected 34 sources of information, including websites, blog posts, reports, guidelines, statements, templates, charts, guidebooks, and case studies. These sources were produced by a range of authors in the three countries I focused on for this research: 10 professional associations; 2 consortia of oral historians, researchers and information professionals; and 5 national centres of expertise in archives, data protection or digital curation.

I used the following selection method. In response to question 10 of my survey, my respondents listed 8 types of sources of advice that helped them use digital tools when collecting, archiving or disseminating oral history interviews. Based on the 3 most frequently mentioned categories, I have selected 34 documents. The references list of these documents can be found in Appendix 4 (p.249). I chose them according to the following criteria: their content (practical themes, advice on best practices) and their form (short, concise, relatively easy to browse, organised in bullet points or lists of questions). I excluded essays and articles, to avoid using sources that were more complex to read and that would belong to the category of academic literature; however, we will see in Chapter 7 that sometimes the line is blurred between the two genres. More detail about the sources’ content and relevance for answering my research questions will be given in Chapter 7 (pp.149–177), which is partly based on the findings resulting from their analysis and comparison with my other research sources.

3. Sources preparation and analysis methods

3.1. Preparing my fieldwork sources for analysis

3.1.1. Translation, data merging, transcription

My survey responses required little preparation after I had merged the responses in different languages, translated everything into English and converted the responses to open questions from their Excel format into Word documents (I found the latter easier to analyse). Apart from the translation step, the other tasks were made simpler by the survey software I had chosen. Useful features were available for
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downloading the responses in a range of formats, comparing them directly on the software platform and generating graphs.

However, my interviews needed a longer preparation period to be available for analysis and this involved a combination of translation, transcription and/or writing detailed summaries. Some of the problems I had to solve were also experienced by my research participants in the interviews that they recorded with their own interviewees. Therefore, the details of how I prepared my sources for analysis are also relevant when seeking to understand the relevance of time constraints, scalability and sustainability in preparing oral history interviews for archiving and dissemination, as I will show in Chapters 7 and 8.

3.1.2. Interview detailed summaries: methods and relevance

I tested three different ways of creating the detailed summaries that would end up being my primary material for analysing the recordings: simultaneous transcription and note-taking for the summary; transcription first and then note-taking to write the summary; and finally, note-taking while listening to the audio recording without doing any transcription. The last method proved to be the most efficient in terms of time (for a one-hour interview, it took me three hours on average to make the notes, which was three to four times quicker than when using the additional stage of translating). One of the reasons is that this method enabled me to skip the cleaning phase of transcripts, which aims to remove typos and check the spelling of many words.

Writing the summary while listening to the audio file also yielded excellent results in terms of quality of the content: I took the time to listen several times to most parts of each interview, and although the summaries created that way were longer and more descriptive, it proved to be a very good method for my purpose. With several hours of intense concentration listening to a recording, I was able to produce

5 I started by systematically transcribing the interviews of my first wave of recording before creating a detailed summary of each transcript. I translated the summary if I had written it in French but I did not translate any transcriptions as this would have been too time-consuming. In terms of transcription method, I chose not to transcribe the non-verbal sounds or pauses (except where these expressed significant emotions) because what interested me mostly was what interviewees said, not how they said it. In line with my choice of interviewing method, I departed from the transcription styles often found in oral history and in linguistics, and chose to correct grammar mistakes and add some punctuation to make the final transcripts easier to read and analyse.

6 I always double checked the content of the key themes that I extracted from each interview by listening several times to extracts when needed and by confronting my summary with the notes I had taken during the interview. Although transcribing all of my interviews before analysis would have offered me an additional quality control measure, it proved far too time-consuming. The detailed summaries gave me the information I needed (key themes, examples of tensions in context, significant quotes) for both the improvement of my next waves of interviews and for the analysis stage.
quite quickly a detailed and pre-analysed summary of the interview that included many direct quotes in the language of the interview.

Using the detailed summary as my material for analysis was both a practical and methodological choice: it not only saved me a lot of reading time (my summaries are 5 pages long on average, while all the transcriptions exceed 15 pages) but it also helped me gain some distance from the content and the emotions contained in many interviews. This facilitated my efforts to move from some distressing individual stories to analytical categories, by focusing on extracting themes, nuances and similarities between interviewees, and then between them and my survey respondents. However, my analysis also took into account the emotional aspect of my recordings, as will be discussed later in this chapter.

3.2. Pseudo-anonymisation of interviews

The responses to my online survey were anonymous and even when some participants contacted me for a follow-up interview, I could not link their survey answers to their name. In only a handful of cases I could guess who a respondent was, based on the very specific examples they gave. My analysis method made me split up each completed questionnaire, compare the answers for each question and for the three broad categories of profiles that were based on respondents’ main activities in relation to oral history interviews (recording, archiving and/or disseminating). This enabled me to maintain the anonymity I had guaranteed.

3.2.1. Purposes, techniques and fruitful questions

In contrast with the survey responses, I had to systematically pseudo-anonymise all the interview quotes when writing up this thesis, in line with my promise to my research interviewees to keep their interview confidential. Accordingly, I know who the participants refer to but readers cannot identify them because of how I have disguised information at different levels. When I transcribed and summarised the interviews, I was already undertaking a light de-identification by not writing up names of people or specific places; I replaced these with initials, because such information was not needed for my analysis and the small size of my corpus meant that I could remember who referred to what. I also chose not to transcribe and take note of one interview section where my interviewee made offensive comments about a third party.7

This first layer of pseudo-anonymisation triggered relevant questions for my research topic: how far should anonymisation go, and for what purpose and audience is it carried out? I also became aware of

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7 This was done as a precaution, in case I decided to include the full transcripts in my Appendices and because this thesis may have to be published online even if I require an embargo period (at the time of writing in 2021 my university’s policy for e-theses is to allow short embargoes of one or five years, or to restrict access permanently).
the difficulty of de-identifying interviews when the topics were less familiar to me; I was probably less cautious as a result of a lack of awareness of what could be sensitive in professional or cultural contexts that I knew less well.

In parallel with this light de-identification of all of my interviews, I had to carry out a comprehensive pseudo-anonymisation of two recordings. I transcribed the two interviews, de-identified them and then sent the result to the interviewees for their approval and comments; both were happy but one made further suggestions. In both cases, I used techniques suggested by the UK Data Service (2021) and the Consortium of European Social Science Data Archives (2021) to anonymise qualitative data. This involved the following steps: creating an anonymisation log that I stored separately from the audio files and their transcription; carrying out a disclosure assessment where I assessed the different risks, for different audiences as well as identifying direct and indirect identifiers; and mixing up methods to conceal identities by removing, generalising, aggregating or distorting identifiers.

I chose to identify each interviewee with a pronoun in the third person singular (she/her or he/him); to guarantee anonymity and because gender is not a relevant factor of analysis in my research, I have attributed these pronouns randomly to my interviewees.

3.2.2. Interview A

For interview A, it took me 4 hours to de-identify 19 pages of transcripts; this time involved checking the transcription, selecting identifiers, anonymising and keeping a record of my actions in the log. I chose to carry out these tasks mostly as an exercise to experience the difficulties of anonymising interviews. Because I was going to share the transcripts electronically with the interviewee, I was also worried that encryption would not be a strong enough security feature given that the interview contained many sensitive topics. My interviewee sent me very positive feedback on my de-identification work, saying, in particular, that it avoided highlighting the divisions between communities mentioned in the interview and showed the universality of the questions we had discussed during the interview.

Contrary to his views, I did not find the result easy to read since I had to show in the text where I had removed or distorted the transcript, using a very large quantity of square brackets. Yet, I realised that even if this is a time-consuming and extremely attention-demanding task, it is actually possible to pseudo-anonymise an interview, on two conditions: if, first, the interviewee’s and third parties’ identities are not the focus of the recording; and second, the resulting transcription will not be re-used by someone else to carry out a different analysis. The potential use of this methodological observation in digital oral history will be discussed in Chapter 8 (pp.178–212).
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3.2.3. **Interview B**

Thanks to this first experience, I knew that the de-identification of such research interviews was practicable and I therefore agreed to de-identify the transcript of interview B. The demand was made by one of my interviewees, before we had even started the recording, following a negotiation about how I would protect her identity. I also had to follow some of her indications, including her request to erase a criticism she had formulated against a project she had worked for; and to de-contextualise an example to avoid revealing a secret that she had discussed with me in the interview. It took me 6 hours 30 minutes to de-identify a 17-page transcription interview. Even if I re-used the same method as above, de-identifying this interview was more difficult for three reasons. First, my interviewee had very specific practices and oral history experiences that were impossible to disguise; second, the content of some extracts was very sensitive; and third, we discussed many ongoing ethical dilemmas that worried her.

I carried out a detailed disclosure assessment before starting to anonymise the transcripts of interview B. This assessment involved identifying the level of risks, and the actions I could take to hide the identities of my interviewee and of the third parties she mentioned (even if she was careful to never give any personal names). This exercise was useful to make me think in a concrete way about the tensions I was researching and it helped me to put myself in an interviewer’s and curator’s shoes when it comes to balancing out many levels of risks, in the short and long terms.

3.3. **Iterative analysis and comparisons**

I analysed my research sources between Year 4 and Year 6, alternating between phases of collection, preparation, analysis and writing up. Rather than taking the shape of a cycle, this iterative process was closer to a back and forth movement between fieldwork, analysis and writing. I have explained above how creating detailed summaries of my interviews between each wave was an excellent tool to improve my fieldwork focus. Similarly, writing up my thesis made me go back to my survey responses and to my summarised interviews to analyse them again in the light of a new theme. I used close reading for all of my four types of research sources. I will detail below how I analysed the survey answers, my interviews and the grey literature.

3.3.1. **Research survey**

I analysed the responses to my survey in two steps. The first phase was conducted shortly after I had closed the survey, with the idea of having a first overview of the general trends in the responses to guide

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8 For example, after analysing the grey literature sources for Chapters 7 and 8, I noticed that conducting sensitivity reviews on oral history collections was an important sticking point and gap in the current guidance; I then went back to my fieldwork sources to observe what my research participants had said on that topic.
the preparation of the interview stage of my fieldwork. In autumn 2018, I conducted a quantitative and qualitative analysis of the 112 responses, using basic statistics and manual coding. I created thematic categories through close reading, content analysis and quality control\(^9\) of my method.

Once my fieldwork was over in 2019, I did further analyses of the survey responses to check whether and how these sources were confirming, nuancing or contradicting what I had observed in the research interviews. In particular, I re-analysed in more detail responses to several of the survey questions to write up my Chapter 4 (pp.71–94) on the tensions of giving access to digital oral history interviews. I did more manual coding with a focus on the following questions, inspired in part by Nissenbaum’s (2010, pp. 129–230) “framework of contextual integrity” which I discovered and introduced in my research after my fieldwork was complete. What tensions arise when and for what profile of actor? What is the most frequent source of tension, depending on the country, the institution and the stage of the interview lifecycle? I extracted the information for each relevant survey question, creating a database where I tagged the responses with categories, including the following:

- participant’s profile: “interviewer”, “curator” and “interviewer-curator”;

- interview lifecycle stage: “recording interviews”, “archiving interviews” and “disseminating interviews”;

- main ethical or legal issue: “informational privacy”, “decisional privacy”, “management of expectations”, “legitimacy and responsibility” and “clarifying rights”.

The table in Figure 1 is an example of a summary of such analyses for question 14 of my survey, that was formulated as follows: "When we use digital tools in oral history, we are sometimes faced with ethical or legal dilemmas. When collecting, archiving or disseminating interviews, have you ever been confronted with such dilemmas?". The table shows the main areas of concerns I extracted from the survey responses and how frequently they are mentioned in responses to that question.

\(^9\) Although such an analysis method is inevitably subjective, I made every effort to be rigorous in the choice of categories, the classification of the responses and the attention given equally to brief and very detailed survey answers. I also double checked my percentages and totals to avoid forgetting any respondent and counting a response twice. Often a response fell into more than one category or sub-category; sometimes responses were too generic to belong to a sub-category; my classification was made by looking at the focus of the response and asking the following question: what is/are the main idea(s) in the response?
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<table>
<thead>
<tr>
<th>When recording interviews (13 responses)</th>
<th>When archiving interviews (14 responses)</th>
<th>When disseminating interviews (66 responses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>12 x Decisional privacy</td>
<td>9 x Informational privacy</td>
</tr>
<tr>
<td>2nd</td>
<td>3 x Legitimacy &amp; Responsibility</td>
<td>6 x Legitimacy &amp; Responsibility</td>
</tr>
<tr>
<td>3rd</td>
<td>2 x Managing expectations</td>
<td>5 x Decisional privacy</td>
</tr>
<tr>
<td>4th</td>
<td>1 x Informational privacy</td>
<td>2 x Managing expectations</td>
</tr>
<tr>
<td>5th</td>
<td>0 x Clarifying rights</td>
<td>1 x Clarifying rights</td>
</tr>
</tbody>
</table>

Figure 1 – Comparative table: survey respondents’ areas of concern

Based on such a method, I identified which trends stood out and which ones were relevant to answer my research questions. I then turned to my research interviews, to compare the prevalence and frequency of these themes in this other type of research sources.

3.3.2. Research interviews

The thematic analysis of my recordings was done through close reading and manual coding, based on the analytical summaries of all of my 21 interviews. As I had such a small corpus of interviews, I chose not to use any analysis software. I broke up each detailed summary into themes and organised my interviewees’ answers around these broad themes.10

When grouping my interviewees’ answers to each of these broad themes and sub-themes, I always kept track of who said what about each topic, to note the context of the examples they were giving, to create consistent keywords and include a few relevant direct quotes from each interview. I checked the frequency of the sub-themes and keywords and then analysed which ones stood out across the theme and among each profile of research interviewees. I then compared again these findings with my analyses of the survey responses on the same themes. For quality control purposes, I checked whether the keywords and families of keywords I had identified accurately represented research interviewees’ detailed statements, as recorded in my summaries.

3.3.3. Grey literature

To complement these findings, I surveyed the grey literature currently available to address the ethical, legal and curatorial issues I had identified in my survey responses and research interviews. I analysed this grey literature to understand what is recommended to deal with the three areas of concern I had

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10 They include the following themes: how my research participants started working with qualitative data/interviews; how they started using digital tools with qualitative data/interviews; the changes brought by digital tools in oral history/audiovisual archives; the continuity of ethical questions in the digital context; the new ethical questions brought about by digital technologies; the benefits of digital technologies in oral history; the loss of control with online dissemination; the different risks of online dissemination; consent-seeking in digital oral history; and planning for the future life of the interviews.
identified in my fieldwork sources: informational privacy, decisional privacy and managing contradictory expectations.

I read closely the 34 documents I had selected and extracted information to answer two questions: first, what do the documents recommend to address key topics (such as consent-seeking, sensitivity reviews, access levels, anticipating future dissemination changes)? And second, how is such advice adapted to what practitioners would need? I created a comparative table to record the following 3 elements for each of my 34 sources:

- What is recommended to address each of the three main areas of concern? What tools are provided (decision tree, questions list, improved consent documents)? Who is the targeted audience and are there any pre-requisites to understand the guidance?
- How useable are the guidelines in the professional contexts I am studying?
- What are the gaps in recommendations?

I wrote up the findings of this comparison and confronted the results with findings from the analysis of my other research sources.

4. Ethical considerations

Many of the ethical questions I encountered when collecting and using my fieldwork sources were also discussed by my research participants in relation to their own interviewing and dissemination experiences. Because I was aware of the proximity of my own experiences as an oral historian and information professional, my current research methods and my research topics, I tried to be vigilant in keeping the right distance from my research participants, their opinions and emotions. Yet, it was often difficult not to feel sympathy for them or not to be upset by what they said.

The following ethical considerations describe how my research is grounded in key ethical principles of social research that can be summarised as follows: “do no harm” and “do right by those with whom we work” (Zeitlyn, 2012, p. 475). Throughout this project, I have maintained my position as a rigorous and respectful researcher and followed my line of “critical empathy” (Field, 2017). This concept was originally developed by oral historian Sean Field in a very different context than mine; however, it summarises well my fruitful attempt to be both an insider and an outsider in the professional worlds that I am analysing.
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4.1. Ethical approval

As part of my fieldwork preparation, I applied for ethical approval from King’s College London’s Research Ethics Office to carry out my survey and record my interviews. I received the approval in early May 2018 (registration number: MRS-17/18-6637).

My initial assessment of the type of sensitive information that may be disclosed during my survey and my interviews was still correct by the end of my fieldwork. Before starting my survey, I had anticipated that it would be unlikely that any illegal or harmful activities would be mentioned in the responses since my participants were likely to describe briefly or generalise the events they discussed. This proved accurate for my survey but also for my research interviews: all of my interviewees were careful not to give too much detail about any sensitive situations. I will discuss this level of controlling narrations further in this chapter and this theme will also reappear in my Chapters 5, 6 and 8.

4.2. Consent-seeking

Before they completed my survey or started to answer my interview questions, I asked all my participants for their consent. I asked for their agreement both to take part and for me to use their responses in my thesis and future research outputs.

For my online survey, this consent stage was brief due to the format of the survey. In my invite to do a follow-up interview at the end of my survey, I highlighted the conditions of participation. The last page of my survey included the following text: “If you are interested in taking part in this follow-up interview, please send a short email to [email address] with the subject line ‘Follow-up interview’. I won’t be able to link your survey answers to this email. I will keep the interviews confidential by anonymising any quotes and analysis which I will use in my thesis and future publications”.

Before each interview started, I gave more details about my project (topic, university, funder), their rights during the recording (in terms of withdrawing and refusing to answer some questions) and the future use of the interview (confidentiality and storage). To avoid repeating what I had already written,

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11 Following the advice given by the UK Data Service on online surveys (UK Data Service, 2021), the introductory page of my survey contained the following statement that participants had to read before clicking on a button to access the first questions: “Your responses to this survey will be anonymous and securely stored in EU-based servers. By selecting ‘Next’ you are consenting to taking this survey”. In my communications material to promote the survey (leaflets, emails, messages on mailing lists), I also emphasised that responses were anonymous and would be stored securely.

12 As explained above, I also contacted several institutions to recruit more interviewees. In the emails used as a first contact and then to organise the interview meeting, I always explicitly stated the topics of my project, the conditions of the interview, and the confidentiality aspect. I also used that opportunity to let the future interviewee know in advance that they could choose to be recorded or not.
I decided not to use an information sheet and instead gave this verbal explanation, in complement to what I had already said in the pre-interview emails and in the consent form. I asked them to read carefully my one-page consent form and complete it before we started the interview; this enabled me to make sure that they had understood the purpose and conditions of the interview itself but it also prompted valuable pre-recording discussions about consent methods. In a few cases, they explained to me why it was important that I respect the confidentiality I was promising. Several of my interviewees referred to my choices of consent procedure during our interview, as a comparison with their own oral history practice.

For my fieldwork in France, I translated the consent form into French to ensure that the purposes and conditions of the interview were fully understood, and hence that consent was as informed as possible. My consent form was based on the template provided by King’s College London and adapted to my fieldwork as recommended by the Research Ethics Office. It was validated with my ethics application approval and all interviewees kept a copy of the document for future reference. In the only interview that I recorded over the phone, I followed the same consent-seeking procedure by emailing the form in advance to the participant and asking her to complete it before we started the recording. I provided her with the same pre-interview information and then verbal explanation before we started the interview.

This experience of distanced consent-seeking showed me how consent procedures could be adapted to collect interviews remotely. However, that particular research interview did not contain much personal information and no sensitive topics were covered. In Chapters 6 and 8, I will analyse the links between informed consent in (digital) oral history and lengthy, face-to-face discussion, and pre- and post-recording contact and explanation. In Chapter 8, I will also discuss how this impacts on consent in online interviewing, a rapidly emerging method.

4.3. Necessary confidentiality

In my fieldwork preparation, I encountered the same paradox faced by many oral historians and many of my research participants: restricting consent choices is sometimes more ethical than giving all interviewees complete decision-making power over the future use of their interviews. This will be analysed in Chapters 6 and 8 and is also relevant for social research fieldwork like mine. I decided to impose anonymity on all my survey respondents and interviewees to protect those who wanted to speak about sensitive topics. Stating that all survey responses and recordings would be treated confidentially was the only way to gain the trust of the participants who were going to describe difficult experiences, ethical mistakes and ongoing issues.

On a practical level, I knew that my interview corpus would be relatively small and that both the community I was studying and the group of potential readers was quite small too. Therefore, it would
have been difficult to hide the identity of only a few interviewees if, should I had given that choice, most had asked to be identified. To guarantee confidentiality in the long term, and in line with the data management principle “as open as possible, as closed as necessary” (European Commission, 2016b, n.p.), I chose to close my interviews and to not deposit them for future preservation and access by other researchers.

In writing up this thesis but also in preparing research outputs such as conference presentations, I have pseudo-anonymised all interview quotes. Similarly, when citing survey responses in this thesis, I am careful not to be too specific or to quote extracts that give unique examples and could potentially identify the respondent to an audience acquainted with them. The importance of anticipating the future information recipients when preparing interviews for dissemination is another theme that I will analyse in relation to digital oral history in Chapters 5, 6 and 7.

Finally, choosing confidentiality over identification did not interfere with my research objective; indeed, analysing and describing my participants’ context and experiences with ethical, legal and curatorial dilemmas did not require me to provide identifying information about them.

4.4. Facing and analysing participants’ emotions

De-identification and breaking up interview summaries into themes were relevant techniques to respect the confidentiality I had promised. These methods also helped me create a distance with the many emotions contained in the interviews, and to a lesser extent, in the survey responses.

Many of my interviewees described their stress, worry and upset when recounting how some of their oral history interviews were misused or could have been wrongly disseminated, usually in the context of online open access to whole recordings and transcripts. Several also expressed annoyance with some of my questions or were defensive when describing ethical decisions into which I was probing. Towards the beginning of a few meetings, some were also explicitly distrustful of my reasons for interviewing them; the pre-recording phase of seeking and negotiating consent proved most helpful to alleviate misunderstandings about my motives or competencies as a fellow oral historian and as a researcher.

In Chapters 3, 4 and 6, I analyse the emotions contained in some of my interviews to understand what is at stake in finding the right dissemination methods in digital oral history. I created a distance with such content in my fieldwork sources by de-identifying and categorising it; this distance enabled me to maintain my position as a researcher analysing my participants’ issues in a critical way. It also helped me bypass a question that I had hoped my fieldwork and its analysis would answer (and so far has not): is it possible to pass on ethical dilemmas just by speaking about them? How specific does one have to be to transmit the worries and stress of causing harm by wrongly disseminating an interview? Such
questions relate to the amount and type of information that can safely be given to others to be able to share a difficulty and ask for advice. For example, how safe is it to name the project or collections, to describe the profile of interviewees, or to reveal the dates and places of the fieldwork?

These questions are highly relevant for this thesis but also echo a debate in the oral history community about confidential advice-seeking on ethical dilemmas. At the 2018 annual conference of the American Oral History Association, a panel was dedicated to discussing the need to set up a safe support service for oral historians; the British Oral History Society offers such support indirectly through its network of regional experts. To some extent, open discussion lists such as H-Net OralHist also serve as a broader forum to describe one’s issues and ask for help.

4.5. **Being an insider and an outsider: critical empathy**

Throughout this project, I have tried to strike the right balance between my familiarity with the issues I am studying and the need to ask research and fieldwork questions from a novel angle, with the objective of offering a better understanding of digital oral history and its ethical, legal and curatorial difficulties. One of my challenges has been to avoid being over- or under-critical of my research sources. My constant critical empathy is also explained by the fact that my research methods involved experiencing some of the difficulties that I was studying, namely protecting interviewees’ and third parties’ privacy, feeling responsible for respecting their dissemination choices and assessing the different risks and stakeholders in dissemination.

As is common in doing fieldwork in a community to which one belongs, I have benefited from my insider role by being able to recruit some of my participants easily and managing to ask questions directly relevant to their experiences. Yet, I was also an outsider and seen as such in several respects: I collected and analysed my sources as an interviewer, a library professional and a former project manager; I introduced myself as a researcher but showed that I am also an oral historian and/or work in libraries; in France, I was seen as a French researcher studying in the United Kingdom; in the United Kingdom and the United States, I conducted my fieldwork in English with a British university accreditation but I was also perceived as a French person.

My empathy has extended beyond fieldwork since I often agreed with what my participants wrote or told me. This has sometimes made it difficult to analyse their words objectively and to choose how to write up about my fieldwork without paraphrasing them too much. I tried to remain honest, by quoting them directly when they were describing some ethical dilemmas much more accurately than I could have done.
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My multidisciplinary, empirical and comparative project has enabled me to better understand the nature, causes and consequences of the ethical, legal and curatorial issues in digital oral history. To present my findings, I will first contextualise these issues in Part I, starting with an overview of what characterises digital oral history.
Part I Contextualising the tensions
Chapter 3: Digital oral history – specificities, changes and continuities

This chapter provides an overview of digital oral history, both as an interviewing and curatorial practice, and of the interview collections resulting from such a practice. It introduces key elements of context that are necessary to later understand the tensions experienced by practitioners and to assess their novelty. These topics will be the focus of Chapters 5 and 6.

My aim here is to show the specificities of oral history in the digital context in comparison with other research and cultural areas that are close, in methods or content, to oral history. Chapter 1 (pp.8–26) described the broader context of changes, by looking at the impact of digital technologies on Humanities and Social Science disciplines, as well as their effect on the flow of research, cultural and personal information. This chapter discusses to what extent the same changes are found in oral history; to do so, I will mostly rely on my literature review, and on my fieldwork sources to a lesser extent.

Throughout this chapter, I will also discuss the impact of digital technologies on oral history practices. I will introduce the changes in the scale of creation and dissemination of interviews, the improved preservation and description methods, and the complexification of curation workflows and ethical concerns. I will also highlight the continuities when it comes to the content of the interviews, and to the context of their creation and curation.

First, I will focus on the specificities of (digital) oral history interviews, both as sources and as collection items. This will introduce some of the ethical, legal and curatorial questions which come to the fore in the digital context. In particular, I will show how some of oral history’s traits, such as the near impossibility of anonymising interviews and the highly personal information they contain, make it a relevant object of study to understand the difficulties of protecting privacy in the digital context.

Second, the chapter will summarise the evolution of digital oral history between the 1990s and the 2010s. This outline will be illustrated with a description of the current digital practices of the interviewers and curators I surveyed and interviewed. This will show the diversity of experiences, resources, training and digital tools used in the field.

Finally, I will discuss the extent to which oral history practices and collections have changed as a result of the digital context. I will highlight the centrality of the dissemination stage in the interview lifecycle as the stage when practitioners encounter the most acute ethical and legal tensions. While paying attention to highlighting both opportunities and problems, I will show that ongoing difficulties around online dissemination represent a direct challenge to the democratisation of knowledge created through interviews.
1. **The specificities of (digital) oral history interviews as sources and collection items**

Before observing the evolution from analogue to digital oral history, it is necessary to review what characterises this qualitative method and the collections created as a result, and what singles them out from other Humanities and Social Science disciplines, sources and cultural collections. These specificities and their ethical, legal and curatorial dimensions will help to contextualise the changes brought about by digital technologies, their use and their regulations. The tensions emerging in the digital context will be explored in Chapters 5 and 6, with an emphasis on how oral history interviews offer a relevant example of “private in public” information.

1.1. **The specificities of oral history interviews as research and cultural sources**

1.1.1. **A very brief introduction to the oral history method**

Oral history records are oral or audiovisual sources, usually collected via in-depth, semi-structured interviews that centre on specific themes or on the interviewee’s whole life story. One of the guiding principles is the “shared authority” between interviewee and interviewer (Frish, 1990); the idea is that both co-create the recording. This has an impact on the respect paid to the interviewee’s agency during the interview itself but also on how it is used afterwards, in the transcription, editing and dissemination phases, and sometimes also in the analysis.

The recordings are commonly analysed with a focus on the orality, inter-subjectivity and meaning of words in the narratives recorded, as well as on the discrepancies between personal and collective memory; they are usually compared with or complemented with other historical sources (Portelli, 2016). The question of dissemination lies at the core of the discipline (Grele, 1993). Analogue and digital uses of interviews include academic research, exhibitions, radio broadcasting, publications for the general public, online multimedia platforms and much more (Perks & Thomson, 2016).

I will now focus on three characteristics that contribute to making oral history sources unique. The following attributes were chosen because they are directly relevant to the tensions explored in this research: the impact of the interviewee-interviewer’s special relationship, the highly personal and confidential stories revealed by these sources, and the near impossibility of anonymising oral history interviews.

1.1.2. **The interviewee-interviewer’s special relationship and the creation of unique sources**

Oral historians Doug Boyd and Mary Larson (2014) state that the “digital revolution has impacted almost every facet of oral history, except [...] the fact that an interview is still a dialogue” (p. 6). As a
result of this fundamental dialogical characteristic, any interview has two authors: the narrator and the interviewer who prompts and guides her or him, more or less directly. This is also the case with the interview methodology employed in other Social Science disciplines, such as Ethnography and Sociology. However, in oral history the joint-authorship is also recognised legally since both interviewee and interviewer usually retain copyright over the recording; this is the case in the three national contexts of my empirical study: the United States, the United Kingdom and France (Neuenschwander, 2012; Perks & Thomson, 2016; Branche et al., 2018).

The related acknowledgment that most oral history interviews are inter-subjective dates from the 1980s (Thompson, 1983). The idea is that the narrator and the interviewer influence each other during the recording and react not only to questions, answers, body language and emotions but also to social signs such as gender, age, accent and ethnicity. This dynamic co-construction explains why each oral history interview is unique (perhaps even more than in other Social Science disciplines), and it is impossible to recreate it because this human context would be changed. The special relationship developed in this co-construction forms the basis of interviewees’ trust. McLeod (2021, pp.128–129) describes three “broad conceptions of trust”: fiduciary, mutual and social; oral history relies on “mutual trust” which “is dependent on more symmetrical interpersonal relationships” and may extend from the individual to the organisation (she gives the example of patients’ trust in general practitioners).

It is now also recognised that narrators choose what they say and do not say, according to their own agenda which usually differs from that of the project team and the interviewer. Yet, my fieldwork also shows that what contributes to the uniqueness of oral history interviews is the interviewee’s loss of control. Giving an interview about one’s life or professional story is an unusual situation for most interviewees (and interviewers, as I found out with my research interviewees). Often the closest they came to such an experience was talking to a journalist. Interviewers therefore have to adapt to the fact that some informants “are aware”, but others “open up for the first time, don’t think about risks and trust us totally” (Research interviewee 7, 2019). Because of this unusual “human and emotional experience” and the types of personal questions asked, many narrators become somewhat vulnerable and share more information than they intend (Research interviewee 10, 2019). Even if they have explicitly stated what topics are off-limits, “once they start talking, they [often] end up saying a lot more than they perhaps thought they would”; it is then the interviewer’s ethical responsibility to give them the opportunity “to take a step back” and decide whether they wish to continue down this path (Research interviewee 14, 2019). The recent method of remote interviewing may also contribute to this loss of control. In their analysis of the fieldwork conducted online and on the phone during the lockdowns in 2020 and 2021, Loughran, T. et al. (2022) noticed an “online disinhibition effect”; they defined it as “the lack of restraint individuals feel when communicating online rather than in person” (p.40).
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The oral history methodology acknowledges the uniqueness of the interview situation and of the resulting narrators’ probable vulnerability at some point during the recording; often professional courses aim at making trainees aware of this vulnerability (Oral History Association 2019; Oral History Society 2019). Most interviewers therefore develop a strong sense of responsibility and protection towards their informants; they feel obliged to honour the trust put in them even after the recording is over. As observed in my fieldwork, it is common for interviewers and interviewees to keep in touch weeks if not months and years after the original encounter.

Interviewers make sure that the use of the recording will respect interviewees’ wishes. This is often done by sending transcripts or audio files for approval before any print, broadcast or online publication for instance. This sense of responsibility also strongly emerges when major changes are introduced to the use of the interview, and especially when online dissemination of full recordings or transcripts is proposed for the first time (sometimes years or decades after the recording was made in the first place).

As demonstrated by my fieldwork sources, such dissemination change triggers considerable worry and stress and leads the interviewer to do the following: to try and inform the interviewee or their representative; edit the interview; withdraw it altogether; or attempt to pseudo-anonymise it (Research interviewee 3, 2018; Research interviewee 4, 2018; Research interviewee 5, 2018; Research interviewee 7, 2019; Research interviewee 9, 2019; Research interviewee 10, 2019; Research interviewee 14, 2019; Research interviewee 16, 2019; Research interviewee 19, 2019; Research interviewee 21, 2019).

1.1.3. Sources featuring highly personal and confidential stories

Another specific feature of most oral history interviews lies in their content: they systematically contain a lot of very personal and often confidential information. Such information relates not only to the interviewees themselves, but also frequently to their close relatives and other third parties such as their colleagues, clients, friends, union co-members or politicians. Narrators clearly retain an agency over the construction of their stories and how much they opt to reveal. This was demonstrated to me by examples of interviewees carefully and tactfully choosing their words either to disguise their own identity and whereabouts or to protect a third party from any negative consequences, sometimes going as far as self-censorship (Research interviewee 1, 2018; Research interviewee 10, 2019; Research interviewee 14, 2019).

Yet, because of the frequent loss of control and emotional dimension of oral history interviews explained above, very personal or controversial stories are also told openly, sometimes giving the interview “a confessional character” (Figes, 2016, p. 359). Whatever the intended focus of the interview, very sensitive personal topics are often exposed in an unexpected way. As one of my research interviewees put it, “we have a lot of interviews, where a lot of very personal stuff cropped up”
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(Research interviewee 16, 2019). Based on my research interviews, I have drawn a non-exhaustive list of examples of such sensitive topics: marriage and sexual life, abusive spouses, homosexuality, family secrets, mistreatment and abuse of children, past criminal convictions, professional secrets, witnessing crimes such as corruption and murder, breaking religious or cultural rules and medical issues (Research interviewee 2, 2018; Research interviewee 3, 2018; Research interviewee 6, 2018; Research interviewee 9, 2019; Research interviewee 10, 2019; Research interviewee 16, 2019; Research interviewee 21, 2019). In Chapters 5 and 6, I will discuss the data protection considerations at play in recording and giving access to such material.

1.1.4. The near impossibility of anonymising oral history interviews

The aural dimension of oral history interviews and of their common dissemination methods (in exhibitions, public presentations, media broadcasts, online publications etc.) also contributes to the likely identification of the stories recorded and then heard by a large audience. The fact that the voice is “more deeply a marker of identity” than text (Berger Gluck, 2014, p. 37) and that stories all relate to “lived experience” explains why concerns for the “potential invasion of privacy” and need for protection are amplified (Research interviewee 8, 2019).

These personal, lived experiences almost always relate, and can be related, to named individuals; this is one of the other key characteristics of oral history interviews, and it contributes to their uniqueness both in terms of their value and their related concerns. In contrast with other Social Science and Humanities sources, the large percentage of personal information contained in such interviews, the audiovisual format and the democratic mission of the discipline forge this “presumption towards naming”, in such a way that anonymisation would then be seen as a “huge shift and big loss” (Research interviewee 8, 2019). The academic literature often sees anonymisation methods as “procedures that [run] contrary to the canons of the field” (Ritchie, 2012, p. 16), especially if such methods is chosen unilaterally by the interviewer or curator. Mia Martin Hobbs (2021) indeed observes a “consensus that the decision to be named belongs to the interviewee, and that imposing anonymity on marginalized voices is paternalistic and potentially disempowering” (p. 60). This is another reason why oral history cannot easily be reconciled with the expectations of Open Data, for which anonymisation is advocated as an enabler. For instance, this is illustrated by the UK Data Service’s (2021) recommendations for qualitative research sources.

In spite of the above, one of the unexpected findings of my survey was the large proportion of respondents who admitted having already anonymised or pseudo-anonymised oral history interviews (43%, i.e. 48 of them). I am cautious not to over-interpret responses to a closed question in an online survey. Yet, such a high proportion was surprising given that the common view in the oral history professional and academic literature is that such a method is not only antithetical to the very definition
of oral history, but also almost impossible to carry out because it erases a large proportion of the interview content. When asked why they chose not to anonymise or pseudo-anonymise recordings, respondents indeed invoked many good reasons: they did not need to do that; this is not good practice; the project required using real identification; or this is a protective measure only used as a last resort. At the same time, the method fulfilled important functions for the respondents who used it: recording some interviews in the first place because interviewees would have refused to talk without anonymity; helping dissemination; and protecting interviewees. Puzzlingly, 80% of the respondents who used that method (i.e. 37 persons) did not encounter any difficulties.

Because I had to limit the number of survey questions, I decided not to ask what type and degree of anonymisation they used. In my follow-up interviews, I brought up the topic whenever relevant. Responses showed me the range of strategies used by my participants to make the identity of their interviewees less obviously visible. These strategies ranged from only anonymising the metadata or catalogue entries, to editing parts of audio files or transcripts, to completely disguising the interviewee’s identity (Research interviewee 4, 2018; Research interviewee 5, 2018; Research interviewee 6, 2018; Research interviewee 8, 2019; Research interviewee 12, 2019).

This rich array of technical possibilities will be discussed in more detail in Chapter 8 (pp.178–212); it also illustrates the need to look further into the reasons underpinning the choice to disguise interviewees’ identities. I was indeed told that due to the widespread use of online dissemination of full recordings, there is now a need to refine anonymisation and pseudo-anonymisation methods in oral history and to go beyond the preconception that it is enough to remove names. Part of the required improvement involves identifying the different target audiences and choosing a degree of disguise proportionate to the audiences’ familiarity with the interviewee’s life details (Research interviewee 3, 2018; Research interviewee 4, 2018). As will be seen in Chapters 5 and 6, this need and existing strategies demonstrate the role of contextualisation to understand the dilemmas of digital oral history and their responses.

1.2. The specificities of oral history interviews as collection items

1.2.1. The curator’s viewpoint: interviews as one type of audiovisual archive

Archivists often describe the complexity of dealing with audio and video records. Despite their presence on many archive centres’ shelves, such records are seen as part of “non-traditional media” (Shepherd, 2009, p. 120) or “unusual and difficult” archives (Gamble & Curham, 2008, p. 591). Moving images were only acknowledged as part of the world’s cultural heritage in 1980 with UNESCO’s publication of Recommendations for the[ir] Safeguarding and Conservation (Gamble & Curham, 2008). In England, the Society of Archivists’ first task group dedicated to audiovisual archives was created as late as 1994 (Shepherd, 2009).
Gamble and Curham (2008) have identified four reasons to explain this special status: a lack of familiarity with these archives’ formats; the instability of their media which were seen as “more vulnerable to benign neglect” than paper; their dependence on technology that becomes rapidly obsolete; and the fact that they are “resource-intensive records” for which archival activities require “replay and copying in real time” (Gamble & Curham, 2008, pp. 552–553). Moving images and sound recordings share the characteristic of being time-based; like any digital record, they are also dependant on technology for recording and replay and on metadata to help find and search records (pp. 591–592).

The same authors also observe that curators have to take into account specific ethical considerations with audiovisual records. Such records “capture real events in progress and can therefore clearly express two types of information that textual records do not: time and emotions”; in turn, “this creates an emotional link to the records which may translate into conflicts of interest” (Gamble & Curham, 2008, p. 555). Archivists often have to deal with the continuing engagement of depositors who wish to be involved in the archiving process; this can “put pressure on the ethical behaviour” and objectivity of staff (p. 555).

A similar problem is observed in the field of oral literature (and in intangible heritage in general). This area of research focuses on the oral mode of communication for spreading ideas, knowledge and history which includes ritual texts, curative chants, folk tales and historical narratives (Turin et al., 2013). The team of the World Oral Literature Project notes that there is “little agreement on how collections of oral literature should be responsibly managed, archived and curated for the future” (Turin et al., 2013, p. xiii).

From the user’s viewpoint, the “unusual” status of audiovisual archives results in a lack of guidance available for dealing with them. For instance, Clement (2016) observes a bias against sound studies in the Digital Humanities, where “infrastructure, resources and tools production has been centred on [...] textual and visual cultural artefacts” (p. 348). According to her, this is due to copyright issues and “difficulties of accessing, archiving and sharing audio formats” and she points out the “lack of models for researching, writing and teaching with sounds” (p. 348).

1.2.2. Oral history interviews deposited for preservation and access – Collections for which the interviewee is rarely the depositor

Interview recordings are part of this broader category of “unusual and difficult” audiovisual archives, yet they also have their own specificity. Zeitlyn (2012) sees them as “performance records” characterised by their “incompleteness and partiality” (p. 469). A key characteristic of oral history interviews collections relates to their handover processes once they are deposited for long-term preservation and access (in libraries, archive centres, museums, online data repositories, etc.). When
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compared with other identifiable and potentially sensitive material (such as correspondence, family photographs, research field notes, diaries or administrative case files), similar ethical and curatorial questions can arise for the curator, including around authenticity, identification of third parties, tension between privacy and freedom of access (Research interviewee 8, 2019; Research interviewee 11, 2019; Research interviewee 15, 2019).

However, the transition “from a single interview, complete in and of itself, to becoming part of a wider oral history archive” usually happens “on terms that are defined not by the interviewee, but by the interviewer” and the preservation institution (Raychaudhuri, 2021, p. 70). My fieldwork shows that in comparison with other deposited research or cultural material, the interviewee (i.e. one of the two co-authors) or their representative are rarely the depositor. The interviewee’s absence of direct involvement in the deposit process is an unusual feature and disrupts the otherwise traditional close relationship between repository and depositors (Research interviewee 8, 2019). Correspondence is the only example I was given of narrative material that is personal and sensitive but for which authors are not directly consulted by the curator about the deposit or donation conditions. However, correspondences, even more so when written by famous deceased individuals, are often seen as part of a wider national heritage or “public good” which justifies unchecked openness and public availability (Research interviewee 8, 2019; Research interviewee 14, 2019).

This special feature of oral history material in comparison with other deposited collections of similar sensitivity (such as diaries, correspondence or family photos) explains why consent documents play such an important role for curators. All but one of my research interviewees stated that consent forms and similar signed agreements are the key tools for deciding the level of identification and access for interviews that were deposited months, years or sometimes decades ago. Consent documents are helpfully described as follows by one of my participants, who works as an archivist: they represent “a wish being made in advance” and play the role of “guiding principle” (Research interviewee 13, 2019). As we will see in my discussion of decisional privacy in Chapter 6 (pp.120–147) and Chapter 8 (pp.178–212), the debate around the need to adapt and better use such consent documents is one of the key reactions (and I believe solutions) to the tensions resulting from the online dissemination of oral history material.

1.2.3. Oral history interviews created or commissioned by curators – unusual and demanding collection items

Pederson (2008) explains that, for the archivist, oral history interviews sometimes also belong to the records that are created as part of “documentation programs”; such programmes are aimed at collecting resources “that complement, enrich and fill gaps in the archival record” (p. 292). Oral and video history, along with photographic surveys and copies of inaccessible records or inscriptions, are created to
capture information of interest for future researchers. According to Pederson’s typology, they are part of one of the three branches of documentation programmes: “created documentation” (p. 292).

In that sense, they are different from other types of audiovisual archives; they are not ordinary records that have evolved to become archives but “they come into being”: the archivist “is the primary maker of unique recordings that would never have been created under normal circumstances” (Pederson, 2008, p. 297). As a result, she says, they are “more ‘self-conscious’ than other records” and “therefore require more caution in their use than others” (p. 297).

However, only a minority of oral history interviews are directly commissioned and recorded by preservation institutions; perhaps because of their resource-intensiveness and the “special care” they require (Pederson, 2008, pp. 292–303). Out of my 21 research interviewees, 10 described the commissioning role of their institution, usually with the aim of complementing other existing collections and as part of short one-off projects. Apart from large collecting projects initiated and co-funded by national libraries such as the British Library, the Library of Congress or the National Library of Australia, most oral history collections held in preservation institutions are the result of donations.

The above analysis of oral history interviews’ core features demonstrates that ethical and legal considerations are at the heart of the creation and curation of these sources. The respect for interviewees’ wishes in terms of confidentiality and consent was already a concern and source of expertise in analogue oral history. The introduction of digital technologies since the mid-1990s has mostly taken the shape of recording and disseminating tools as we will see below. After outlining the evolution and practices of digital oral history, I will discuss to what extent this digital shift has changed the ethical and legal considerations of analogue era.

2. **An overview of digital oral history: evolution and practices**

Like the other research and cultural areas described in Chapter 1, oral history has been impacted by digital technologies. My research is inspired by and continues discussions around the effect of such technologies on the creation and curation of oral history interviews, and on the very nature and flow of such research, cultural and personal information. My critical assessment is situated in the debates taking place in oral history (Larson, 2013; Sheftel & Zembrzycki, 2017), in Digital Humanities (Clement, 2016; Nygren et al., 2016) and in the digital ethics and privacy fields (Nissenbaum, 2010; Ess, 2020).

Changes brought about by digital technologies, their use and their regulations since the mid-1990s are discussed in several academic publications, and my literature review shows that authors also observe a dual impact on oral history, crystallised around concerns and opportunities. In contrast with the other
research disciplines mentioned in Chapter 1, only a handful of publications raise the question of digital technologies’ negative effect; the critical appraisal of such technologies focuses on online dissemination and potential damages to the relationship with past and future interviewees. This worry will be explained below and will be linked to the question of the supposedly democratising effect of digital technologies. The wide access to historical information has been a familiar goal and topic of discussion in oral history for several decades; yet, we will see that digital technologies emphasise the antithetical demands for both an open knowledge (accessible to all citizens) and an inclusive knowledge (which represents all citizens, their complex histories and wishes).

2.1. The evolution of digital oral history

2.1.1. Two decades of digital oral history (mid-1990s to mid-2000s and mid-2000s to mid-2010s)

Only a few authors attempt to give an overview of the history of digital oral history. They suggest the following context and milestones for understanding the evolution of digital oral history. Even if their analysis is mostly based on looking at oral history practices in Western (and mainly English-speaking) countries, it provides a useful starting point for contextualising further this research.

In the 1970s to 1980s, oral history interviews “mushroomed” in museums and started to be displayed in a multimedia and interactive way, in contrast with previous “flat texts” (Kuhn, 2012, p. 305). The 1980s also marks the beginning of diminishing resources for publicly funded institutions, a large backlog of unprocessed analogue collections and increased cost of managing new archival formats, in particular in the United Kingdom (Robertson, 2012). A similar “analogue crisis” was ongoing in the late 1990s in American archive collections (Boyd, 2014, p. 78).

In the 1990s to 2000s “the digital turn” and the Internet had an impact on both history and oral history (Scagliola & De Jong, 2014, p. 512). The “explosion” of oral history on the Internet can be briefly summarised as follows. In the early 1990s, interview transcripts were put online with some supportive material; in the mid-1990s, online subject indexes started to accompany transcripts; from the early 2000s, audio file segments were made available online (Kuhn, 2012, pp. 307–308). The mid-1990s to mid-2000s therefore marked the first “decade of digital oral history” which was characterised by digitally recording and digitising interviews (Boyd & Larson, 2014, p. 10). The ethical and legal issues of online dissemination began to be discussed at oral history congresses as early as 1998 (Berger Gluck, 2014, p. 37).

The mid-2000s to mid-2010s represent the second decade of digital oral history. Some authors argue that in this period the wider society changed from an analogue to a digital one (Sloan, 2014, p. 176). Oral history practice became characterised by a new relationship between participants and the oral
history process, in terms of project conceptualisation, ethical questions, preservation, access and shared authority (Boyd & Larson, 2014, p. 10). In the research sector, new ethical guidelines and regulations were defined to scrutinise research practices and to help reduce potential harm to project participants. For the first time, it made oral history accountable to bodies such as research ethics committees in the United Kingdom and institutional review boards in the United States (Ritchie, 2012). Ethics was not anymore “a matter for the conscience of the […] researcher” (Winslow & Smith, 2012, p. 380).

In the early 2010s, online multimedia presentations of oral history interviews started to integrate video, audio, full texts, “indexes tied to audio cues” and “elaborate description aids” (Kuhn, 2012, p. 308). At the same time, Roberston (2012) observes an increase at “an unprecedented rate” of the “cost and complexity of managing archival collections” such as oral history interviews, because of the demand for both online and on-site services (p. 393).

Boyd’s pioneer analysis of digital oral history concludes that a “shift” happened in the early 2010s: digital technologies “have finally begun to disrupt the traditional modalities of access, use and engagement with oral history” (Boyd, 2014, p. 79). I seek to assess the degree of this shift through my research, with a focus on the ethical, legal and curatorial changes it has produced, and with the benefit of the passing of time.

2.1.2. The challenges of the transition period(s)

Since the digitality of oral history practice and collections is so recent, it is possible to record memories of the transition to the digital period. A few of my research interviewees described how they had to deal with both analogue and digital technologies (Research interviewee 2, 2018; Research interviewee 3, 2018; Research interviewee 4, 2018; Research interviewee 5, 2018; Research interviewee 13, 2019; Research interviewee 19, 2019). For confidentiality’s sake, the following examples cannot be attributed to individuals, but this summary illustrates the technological transition of the 2000s. I will also highlight that from the 2010s (including at the time of writing in 2021), an ethical and curatorial transition has been and is still happening, in so far as preservation institutions are still having to deal with both analogue and digital collections.

The digital shift in the early 2000s forced some oral history projects to use different technologies at the same time and to answer unexpected dilemmas, often with little advice or technical recommendations at hand. When digital recorders were introduced in the early 2000s, projects that had already been planned and budgeted were forced to decide whether to adopt the new tools or to carry on using tape and minidisc recorders, at the extra cost of having to digitise the tapes later on. Such choices had to take into account the financial and technical implications of storage-consuming new audio formats (wav, mp2 and mp3), as well as long-term archiving and good sound quality. This required finding a balance
between these requirements, understanding technical implications in the absence of established international and professional standards, and sometimes battling against the scepticism of other experts, who thought that the new digital recorders would soon be replaced by other short-lived innovations (as had happened in the case of Digital Audio Tape recorders).

This overlap of analogue and digital technologies also had ethical consequences for other projects, especially when it came to adapting the consent-seeking process to the new dissemination possibilities (and expectations) allowed by the Internet. Projects were being carried out when the online dissemination of summaries and transcripts became feasible and desirable in the early 2000s. When demands for this wide dissemination were made to project teams and interviewers who had already collected their interviews, dilemmas arose about the necessity to seek consent again to share the interview transcripts and details online. Because no ethical guidelines or critical assessments were available at all, and consent documents were not designed to address such use at the time, each team and project had to address these issues by themselves, sometimes leading to internal conflicts and multiple processes followed within the same project.

This disparity of technologies and practices also had, and is still having, repercussions for preservation institutions that inherited interviews recorded in the 2000s. In addition to the curatorial challenge of having to deal with multiple formats, the main worry for curators seems to be around consent for online dissemination of these interviews. A debate is still ongoing about the treatment of what is sometimes called “legacy oral history collections”, referring to recordings made before the Internet existed.

The solution described by the majority of my participants is to try and re-contact the interviewees or their representative, sometimes following methods such as the “three solid documentary attempts” described by McCartney (2018, p. 139). Although it is now rare for preservation institutions to receive analogue interviews, they are still having to cope with the backlog of non-digital and pre-Internet collections waiting to be digitised, catalogued and given an appropriate access level. I will come back to this challenge and the solutions developed in Chapters 7 and 8.

2.2. Digitality in oral history interviewers’ and curators’ careers

2.2.1. Digital creation and curation of interviews

Through my online survey and my research interviews, I have been able to get a glimpse of the digital practices of 126 creators and curators of oral history interviews. These experiences span the two decades of digital oral history outlined above. They take place in a variety of national, institutional and professional contexts, which include large and small archive centres of Higher Education Institutions, local archive centres, research libraries, museums and charities. As will be seen below, my participants’
description of their digital experience focuses on the following activities or stages of an interview lifecycle: recording, editing, transcribing, describing, archiving and publishing.

It is somehow surprising that none of the participants mentioned analysis, preparation or planning tools. Regarding analysis tools, this may be because researchers and users of interviews still mostly rely on manual coding, and very few use qualitative analysis software such as those discussed in the context of digital Social Science in Chapter 1.

As for digital tools used to prepare interviews, their complete absence from the participants’ responses is puzzling because of the practical and ethical changes they bring to daily practice. It may be that the main tool used for interview preparation is the Internet, which has become so pervasive that it is invisible. In their Research Methods For Creating and Curating Data in the Digital Humanities, Hayler and Griffin agree with philosopher Ihde's idea that digital technologies “shape our experience as they slip outside of our awareness” (Hayler & Griffin, 2016, p. 3). A few of the practitioners I interviewed explained that they had to “google” when looking for archival best practices and guidance on oral history dissemination; yet, using an online search engine for identifying the most reliable sources of professional information did not feature among the “tools” listed in their digital experience. In Chapter 8 (pp.178–212), I will discuss the problem of scattered information about digital oral history.

The use of social media platforms to find information about future interviewees is another absent element from their list; the pervasiveness of such platforms in current daily life may also explain why my participants do not consider these as “tools” as such. However, relying on information selected and presented by individuals on social media to prepare their interview raises several ethical questions that are yet to be explored. These include the impact on the relationship between interviewee and interviewer, the content of the interview and types of questions asked by the interviewer, as well as the ethical use of personal information published on public platforms. My current research on digital privacy touches on some of the underlying tensions, but a comprehensive study is still needed to understand the short and long-term effect on the interview processes.

2.2.2. Discovering digital technologies

Among the research participants I interviewed, 19 explained how they came across digital technologies in their work with interviews or audiovisual archives. They described in varying degrees their “first encounter” with such technologies, their daily use, as well as how they learnt to use them. Their diversity of experience also reflects the multitude of backgrounds they come from; these include Ethnography, History, Geography, Library Studies, Archive Studies, Museum Studies, Documentary-making, Folklore Studies, Sciences, Linguistics, the music industry and journalism.
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In total, 16 of the research interviewees recalled how they started using digital tools for recording or curating interviews or audiovisual archives. The very large majority (12) were introduced to such tools in the context of their work. Two started using digital recorders as part of their postgraduate studies and only one while being professionally trained as a librarian. Only one participant explained how he came across these tools while reading about another oral history project.

The participants were also able to date their first encounter. The two decades of digital oral history and the transition from analogue to digital previously described are evenly represented among them since five started using digital tools in the 1990s, six in the 2000s and five in the 2010s. This shows that my fieldwork offers a relevant representation of level of experience, both with digital technologies and with oral history. In total, 11 of my interviewees have been working with digital oral history recordings for a decade or more. This explains why their interviews offer valuable reflection on the evolution of the practice and they are able to recall how analogue practices differed from their current ones.

As for my survey respondents, 70% have more than 5 years of experience of recording oral history interviews, among which 24% have been involved in this field for more than 20 years. 12% have less than 1 year of such experience. Half of them have more than 5 years of experience of archiving and disseminating interviews.

2.2.3. Learning and being trained (or not) to use new technologies

Among the 13 research participants whom I interviewed and who described how they learnt to use digital technologies with interviews or audiovisual archives, only one stated that she did not find the need to acquire any new knowledge. As an audiovisual archivist, she described how “a new generation of archivists has arrived in the library and taken responsibility for the digital world”.

Apart from this unique experience, most of these research interviewees are self-taught when it comes to digital technologies. They have often learnt by themselves how to use digital recorders, sound editing software, file storage and format conversion tools. One of their main ways was testing recorders and finding information through an online search (Research interviewee 4, 2018; Research interviewee 8, 2019; Research interviewee 9, 2019; Research interviewee 16, 2016), or as one of them put it, “I did a lot of googling”.

The majority learnt through a combination of self-teaching and help from colleagues or peers from their oral history or archive communities. When they had access to IT experts in their institutions, they relied on goodwill to fill their knowledge gaps (Research interviewee 4, 2018; Research interviewee 11, 2019; Research interviewee 12, 2019; Research interviewee 14, 2019; Research interviewee 18, 2019; Research interviewee 16, 2016).
Research interviewee 21, 2019). As an archivist based in a museum expressed: “some of those [staff] bring some specialist IT skills that I don’t have myself”.

Finally, a few of them benefitted from dedicated technical sessions to complement the digital skills that, as many said, they learnt “on the job”. These training sessions covered digitisation, digital preservation, data structuring and interoperability, and complex sound editing. Not surprisingly perhaps, all of them were offered these opportunities as part of their formal training as information professionals or during their employment in large Higher Education and research institutions (Research interviewee 5, 2018; Research interviewee 6, 2018; Research interviewee 13, 2019).

2.2.4. Brief overview of the digital tools used

My online survey focused on the awareness, use and ethical challenges of digital technologies in oral history. It included a closed question about the digital tools respondents use. The following list of 11 types of tools commonly used in the recording and curation of interviews was provided: recorder, editing software, transcription software, indexation software, analysis software, website, blog, social media, information management system, online catalogues, video camera, other (with the option to choose several tools). My definition and categorisation of digital tools were kept broad enough to allow them to quickly answer; as this question was placed towards the beginning of the survey, I also hoped that they could all relate to what I meant by “digital tools” and I purposely did not refer at all to the term “digital technologies” which can sound vague. Figure 2 offers a brief overview of my 112 respondents’ answers.

![Digital tools used for oral history activities](chart)

**Figure 2 – Digital tools used by survey respondents**

Tools used for recording, disseminating and archiving are evenly represented in the “top 5” as can be seen in this chart. The most commonly used tool is the recorder (selected by 91% of respondents), while the second and third most used tools are editing software and websites (chosen by two thirds of participants). In fourth and fifth places came transcription software and video cameras (equating to
more than 40% of the choices). 14 respondents added two more categories of tools to my list: first, specific software and programmes used for information recording, organising, editing and presentation (virtual museum software; photography editing software; multimedia publication software; online playback platforms; Zoom meetings platform); and second, storage and sharing tools or services (including DropBox and digital tablets).

Understanding what specific digital technologies practitioners use, and which ones they are aware of using or not, is the first step in the process of analysing the tensions arising from that use. However, it was even more crucial to assess how and why they were using the new recording and dissemination tools listed in the “top 5” answers to my survey question above. I raised these questions as part of my fieldwork. The analysis of the answers I obtained enabled me to complement and nuance my literature review sources and offer the following initial assessment of the impact of digital technologies on oral history practice and collections. This assessment reveals the centrality of online dissemination of interviews as both a source of concerns and opportunities, and as the cause of the unresolved ethical tensions that I will introduce in Chapter 4 (pp.71–94) and unpack in Chapters 5 and 6.

3. The impact of digital technologies, their uses and their regulations

3.1. Assessing the impact of digital technologies on oral history practices

Although Schrum et al. (2012) assert that the “Internet is unquestionably reshaping the field of oral history” (p. 512), my literature review shows a diversity of opinions and even disagreements about the scope and nature of the impact of digital technologies in general and the Internet in particular.

3.1.1. A far-reaching impact

Most authors agree that digital technologies are having a far-reaching impact on oral history. The “digital revolution” in this field is defined as a “mainstream integration of digital technologies into all facets of [the oral history] process” (Boyd, 2012, p. 285). Digital technologies are usually seen to have a threefold impact on oral history interviews: on the type and quality of their recording, on how they are prepared for dissemination and preservation and on how users access and use them (Boyd, 2012; Hardy, 2014; Zahavi, 2014; Perks & Thomson, 2016).

There is a disagreement about the effect of digital technologies on the very definition of oral history practice and sources. Some acknowledge that oral history has always evolved over time with the introduction of new tools, such as portable recording machines and better microphones (Boyd & Larson, 2014). Others discuss the question of datafication and whether interviews should now be defined and
seen as primarily information. Sloan (2014) encourages us to “think about the place of oral history as information in [the] new [digital] environment” and to analyse its purpose and meaning in this light (pp. 175–176), while Sheftel and Zembrzycki (2017) point to the limits of using a “documentary approach” according to which the recorded data is more important than “more subjective elements [...] and the meaning they contain” (pp. 102–103).

Boyd is perhaps the most radical in his explicit call for a deep transformation. He asserts that the “real” digital revolution in oral history should not just be “an economical or technological change”, but also “a change in consciousness about how oral history, as a historical source, can be engaged and discovered [...] and ultimately, more responsibly preserved” (Boyd, 2012, p. 286).

3.1.2. “Immutable core” and continuities

A few authors have attempted to formulate what remains unchanged in the field. Several of them have highlighted that, despite the new digital context, oral history retains an “immutable core” which is found mainly at the level of the individual interview (Sloan, 2014, p. 180; Zahavi, 2014, p. 119). This core is characterised by the linearity and long form of interviews, “where the context and the order of events are important” (Sloan, 2014, p. 180); the long-term view with which they are conducted (Sloan, 2014, 183); and finally, the “dialogic nature” of the interview (Zahavi, 2014, p. 126) which remains “an interaction of human beings” who meet “to tell and hear a story” (Boyd & Larson, 2014, p. 6). Such core characteristics will perhaps be challenged by the recent but scarcely analysed phenomenon of collecting interviews online, via survey software and websites with little monitoring and editing of participants’ contributions (Schrum et al., 2012) or, since 2020 in an exponential way, via remote interviewing with video calls software.

Other continuities can be outlined. First, “shared authority” remains a principle and goal that characterise oral history good practice, as reflected in how interviewees’ silences (Freund, 2016) and reticence (Layman, 2016) are acknowledged during the interview itself but also in how the narrative is later interpreted (Borland, 2016) or described (Schneider, 2014). This acknowledgment of the interviewee’s status as co-author is also present in the process of finding compromises with them over online dissemination of their pre-Internet recordings (Mazé, 2014; Sheftel & Zembrzycki, 2017). Only one publication suggests, in an unconvincing way, that consulting interviewees is not a necessary step when disseminating such interviews online (Schrum et al., 2012).

Second, oral history interviews are still seen as powerful historical sources that enable us to understand why individuals’ memory sometimes challenges dominant discourses, produces national counter-narratives, and serves as the most reliable sources in countries where written documents were censored (Green, 2012; Sloan, 2014; Figes, 2016). Curation, finally, remains one of the oral historian’s “critical
roles” and the “imperative to archive still prevails” (Sloan, 2014, p. 181), with long-term preservation still seen as “a goal” (Perks & Thomson, 2016, p. 446).

3.2. Explanation of what is impacted

3.2.1. Analogue problems solved

Digital technologies have enabled us to tackle several of the problems of analogue oral history, and to help curators and users. In particular, new solutions are available to address the “inefficiencies with regards to access and discovery” and the “unsustainable models of practice” (Boyd, 2014, p. 78), as well as the constraints of having to visit archive centres physically (Mazé, 2014, p. 154) and to spend “laborious, manual efforts to navigate content” (Boyd, 2014, p. 86). The quality and integrity of audio recordings are also improved: digital technologies enable the “fine-tuning” of each audio track and the replacement of “razor blade and adhesive tape” with non-destructive editing techniques (Hardy, 2014, p. 57).

A few of my research interviewees also pointed out that, sometimes, new technologies help to alleviate some of oral history’s ethical issues. For archivists who take the risk of publishing full interviews, extracts or metadata online without explicit permission, online dissemination sometimes leads them to be contacted by relatives of narrators who recognise their voices and stories. This is most helpful when curators have been unable, despite all their best efforts, to trace the interviewee to get consent for dissemination or when the interviewee was impossible to identify in the first instance (Research interviewee 2, 2018; Research interviewee 6, 2018). Emails and digital copy-making further accelerate processes of contacting potential interviewees, organising meetings, copy-making and sending copies over to narrators. This can help in reaching some interviewees on time, before they are no longer able to do the interview (because of illness or caring responsibilities) or before they die (Research interviewee 1, 2018).

3.2.2. New modes of dissemination

Similar to other disciplines, it is widely accepted that interview dissemination is transformed by digital platforms. The latter facilitate multimedia presentations by integrating audio, visual and textual sources (Benmayor, 2012; Kuhn, 2012; Zahavi, 2014). As a result, users can access recordings directly without the mediation of written transcripts. Although dissemination methods focusing on orality were already used in the analogue era, digital technologies greatly enhance the orality and aurality of interviews (Berger Gluck, 2014; Hardy, 2014).

Affordable and portable digital video recorders have also made it easier to film interviews; however, there seems to be divergent opinions about the surge of video recordings. Some authors state that this is a real change, directly linked to the “digital revolution” (Hardy, 2014, p. 72; Kuhn, 2012, p. 308).
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Others observe that concerns over the intrusiveness and the impact of the video camera on the interviewee’s narration have not been resolved; even if an increasing proportion of interviews are video-recorded, this tool still has “an uncertain relationship with oral history” (Perks & Thomson, 2016, p. 448).

The wide dissemination of full interviews with efficient search and contextualisation tools facilitates and encourages their re-use by a variety of audiences; these include researchers, students and teachers, the general public as well as project participants (Schrum et al., 2012; Larson, 2014). Because interviews are not “a finished archived object” some authors argue that such online availability of interviews enables their re-analysis, even if they were conducted several decades ago or by someone else, and the generation of new ideas and interpretations (Bornat, 2016).

The roles of and relationships between the various practitioners involved in creating, managing, supporting and using oral history collections are changing in the digital context. These actors are increasingly defined in relation to the preservation and presentation of interviews (Boyd, 2014; Schneider, 2014). Several authors highlight the critical role of institutional support in any digital projects to cope with the issues of preservation, sustainability, increasing costs and complexity of managing such material (Robertson, 2012; Berger Gluck, 2014). In Chapters 7 and 8, I will come back to this question of the lines of responsibility and the need for interview creators and curators to better work together.

3.2.3. Better description of collections and the complexification of time-management

The description of oral history collections is another area in which digital technologies are having a significant impact. Metadata are seen as critical in making recordings discoverable and allowing for a “meticulous preservation and communication of the original context in which the stories were told” (Mazé, 2014, pp. 145–146). Although some of the principles of metadata creation are the same as in the analogue context, it was only in the 2010s that the creation of an international discipline-specific metadata standard was initiated for oral history interviews. This coincided with the effort to use metadata harvesting tools for the wider discoverability and interoperability of collections (Mazé, 2014).

The development of documentation and indexing tools also forms a part of this attempt to increase the efficiency of collection preparation for the transition between what Michael Frish and Doug Lambert (2012) have coined as the “raw and the cooked” interviews (p. 333). “Indexed interview databases” developed since the late 2000s by Frish and Lambert, in addition to Doug Boyd, aim to enable users to search and explore collections without the time-consuming transcription stage. This produces “better overall maps of the material” in repositories while offering sustainable and cost-effective description methods for heritage institutions (Frish & Lambert, 2012, p. 337 and p. 342).
Lastly, two publications convincingly point to the changing relation with time, which also affects oral history practitioners and curators. Mazé (2014) explains that digital technology and its pace of development “has shortened the wisdom-acquisition timeframe” of practitioners; they have less time to update their skills and knowledge and they consequently need to anticipate changes in technology much earlier and “plan, with strategies and budget, for such an uncertain future” (p. 155).

Furthermore, Sheftel and Zembrzycki (2017) observe a conflict between, on the one hand, the slowness of oral history (in how interviews are prepared and then conducted) and its long-term view and role as historical sources; and on the other hand, the quick pace of the newest technologies and their rapid obsolescence. They argue that practitioners have to be aware of these “temporal contradictions” (p. 96 and p. 112). Chapters 7 and 8 (pp.149–212) will make recommendations to address these contradictions.

3.3. Impact of the digital context on ethical, legal and curatorial issues

3.3.1. Points of convergence – the centrality of dissemination

As seen in Chapter 1, there are many similarities between oral history and other research and cultural areas with regards to the positive and negative impact of digital technologies. These technologies bring new opportunities in the form of the improved dissemination of sources and outputs, as well as the better description, organisation and preservation of information.

Many more points of convergence can be found in the concerns surrounding digital technologies. They can be summarised as follows: the decontextualisation that may result from online publication, the reduced respect for privacy and consent, and the long-term risk of favouring “easy” sources over complex ones. According to my literature review and fieldwork, most of the concerns and tensions that arise in digital oral history relate to the online dissemination of whole interviews or transcripts (as opposed to extracts or summaries only).

3.3.2. Consent, protection and respect of interviewees – unresolved ethical concerns

Larson (2013) offers a comprehensive summary of the ethical issues surrounding oral history recordings in the digital context. This overview serves as a helpful starting point for understanding the ethical issues as stake in the creation and curation of such research, cultural and personal information. She makes a distinction between “legislated” and “voluntary ethical considerations” (Larson, 2013, pp. 37–42). The former encompass questions raised by ethics regulators, such as institutional review boards in the United States and research ethics committees in the United Kingdom, around the use of consent and release forms and the protection of research participants (pp. 37–42). With the benefit of hindsight, we should add to that list the need to comply with new data protection regulations and expectations of openness explained in Chapter 1 (pp.8–26) and analysed further in Chapter 4 (pp.71–94).
What Larson (2013) refers to as “voluntary ethical considerations” (p. 42) are more complex issues to deal with; they include the online dissemination of pre-Internet recordings, institutional control over online material, as well as changing relations between interviewers and interviewees’ communities. She observes a beneficial effect of digital technologies in the increased accountability to interviewees and notes that the previous ethical discussions are thrown “into high relief because the repercussions can be exponentially greater” (p. 46).

One current debate that (still) divides oral historians touches on the respect of interviewees’ wishes regarding the online dissemination of recordings that could offend a third party. Some practitioners highlight their responsibility for protecting interviewees as “part of the good faith contract”; accordingly, they should “keep detrimental items from being widely disseminated online”, even if interviewees have asked for their release (Larson, 2013, p. 46). Those who disagree observe that such a position “smacks of paternalism” and that interviewees are “competent adults” and therefore their wishes should be respected (p. 46). These key debates and resulting decision-making processes will be analysed in Chapters 5 to 8.

3.3.3. Findability and visibility of interviews online – the challenge of democratising knowledge

For interviewers and curators alike, dilemmas about the use of digital technologies revolve around the question of increased findability and the visibility of interviews. My literature review and fieldwork show that better description of interviews and increased expectations of online availability amplify worries about privacy and informed consent that existed before the digital shift, as outlined in Section 1 of this chapter.

The analysis of these ethical, legal and curatorial issues also suggests that digital oral history offers a relevant test of the idea (and hope) that digital technologies and their use can democratisre research and outputs in Humanities and Social Science disciplines. Democratisation is here understood in the sense of who is represented, who has access to information and who is involved in choosing the topics, methods and objectives that are used to generate such knowledge, including interviews. Digital humanists call for such an opening up of knowledge creation and to some extent echo a vision that has shaped oral history in Western countries since the 1960s. The difficulty of creating both an open knowledge (accessible to all citizens) and an inclusive knowledge (which represents all citizens, their complex histories and wishes) will be explored in Chapter 6 (pp.120–147).

3.3.4. Towards a situational analysis of digital oral history’s new opportunities and concerns

After introducing the specificities of digital oral history as a whole, it is necessary to focus on the interview lifecycle and the stage when most difficulties arise. My next chapter will therefore concentrate
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on access to (digital) oral history interviews and on the ethical dilemmas around privacy and consent in several contexts. This will enable us to analyse what is at stake with digital oral history and to open the path for understanding to what extent tensions already present in the analogue context are being amplified with the use of digital technologies.
Chapter 4. Giving access to oral history interviews in the digital context

Chapter 3 showed what makes oral history practices and interviews distinctive and the challenges brought by the digital context. I will now narrow my focus to a particular aspect of oral history creation and curation – giving access to interviews – because it is the stage of the interview lifecycle that is at the core of the difficulties I am analysing.

My analysis of the literature and of my fieldwork sources shows that when preparing to make decisions about giving access to interviews, especially for online dissemination, practitioners are confronted with grey areas in the regulations and good practice about how such personal and sensitive information should be shared. It is therefore key to study and unpack the ethical dilemmas that interviewers, curators and interviewer-curators encounter at that stage of the interview lifecycle, if we want to assess the solutions they have devised so far and the remaining gaps. Drawing mostly on the academic literature and on my research survey results, I will analyse access-giving from several viewpoints: its benefits and challenges, its ethical and legal considerations, as well as the processes involved in giving access to recordings.

This chapter will first complete my contextualisation of digital oral history’s tensions by looking at the various practices of giving access to audiovisual archives in general and oral history interviews in particular. I will highlight the specificities of disseminating this type of information, and the main changes brought by digital technologies in this area.

Second, I will describe the general ethical and legal issues at stake in sharing research, cultural and personal information such as oral history interviews. I will explain the different privacy rights that need to be respected when making such information public. This will enable me to introduce what is at stake with digital, and especially online, dissemination. I will describe how it represents both an opportunity for greater availability of historical archives and a risk of greater exposure of very personal and often confidential stories.

In the last part of this chapter, I will show how the “framework of contextual integrity” (Nissenbaum 2010, pp. 129–230) is a relevant analytical approach to unpack the ethical, legal and curatorial tensions of giving access to digital oral history interviews. Outlining the multiple contexts of these tensions will enable me to introduce the four main areas of concern that my fieldwork sources reveal.
1. Giving access to audiovisual archives and interviews: practices and changes

To describe the tensions around digital oral history and especially online oral history, I will first explain what is involved in giving access to interviews. I will introduce the processes and consequences of disseminating comparable cultural or research material by first looking at audiovisual archives in general. I will then concentrate on the specificities of giving access to oral history interviews and the recent changes described by academic authors and by my fieldwork participants. As we have seen in Chapters 1 and 3, these changes are partly but not exclusively technological; regulations and expectations of new modes of access play an important role.

1.1. Audiovisual archives and access

1.1.1. Access-giving as one stage of the archiving workflow

Records are selected for long-term preservation for various reasons: understanding the history of an organisation or an individual, serving as evidence of someone’s rights, and documenting the development of an organisation or society (Zeitlyn, 2012). Another key reason for their retention is accountability and to ensure the transparency of decision-making (Loo et al., 2008; Shepherd, 2009; Sabharwal, 2015). Archive-keeping aims to “preserve the meaning, integrity and authenticity of records” (Loo et al., 2008, p. 12 and p. 15).

Archivists’ roles are to select records; preserve, organise and describe them; give access to them and promote archival holdings (Loo et al., 2008). They should ensure that the archives are transparent, comprehensive and “exploited for the public good” (Shepherd, 2009, p. 1). Appraisal is one of their key activities; it is done by “researching and analysing the function of an organisation or person within the broader context of their roles, legal responsibilities and expectation of the wider community” (Loo et al., 2008, p. 20). The two fundamental principles of archive-keeping are records’ provenance and records’ original order (Loo et al 2008; Sabharwal 2015).

Transferring digital records to an archive centre or repository is described by Sabharwal (2015) as one activity within the digital curation lifecycle. He explains how the other stages of the cycle, “the preservation, promotion and provision of long-term access” to material, take place at both a conceptual and technical level (p. 16). He highlights that the Digital Curation Centre also sees curation as encompassing activities aiming to facilitate the re-use of selected material, the objective being to reduce “the duplication of effort in research data creation” (p. 16).
1.1.2. Processes involved in giving access to archives

By ‘access’ we understand the terms and conditions of the availability of the archives, which users have to respect and abide by. Access is managed by “establishing procedures which will ensure that legislative requirements and donor agreements are adhered to, and that records are protected from rearrangement, theft or mutilation”, with three levels of access commonly being described in the literature: open, restricted and closed (Jeremy, 2008, pp. 351–352). In Chapter 8 (pp.178–212), I will show that many more options are now available.

Access application forms are aimed at both the user and the archivist. They indicate that both are aware of their responsibilities; they usually capture the users’ basic details and their approval of the condition of access. Finally, they hold users accountable and can help the archive centre to act in case of agreement violation (Jeremy, 2008, p. 357).

There are two ways of providing access: it can be reactive and respond to users’ enquiries, or it can be proactive, by offering provision online and offline (Gamble & Curham, 2008, p. 588). Moreover, access can be seen as a service provided “at two fundamental levels”: enabling the user to view the material or to also re-use it. Each level has an impact on the preservation strategy, on documentation and on the clarification of copyright (Gamble & Curham, 2008, p. 623).

These definitions are useful starting points, yet they overlook the specificities of digital access to archives. Indeed, an increasing number of archive centres are now starting to provide access to material both in reading rooms and in “digital spaces” such as websites and online catalogues (Goudarouli et al., 2019, p. 179). The specificities of digital access require additional processes, including the capacity to upload and download material, the possibility to text and data mine, the monitoring and enforcement of adhesion to online user agreements, and the re-use in online publications or social media. The ensuing technical and ethical challenges will be briefly described below.

1.1.3. Challenges

Access policies are both informative and protective; they act as frameworks for archive staff to administer access. Advice for writing them includes meeting “the requirements of each archive and be[ing] sanctioned by the authorities that govern the collection”, as well as considering sensitive or confidential records “when drafting an access policy or when agreeing access conditions with depositors” (Jeremy, 2008, pp. 353–355). Widlok (2013) analyses how this question (and negotiation) of property and access rights is changing with digital archives. Taking the example of the field of oral literature archives, he notes a shift from a “dyadic negotiation between the researcher and the researched” to a situation where “more parties are involved: the funding agencies, with their open access
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policies, but also potentially community agencies, often following restrictive practices and potentially in conflict with one another” (Widlok, 2013, p. 10).

The digital context indeed raises the question of whether using analogue era guidance to draft archive access policies is still realistic and whether it is possible to reconcile new regulations such as Open Data policies and data protection with new technologies. Digital information is “convergent” and “greased” (Ess, 2020, pp. 10–20), as I highlighted in Chapter 1. This makes it even easier and faster to copy, modify and re-publish. A few of my research interviewees, including repository managers, have confirmed that they still do not have the means to monitor the re-use of the interviews they publish online (Research interviewee 4, 2018; Research interviewee 5, 2018; Research interviewee 12, 2019; Research interviewee 13, 2019; Research interviewee 15, 2019). As one of them put it, “anything that goes online you are losing control”; it is something to “accept as part of the trade-off” between the visibility of the collections and protection of the interviewees and third parties (Research interviewee 15, 2019).

The current creation of abundant digital records and archives brings further challenges when it comes to giving access. Because of the novelty of this phenomenon, their methods and contexts are yet to be properly understood (Marciano et al., 2018). Ensuring open access to trusted collections is not a new question for archivists, but issues such as being accountable for the “integrity, reliability and authenticity” of digital information now come “at the forefront of discussions” (Goudarouli et al., 2019, p. 175).

To present, share and search large-scale digitised and born-digital collections, archive centres need to automate curators’ and users’ tasks, which were done manually until recently; for accountability’s sake, automated actions and decision-making need to be traceable. Technological solutions currently explored by large institutions such as the United Kingdom’s National Archives include the use of Artificial Intelligence, probabilistic techniques, Optical Character Recognition and Handwritten Text Recognition (Goudarouli et al., 2019, pp. 176–181).

1.2. Giving access to oral history interviews

1.2.1. Reasons

Similar to other cultural and research sources, granting access to oral history interviews offers many opportunities to the institutions that house them, to their users, as well as to interviewees and their relatives or communities. In addition to fulfilling the public history mission of oral history, allowing and facilitating access enables to increase the visibility of a broader collection, of the institution and any partners involved in creating or curating the interviews. We also saw in Chapter 3 that public dissemination can help answer some ethical dilemmas about the identity of interviewees. Increasing
access can also help attract more donations by allowing the preservation institutions to showcase their expertise in one historical, geographical or social area (Research interviewee 6, 2018; Research interviewee 14, 2019; Research interviewee 21, 2019).

Five questions of my online survey focused on the motivations, effects and challenges of giving access to oral history interviews. I chose to keep the questions broad enough to encompass both analogue and digital means of access. The initial question was phrased as follows: “Have you already given access* to oral history interviews to people who were not among your team members or teachers? (*Access is here understood as the possibility to listen to, read and/or re-use an interview.)”. I then asked follow-up questions, which were all open-ended and to which most respondents gave developed answers, often giving several explanations for their choices as we will see.

A total of 81% of the respondents (i.e. 91 persons) said that they had already provided such access. The reasons for giving access were explained in the follow-up open question and their responses can be grouped into three main reasons. The reason most frequently provided is that dissemination was the very objective of the project or the institution (mentioned 36 times), or that their initial goal was to provide access to the public and as part of a public history mission (29 times). In second place came the research or teaching purposes of giving access (mentioned 33 times). Several sub-reasons were given, including conducting a research project or thesis (21 times). The last main reason for giving access to interviews was public promotion and helping to understand a topic better (mentioned 19 times). These respondents gave the following motivations: democratisation of access to the topic (10 times); developing an exhibition (3), contributing to broadcast or a film (2) and preparing a publication (2).

In total, 19% of the respondents (21 persons) said that they had never given access to people who were not among their team members or teachers to oral history interviews. Even if they represent a minority their reasons are interesting to detail. The three main explanations were as follows: their ethical standards or the promise they made to interviewees stopped them from sharing the interviews (mentioned 7 times); they were not yet in a position to give access (6); and they had not been asked to share the interviews, by users or by their institution (3).

1.2.2. Benefits

When asked about the benefits of giving access to interviews, the 91 respondents who had that experience offered developed answers. My analysis identified three different types of beneficiary. First, access helped the project or the collections (mentioned 48 times), including in the following ways: increased use of the collection or larger audience reached (16); better visibility of the project or collections, within and outside the institution (15); opportunity for new human or financial resources,
mainly help with transcription (5); new discussions about the interviews and comparisons with other
sources (4).

The second key benefit was for the field or topic researched (mentioned 33 times): access enabled the
creation or preservation of new or more varied historical sources (18); it provided better accuracy or
illustration of facts and it made history relevant (8); and it offered a better understanding to the public,
researchers or students (7). The third beneficiary was the institution that funded or housed the project
(mentioned 10 times): this resulted in better recognition or publicity (4); improved understanding of the
institution’s history or functioning (4); and links with the community researched (2).

1.2.3. Challenges

I asked my survey respondents whether they had had any difficulties when providing access to oral
history interviews. Only 31% (28 persons) of those who had already given access to interviews said that
they had encountered difficulties. This small proportion is somehow puzzling and seems to contradict
the following findings which I will analyse in Chapters 5 and 6. More than half of my survey
respondents (66) and all of my research interviewees (21) encountered ethical and legal issues when
disseminating interviews (whether in an analogue or digital form). Such a contradiction perhaps points
to the limitations of using the information lifecycle model to categorise real-world oral history practices.

It is possible that most oral history interviewers and curators do not define as “dissemination” the act
of sharing interviews as part of a local exhibition, a radio programme, an article or even a short-lived
website with audio extracts.

The challenges that these 28 survey respondents associated with access were mainly technical and
permissions-related. Problems with digital tools (mentioned 10 times) included choosing how and
where to make the interviews available (4) and technical issues with the recording or transcription
software (3). Permissions-related issues encompassed problems with copyright or consent permissions
(6 times).

The scalability of methods for preparing, disseminating and analysing digital information is another key
challenge highlighted in the literature and in my research fieldwork, as I will detail in Chapters 7 and 8
(pp.149–212). Yet, oral history creators and curators are unlikely to be satisfied with the solutions
currently explored in archival and computer science. These approaches involve an “increasing reliance
on algorithms to aid processes” such as sensitivity reviews and using automatic suppression of content
when there are access constraints (Goudarouli et al., 2019, p. 181). I will show that the ethical and legal
dilemmas arising from digital access-giving to interviews have to be treated on a case-by-case basis and
involve a large degree of human communication and judgment.
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1.3. Changes in access to oral history interviews

As seen in Chapter 3, many authors agree that digital technologies can have a threefold impact on oral history interviews: on the type and quality of their recording, on how they are prepared for dissemination and preservation, and on how users access and use them (Boyd, 2012; Hardy, 2014; Zahavi, 2014; Perks & Thomson, 2016). Changes in access have increased during the second decade of digital oral history (in the 2000s-2010s), and in particular in the modes of dissemination and description of online interviews.

A total of 92 of my survey respondents explained in their own words to what extent access to interviews has evolved since they started collecting, archiving or disseminating oral history recordings. For 11 of them, access has not changed; on the contrary, 6 of them found that access has been radically altered. Between these two ends of the spectrum, the changes that the remaining respondents observed included both non-digital and digital-related aspects.

1.3.1. Status of oral history and new regulations

A few respondents described changes that are not related to technologies. Five of them explained how the status of oral history (and interviews) has evolved, by becoming more legitimate; they noted that researchers and interviewees alike were increasingly interested in using or contributing to such sources.

Changes in regulations were observed by five respondents. They cited in particular data protection legislation and its impact on processes, risk-taking and ethics. They also found that regulations were more precise and restrictive, resulting in interviewers becoming more cautious. Many research participants I interviewed also mentioned these changes in status and regulations.

1.3.2. Online dissemination and recording technology

Online dissemination was mentioned by 39 survey respondents, which represents 50% of those who did observe a change in access to interviews. They described this technology-related or enabled evolution in various ways: the new expectations that accessibility should be immediate, for everyone and anticipated in consent forms (mentioned 8 times); the fact that users do not need to come on-site anymore (7); the improvement and diversity of search and access options (4); the availability of more tools to tell and share stories (3); and finally the possibility to share whole interviews instead of just extracts (2).

Many of the practitioners I interviewed added that access was impacted by the expectations expressed in institutional policies and the general trend of putting more interviews online (Research interviewee 3, 2018; Research interviewee 5, 2018; Research interviewee 6, 2018; Research interviewee 7, 2019; Research interviewee 9, 2019; Research interviewee 12, 2019; Research interviewee 14, 2019). Some
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of them linked these evolutions to new policies and guidance that encourage the openness of cultural and research sources, as explained in Chapter 1. For instance, an archivist described a “university-wide drive to make the material available in open access” (Research interviewee 14, 2019).

In the same category of changes around institutional policies and targets, a few participants observed that there were more and more financial incentives for sharing oral history interviews (Research interviewee 11, 2019; Research interviewee 14, 2019; Research interviewee 15, 2019). One of them described how archive centres in a situation of financial pressure needed to find means to get “users to come and use their stuff” to justify their relevance and a continuity of funding (Research interviewee 15, 2019). Online visibility and dissemination are part of these means and were even described by another participant as the best way to “get them out there” (Research interviewee 11, 2019).

Changes in recording technology were less often quoted by my survey respondents, but 8 of them saw them as an important factor in altering access. They described the impact of using digital video recordings (mentioned three times) and better or different audio recorders (twice). Several of my research interviewees agreed that digital technologies have improved the quality of recordings as well as facilitating their copying and editing in preparation for access (Research interviewee 1, 2018; Research interviewee 2, 2018; Research interviewee 3, 2018; Research interviewee 9, 2019).

Digital technologies and expectations around their use have created both additional benefits and challenges for the custodians of oral history collections; online dissemination crystallises this duality because it is the main change affecting access-giving to interviews. The complexities of widespread digital access are not just procedural and technical. They are also ethical and legal, as we will see below.

2. **Ethical and legal considerations in sharing and re-using research and cultural sources**

To complement this contextualisation of the tensions in giving access to oral history interviews, I will now introduce a few key ethical and legal principles and debates. I will focus on the questions related to the dissemination and use of personal information in research and cultural areas in general, and of oral history interviews in particular. These questions include privacy rights, consent, and interviewers and curators’ responsibility. I will then look at how authors and research participants assess the extent to which the digital context has impacted these questions.
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2.1. Key principles and definitions

2.1.1. Key principles: respect, responsibility, grey area and consent

Two authors remind us of the difference in how ethical issues are considered in Science on the one hand and in the Social Sciences and Humanities on the other hand. In biomedicine, ethics is defined according to notions of “risk” and “protection”, while in sociology for instance, the notions of “respect” and “social responsibility” prevail (Villani, 2015, p. 52). However, boundaries between these approaches are being challenged by the recent trend to introduce Science-defined principles to assess Social Science and Humanities research. For instance, Lawrence (2016) regrets that Institutional Review Boards in the United States were initially created for biomedicine research and that reviewers often have such a reference in mind when assessing Humanities research projects (p. 50). Until very recently, all oral history projects carried out in American universities were also subject to such review (Larson, 2013, pp. 37–40).

A similar phenomenon can be observed in the United Kingdom with the use of Research Ethics Committees in most research institutions for all disciplines. This is part of the recent movement to “regulate researchers’ use of private material and their relationship with the researched” (Winslow & Smith, 2012, p. 380). Principles and vocabulary such as ‘risks’, ‘de-identification’ and ‘protection’ are now commonly employed, including in reaction to changes in legislation brought about by the General Data Protection Regulation in 2018. Many of my research participants and good practice documents use such words and related procedures of risk assessment, risk management and risk-adversity. I am therefore also employing, and discussing, this vocabulary and approach, to analyse their concerns and processes developed to address them.

Two other distinct but interrelated approaches are that of law and ethics. Lawrence (2016) summarises the difficulty of ethical questions in research: in contrast to legal debates, there is no such “formal procedures for resolution” in ethics; hence, creators and custodians of research and cultural sources have to “figure out” how “various regulations apply to their records” (p. 63). For Fassin, quoted by Villani (2015), the researcher (or curator) is often on her/his own to make the final decisions in such grey areas (p. 51).

Ethical obligations in the Social Sciences, and in any research project relying on human participants, mostly relate to acquiring participants’ consent and respecting their choices. Practitioners usually seek consent for two purposes: to collect information about participants and to use it in the short and long terms. This raises related ethical questions of privacy and responsibility in respecting subjects’ choices, as we will see below.
2.1.2. **Key definitions: rights, personal information and privacy**

Rights are part of a “rule system” which includes laws, regulations, norms, principles and guidelines; they can be divided up into moral rights and human rights and they are “composed of smaller parts” (Rainbolt, 2014, pp. 49–51). One of the questions at stake in the related legal debates is to define which right prevails over others in each particular situation (Ghezzi et al., 2014, pp. 22–23). Most of the debates I have identified in the literature cover the following questions: who decides to show or hide personal information?; whose information is it?; where is the information made public?; and how, to whom and for how long? These questions will be tackled throughout this thesis.

An identifiable person is someone who “can be identified, directly or indirectly, in particular in reference to [their] physical, physiological, mental, economic, cultural or social identity” (Szekely, 2014, p. 32). By extension, personal information is information that can identify a person or that relates to a data subject (Nissenbaum, 2010). According to Data Protection legislation, and most guidance developed to explain it to practitioners, personal information should be divided up into two categories: personal information and personal sensitive information. The latter category has been renamed “special category” information by the 2018 General Data Protection Regulation (The European Parliament and the Council of the European Union, n.d.). It covers the following aspects: “information on a person’s race, ethnic origin, political opinion, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health, sex life or sexual orientation”; within the limits of an archiving and research exemption, many institutions and practitioners are still allowed to re-use and disseminate such personal information (UK Data Service, n.d., *Data protection*).

For Mills (2008), privacy is “at the core of personal identity and personal freedom” (p. 13). Nissenbaum (2010) reminds us that there is a debate around that idea: on the one hand, privacy is perceived as a “neutral conception”; on the other hand, privacy is valued as a “normative conception” and one of the “shared collective values of a community” (pp. 68–69). Another debate relevant to my research touches on the links between information privacy, control and access: privacy can be seen as “a constraint on access” or “a form of control”; a related question is who is responsible for regulating the flow of information: the subjects themselves, others or both groups (Nissenbaum, 2010, p. 70).

Finally, the debate about the “private-public dichotomy” between social spheres is key to this research. Authors who analyse the impact of digital technologies on privacy convincingly argue against the relevance of such a dichotomy. They show the existence of “privacy in public” (Nissenbaum, 2010, p. 113), which can be observed for instance in “public personal spaces” such as online venues (Ess, 2014, p. 73). This also relates to Floridi’s concept of “onlife” where individual and social experiences online and offline are interwoven (summarised by Ess, 2014, p. 7).
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2.2.  Three types of privacy and the debates around them

Many legal and philosophy scholars define privacy by describing the following three facets: protection of personal information, of decision and of personal properties. Some scholars identify other types of privacy (see Bawden & Robinson, 2020, p. 1033 for a brief review); for instance, Mills (2008) describes the “control-of-physical-space sphere” (p. 20). However, I will mostly rely on the first three facets of privacy as they are highly relevant to the rights that lie at the core of the legal and ethical debates surrounding digital oral history. I will therefore develop them further below.

2.2.1. Protection of personal information or “informational privacy”

“Informational privacy” can be defined as the ability to control one’s personal information (Tavani quoted in Ess, 2014, p. 72). Also sometimes called “informational autonomy”, it refers to the “right to determine which information […] will be disclosed, to whom and for what purpose” (de Terwangne, 2014, p. 86). Nissenbaum (2010) adds that this facet of privacy encompasses the rights to confidentiality, secrecy and data protection (p. 71).

Various scholars assert that individuals should have the right to see their personal data protected from being used in research projects or from being visible online (see Neuenschwander, 2012; de Terwangne, 2014; Lawrence, 2016). In several research and cultural areas, a number of measures can be used to do so; they range from anonymisation to permanent erasure of identifiable details (de Terwangne, 2014, pp. 94–95). In addition to the questions of “when” and “for how long”, the debate around informational privacy touches on the “who” and whether the privacy of public figures should be protected in the same way as for private citizens (Neuenschwander, 2012, p. 357). One of the questions at the centre of historian Lawrence’s (2016) reflection is also whether such protected information should only be used to protect living individuals’ information, or also dead persons’ data (pp. 116–119).

Such protection of personal information is challenged by several authors, mainly on the grounds of its harm to scholarship and transparency. Lawrence (2016) describes the restrictions imposed on historians whose sources are health-related records of American citizens born in the 19th or 20th centuries. She asserts that censorship in the name of family privacy and of respect for archive donors’ agreements conflict with historians and archivists’ ethical principles such as faithfulness to the truth, recognition of people’s roles in historical events and democratic access to information (p. 7 and p. 84). Researchers and curators’ concerns have been taken into account in European data protection legislation; indeed the 2018 regulation still defines data subjects as living individuals and includes a series of historical and archival exceptions to the stricter limitations to data use (UK Data Service, n.d., Data protection). Finally, Ghezzi et al. (2014) mention the risk of censorship and of creating “knowledge gaps in the digital realm” with new rights such as the right to be forgotten; this right was recently introduced by
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the new European Data Protection legislation and enables citizens to ask digital companies to be delisted from search engine results and websites (p. 17 and p. 21).

Nissenbaum (2010) disagrees that tensions around privacy and new technologies will be solved by deciding on and regulating on the degree of protection of personal information. According to her, what matters is less “restricting flows of information” and more “ensuring that it flows appropriately” (pp. 1–2). Her helpful concept of “norms of appropriateness” was already developed in her work in the 2000s and is summarised by philosopher Tavani (2008) in his discussion of her “contextual integrity” model as follows: these norms “determine whether a given type of personal information is either appropriate or inappropriate to divulge within a particular context” (p. 147). This will be explored further to help us understand why and when there are tensions in digital oral history.

Indeed, Nissenbaum’s (2010, pp. 129–230) framework for a “contextual integrity” to deal with personal information and new technologies enables us to analyse sources of tensions by identifying for each specific context the actors, attributes and transmission principles which make up “informational norms” (pp. 141–145). As I will detail later in this chapter and in Chapter 5, such a method is most helpful for my research since my literature review and my fieldwork show that informational privacy is another key area of concern for both oral history interviewers and curators.

2.2.2. Autonomy of decision or “decisional privacy”

Advocates of such autonomy state that any subject has the right to be asked to consent to the sharing of their personal information. For them, consent is best expressed with an opt-in option, rather than opt-out or “sharing by default” (Ghezzi et al., 2014, p. 22). Such privacy is sometimes helpfully named “decisional privacy” and summarised as the freedom from any intervention in one’s own choices and plans (Tavani quoted in Ess, 2014, p. 72). Interviewees, but also archivists and scholars, have the right to set restrictions on the visibility and use of personal information (Neuenschwander, 2012, pp. 354–355). We will see in Chapter 6 (pp. 120–147) that this type of privacy (and the issues around consent) is one of the four main areas of concern emerging from my literature review and my fieldwork.

In the debate about the use of personal data, opponents criticise this right to decisional privacy by underlining “the value of use” of personal information, especially in the context of big data as currently used by businesses and governments. To them, the social and economic benefits of accessing and processing data are so important that they trump the need for individual consent (Ricolfi, 2012; Tene & Polonetsky, 2012). There is also a legal limit to individuals’ autonomy of decision: Freedom of Information requests, subpoenas, and third parties’ privacy can conflict with restrictions placed on or publication of personal information. This challenge can take the form of an obligation to erase “defamatory statements” from an interview; or it could be a demand to disclose recordings which could
act as evidence in a criminal trial (Neuenschwander, 2012, pp. 355–356). The latter situation happened in the recent Boston College-led oral history project about Northern Ireland. In Chapter 5, I will come back to this controversial project and reactions to it in the oral history community, as it is often mentioned in my research sources and it raises relevant questions for my research.

This debate about decisional privacy is critical to my research because several authors have shown that consent-seeking procedures have a direct impact on research methodology throughout projects (Larson 2013; Villani et al. 2015; Cocq 2016). Two privacy rights experts make a striking suggestion: “where the benefits of prospective data use clearly outweigh privacy risks, the legitimacy of processing [personal information] should be assumed even if individuals decline to consent” (Tene & Polonetsky, 2012, p. 67). Such a proposition is made in a marketing and web analytics context, where “privacy risks are minimal” (p. 67) according to these authors. It is nevertheless chilling for social scientists, humanists and information professionals who rely on participants’ trust to build their research projects and collections. These two authors furthermore assert that “individuals are ill-placed to make responsible decisions about their personal data” for two reasons: “well-documented cognitive biases” and “the increasing complexity of the information ecosystem” (Tene & Polonetsky, 2012, p. 67).

Yet, other scholars have shown that consent procedures play an empowering role (Crawford & boyd, 2012; Ghezzi et al., 2014) and that the educational role played by researchers should also be taken into consideration when weighing up the pros and cons of consent-seeking. For example, Cummings et al. (2015) led a study on the effect of Open Data policies in online consent form-filling. Among their conclusions they suggested, in contrast to Tene and Polonetsky (2012), that researchers should see the consent process as an opportunity to “educate the public” to pay attention to such consent documents. This can be done through “specific and thorough conversations during the recruitment of participants” (Cummings et al., 2015, pp. 7–8).

2.2.3. Protection of private properties – intellectual property of original works

A third facet of privacy is usually discussed by privacy scholars and relates to the protection of private properties, including physical and non-physical properties (Ess, 2014; Mills, 2008; Nissenbaum, 2010). This aspect of privacy is less directly relevant to my research and only marginally features in the discussions I found in my literature review and my fieldwork sources. I will therefore only describe how it relates to intellectual property rights.

In oral history, copyright and authorship arise when the recorder is turned off. They are core rights owned by interviewee and interviewer. In the United States both are recognised as joint authors and this gives them the right to reproduce, distribute and display the recordings (Neuenschwander, 2012, pp. 360–363). In the United Kingdom, there are two copyrights in a recorded interview: the first copyright
is in the spoken word and it belongs to the interviewees; the second is in the recording itself and is owned by the interviewers or their organisation. Therefore, the interviewee must be asked to assign copyright to the person or institution that will use the interview. This is a condition for allowing the use of the interview, both in the short and long terms. The copyright is obtained via informed consent (UK Data Service, n.d., Copyright).

In contrast, the French legal framework is more complex and can be summarised as follows: an interview can be considered either as having only one author, or two if it is classified as “oeuvre collaborative” (collaborative work). In the latter situation, both interviewee and interviewer have rights over the use of the recording. These rights can be transferred by both actors to the commissioning or archiving institution through a consent document (Branche et al., 2018, pp. 119–120 and p. 125).

Authors of creative works such as films or music also enjoy neighbouring rights which survive copyright (i.e. longer than 70 years after the authors’ death) and “restrict anyone from lawfully copying, communicating to the public and modifying performances, recordings and broadcast without the authorisations of the respective rights-holders” (Mazziotti, 2012, p. 84). In European legislation, even if the works belong to the public domain, these neighbouring rights still have to be respected.

One of the difficulties expressed in my survey responses and in my research interviews relates to the clearing of such intellectual property rights. I will come back to this in Chapter 6 (pp. 120–147) because the process of defining who owns the rights over an interview (whether the interviewee is alive or not) relates to key ethical questions about consent, legitimacy and responsibility.

2.3. Impact of the digital context on these ethical and legal issues in oral history

My research shows that digital oral history offers an example of social areas where digital technologies magnify existing ethical challenges, rather than creating new ones. In Digital Media Ethics, Ess (2014) explains that digital media bring three types of ethical challenges: ethical problems already familiar to us; problems which are familiar but accompanied “by new wrinkles”; and distinctive new ethical issues (p. 199). My literature review and fieldwork demonstrate that digital oral history belongs to the second category of challenges in so far as most of the ethical dilemmas are amplified questions rather than new quandaries, in comparison to the analogue era. Before turning to the tensions expressed in the digital context, I will here assess to what extent the ethical and legal issues introduced above are amplified.

2.3.1. The complexification and amplification of old ethical worries

As seen in Chapters 1 and 3, digital technologies are having a dual impact on oral history (and on other research and cultural areas). Their impact is positive when it comes to solving some analogue problems, especially by offering a better quality and integrity of audio recordings and an improved description of
interviews and collections. New technologies can sometimes help to alleviate a few ethical issues such as the difficulty of getting permissions to use interviews when interviewees are not known, or the problem of slowness reaching out to narrators. Furthermore, Larson (2013) observes a beneficial effect of digital technologies in the increased accountability to interviewees.

However, she also notes that “most of the worries revolve around the use of oral history materials in particular contexts and these issues have become more complex as technologies have evolved”; repositories and practitioners are still “struggling with most of these ethical issues” (Larson, 2013, p. 42 and p. 48). Bradley and Puri (2016) encountered such difficulties. They assessed the “digital opportunities and ethical issues” encountered in a large oral history project recently completed by the National Library of Australia. This led them to observe that the “turn to digital” and “turn to online” has “forced historians and collections managers to re-evaluate how to ethically create, manage, use and archive oral history collections” (p. 75). To them, the use of digital technologies for increased accessibility “intensifies existing ethical issues” and “adds further complexity to these dilemmas” (p. 75).

In my own research fieldwork, I have observed similar concerns as well as the fact that for most practitioners their ethical issues are not new. My survey asked respondents about the ethical and legal dilemmas they had faced when using digital tools, in their activities of recording, archiving or disseminating oral history interviews. Their answers to this open question gave very rich information on the types of dilemmas that arise, to which I will return later, but also reveal that only a minority (9%) of respondents among those who had encountered such dilemmas distinctively associated quandaries with digital tools. Two respondents explicitly stated that they did not think their ethical and legal dilemmas were unique to the digital context; for the others who discussed that point, two main difficulties seem specific to the digital context.

First, seven respondents highlighted their issues around consent for sharing interviews online: they wondered how to deal with interviewee’s consent that was given before the Internet existed or where Internet dissemination was not mentioned in the consent documents, or clearly not understood by the narrators. The second area of concern was around the loss of control of the information shared online: four respondents asked how they could control what is done with interviews once they are uploaded and they gave specific examples of ethical questions about using specific tools (including storage services and the video sharing platform YouTube).

Six of my research interviewees explicitly pointed out in my interviews that ethical issues in the digital context were enhanced to a certain degree. They used phrases such as “magnified issues”, “amplified issues”, “heightened questions”, “more obvious and more pressing” ethical questions, “higher risks” and “more stressful” decisions (Research interviewee 4, 2018; Research interviewee 5, 2018; Research
Interviewee 8, 2019; Research interviewee 9, 2019; Research interviewee 10, 2019; Research interviewee 19, 2019). Echoing Larson’s (2013) observation, one of them expressed the degree of change as follows: “the potential for hurt is amplified by putting material online, making it much more easily available” (Research interviewee 8, 2019).

2.3.2. Insufficient discussions around the ethics of re-use and dissemination

Interrogating the very possibility of re-using fieldwork sources, David Zeitlyn (2012) explains that anthropology archives are records of “performance of research”; as “surrogates of the events that created them” we need to recognize their “incompleteness and partiality” (p.468). To him, this is especially the case with interviews: these recordings are “themselves performances because they are (more or less structured) human interactions”. It is impossible to archive them as performance because some of their context is lost; this loss “limit[s] possible re-use of qualitative data” (pp. 468–469). As seen earlier, a few oral historians asserts that interviews are not “a finished archived object” (Bornat, 2016, p. 442) and therefore believe that it is possible to successfully re-analyse interviews conducted several decades ago or by someone else, and to generate new ideas and interpretations. To some extent, a debate about the possibility of re-using qualitative sources in the Social Sciences already exists but it is still only starting in oral history.

Regarding dissemination, we have seen in Chapter 3 that scholars have been writing extensively about both the analogue and digital sharing of interviews. Yet, the ethical dimension of wide dissemination is not often debated. When it is done, it is usually at the interview stage; discussions about the future availability of interviews often take place between the interviewee and the interviewer during the consent-seeking phase. Such processes seem to have been thoroughly followed in the oral history projects conducted as part of the first decade of digital oral history (the mid-1990s to mid-2000s) described in Chapter 3. For instance, Ikeda (2014) describes a digital video project that started in 1995 and dealt with the incarceration of Japanese Americans at the time of the Second World War. He details the method used by his team to explain to interviewees what online dissemination would entail: “how the interview could be viewed from anywhere in the world by anyone” (p. 137). Such an explanation was given before starting to record and witnesses were given the time to watch and review the recording before signing their release forms.

Despite the critical role of consent in digital oral history that I have described in a recent publication (Fellous-Sigrist, 2018, pp. 143–157), such careful processes, which are needed to discuss consent and ethics in general, may have become less typical. According to Mary Larson (2014), in the first decade of digital oral history in the United States, there was a “decrease in the overall level of conversation on ethics” and this was due to an increasing familiarity with digital technologies and their (apparent) simplification; because practitioners were encountering less technical difficulties, they were less careful
in “consider[ing] all the aspects of our projects” (p. 161). As one of my research interviewees put it when describing oral history interviewers’ use of new digital recorders, they “just press the big friendly red button” (Research interviewee 1, 2018) and do not worry about any other essential technical aspects such as the type of microphone, audio recording modes, choice of file formats or position of the recorder.

In 2014, Larson observed that the lower “level of time and resources” invested in ethical thinking was accompanied by the following belief: since there is “so much personal information already available online, it does not seem anomalous or dangerous” to upload a few more recordings to the Internet (2014, p. 161). My research contributes to enhancing these ethical discussions and assessing the current ethical practices in digital oral history. To do so, I draw on an analytical framework that encourages a nuanced and situational assessment of digital technologies and their impact on privacy rights.

3. Towards a situational analysis of ethical and legal issues in digital oral history

Oral history creators and curators are familiar with the processes and ethical and legal difficulties of giving access to the research, cultural and personal information detailed above. To identify and explain the key tensions experienced by practitioners in the digital context, I have used an empirical approach combined with the “framework of contextual integrity” developed by Nissenbaum (2010, pp. 129–230). I will first describe how relevant the principles and objectives of this framework are to my research, before explaining how I combined it with my research sources to obtain my initial findings.

3.1. Relevance of the “framework of contextual integrity”

3.1.1. Objectives and assessment process

Nissenbaum’s framework (2010, pp. 129–230) was designed to better understand the privacy concerns caused by digital technologies; it aims “to explain when and why people resist with anxiety to certain systems and practices, and why these reactions are justified in a subset of these situations” (p. 190). Although primarily designed to predict and prevent such anxieties, her framework can also be used to “help explain and pinpoint the source of objection” (p. 148). It also leads us to pay close attention to the specific context of the tensions, since “context is crucial to privacy, not only as a passive backdrop against which the interests of affected parties are measured, balanced, and traded off; rather, it contributes independent, substantive landmarks for how to take these interests and values into account.” (Nissenbaum, 2018, p.848). Philosopher Tavani (2008) agrees that the model that she started to develop in the 2000s “can be applied to a wide range of contemporary technologies to determine whether they
breach the informational privacy norms that govern specific contexts” (p. 148). I am using her framework with that objective in mind and, whenever possible and relevant, have relied on the assessment process that she is proposing to analyse the changes in the integrity of oral history information flow and to understand the reactions to these.

This process contains four stages and can be summarised as follows: set out the broad context of the tensions (immediate social and technical context, actors involved, how the information is transmitted, what the expectations are about how the information should flow); describe what types of information are affected; analyse what changes were made in how the information is transmitted; and finally, assess whether the new practice violates “entrenched informational norms” (Nissenbaum, 2010, p. 150). She defines “informational norms” as the expected flow of information: to whom it is sent, by whom and in what context; who is the subject of the information and what topics are covered; and how the information ought (or not) to flow (pp. 138–145).

3.1.2. Norms and concerns

Ess (2014) agrees with the importance of contexts and norms for understanding tensions around privacy and new technologies. Commenting on Nissenbaum's framework, he describes how each context has “norms of appropriateness” and “norms of distribution”, which are constantly renegotiated; a violation of privacy represents a violation of these norms (Ess, 2014, p. 73). As I will detail in Chapters 5 and 6 (pp.96–147), my analysis shows that, when dealing with oral history interviews, the two key norms of respecting informational privacy and decisional privacy are being challenged by the (new) norm of wide and open dissemination.

When cross-analysing my research sources I identified four main areas which are of concern for oral history interviewers and curators in the digital context: informational privacy, decisional privacy, conflicting expectations, and decision-making difficulties. Because they are at the core of my research, I will develop them in Chapters 5 and 6. These four areas of concern were identified by unpacking and then categorising the ethical and legal issues that I found in my literature review and in my fieldwork data. As I will now detail, I followed Nissenbaum (2010)’s framework in this analysis and paid close attention to the contexts, actors and characteristics of the information described.

3.2. Locating digital oral history’s areas of concern

My fieldwork findings help to put in context the ethical and legal issues associated with access explained earlier. I will first focus on the two relevant contexts – the professional and the interview context – that I identified, before explaining the links between areas of concerns, tensions and dilemmas.
3.2.1. National, professional and interview contexts

To set out the context of the concerns surrounding digital oral history, I paid attention to the different contexts in which these worries arise: the “macro-context”, made of the country (with a focus on the United States, the United Kingdom and France), the profile of the actors (interviewers, curators, interviewer-curators) and the type of institution where they are working (Higher Education institutions, archive centres, libraries, museums, etc.). I also looked at the “micro-context” of the three broad stages of the interview lifecycle: recording interviews (including preparation of the interview, explanation of the project to interviewees, consent-seeking); archiving (including describing, summarising, transcribing, indexing, cataloguing, anonymising for archiving); and disseminating (including choosing the access level, editing, anonymising for dissemination, choosing the dissemination mode, revisiting consent, clearing copyright, publishing).

As explained in Chapter 1, I am aware that these categorisations are arbitrary to some extent and force me to ignore some nuances (e.g. the context specific to a part-time archivist working in a small university). However, this level of generalisation was necessary to compare my sources, test hypotheses and establish some relevant trends. Throughout Chapters 5, 6, 7 and 8, I will show the nuances of the constraints and processes for a range of practitioners, based on “real-life” examples I was given during my fieldwork.

3.2.2. The links between areas of concerns, tensions and dilemmas

The objective of this chapter and the following two is to answer one of my research questions: what tensions are experienced by oral history practitioners in the digital context? The analysis of my research sources led me to organise the tensions and dilemmas into broad areas of concern. By ‘area of concern’ I understand a broad (ethical) issue to which most practitioners could relate; for instance, informed consent. Such a broad area of concern can cover different tensions.

I define tension as a phenomenon that represents an incompatibility between two sets of expectations, regulations, good practice, etc., or between any of these and the actual practice of interviewers and curators. An example is the concurrent demand for both respect of consent and openness of sources.

Finally, dilemmas are difficult questions which arise in particular situations; they are often context-and project-specific and are therefore more precise than tensions. Below are two examples of dilemmas explained by survey respondents; they show how dilemmas can relate to several tensions and areas of concern. Such intricacies demonstrate the need to unpack the various tensions at play to better analyse how to address them. All quotes are transcribed here as they were submitted or spoken to me, except for a few spelling mistakes that I corrected for the sake of readability. We will also see that in the survey responses, participants tended to use the word “dilemma” to also describe what I later categorised as
tension or area of concern. This is due to the fact that, in my survey questions, I chose to ask about their dilemmas in a generic way, to keep the questionnaire as simple as possible.

The first example was written by a curator who works in a European Higher Education institution and illustrates how a single dilemma can touch at the same time on the issues of informational privacy, consent, open access and conflicting expectations:

“Should interviews be anonymised or not? For me the dilemma of anonymisation rests in the protection of privacy (with anonymisation) vs. giving a voice to the witness (no anonymisation of their name). Should the witnesses be given the choice? If yes, I think that it’s important that they are well informed about what is at stake when their name is published, since once their name is published it’s not possible to completely control how it can be used by other people; how to inform them at best? Is information enough or should we sign a contract making explicit that when signing the witness has learned what is at stake? But a contract is very formal, is an oral agreement enough?”

The second example is an answer submitted by an interviewer-curato working for a charity in the United States. It shows how the dilemma of consent for pre-Internet interviews also raises questions about third parties’ informational privacy and about curators’ responsibility:

“Even if a collection is unrestricted, if interviews were recorded before the Internet, the interviewees never anticipated that degree of global exposure. We read and discuss those very carefully to be sure that there are not sensitive sections the person would not have wanted to share with the whole world. We always check for libellous or racist/nasty statements about groups and would close those.”

3.3. The challenges and issues of digital access: a shared experience

Despite working in different countries, types of institutions and under various job titles, the 126 practitioners who took the time to explain to me their ethical and legal issues share many difficulties when trying to give digital access to oral history collections.

3.3.1. The information available from my fieldwork sources: initial findings

I analysed the key themes emerging from the following sources: my literature review of 40 academic publications dealing to varying degrees with digital oral history and ethics in oral history; the 112 responses to my survey; and my 21 research interviews. As explained in Chapter 2, I used the methods of close reading and then manual coding, extracting key topics and key words which I organised in clusters.
80 respondents out of 112 said “yes” to the question 14 of my survey, which was phrased as follows:

“When we use digital tools in oral history, we are sometimes faced with ethical or legal dilemmas*. When collecting, archiving or disseminating interviews, have you ever been confronted with such dilemmas? *Such dilemmas can be related to the privacy, security, confidentiality, copyright, access to interviews, etc.”.

When asked to describe these issues in the follow-up open questions, many gave detailed answers, but some only wrote a few words. The information I extracted is based on the comments available.

As in the survey responses, some of my research interviewees talked abundantly about the four key concerns highlighted earlier (p.88), sometimes leading to the research interview mainly focusing on these topics; others touched on them only briefly. I analysed their comments by using manual coding for each of the four most frequent areas of concern and then comparing the nuances in how they covered the three topics. All of my research interviewees described tensions around the question of informational privacy and decisional privacy; 16 out of 21 also touched on the issue of managing contradictory expectations, and 14 spoke about difficulties in establishing responsibility and legitimacy in making decisions about interviews. Often they spoke about several areas of concern, and how they related to each other.

My first finding when analysing my research sources is that the boundary between interviewers and curators is far less clear than I initially thought. The separation of roles, skills, dilemmas and expectations does not seem to exist for most of these practitioners, or at least for the 101 survey respondents and research interviewees who took the time to respond to my questions about ethical and legal dilemmas. One of my starting-point hypotheses was that the type of dilemmas encountered depended on the closeness of the practitioner to the interviewee, but I discovered that all profiles of actors encountered dilemmas, including about consent, as we will see later.

Second, my analysis confirms the central role of dissemination as the stage when most of the concerns and tensions are experienced. As explained below, my comparative analysis indicated that the professional and national contexts are less relevant than the interview lifecycle context. I will draw conclusions from these two observations in Chapters 7 and 8 (pp.149–212), when I will assess the gaps in solutions to the ethical issues of digital oral history and make recommendations to better support practitioners.

3.3.2. **The professional context (roles and institutions)**

A large majority (69%) of the survey respondents who have encountered ethical or legal issues have experience both of recording and curating interviews. Staff members of Higher Education institutions
Chapter 4

(HEI) and cultural institutions are over-represented among these respondents. Both observations are true for the three countries I am focusing on.

Among these 80 survey respondents, interviewers-curators have the largest range of institutional context. Many of them gave information about the type of institution where they work (it was an optional question). They could choose any option among the seven given. This enabled me to start giving a sense of the diverse professional context of these practitioners and the ethical and legal issues I am observing. Figure 3 offers a breakdown of the answers given by survey respondents who have encountered ethical or legal issues, and whom I could classify as interviewers, curators or interviewer-curators.

![Figure 3 – Institutional context of most survey respondents](image)

My research interviews are somewhat less useful for describing the professional context. Variations within the national and professional contexts cannot be observed in these sources as almost all research interviewees touched on the ethical and legal concerns related to digital access to interviews. This is mostly explained by my recruitment and interviewing methods: I explicitly told potential interviewees that my research focused on ethical and legal issues (whereas the survey was more open to other aspects of digital oral history) and most of my interview questions aimed to unpack these questions with them. Also, given the relatively small number of interviews I conducted, the national and professional variations between them are too small to be significant.
3.3.3. The interview lifecycle context

When it comes to the context of the interview lifecycle, my survey also provides interesting information. The ethical and legal issues described by respondents predominantly took place at the dissemination stage; this was the case for 66 of the 80 respondents (82.5%) who encountered such issues. The rest of the issues they detailed were happening evenly at the archiving stage for 14 respondents and at the interview-recording stage for 13 respondents.

Similar to the 80 survey responses, the four areas of concern described in my research interviews were associated with activities done primarily when disseminating interviews. Only the issues of legitimacy and responsibility were evenly represented as arising as often at the archiving and dissemination stages.

The following quotes from their survey responses give a sense of the similarities of experience at the dissemination stage, despite the variations in the respondents’ national and professional contexts. As a reminder, my question was phrased as follows: “When we use digital tools in oral history, we are sometimes faced with ethical or legal dilemmas. When collecting, archiving or disseminating interviews, have you ever been confronted with such dilemmas?” Some of the responses were as follows:

“Making collection digitally available via the web - issues around personal details and possibly libellous statements.” (Interviewer-curator in a Higher Education institution in the United Kingdom)

“Orphaned works/copyright are the major issues I’ve faced. Also issues regarding potential dissemination of private information related to oral history recordings. For instance, one project I was asked about wanted to create a map of the addresses of the places where interviewees had lived. While this information is readily available in the recordings that are publicly available online, the creation of a map of these locations seemed to take the access to the interviewees’ information to another level that violated privacy concerns I had as a librarian.” (Curator in a library in the United States)

“It happened that witnesses asked a few days (or a few years) after the interview that extracts are deleted, or online dissemination is restricted. In the institution where I am working, a few archives collections are unusable because they are not linked to any consent forms.” (Interviewer in France)

“I often face dilemmas when preparing to share oral history recordings online. These relate to: a) Consent – did the interviewee give full consent to make the recording available online? b) Privacy – did the interviewee mention any sensitive information about other individuals, which
could be harmful to other individuals if shared online? c) Copyright – did the interviewee give permission/transfer copyright to enable us to share the recording online? Are there any other copyright holders who should be consulted? d) Sensitivity – did the interviewee use language which might be considered offensive? And specifically relating to cataloguing interviews, how do I describe the interview in neutral language?” (Curator in an archive centre in the United Kingdom)

3.4. Four main areas of concern

My analysis shows eight broad difficulties in digital oral history. Four of these are very common and four are less well represented across the academic literature and my fieldwork sources. The four themes which I have chosen to overlook are as follows: the possibility or impossibility of re-using qualitative fieldwork sources/interviews; the distance between research methods and research participants or their context; reputation management; and clarifying rights over interviews. I will not expand on them because they were only mentioned briefly in a few publications, and only by a few research participants. We will see however that the questions of reputation and rights clearance are topics of discussion in my sources, although described only as difficulties, not as ethical or legal tensions.

The following two chapters will focus on the most common areas of concerns found in digital oral history. The first two will deal with norms extremely common in oral history: the importance of respecting informational privacy and the importance of respecting decisional privacy. The other areas of concern are related to these, but are not norms as such: how to manage (conflicting) expectations, and who is legitimate and responsible for taking decisions about dissemination?

Respecting informational privacy is the source of worry and risk the most discussed in my fieldwork sources; therefore, the next chapter will concentrate on the analysis of the ethical, legal and curatorial issues around that type of digital privacy. Chapter 6 (pp. 120–147) will then analyse the difficulties around decisional privacy, decision-making and the conflicting expectations that oral history creators and curators are still facing. Once these tensions have been clarified, I will use Chapters 7 and 8 to show how they can be alleviated.
Part II Analysing the tensions
Chapter 5. Tensions around information in the digital dissemination of oral history interviews

We have seen in Chapters 3 and 4 that dissemination is the main stage of the interview lifecycle when ethical and legal tensions arise. The analysis of my fieldwork sources outlined in Chapter 4 also reveals that the following four main areas of concern are expressed by interview creators and curators alike: informational privacy, decisional privacy, conflicting expectations, and legitimacy and responsibility in decision-making. I have explained that informational and decisional norms indicate in what ways it is appropriate to deal with oral history interviews. With the introduction of digital technologies and expectations around their use, these fundamental norms clash with the (new) norm of wide and fast dissemination. The resulting difficulties will be analysed in detail in this chapter and the following one, drawing mostly on my fieldwork sources, and on the academic literature to a lesser extent.

Almost all of the research participants I interviewed and most of my survey respondents touched on the four main areas of concern summarised above. Yet one stands out as the most widely shared source of concern which can be summarised as follows: when giving access to recordings, how can one protect the personal information and confidential stories of interviewees and their relatives, but also of third parties mentioned in interviews? I will focus here on the characteristics of information at the centre of such an ethical, legal and curatorial question. This will serve as the grounding to explain in Chapter 6 (pp.120–147) the decision-making processes, conflicts and roles involved in disseminating such information.

This chapter will contribute to answering my two research questions about digital oral history by assessing what tensions are amplified by digital technologies. I will also show that oral history interviews already constitute “private in public information”, but that digital dissemination makes interviews even more public and therefore creates new difficulties for creators and curators of recordings. My findings will fill a gap in the current literature by offering a detailed and nuanced analysis of the various difficulties, risks and stakeholders involved in the changing modes of dissemination. Such an analysis is necessary to help practitioners prepare for and choose the right access levels to share oral history material with the right audience. Chapters 7 and 8 will discuss the curatorial implications of the ethical and legal issues discussed here and in Chapter 6 (pp.120–147).

With the help of Nissenbaum’s (2010, pp. 129–230) “framework of contextual integrity”, this chapter will first explain what defines oral history’s informational norms and what delimits the boundary between the appropriate and non-appropriate dissemination of interviews. Second, to better assess what is at stake with the respect of such norms, I will propose a categorisation of the risks associated with wide dissemination and of the stakeholders who suffer the consequences of wrong decisions about
dissemination. Finally, I will explain the contexts in which informational privacy issues arise for practitioners and how the increased publicness of interviews, especially through online access, exacerbates pre-digital tensions.

1. **Defining oral history’s informational norms and identifying what is at stake**

1.1. **Informational norms and appropriate dissemination**

1.1.1. **Defining norms**

In oral history, like elsewhere, norms are not explicit. Nissenbaum (2010) proposes two definitions: the prescriptive approach, where norms belong to a larger category of rules; and the descriptive approach, which sees norms as part of common practices of behaviour (p. 138). The latter approach is more relevant to the oral history and curation professional contexts, where decisions about handling interviews are largely based on the context and on ethical practices. Contrary to clearly-defined legal rules, decision-making depends on many variables: the interview context, defined by the agendas of the interview co-authors; the interviewee-interviewer relationship; their individual way of drawing boundaries between what should and should not be private; and the types of topics covered in the recording.

Because I need to generalise to some extent for analysis’ sake, I will use the four parameters established by Nissenbaum (2010) to define an informational norm. As a reminder, these parameters are as follows: the context of the information; the actors (sender, recipient and information subject); the attributes (what the piece of information is about); and finally, the transmission principles about how the information ought (or not) to flow (pp. 141–145). Identifying these norms helps to assess to what extent information shared publicly was actually meant to remain private. In Internet research for instance, Cocq (2016) explains how the distinction between private and public data “should be problematised”, taking the example of the use of social media information as qualitative sources (p. 116). She suggests doing so by using Nissenbaum’s parameters of informational norms: researchers wanting to use social media information as research material should first carry out an ethical assessment by taking into account the context in which the information was initially made public, notably how this happened, and to whom, as well as the “expectations of privacy” (Cocq 2016, p. 116).

These parameters enable us to understand why there are worries and tensions around the transmission of information; identifying these also helps to draw a boundary between what is appropriate and what is not. This chapter and the following one will raise the question of whether the increasingly public
dissemination of interviews is moving this boundary. In particular, Chapter 6 (pp.120–147) will assess where interviewers and curators have so far decided to mark the boundary depending on their contexts, and how it should be explained to interviewees.

1.1.2. Finding the boundary between what is right and what is wrong

In information ethics and privacy literature, breaching a norm does not simply refer to an unwanted leak of information, as is the case in the legal framework of data protection for instance (Information Commissioner Office, 2019). An “ethical” breach rather refers to a situation where information does not flow appropriately; that is, it does not flow as the norms and stakeholders would expect. In practice, this means that the piece of information, data or source (such as an interview) was transmitted in the wrong context, to the wrong people or institution, in the wrong way, and/or by revealing content it should not have.

To define what is right and what is wrong, digital media ethics draws on a variety of ethical frameworks. They range from utilitarianism, to deontology, feminist ethics and virtue ethics (Ess, 2014, pp. 199–212 and pp. 229–244). Often, appropriateness is a grey and moving area. As Nissenbaum (2010) admits herself, she relies “on an intuitive sense” to define what information it is acceptable to transmit (p. 144). One of the outcomes of my fieldwork is a refined categorisation of the many risks that arise when oral history interviews flow in the wrong way; the clarification below of the different risks and of the many stakeholders who suffer the consequences of such wrong decisions helps to identify what is not appropriate to do with interviews.

Several of my research interviewees have provided examples of instances where oral history interviewees were clearly making a choice about what was appropriate for them to say or not. Their choice was based on the future listeners of the recording, on the type of information revealed, and/or on how the interview was going to be shared. One of my research interviewees spoke for example about interviewing “a woman who told an extremely moving story about her forced marriage” (Research interviewee 10, 2019). The woman knew that people in her community were unlikely to hear the interview and its extracts in a forthcoming exhibition. To explain her choice of speaking about such personal topics, she said to her interviewer: “Oh, you know I’m not bothered, nobody in my community [goes to that museum]”. Another of my participants described an oral history project about drug addiction in which interviewees asked to be anonymised but only in the version of their interviews which would be disseminated online (Research interviewee 3, 2018). They feared that their name could otherwise be found by users of the Google search engine and especially by future employers; however, they did not mind that researchers “figure them out” when listening to the identifiable but restricted-access version of their recording.
Chapter 5

My own interviews conducted for this research touched on these ethical questions as explained in my Methodology chapter. Several participants explained why it mattered to them that I keep our recording confidential and anonymous; for instance, one of them described to me concerns about a set of interviews with a public figure that contained difficult and confidential information about the interviewee’s widow. My research participant was pondering how to warn the widow before the interview copy would be sent over to her and, interestingly, said to me “I can tell you that only because this interview won’t be shared” (Research interviewee 6, 2018).

1.1.3. Appropriate dissemination: beyond the principle “do no harm”

Often the boundary-setting process between right and wrong decisions relies on the key principle that practitioners should seek to “do no harm”, that is, not to cause any type of prejudice to their informants. This injunction is widely recognised and used across the Social Sciences and Humanities; it is, for example, the first of anthropologist Zeitlyn’s (2012) key ethical principles. Similarly, many authors identify the question of harm as central to their ethical reflection (Marchive, 2012; Villani et al., 2015; Cocq, 2016).

In addition to the threat of causing deception and loss of trust (Marchive, 2012), it remains to be assessed what this key principle means in practice for interview creators and curators. If information is wrongly disseminated, what types of harm could be caused and precisely to whom? Lawrence (2016) already points out the importance of differentiating between the potential harm caused to dead informants, to their descendants and to local communities (p. 8). The question of descendants was raised in Chapter 3 in the example of newspaper archives which reveal the life of drug-takers in the early 20th century (Crossen-White, 2015). The philosophical debate on free speech could help assess the relevance of categories of harm, such as group versus individual harm, cumulative harm, causal harm and expressive harm (Altman, 2014; Arthur, 2014). Consequentialism and deontology approaches could be another way of untangling present and future impacts on society, research participants and researchers (McNaughton, 2014; Shaw, 2014).

Zeitlyn (2012) and Cocq (2016) are the only authors to suggest going beyond the “no-harm” principle. Zeitlyn’s (2012) three key principles for archiving anthropology material are as follows: first, seek to “do no harm”, then “to do right by those with whom we work”, and finally “help our successors as much as is consonant with those two principles” (p. 475). In practice, this means finding “the responsible position to archiving in each research circumstances, through complex negotiations and discussions with various agents” (p. 475). With a focus on Indigenous studies, ethnographic sources and Internet research, Cocq (2016) recommends taking “the implication of research […] one step further” and says that ethical discussions should also include reflection about the way in which “research can lead to benefits for the community”, in particular when disseminating research outcomes (p. 118).
We will see below the relevance of taking into account the long-term life of interviews as archive items, including the demands of an interviewee’s descendants or community members.

Focusing on the specificities of oral history, this chapter will enrich the discussion on guiding ethical principles for interviewers and curators. The following taxonomy of risks and stakeholders will help analyse what the widely agreed principle – “do no harm” – means in practice in digital oral history, and especially when deciding how and what to disseminate online.

1.2. What is at stake when oral history dissemination is not appropriate: unpacking the risks

An interviewee’s agency is one of the characteristics of in-depth oral history interviews, as we saw in Chapter 3 and in the examples above; but this agency is counter-balanced by their frequent loss of control in the context of an interview and the difficulty of finding time to edit recordings. Another of oral history’s specificities lies in the relationship between narrator and interviewer, which usually results in a strong sense of responsibility towards the immediate and future respect of interviewees’ wishes. This sense of responsibility is also found in curators’ goal to contextualise as fully as possible any material they share with users. Risk assessment is consequently at the forefront of any oral history interviewer’s or curator’s mind; however, I have noticed in the literature and in my fieldwork that risks are not clearly defined and are often described in a vague and patchy way. I am therefore proposing below a categorisation of all of the risks that I have found in my research sources, in an attempt to further unpack the worries surrounding the use, misuse and misinterpretation of oral history interviews.

As we will see, several of these categories refer to the pitfalls listed by Nissenbaum (quoting van den Hoven) when informational privacy is not respected. In particular, the following dangers are of relevance to oral history practice: “informational harm” can lead to information theft and physical crimes; “information inequality” can result in unfair targeting, discrimination and unbalanced benefits; and “informational injustice” refers to the migration of information to the wrong sphere (Nissenbaum, 2010, pp. 78–80).

My categorisation can help by drawing the boundary between what is appropriate (with no or acceptable risk) and what is not (risky decisions). As one of my research interviewees explained, understanding where the risk lies in each context also enables us to avoid a blanket “risk response” to digital oral history’s amplified worries and tensions; such unwanted generic reactions might include anonymising all recordings, giving access only to the edited transcripts of interviews, or even banning public availability altogether. I will show in Chapter 8 (pp.178–212) how practitioners can stay away from such blanket reactions and use an array of curatorial responses to give access to sensitive material.
I have identified six forms that risks can take; these risks are more or less immediate if informational norms are not respected. I chose an order of severity of risks to explain the following categories of impact; however, my categorisation should be re-ordered to adapt to each interview or collections’ circumstances. Indeed, it is difficult to create a hierarchy because physical harm can be as devastating as the hurt of discovering a family secret; such a gradation depends so much on individuals and on the context.

1.2.1. Physical and informational insecurity

Many of my research interviewees described the potential security consequences of wide dissemination for interviewees, but also for interviewees’ relatives, community members and even third parties mentioned in interviews (Research interviewee 1, 2018; Research interviewee 5, 2018; Research interviewee 6, 2018; Research interviewee 7, 2019; Research interviewee 10, 2019; Research interviewee 15, 2019; Research interviewee 19, 2019; Research interviewee 20, 2019).

First, physical danger is a possible risk if interviews about the history of a recent conflict or crime are shared unwisely. I was twice given the example of collections that were closed because they showed the scale of violent repression against political opponents in the country in which the interviews were recorded. Because each recording identifies individuals, releasing such information could still have led to the murders of interviewees or third parties; the collections were closed out of a duty of care. Other examples included an interviewee fearing that her story may reveal to her abusive ex-husband where she was; she “wanted her identity completely hidden, because her violent ex-husband might find her” by listening to the interview (Research interviewee 10, 2019). I was also told about an interview describing a crime committed in front of the interviewee; the recording could not be made fully accessible because the murderer would soon be coming out of prison and the dissemination was restricted to avoid the interviewee’s name being found in a simple Google search.

Another security worry deals with the personal information of interviewees. Such informational insecurity includes the risk of enabling data breaches and identity theft if personal data were freely disseminated online, and contributing to personal data mining and aggregation by adding information about individuals in an unrestricted manner. One of my research interviewees was sceptical but still aware of the potential risk posed by easy online access to personal data. He talked about potential criminals browsing databases of cultural institutions, in search of information that could help decipher passwords, such as date of birth, mother’s maiden name or primary school name. He commented: “it’s not how data is stolen, [...] they’re not going to [...] listen to oral history recordings to write down people’s personal details, they mine it in different ways, don’t they?” (Research interviewee 19, 2019). In the keynote of the 2019 conference of the Oral History Network of Ireland, digital oral history expert Doug Boyd explained that it is difficult to predict how current data mining tools and speech technologies
will be used in the near future. Yet, he demonstrated that online information theft and misuse now have to be part of oral history curators’ awareness of the “power” that they have over interviewees’ data.

1.2.2. **Legal danger**

The analysis of my fieldwork sources also reveals the possible risks of legal consequences to a publication of recordings. Some of my research participants referred directly to the negative example set in the United Kingdom and United States by the so-called “Boston College case”. This case refers to an oral history project started in 2000 at the American university Boston College, which focused on the (very) recent history of the Northern Irish conflict, Irish Republican Army veterans and Ulster Volunteer Force veterans. The consequences of a book published in 2010 by the project coordinator triggered an important debate in the international oral history community for the following reason: after the book’s publication, the British police requested access to several of the interviews despite the embargo under which they were placed until the death of the interviewees. The cross-Atlantic legal battle eventually granted this access through subpoenas; one of the consequences was the brief detention of Gerry Adams in 2014, who was then leader of the political party Sinn Féin in the Republic of Ireland (Moloney, 2010; Sheftel & Zembrzycki, 2016).

This project and the ensuing discussion (and controversy) around it demonstrated the power of the police in requesting access to closed oral history interviews when they contain information about an ongoing legal case. One of my research interviewees asserted that the “Boston College fiasco haunts us all” (Research interviewee 1, 2018). A curator told me that she was still debating what lessons to draw from this legal precedent; specifically, would it be safer not to catalogue closed sensitive collections to prevent the risk of other people being aware of the material, especially for collections dealing with crimes and recent conflicts?

Many participants and survey respondents also mentioned the danger of being accused of enabling the act of defamation when publishing an interviewee’s negative comments about third parties. I will come back to that risk in the “social harm” category.

1.2.3. **Socio-political targeting and appropriation for a different agenda**

The fear of the misuse and manipulation of oral history interviews is already discussed in the academic literature, as we will see later in this chapter. A few of my research interviewees gave me examples of real cases or worries they had about online interviews being copied, edited and re-posted to attack the interviewees or their communities. Usually the threat comes from political groups or journalists who use interview extracts to make socio-political statements against the interviewees or their communities. For instance, here one of the research participants I interviewed was trying to quantify the possible risk of such manipulation when giving access to recordings dealing with religious minorities:
“I believe that if a journalist is brave enough to listen to these interviews… there is a 99% chance that he will have good intentions rather than bad ones, and that no researcher is going to work with a negative objective with such data, so the real risk is really tiny I think. But I believe that we nevertheless have to work with the notion of possible risk and not real risk, because political circumstances change much faster and more radically than we can think.” (Research interviewee 5, 2018)

Such risk is particularly present for interviewers and curators working with recordings about violent conflicts, minorities and politics; a few of them worry about rapidly changing political contexts in the countries where they work and recent trends of xenophobia, nationalism and racism which have forced them to re-assess the security of their dissemination choices.

1.2.4. Social harm: reputation and honour

The use of interview extracts to make defamatory accusations can have a legal but also an ethical impact on the targeted individual or group. Because they take aim at their reputation, such misuse of recordings can be distressing. One example given to me was about the impact of quotes used out of context: a sentence was picked up and “all of the brilliant work [the interviewees] did is just negated because they are reduced to a comment that would have been ok then but that is seen as extremely un-PC [i.e. politically-correct] now” (Research interviewee 9, 2019).

This issue of non-politically correct language and statements was frequently mentioned by my research interviewees and survey respondents. Given the long view approach of most oral history and life history projects and the encouragement to avoid self-censorship, interviewees often say “things that reflect the times they were living in” (Research interviewee 9, 2019). As a result, curators usually have to decide how to describe a narrator’s views as faithfully and in as acceptable a way as possible, and some even choose to warn future users about any comments or choice of vocabulary which, in the users’ contemporary context, may sound sexist, homophobic or racist for instance.

Lastly, social harm can also take the form of a breach of honour. The question of honour is close to my last category of “upset and offence”, but its seriousness of impact depends on the interviewee’s cultural context, as one of my research interviewees explained. Giving me the example of accusations of rape made in interviews, she highlighted the potential impact on the victim’s family if the interview were to be publicly released. She observed that with interviews, “sometimes you deal with values without realising it”, such as the sense of honour. The family “needs to be able to carry on living without being unsettled” by the publication of an interview and sometimes the family is not ready to own what the interviewee has decided to say out loud (Research interviewee 7, 2019). Practitioners are then forced to
balance out the consequences for the interviewees and their relatives. This touches on the question of legitimacy in decision-making, to which I will return in Chapter 6 (pp.120–147).

1.2.5. **Professional harm**

A few research interviewees evoked the risk of harming the career or professional reputation of the interviewees or third parties mentioned in interviews. This mainly covers the immediate danger of revealing corporate secrets or confidential information about a professional activity that partly relies on secrecy. Another fear is forward-looking and deals with the risk of criticising current colleagues or employers if an interview is made available to them. The reputation of interviewees as future job-seekers is also a concern when deciding what information can be put online and hence made more easily findable by future employers, as we have seen earlier. For example, one of the interviewer-curators I interviewed explained her dilemma about a recording made a decade ago; her interviewee had recently become a politician and he was not comfortable with having his interview online anymore because his comments could be attacked in the light of his new public figure status.

1.2.6. **Upset and offence**

This last category is the most difficult to delimit as it can encompass many causes of risk. It is however a helpful one, because it enables us to take into account various individual and collective sensibilities. Many oral history practitioners worry about the social dimension of ethical decisions, and the dissemination risks for their interviewees’ peers or communities. A discussion of the topic of collective harm and consent can be found in publications written by practitioners and scholars working in countries such as Australia and Canada and in Indigenous studies in general (see Cocq, 2016, for instance). I will also extend this discussion in Chapter 7 (pp.149–177) when developing my concept of plural privacy.

Upset and offence can be caused by a non-appropriate way of disseminating information; because oral history interviews are always highly personal, many aspects of an interviewee’s life can be mistakenly revealed. Many participants gave me relevant examples; I will describe those that give a sense of the breadth of potential hurtful topics. When describing the case of interviews dealing with the medical history of the narrators, one of my research interviewees observed that “the chances of actually being sued by somebody are incredibly low but the chances of offending somebody, especially family members” are higher (Research interviewee 15, 2019). Open publications of interviews about recent conflicts can also cause upset and this was explained as follows by another participant: careful dissemination is needed to allow time to pass because “there are still many versions” of the facts and “everyone lives the same history in a different way” (Research interviewee 7, 2019).

The revelation of family secrets through the dissemination of recordings is a fear that was mentioned a few times in my research interviews and in the survey responses. Interviewers and curators are
sometimes not aware of the secrecy of the family affairs they are being told; such unknowns can lead them to make ethical mistakes and their damage is difficult to undo, apart from through apologies. For instance, I was told about an interviewee who revealed that her child was adopted. The narrator had consented to online dissemination but had declined to get a copy of the interview at the time of the project. My contributor recalled: “I said ‘I’ll send you a copy’ and she said ‘oh don’t bother’ […] it never occurred to me that she had other reasons for saying ‘don’t bother’…” In fact, the interviewee’s family was unaware of this secret but learnt it when receiving a copy of the recording after the interviewee’s death. My contributor was then contacted by the child in question and described: “I think the daughter didn’t know she was adopted… and that’s why [the mother] didn’t want the copy. But why did she think it was ok to say it, and it was going to go on a website, and the daughter was very upset, I do remember” (Research interviewee 10, 2019). Such a bitter but honest recollection of the wrong dissemination choice also reminds us that each interviewee has their own way of assessing risks and making choices.

Finally, the offence can be caused by the inclusion or exclusion of interviews from online collections. Excluding an interview from wide dissemination can lead to a comparison and a sense of being of lesser value as a historical witness. I was given the example of a curator’s decision that a narrator was too confused in their testimony due to memory loss, and the ensuing difficulty of explaining to him and his relatives why the recording would not be made online despite the initial agreement of both the interviewer and interviewee. My research participant explained that “if everything else is going online why is this one being left behind, then that person or their family could really feel upset” (Research interviewee 19, 2019). This example also touches on the contradictory expectations that interviewers and curators have to balance out. I will address this issue in Chapter 6 (pp.120–147).

A fine-tuned understanding of the many risks associated with the wrong dissemination choices is necessary to guide interviewers and curators to protect the informational privacy of interviewees. Yet, it is not enough, since many more parties could be harmed by a mistake in dissemination. I will now turn to my categorisation of the stakeholders who have to be taken into account in digital oral history.

2. Five stakeholders in the appropriate dissemination of interviews

Ethical tensions also arise because there are many potential actors who could bear the risks detailed above. I have identified five such stakeholders; here the hierarchy is easier to establish since concerns for two categories of stakeholders (interviewees and third parties) are the most frequently mentioned in the literature, my survey responses and my research interviews. The third and fourth categories were
only found in my fieldwork sources. The last one was already addressed in a few academic publications and I obtained additional details in my research interviews.

2.1. Risks for interviewees, their relatives and their communities

My analysis shows that the risks for interviewees and people related to them are usually seen from two angles in the literature (see Martin Hobbs, 2021 for example) and in my fieldwork sources; the worry is both about what could be revealed and to whom.

2.1.1. Information type

First, when we look at the information types which are a source of concern to interviewers and curators, sensitive personal information and information about recent conflicts stand out in my sources. The main risk which is described is the possible identification of interviewees through an aggregation of sources, such aggregation being made easier in the context of big data and data mining. Many of my participants and survey respondents also worry about what the 2018 European General Data Protection Regulation now classifies as “special category data” (Information Commissioner Office, 2021d): I was given the examples of information about trade unionism, sexuality, crimes, medical history, etc. Even if some stories would not be categorised as “special category” by the law, interviewers and curators are also often confronted with revelations about difficult experiences which have to be treated as sensitive information. This includes the narration of a traumatic childhood, abuse in public institutions, children born out of wedlock, conflicts over inheritance, and more.

The disclosing of interviewees’ activities is another concern, as was described by one of my participants with reference to a project about refugees. The interviews contained very sensitive information about the routes the narrators had used to cross many countries illegally; even if the interviews had been anonymised to allow future use of the material, the curator was worried that the stories could still give away crucial elements about the refugees’ journeys and strategies.

Interviews dealing with recent conflicts lead to particular caution as we have already seen; a few of my research interviewees described how access to such extracts or whole interviews has to be restricted because they see them as too socially sensitive to be widely shared. Several interviewers spoke for instance about narrators describing their experience of recent wars. A curator explained how collections they receive also have to be risk-assessed, despite the depositor’s instruction for open access. He described how a set of oral history recordings was given to his institution by a partner organisation whose members did not have the time to listen to all of the interviews. Because the collection aimed to document a recent conflict, the curator knew that there would be political tensions within the corpus and decided to restrict access because the primary objective was preservation, not triggering more tensions between the interviewees.
2.1.2. **Information recipients**

Second, many of my research interviewees expressed worries associated with information recipients. I have identified two sub-categories here: risks of making interviews accessible to people that the interviewees know (usually members of their family or community, employers and/or colleagues) and risks of sharing the recordings with a much wider and vaguer social circle (the research community, any Internet user or anyone the interviewee does not know).

In contrast to the situation with information type, risks linked to information recipients usually seems to be identified by the interviewees themselves and at the recording stage of the interview lifecycle. This is especially the case when the worry is about family members discovering information they did not know about the interviewee. I was given the following examples: elements about the intimate life of parents, domestic violence, and the non-respect of cultural or religious codes. I also heard about a few cases where the risk was associated with employers’ or colleagues’ access, because of personal information which interviewees preferred to hide from their working environment, such as drug use and sexuality, or because of their explicit criticism of the institution in which they worked. Although these examples would have been classified as sensitive anyway by any interviewer and curator, sometimes it is essential that the interviewee signals the danger of making accessible recordings to specific people. For instance, I was told about interviews touching on the topic of land disinheritance: the interviewees were legally entitled to some land but they either emigrated or their siblings received a bigger share than them. According to the narrators, conflicts could have been (re)ignited if their families heard these interviews.

As for the risks of sharing interviews with unknown people, it is also usually the interviewees who identify the danger. This is the case when a group of potential users is already mistrusted and anyone belonging to the same professional or social category is excluded from access. For example, I was told about recordings with Indigenous interviewees who “don’t want certain people listening to it” and in particular researchers, because “a lot of things have been used against them, there is a history of misuse. There is a history of distrust of academia […] and generational trauma” (Research interviewee 2, 2018). When potential listeners are impossible to identify, such as Internet users, the risk can also be felt by interviewers and curators who fear that interviews could be misused, for the socio-political reasons mentioned earlier for instance. Here the danger is that recordings made openly available online could be found and searched for easily by users with negative intentions, who are looking for an interviewee or group in particular.

2.2. **Risks for third parties mentioned in interviews**

Third parties represent the other group of stakeholders frequently described in discussions in the literature and in my fieldwork in relation to the risks of interview dissemination. This group
encompasses any person who is referred to in the course of a recording. Here the worry is mostly borne by interviewers and curators who are aware of the legal and ethical risks of defamation, data protection breach and offence more generally.

2.2.1. Defamation

Many research interviewees and survey respondents talked about the difficulties of dealing with potential defamation if interviews were made widely accessible. One participant described how preparing for dissemination is especially difficult when interviews contain “negative comments the interviewee has made of [sic] other people who may still be alive” and are being accused of crime or professional misconduct for instance. Interviewers and curators “have to tread carefully with those” issues, which she qualified as “political, with a small ‘p’” (Research interviewee 15, 2019).

For instance, an interviewer-curator who worked in a library and in public authorities touched on the issue in my survey as follows:

“For one example: an elderly gentleman responded to my final question ‘Do you want to say anything to finish the interview?’ with a tirade against his much younger former wife. He defamed and slandered her character.”

Another concern is the grey area of negative or unflattering comments made about third parties, whether they are public figures, and whether they are alive or not. For example, an interviewer-curator based in a Higher Education institution in the United States explained in my survey their team’s cautious assessment:

“We have cases where people characterize other folks in less than kind ways, and we’ve had to determine whether it rose to the level of defamation (since we would effectively be publishing the interview and so would be liable).”

These two situations illustrate the ongoing ethical debate outlined by Larson (2013, p. 46) and described in Chapter 3. It deals with the difficulty of respecting both the interviewees’ wishes and the informational privacy of the third parties they talk about. One way of addressing this issue is by taking the time to discuss the situation (and negotiate) with interviewees. I will come back to this slow but essential process in Chapter 8 (pp.178–212).

2.2.2. Data protection

Often interviewees disclose personal information relating to other people during an interview and it has to be explained to them after the recording that some editing needs to take place, not just for the sake of their own personal data. As one of my research interviewees detailed, “if they were talking about
third parties, I had to make [interviewees] aware that that’s someone else’s data, someone else might not be happy if they google their name and found that they were mentioned in this oral history interview, and [the interviewees] were talking about something they did in the 70s or 80s” (Research interviewee 11, 2019).

Sometimes it is easy to edit out extracts which are not related to the initial topic of the interview, as in the example of a curator having to delete 45 minutes from a recording where the interviewee only talked about his grandchildren, with no clear link to the focus of his interview (his career). However, the risk can be more difficult to assess or even notice when information about third parties is relevant to the discussion. One participant, for instance, described an interview focusing on an LGBT community where the narrator was speaking about coming out and named other people, who may not have wanted to come out too. The curator remarked: “the risk is tiny I suspect, but it’s that duty of care that’s lingering at the back of my head” (Research interviewee 21, 2019).

The implications of data protection regulations on the curation workflows of digital oral history will be developed further in Chapters 7 and 8.

2.3. Risks for the interviewers

When analysing my research interviews and survey responses, I identified several dangers for the interviewers in choosing the wrong, or inappropriate, form of dissemination. Stress and guilt are often caused because they feel protective towards the interviewees and responsible for what happens to the recordings in the short and long term. This is the case whether misuse of these recordings has actually occurred or whether it is as yet only a possibility.

The risk of losing the trust of interviewees is often present in interviewers’ minds, especially when interviewees have heard that it has already happened. This can be linked to the knowledge that groups of interviewees are wary of interviewers, journalists or researchers because of past misuse, but also because interviewees explicitly voice this distrust. One participant recalled that several interviewees mentioned being interviewed by researchers in the past and had found it “uncomfortable”; this information required him “to take time and work on that level of trust between the interviewee and the interviewer” (Research interviewee 14, 2019).

Finally, a few research interviewees told me that they find it difficult and even impossible to stop mistrusting future online users in the absence of mechanisms to hold them accountable. Such loss of control existed before digital technologies and the expectations of wide dissemination; yet, the increased publicness paired with the technical easiness of copying and sharing information online, as discussed in Chapter 4, renders this worry even more acute by multiplying the potential misuses. Even with users
who are supposed to be peers, such as researchers, it is impossible to predict who they will share the interview with and what their own ethical standards are.

The solution may be to acknowledge this level of uncertainty. As one curator told me, “as an archive we can’t control what researchers do with the data once they access them” (Research interviewee 12, 2019), despite the user agreements in place. In addition to accepting a degree of uncertainty, identifying the right method of dissemination could reassure the most worried of interviewers and curators.

Chapters 7 and 8 will highlight and assess the solutions found to the dilemmas described so far.

2.4. Risks for the institutions hosting the interviews

The cultural, research or charitable institutions which are responsible for the hosting and/or dissemination of interviews also bear some risk when the wrong choices are made. Here the risks are more collective than individual as they are usually borne by a service or a team, even if each interviewer’s and curator’s professional image can also suffer from a mistake.

Reputational damage is the main danger when information is wrongly shared about an interviewee or a third party. Interviewers and curators are aware that their dissemination choices can have an impact on their institution’s reputation and this leads to caution. One of my research interviewees explained that even if “technically speaking we have the approval of the family or of the individual concerned”, it could still “be a tricky collection”; a mistake or an unforeseen misuse “would reflect badly” on the institution and “it will go into the press” (Research interviewee 15, 2019).

This category of risks was only mentioned (and illustrated) in two of my research interviews but they still seem important to take into account to understand their decision-making processes, since all of them belong to an institution (apart from the small proportion of independent practitioners who took part in my fieldwork). I also suspect that none of my other participants and survey respondents gave me specific examples of such risk because this is not a topic to expose to an external researcher like me. I was told about ethical mistakes but only when they were the responsibility of individuals.

2.5. Risks for the oral history discipline

2.5.1. A challenge for oral history’s democratic ambitions and authenticity

A few publications rightly highlight the danger of limiting the diversity of stories recorded in the future if online open access to interviews becomes “a standard” (Sheftel & Zembrzycki, 2017, p. 107). In particular, authors fear that such a standard would discourage interviewers and institutions from recording sensitive stories relating to violent or political events, or would make anonymously-recorded interviews “less worth-pursuing” (p. 107). The risks would be “democratizing the stories of the
Chapter 5

communities that already have privileges” (p. 107) and focusing on stories of “persistence and success” (Kuhn, 2012, p. 312). In a sense, this echoes the warning of historians Nygren et al. (2016) against the temptation of privileging easy sources such as “the ‘codeable’ and the ‘clean’, the available and the cheap” (p. 63). Shepherd et al. (2019)’s study of open government data has already observed this tendency; they noted that “the quality of the data and the amount of work needed to make [datasets] open affected access”, and that “cleaner data, for example without any personal data or in simpler formats which are easier to reproduce, were more likely to be made open, simply because it was easier to deal with” (p.162).

A few authors furthermore invite us to reflect on how widespread “public presence impacts narrators in the long run” and warn that interviewees themselves could be tempted by “revisionism” and withdraw any interviews or extracts that have become embarrassing or potentially harmful (Larson, 2014, p. 161; Mazé, 2014, p. 154). Such unintended effects would then paradoxically hinder the democratic ideal of oral history and digital tools developed in that spirit.

These long-term risks were present in my research interviewees’ minds. On the subject of digital preservation and future availability of oral history interviews, one of them warned of a forthcoming great divide between the well-resourced institutions and the under-resourced ones. The risk is that some institutions will have to refuse resource-demanding collections such as very long recordings or video interviews. In addition, community or under-funded archive centres may not have the expertise or financial commitment to automate the preservation tasks, which will become all the more essential to ensure sustainable collections. Chapters 7 and 8 will further develop this important issue of sustainability.

2.5.2. Increased risk aversion

Another risk highlighted by my research interviewees is that oral history practitioners may grow increasingly risk-averse. New data protection regulations are seen as a potential factor in making interviewers and curators more worried about “legalities”. This is combined with the danger of interviewees becoming more aware of the technical possibilities offered by digital technologies and the wider dissemination of personal information. One of my participants observed that the “digital availability of these materials makes people more concerned about these issues” and may lead to a greater reluctance to share personal stories (Research interviewee 8, 2019).

2.5.3. Towards bland interviews?

A few research interviewees, furthermore, whether this risk aversion could result in oral history becoming “bland” in the long-term, by turning the questions and answers away from topics deemed too
sensitive. This touches on the fear of censorship of future historical sources that I will describe in Chapter 6 (pp.120–147).

As I explained in Chapter 3 and as one of my participants remarked, “the things that make oral history particularly valuable and special, are all the personal details and opinions, and sort of very strong feelings”. This type of information is what may “get stripped away in a sensitivity checking process”; consequently, interviews would be “left with bland facts and opinions”, making the recording less valuable as a source of knowledge and eventually causing oral history to “lose what makes it unique” (Research interviewee 9, 2019). Another participant summarised this long-term risk from the interviewer, institution and funder’s viewpoint: it may become “so difficult to collect anything that has any value, that it’s not worth” doing it (Research interviewee 10, 2019).

One of the objectives of my research is to help prevent these long-term risks. Chapters 7 and 8 will point to the solutions currently available and describe the gaps which practitioners still have to fill to safely share interviews. We have seen that many of the categories of risks and stakeholders analysed so far were already part of analogue oral history’s ethical considerations. Yet, the digital context multiplies them by increasing the visibility of interviews that are being widely shared. I will now analyse how this new context impacts on informational privacy, before turning to the effect on decisional privacy in Chapter 6 (pp.120–147).

3. Informational privacy in digital oral history – the difficulties of increased publicness

3.1. Informational privacy and oral history

According to Tavani (2008), we need to use four factors to analyse the effect of new information technologies on informational privacy: its amount, its speed of travel, its retention life and finally the kind of information that can be acquired. It is the fourth factor which introduces a qualitative difference to the right to privacy and which should concern us (p. 140). Personal information is one of the new kinds of information that can be shared and acquired en masse, causing harm to the information subject. Oral history interviews are one of the examples of such highly personal and identifiable type of information. As explained earlier, it provides therefore a relevant case of study for assessing digital informational privacy.

Floridi (2006) argues that one’s personal information is constitutive of one’s personal identity; the relationship between individuals and their personal information should be understood like the constitutive relationship between “me” and “my body”, not like the ownership link between “me” and
“my car” (p. 112). Ess (2020) agrees and sees a direct link between this “sense of constitutive belonging” and the fact that personal information “increasingly defines our sense of identity” in the digital context, because of the amount of digital information collected and its “greased” quality that makes it so easily shareable (p. 16).

Oral history interviews are a good example of such a relationship: interviewees do not own their personal life or work history, even if they own a copyright over the way they narrate it at a defined moment. It is more accurate to say that this history is part of them and defines them. This explains the importance of trust between interviewees on the one hand, and interviewers and curators on the other, as well as the former’s sense of responsibility and sometimes guilt when recordings are not used as was initially planned. The sensitivity is perhaps even more acute in this context than with family archives such as photographs, diaries or letters which are deposited by donors and entrusted to curators. The issues around the respect of informational privacy are very common in analogue and digital oral history alike; yet, I will show later in this chapter that they are amplified by the digital context, which increases the degree of publicness of interviews and hence of personal information.

Manual coding of my interviews and survey results enabled me to identify two key tensions related to informational privacy. This broad area of concern can indeed be divided up into two main contradictions facing practitioners: how to make personal information (increasingly) public in a manner that is respectful to the stakeholders identified earlier, and how to balance privacy rights with the value of sharing personal information. I will first describe what shape informational privacy takes in oral history before turning to these two questions.

### 3.2. Contexts where informational privacy issues arise for oral history practitioners

#### 3.2.1. Informational privacy in practice: a widespread area of concern

Respecting interviewees and other stakeholders’ informational privacy is a source of concern for all of the 21 research participants I interviewed. The proportion is smaller among my survey respondents but still significant in that it is the ethical issue they most frequently described. As explained in Chapter 4, 80 respondents said that they had already encountered ethical or legal dilemmas when using digital tools to collect, archive or disseminate interviews (question 14 of the survey). Their developed responses show that at least 59% of them have encountered difficulties with informational privacy too (this percentage only takes into account the responses which I could tag; some are not detailed or precise enough).

As we have seen, oral history practitioners aim to respect not just interviewees’ privacy but also that of other stakeholders such as interviewees’ relatives and third parties mentioned in recordings. The dilemma described by my research interviewees and survey respondents illustrates the “restricted
access/limited control theory” of informational privacy described by Tavani (2008, pp. 141–142): they try to make the right choices in both selecting what personal information can be disseminated and controlling the access to what is made available (choice of recipients and transmission modes).

The difficulties described in my research sources relate to finding the best way to disseminate different types of personal information: identifiable data in general, but also personal sensitive information and personal confidential information. Furthermore, a manual semantic analysis of my interviews illustrates how most of the categories of risk described earlier are linked to this concern about informational privacy. When analysing the words used in my interview summaries, two families of keywords related to informational privacy stand out. The first one relates to the type of information that is a source of concern (crime, family, non-politically correct language, recent conflict, recent history, sensitive information, third parties, public figures); this vocabulary was used by 15 research interviewees. Second, 13 interviewees describe the dangers they were worried about when digitally recording, archiving or disseminating oral history interviews; they used keywords such as Boston College case, hurt, harm, misuse, loss of control, reputation, risk, security, socio-political stakes and exposure.

3.2.2. A common area of concern

Respecting informational privacy in the digital context is a concern shared by interviewers and curators across countries and professional contexts. A further analysis of the 66 survey respondents who touched on the question of informational privacy gives a sense of the multiple contexts in which this concern arises.

First, this issue stands out in the 3 countries I have focused on: it was mentioned by 9 practitioners based in France, by 10 in the United Kingdom and by 20 in the United States. Second, the issue is mainly met by interviewer-curation: 34 of them evoked it, in comparison with only 9 curators and 4 interviewers. This area of concern is found in all professional contexts but most frequently in Higher Education Institutions (HEI). It was described 18 times by practitioners working in HEI, 6 times by those based in archive centre, 4 times by independent practitioners, 4 times by library employees, 3 times by charity/NGO workers and twice by museum-based practitioners.

Third, I found that questions around informational privacy arise mostly at the dissemination stage. 16 of my 21 research interviewees and 47 survey respondents (out of 66 relevant responses) described such difficulties while talking about dissemination-related activities. But this area of concern can also exist at the other stages of the interview lifecycle: at the archiving stage (7 research interviewees and 9 survey respondents) and less frequently when recording (6 research interviewees and 1 survey respondent).
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3.3. When personal information is shared in public

3.3.1. The challenges of making interviews public

The analysis of my research interviews and survey responses reveals that one of the two tensions related to informational privacy is as follows: how to guarantee the privacy of personal information (interviews) in a public setting (exhibition, paper publication, website, etc.). This issue of making personal information public was described in 28 responses to question 14 of my survey, which asked participants about any ethical or legal dilemmas encountered in digital oral history. The difficulty is found in many contexts: among these respondents, 20 were interviewer-curators, 5 were curators and 2 were interviewers. Furthermore 12 of them were based in Higher Education Institutions, 8 in museums, 5 in libraries, two worked independently and 3 respondents were based respectively in an archive centre, a business, and a charity/NGO.

For instance, an interviewer-curator based in a Higher Education Institution gave the following example:

“I have been confronted with dilemmas concerning the confidentiality of the information the informants shared, especially on so called ‘difficult issues’. This relates also with the access other users have to the interviews, since making this information public could make the informants feel uneasy and could even cause problems within their community.”

Another respondent, who worked as a curator in an archive centre, listed a series of ethical dilemmas in response to my question 14. The dilemmas included the following:

“Privacy – did the interviewee mention any sensitive information about other individuals, which could be harmful to other individuals if shared online? [...] Sensitivity - did the interviewee use language which might be considered offensive? And specifically relating to cataloguing interviews, how do I describe the interview in neutral language?”

3.3.2. The concept of “privacy in public”

This tension observed in my sources corresponds to what privacy experts such as Nissenbaum (2010) and digital ethicists such as Ess (2014) identify as “privacy in public”. In reference to the concept initially developed by Nissenbaum, Floridi (2006) speaks about a “public informational privacy” (p. 117).

As seen before, new information technologies “are disorientating as they reveal the inconsistency” of the boundaries between private and public spheres (Nissenbaum, 2010, p. 101 and p. 116). Agreeing with this position, boyd and Crawford (2016) explain that “just because it is accessible does not make
it ethical”; they helpfully underline a set of questions to assess the status of “so-called public data” and in particular highlight the difference between “being in public (e.g. being in a park) and being public (i.e. seeking attention)” (pp. 672–673).

Such an approach is not new to oral historians since interviews have already been disseminated for decades in an analogue way. In her analysis, Berger Gluck (2014) reminds us of interviewees’ motivations for having pre-Internet recordings disseminated online. Her team at the Virtual Oral/Aural History Archive in California decided in 2000 to share online recordings about women’s history made in the 1970s to 1990s. They managed to re-contact the interviewees and were met by a “uniform reaction”: they all accepted online dissemination because they wanted to have their stories told and be visible themselves, in line with the feminist slogan that “the personal is political” (Berger Gluck, 2014, p. 42).

3.3.3. **Points of convergence with other disciplines – the example of Internet research**

Oral history is not the only discipline where the “private in public” concept is relevant. Ethical debates in Internet research show the common challenges and ethical points of convergence between oral history and other Social Sciences areas when it comes to using and sharing “private in public” sources. Ethical debates in research methods using online data are indeed most relevant to oral historians because they discuss the process that ethnographer Cocq (2016) describes as follows: “balanc[ing] the rights of subjects [...] with the social benefits of research and the researcher’s right to conduct research” and to use online data (p. 113).

The other fundamentals of an ethical approach to Internet research involve decisions that “minimize harm to the community” researched; a “practical judgment” that is “attentive to the specific context” and always recognising that the online data were initially produced by individuals (Cocq, 2016, p. 113). The increased access to data also challenges the perception and definition of privacy, which already “vary individually and in cultural contexts” (p. 115). Internet researchers need to take into account ethical considerations to understand the differences between the ability to access information, the right to access it, the right to use it and the right to disseminate it (p. 116).

3.4. **When private information is made even more public**

3.4.1. **The debate about the degree of change and of risks in the digital context**

Like other ethical questions in oral history, putting personal information in the public domain was already a practice and an area of reflection in the analogue context. However, my research shows that digital technologies and related regulations amplify previous worries about this question of privacy in public; it also demonstrates that oral history is not the exception in that respect, and in fact is a very
good illustration of one of the digital context’s effects that digital ethicists observe: by making personal information even more public, digital technologies increase privacy concerns.

This increased degree of publicness was expressed as follows by one of my survey respondents who worked as an interviewer-curator, in response to question 28 (How has access to interviews changed):

“The obvious – ’revolutionary’ – change has been the WWW/Internet. When an interview goes on-line it is theoretically accessible by anyone on the planet with Internet connectivity – that’s nearly two billion people, I think.”

Another respondent, who is based in a museum, described the risks of this wide availability as follows:

“Having digital audio or video files available online creates the potential problem of someone downloading and distributing the content outside of the ‘fair use’ policy.”

Only one of my research interviewee was sceptical about the actual dangers of breaching interviewees’ privacy in the digital context: he has “never heard of anybody misusing [recordings]... other than quote out of context, which you can do in a book, which you can do in an interview” and he thinks that there is too much worry about that question. Observing that privacy in the digital context has been a topic of oral history conference panels for two decades, he identified the origin of this unfounded worry as a lack of digital skills, stating that oral history practitioners “have never got their head around digital [sic]”. To him, the solution was for practitioners to become more aware of digital technologies and be “more responsible to their interviewees” (Research interviewee 2, 2018).

On the other side of the debate, other research interviewees gave me convincing explanations about why digital technologies, and especially the use of the Internet, actually increase their ethical difficulties. One interviewer-curator working in a heritage organisation explained the difference between making interviews accessible via the Internet on the one hand, and analogue exhibitions or publications on the other one. With the latter, “the interpretation is in your hand, the control is in your hand” and “you can consult the interviewees” and use the recording in a way that “would be acceptable” to them. In contrast with online dissemination, “technically anyone can take that material and use it in a way that you’re not happy with... which does occasionally happen” (Research interviewee 9, 2019). A curator based in an archive centre agreed and added that if an interview is put online, “you could pick it apart”, “change things” and potentially share it with very a large audience; in a reading room, on the contrary, curators can control who gets access to what (Research interviewee 15, 2019).
3.4.2. Amplification of the fear of misuse and of potential consequences

In the literature, the worry about potential “misuse” or “manipulation” of interviews is linked to the observation that the voice is “more deeply a marker of identity” than a transcript (Berger Gluck, 2014, p. 37) and recordings could be used against interviewees, in particular in contexts such as the “increasingly repressive and intrusive political climate in the United States” (p. 43) or in relation to sensitive topics such as the Holocaust (Sheftel & Zembrzycki, 2017, p. 106). With a focus on women’s interviews, Larson (2018) highlights how discussions about the “ethics of placing interviews online […] are even more important” when interviewees’ words have previously been “silenced/ignored, interpreted/misinterpreted, appropriated/misappropriated” (p. 298).

The efficiency of user agreements and copyright licences are questioned by some authors (and by several of my research interviewees as seen above). They are deemed “not enforceable” (Berger Gluck, 2014, p. 44) or “harder to enforce” due to the “Internet’s vastness” (Sheftel & Zembrzycki, 2017, p. 107). Some observe that interviews can be copied even if they are not downloadable (Berger Gluck, 2014, p. 44). Although this does not seem representative of most of their collections, a few authors report cases where interviewees have asked for their interviews to be removed from an online display out of fear or discomfort of greater exposure and easier discoverability (Perks, 2009, pp. 80–81; Mazé, 2014, pp. 150–153; Sheftel & Zembrzycki, 2017, p. 105).

With the “move from local access to global online” and the “reach and power of data mining tools” (Mazé, 2014, p. 153), these risks create new ethical and management difficulties for collections custodians. These difficulties include the respect of interviewees’ privacy, as we have already seen, but also the dissemination of pre-Internet records and the methods used to ask interviewees’ informed consent to such widespread visibility (Berger Gluck, 2014, p. 42; Sheftel & Zembrzycki, 2017, p. 106). The last two topics will be discussed in detail in the following chapter.

In addition to the difficulty explaining to past and future interviewees that their personal story could be heard by “millions and millions of potential listeners” (Berger Gluck, 2014, p. 42), custodians are worried by the potential de-contextualisation and meaningless use of interviews or extracts now easily available via interview databases (Kuhn, 2012, p. 312; Sheftel & Zembrzycki, 2017, pp. 100–103). Chapter 6 (pp.120–147) will analyse how digital dissemination is challenging the creation of reliable (and useable) historical sources.

Many practitioners in my fieldwork sources and in the literature have expressed this difficulty of dealing with an inconsistency between, on the one hand, interviewees’ choices about the dissemination of their personal stories and, on the other hand, the interviewer or curators’ responsibilities and ambitions. The tension triggered by contradictory expectations is related to the concerns around decisions about oral history interviews: who consented to what, who has the legitimacy to make decisions and what are the
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(competing) demands that creators and curators have to comply with? I will now turn to the analysis of these questions and will show how respecting informational privacy and decisional privacy are interlinked. This will enable me to then discuss in Chapters 7 and 8 how and when to best combine approaches to deal with both areas of concern.
Chapter 6. Tensions around the decisions to give digital access to oral history interviews

This chapter focuses on the second main source of concern revealed by the analysis of my research sources. I will describe what decisional privacy issues and decision-making processes are specific to oral history, and to what extent the digital context is changing these ethical, legal and curatorial questions. I will rely on the categories of stakeholders I detailed in Chapter 5 to assess the short- and long-term changes brought by the use of digital technologies at different stages of the interview lifecycle. In particular, I will look at how consent is sought during the interview itself, at how access is given to recordings made before wide online dissemination was possible and expected, and at how custodians aim to build archives collections of future historical value.

I will investigate the decisions made about the flow of research, cultural and personal information contained in oral history interviews. This will be achieved mostly through the analysis of my research sources, and in particular my semi-structured, in-depth research interviews. Using this interviewing method enabled me to prompt my research interviewees to engage with the theme of decision-making. This method is indeed helpful to gather details on how choices are made and by whom, when and with what results. Such information is rarely published in the academic and professional literature, or even discussed in the grey literature. As will be seen in this chapter, this enables me to analyse interviewers’ and curators’ decision-making processes, at the individual and collective levels, on key questions such as informed consent, risk-taking, legitimacy, and conflicting institutional demands. I will also use the information I recorded about these practitioners’ oral history interviewees and their ways of consenting (or not) to share their life stories.

Like difficulties of respecting informational privacy, most issues with decisional privacy and decision-making arise at the dissemination stage of the interview lifecycle. This is when the publicness of interviews is increased by online dissemination, as shown in Chapter 5, but also when interviewers and curators have to meet the demand for rapid and wide access to interviews on the one hand, and the standard of producing and preserving historical sources of high quality on the other hand. My analysis of the issues around informed consent will, however, demonstrate that these difficulties are ongoing and that interviewers have yet to find the right way to seek interviewees’ permission for online dissemination. This will pave the way for my assessment of consent-seeking methods and tools in Chapter 7 (pp.149–177).

This chapter will first describe the role of decisional privacy in oral history. I will then turn to practitioners’ approaches to respecting interviewees’ decisional privacy in the digital context, and the issues raised thereby, with a focus on informed consent. Third, the tensions in decision-making will be
further explained through practitioners’ efforts to meet the competing demands made by many of digital oral history’s stakeholders. I will conclude this chapter by assessing how the demand for online dissemination challenges interviewers’ and curators’ public history mission.

1. The role of decisional privacy in digital oral history

1.1. The links between informational privacy and decisional privacy

As seen in Chapter 4, decisional privacy is one of the three key facets of privacy. It refers to the right to make decisions about one’s life choices, including how we deal with our personal information, and being free from anyone’s intervention in such personal matters. With regard to personal information, such autonomy of decision can be limited by legal constraints and can be challenged by the economic and social value of sharing information. One of the debates around decisional privacy relates to the mode of consent-seeking and the types of choices given to individuals when asking for their authorisation to collect, use and share personal data.

Philosopher Tavani (2008) helps us to understand the link between informational privacy and decisional privacy. In his description of the main theories of informational privacy that have been developed since the 1980s, he lists the following approaches: the “restricted access theory”, the “control theory”, and the “restricted access/limited control theory”. This last theory reconciles the previous two by highlighting the role of the “management of privacy” via choices, consent and correction (Tavani, 2008, pp. 141–148). Such management is made through decisions about the way other people can access one’s personal information and how much of it. Decisions can be made in anticipation of information sharing (e.g. making choices and giving consent) or in retrospect (e.g. revisiting consent and making modifications to it).

Nissenbaum (2010) reminds us that these decisions are not made by the information subject alone. Access to personal information can be constrained by either the subject themselves or by others; for instance they can decide on the amount and range of information made available. However, information can also be controlled via choices about who can access it and through which mode of dissemination (p. 70). Similarly, it is necessary to acknowledge the number of people who have a say in what is done with an interviewee’s recording, as will be explained in this chapter; the curatorial implications of this plurality of decision-makers will be explored in Chapters 7 and 8.

Recent changes in European data protection regulations have brought strict requirements for private and public organisations with regards to decisions about personal data. Unless their activities fall in the regulatory exceptions, organisations are now expected to seek active and unambiguous opt-in consent
from citizens and consumers before processing their personal data in any way. In the research and cultural areas, the ethical requirement and empowering role of seeking interviewees’ consent has long been acknowledged. However, we will see that the appropriate ways of obtaining such permission are still debated; the wide use of digital dissemination further emphasises the need for efficient consent-seeking mechanisms that enable information subjects’ choices to be as informed and respected as possible.

This chapter will offer an analysis of how decisional privacy, and specifically informed consent, is managed by oral history stakeholders in the digital context. In particular, it will focus on how choices are made, who is given a choice and what criteria are being followed and prioritised.

1.2. Consent-seeking issues: the points of convergence with other disciplines

Consent is a key issue in most qualitative methods used in the Social Sciences, in oral history but also in Sciences disciplines such as Medicine and Psychology. In any research method that relies on human participants, trust is an essential prerequisite; practitioners therefore employ a range of tools and processes to inform their participants’ decisions and record their consent to take part in their studies. In the online Ethics Guidebook (Institute of Education, 2012a, section “Introduction to consent”), consent is defined as a process and is seen as the “central act in research ethics”; to be valid, it has to be properly informed and freely given. The degree to which consent can actually be informed has been debated for several decades in the Social Sciences. Nevertheless, informed consent remains a key goal for most qualitative methods users, including oral history practitioners.

1.2.1. Adapting tools to each context

The two most common tools used to help participants make a decision and record it are one-off consent forms and information sheets. They enable us to clarify the study’s objectives, conditions of participation and processing of information once it has been collected. They are both explanatory and legal documents; their ethical role is to show how participants can trust the research or project team with the information they share, whether such information takes the form of an interview, blood samples, cognitive test responses or family archives.

The ways of seeking consent are context and discipline-specific. As highlighted in the UK Data Service guidelines (n.d.) aimed at social scientists, practitioners are always encouraged to adapt generic guidance and templates to their own project and population under study; for instance, documents will differ if recording interviews in public venues or in workplaces, with children or with adults, for projects about crime or about leisure. Permission to collect and use personal information can also be asked more than once if the project requires it for ethical reasons. Although “one-off consent” is the most common
method, “process consent” may be necessary when participants are met several times during the study (UK Data Service, n.d., Consent for data sharing, n.p.).

1.2.2. Enabling informed decisions

Making sure that participants have read and understood information sheets and consent forms is another key ethical consideration to ensure autonomous decision-making. A psychology study carried out by Cummings et al. (2015) shows the poor attention paid by many research participants when signing online consent forms. A total of 189 participants completed their online survey which involved signing a mock consent form. On average, they took less than 30 seconds to read the document before agreeing to it, even though the form was 500 words long. Some signed without even reading it. According to the authors, the same conclusion was reached by at least seven other published studies; participants think that these consent documents “are all the same” and do not pay attention to the content of such online forms (Cummings et al., 2015, p. 7).

Among their recommendations, the authors invite researchers to distinguish between “consent and meaningful consent”. Practitioners are furthermore advised to view consent-seeking procedures as an opportunity, and not just an administrative and legal duty; asking for consent can be used to “educate the public” to pay attention to such forms and should be done through “specific and thorough conversations during recruitment of participants” (Cummings et al., 2015, pp. 7–8). Because such conversations contribute to obtaining consent that is as informed as possible, they are relevant for both paper and digital consent forms.

1.2.3. Respecting decisions in the short and long terms

Once the forms have been signed and the information collected, respecting participants’ choices in the short and long term is another ethical goal of the consent-seeking processes. The objective is that participants are not “deceived, exploited, shamed or otherwise wronged” (Institute of Education, 2012a, n.p.). As we will see below, future respect of consent choices is one of the challenges posed by the use of new technologies to disseminate information. Chapter 5 has shown how wide online access makes already “private in public” information even more public. Such exposure forces practitioners to review and improve their consent-seeking procedures, whether their aim is to collect medical data, family photographs or oral history interviews. We will see that, in particular, collections custodians sometimes need to seek consent again if interviews were recorded and archived before the widespread use of online dissemination technologies.
1.3. The specificities of recording informed consent in oral history

1.3.1. Written consent and consent documents

Like in other areas using qualitative social methods, written consent forms have only started to be widely used in oral history since the 1990s. Their growing role in seeking and recording witnesses’ consent to take part in interviews is reflected in most professional associations’ guidance and oral history handbooks. For instance, in the United Kingdom, the Oral History Society (2019c) states that these documents can help protect all stakeholders by ensuring that interviews are “not subject to exploitative or other undesirable uses”.

Oral history interviewers and curators use a large range of tools to record consent. In a recent publication, I have described how they can take the form of consent forms, recording agreements, release forms, copyright forms, clearance forms and confidentiality agreements (Fellous-Sigrist, 2018, pp. 147–148). All of these tools can be designated as what I refer to “consent documents” and what differentiates them from each other can be summarised as follows: they are signed by interviewees or by interviewers, before the interview or after the recording is made. All of these documents are used to keep track of what narrators and interview depositors agreed to, and what the curation team undertakes to do to preserve and share the recordings.

In some circumstances, consent is recorded using non-written methods because interviewees would be put off by the requirement to sign a piece of paper. In this case, consent is given verbally at the beginning of the audio recording. Yet, its drawback is that non-written consent is not enforceable by law. Written documents serve as the basis of arguments in case of future legal challenge or disagreement about the use of the interviews.

1.3.2. Seeking consent before or after the interviews

Obtaining informed consent requires narrators to be aware of the consequences and conditions of sharing their personal stories; this is only possible if they have fully understood the plans of the study or project, but also if they can anticipate what they are about to tell. Because of the specificities of oral history interviews explained in Chapter 3, narrators often do not foresee or control what they speak about. The question of whether to ask subjects to sign consent documents before or after the interview is therefore not just practical but also ethical. If they are read, explained and signed beforehand, these documents contribute to setting the context of the project and offer a helpful transition between everyday life and the interview itself. However, if they are signed at the end of the recording session, narrators would make more informed choices about what to disseminate, embargo and sometimes delete from the interview they have just given. The drawback of post-interview signing is that most oral history
interviews are physically and mentally draining for both interviewer and interviewee, who risk not having the energy to read and discuss properly such an important document.

A solution to this quandary is offered in recent professional guidance. It involves reading and discussing the document before the recording starts, with its completion and signature only taking place once the recorder is turned off. This compromise is part of The National Heritage Lottery Fund’s (n.d.) recommendations in its *Oral History Guidance*. Similarly, the American Oral History Association (2017), encourages interviewers to discuss informed consent, release forms and copyright issues when they make their first contacts with potential interviewees. Chenier (2018) explains that this can prevent deception and anxiety for interviewees who would otherwise have believed that “they were having a conversation with you alone” (p. 307).

The new Data Protection regulation introduced across Europe in 2018 had an effect on this very question. The Oral History Society (2019c) updated its guidelines on Ethics and legalities in the summer of 2018 and now recommends practitioners to use two consent documents: a Participation Agreement, to sign before the recording, and a Recording Agreement to complete afterwards. The objectives are practical, legal and ethical, and aim to protect all stakeholders, ensuring that interviewees are fully informed about the consequences of their testimonies being recorded, and that the interviews cannot be withdrawn too easily later on.

1.3.3. **Keeping track of consent decisions in the long term**

A last specificity of oral history consent-seeking practices lies in the methods of storing consent documents once they have been signed by both interviewee and interviewer. Many oral history professional associations and handbooks advise that it is best practice to give a copy of the signed document to interviewees but also to archive the documents in the interviewer’s or curator’s institution. The objective is that all parties can review the decisions made. Future reference may indeed be required if there is a disagreement about the use of the interviews or if major changes are made to the dissemination methods.

The requirement to be able to re-contact interviewees several months, years or even decades after the recording session explains why many oral history consent documents invite interviewees to indicate a range of contact details but also the names and contact details of a relative. This represents a direct acknowledgment of a possible future role of a spouse or child in decisions about the interview. As we will see below, this raises ethical issues about legitimacy in decision-making. Other areas relying on human participants have a similar requirement, in particular when the participants are categorised as vulnerable for age-related, health or cognitive reasons.
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The likelihood of many stakeholders having to stay in touch in the middle and long term is nonetheless specific to oral history workflows. As will be developed further in Chapter 7 (pp.149–177), oral history processes are inherently slow, in how interviews are prepared, conducted and curated. The interview’s long-term view and its role as historical source further contributes to creating “temporal contradictions” with the quick pace of the newest technologies (Sheftel & Zembrzycki, 2017, p. 96 and p. 112). Keeping track of what interviewees consented to and making sure that they can be re-contacted is part of curators’ processes of adapting to the slowness of editing, documenting and disseminating such sources. Embargoes are also often chosen as a compromise to avoid completely closing an interview or editing out all of its sensitive information, as will be developed in Chapter 8 (pp.178–212). The ability to keep in touch with narrators and their representatives is therefore crucial when reviews of embargoes are conducted.

Although oral history interviewers and curators have become expert in seeking, documenting and respecting interviewees’ consent over several decades, the use of digital technologies challenges several of the established practices that I described above. I will now analyse the impact of the digital context on how practitioners can promise and respect the decisional privacy of their informants. In particular, I will show that the turn to “process consent” and the difficulties around seeking meaningful consent for online dissemination are key changes.

2. Respecting interviewees’ decisional privacy in the digital context

One of my research interviewees stated that the issues faced by oral history practitioners around informed consent, renegotiation of consent, documenting consent and family members’ rights predate digital technologies, and that they have not changed. However, my analysis of the literature and of my fieldwork sources show that these issues are amplified by the digital context and that new tensions are arising as a result of online open access to interviews.

2.1. A common source of concern

My analysis of research sources highlights that respecting decisional privacy is one of interviewers’ and curators’ four main sources of concerns. This issue is shared by all of the 21 professionals I interviewed. In the responses to my online survey, this source of concerns was less prominent: among the 80 answers to question 14 about ethical and legal dilemmas, 38% (30 respondents) described difficulties related to decisional privacy. Such a high percentage nevertheless indicates that concerns about consent and decision-making form the second most important category of ethical and legal issues in digital oral history.
In terms of context, issues around decisional privacy seem to arise mostly at the dissemination stage in the interview lifecycle (as indicated in 14 of my interviews and 20 of the survey responses to question 14). These difficulties are also encountered at the recording stage (8 interviews and 12 survey responses) and to a lesser extent at the archiving stage (5 interviews and 5 survey responses). The survey responses furthermore indicate that this source of concern is experienced mainly by interviewer-curators (21 of the respondents, i.e. a quarter) but can occur in a variety of institutional contexts: in Higher Education (10 respondents), in archive centres (5), in charities/NGOs (5), as independent workers (3), in libraries (2) and in museums (1).

2.2. The main triggers of ethical difficulties

The analysis of my fieldwork sources shows that there are two main triggers to the ethical difficulties of decisional privacy: online dissemination and missing consent.

2.2.1. Online dissemination

The first trigger relates to the choice to share online interviews, and in particular recordings that were recorded before the Internet existed or before such a mode of dissemination was expected. Indeed, I observed several categorisations of interviews described by my participants. These categorisations are as follows: existing interviews and future interviews; pre-Internet and post-Internet recordings; and pre-GDPR and post-GDPR interviews. The last categorisation is only mentioned by a minority of participants so I will not develop it here; I will re-visit it in Chapter 8 (pp.178–212) to propose recommendations relevant to the growing worry about the need to review collections created before the new data protection regulations came into force in Europe.

The first two categorisations of interviews are, however, often mentioned in my sources. Pre-Internet recordings are sometimes called “legacy interviews” and are at the centre of dilemmas around consent and decision-making. Indeed, existing interviews were evoked by 17 of my 21 research interviewees, whereas future interviews were mentioned only once; pre-Internet recordings were described by 11 interviewees but post-Internet interviews only 7 times.

This concern with the handling of decisions made for interviews conducted and curated before online dissemination is also prominent in the survey responses. The following two answers to question 14 of my survey show how practitioners describe the issue in their own words. Here are their responses to the question “When we use digital tools in oral history, we are sometimes faced with ethical or legal dilemmas. When collecting, archiving or disseminating interviews, have you ever been confronted with such dilemmas?”:

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“One of the issues that comes up regularly is how ‘ethical’ is it to make an interview accessible online if there is no legal release OR if the legal release was signed pre-Internet, when the narrator didn’t know what the impact of having this content available on the web would be.” (Respondent is an interviewer-curator and works in a museum in the United States)

“Sharing interview material for which no release was available, need to protect interviewees from sensitive information they gave and which might harm them, using extracts on a website while the release did not include use on the Internet or the narrators were not fully aware on the potential of the Internet.” (Respondent is an interviewer-curator based in a Higher Education institution in Europe)

2.2.2. Missing consent

These two examples also point to the second trigger of ethical and legal difficulties associated with decisional privacy: the absence or incompleteness of consent required to understand what interviewees choose regarding dissemination. This is not a new difficulty for oral history interviewers and curators, but the novelty of online dissemination (and the resulting increased publicness) amplifies this issue by making it more complicated and more resource-demanding.

Consent can be missing in different ways. My analysis shows that the typical situation is where consent documents are just missing from the records associated with a collection of interviews. This problem is mentioned by a third of the respondents who described decisional privacy issues in response to question 14 of my survey (i.e. 10 out of 30) and by 6 of my research interviewees. This was summarised bluntly as follows in the survey answer of an interviewer-curator based in a British archive centre:

“Re-use of older oral history recordings – where the heck are the copyright & publication permissions? (Easy to get separated from the recording, may never have been done for 1980s recordings or before).”

Another situation described in four survey responses and by two research interviewees is when interviewees change their mind about the access to their interviews; consent for online dissemination is then withdrawn. A less frequent case, experienced by only three survey respondents, is that of interviewees who refuse to allow any form of dissemination.

This issue of missing consent is perhaps the most difficult to deal with for curators of collections which are donated to their institutions; they usually have no contact at all with the original interviewees and only have the contact details of the depositors. Several participants described the resources then required to trace back the original interviewers and if possible families of interviewees. Such a time-consuming process is a consequence of the absence of consent documents which were lost or never existed because
of different ethical practices or constraints of the initial fieldwork. Sometimes curators inherit incomplete documents and have to find ways around their lack of input in the ethical and legal processes. Two of the archive curators I interviewed explained the difficulty of dealing with donated oral history collections. One said “you’re limited by whatever agreement [the depositors have] had in place with the people they’ve interviewed” (Research interviewee 14, 2019); the other one added that the issue with “legacy interviews” is that “when they were recorded, this sort of access was not available” and the only solution is for curation teams to try to re-contact interviewees or their descendants “where we can” (Research interviewee 18, 2019).

2.3. When consent is needed again: legitimacy and re-consent issues

2.3.1. The need to re-consent and legitimacy issues

Consent can be needed again for several reasons. Half of my research interviewees (11 out of 21) described the main reason as follows: when a major change is decided upon in the dissemination modes but consent is missing to explicitly allow it, curators (and sometimes interviewers) need to start the consent-seeking process again. The absence of consent forms evoked earlier was mentioned by six of them; four described the situation where interviewees are no longer alive and other representatives have to be consulted.

This need for new consent triggers familiar ethical issues around legitimacy in decision-making: many of my research interviewees wondered who should be consulted for the first consent as well as for the re-consent. As one of my research interviewees put it, the worry for many curators arises when interviewees pass away. They need to assess who has the right to review consent about online dissemination and ask the following questions: “grandma signed a gift [...] and she was fine with [online dissemination], so who now speaks for grandma, or should anybody?” (Research interviewee 2, 2018).

This echoes a response given to question 14 of my survey. The following dilemmas about consent were described by an interviewer-curator working in a Higher Education institution in France:

“When handling legacy collections: [...] If there was no agreement during the project, what to do? In which situations is it ok to disseminate online? How to seek consent later? In the case of deceased people, independently from legal advice and requirements, what is the real legitimacy of those that the law acknowledges as ‘assignees’ to decide on a possible online dissemination of a relative’s interview? Should we look for the approval of ‘community’ groups in some cases (union, representative board, informal group, organisation)?”

Another of my research interviewees, a curator working in an archive centre, described the practical considerations related to such ethical questions. He was contacted by the next of kin of a deceased interviewee who had contributed to an oral history project several years ago. As the collection was
closed, the curator wanted to make sure he was sharing the recording with someone who was entitled to not only listening to the interview, but also use it in their own research. The dilemma was complicated by the facts that the collection depositor could not be contacted and there was no record of what the original interviewer’s and interviewee’s wishes were. At the time of our discussion, the curator was still wondering whether he had the right to give access at all, and if so, what proof of family connection was acceptable.

In 16 of my 21 research interviews, the oral history narrator is seen as the main person who should give clear consent and nobody else can interpret their wishes. For example, an interviewer-curator based in a museum told me that he had no time to listen to records before giving access to them but also that what he feels about the sensitivity of interviews was “almost not relevant”: he cannot “second-guess what the interviewee said” and it is up to the latter to have their wishes “stipulated in the consent form” (Research interviewee 20, 2019).

Other legitimate decision-makers were mentioned as alternatives to the interviewee: the interviewer who collected the recording in the first instance was seen as an acceptable consent-giver by four of my research interviewees; family members or community members of the interviewees were respectively mentioned twice. Scientific or steering committees involved in the project to collect or curate the interviews were also seen by two of my participants as having a role. For instance, one of them explained how members of such a committee helped discuss what dissemination method to use and “weigh up the pros and cons of having [full recordings] online” (Research interviewee 11, 2019).

I also heard suggestions of five other possible sources of consent. Each idea was mentioned only once during my fieldwork: the organisation that led the oral history project; the depositor of the interviews collection; the gatekeepers who introduced the interviewer to the interviewees; the Research Ethics Committee of the university where the initial research project was conducted; and finally, a consultative group of future users (each idea was mentioned once in my research interviews).

2.3.2. Tensions around open access

Ethical, legal and curatorial issues of re-consent and legitimacy are not new in oral history and in other areas relying on human participants. Yet, the digital context triggers a new tension when it comes to respecting decisional privacy: should online access be allowed when interviewees cannot be re-contacted and consent had not been documented for such dissemination, but may have been given for pre-Internet open access? This tension is described in a third of my research interviews and in a smaller number of responses to question 14 of my survey (in 6 answers).
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Only one of my research interviewees described how the answer to this issue could be straightforward. This decision-making process can be summarised as follows. When working with interviews recorded several decades ago, it is sometimes not possible to try and re-contact the narrators to ask them their opinion about online dissemination. The team therefore decides to put the full recordings online anyway because consent forms had never been used in the first instance: “we obviously want the consent form but if someone is sitting down and willingly makes the recording with you, there’s a certain amount of consent there in the first place, isn’t it?” (Research interviewee 19, 2019). In case of any complaint, the institution’s clear take down policy is used and the problematic interview can be removed.

However, for many of my other research interviewees, this ethical quandary is far from being solved, even if the interviewees are deceased and hence the risks categorised in Chapter 5 are minimised. Six of my research interviewees explained how it affects their work and slows down their access-giving workflows (Research interviewee 5, 2018; Research interviewee 7, 2019; Research interviewee 13, 2019; Research interviewee 18, 2019; Research interviewee 20, 2019; Research interviewee 21, 2019). One curator explained the central role of consent forms as decision-making tool; when consent forms of deposited collections do not cover the Internet, she wondered “can you really just send the file over to a researcher in Australia?” (Research interviewee 13, 2019). She was critical of peers who chose to still upload full interviews by putting online dissemination “under the banner of exhibition” and seeing the Internet as the “promotional aspect” of dissemination; she did not think “that it belongs there, it’s a separate issue”.

Such nuances were also discussed in the six survey responses which acknowledged this new tension provoked by online dissemination. In response to question 14 about ethical and legal dilemmas, the following difficulties were expressed by three different respondents. They show that, from the viewpoint of interviewers and curators, there is a difference between pre-Internet open access and post-Internet open access.

“Putting online open access interviews that were conducted in a pre-Internet age” (Respondent is an interviewer-curator working in an archive centre)

“Even if a collection is unrestricted, if interviews were recorded before the Internet, the interviewees never anticipated that degree of global exposure.” (Respondent is an interviewer-curator based in an American charity or NGO)

“Interviewees who had difficulty dealing with the past. We have been careful to get legal documents and to respect their terms, with no problems. Question we are facing for old open interviews, would that person have been comfortable with their story on the Internet?” (Respondent is another interviewer-curator based in an American charity or NGO)
Informed consent is at the heart of the new worries about the “old open interviews” mentioned in the quote above. As will now be seen, practitioners rightly wonder to what extent interviewees also make a difference between pre-Internet open access and post-Internet open access.

2.4. Giving and seeking informed consent for online dissemination

2.4.1. Use of consent documents

The consent-seeking methods and tools described earlier in this chapter were mentioned by many of my research interviewees and survey respondents. Many wondered how to use them effectively at the recording stage of the interview to ensure that consent is really informed. For instance, the following practical interrogations were detailed in the survey responses to question 14:

“Should consent be sought before or after interview? (chosen practice: done after, but with an announcement at the beginning that the meeting will finish with an information session where consent will be sought if accepted, in a gradual way)” (Respondent is an interviewer-curator working in a Higher Education institution in France)

“Is it acceptable not to sign a ‘contract’ or agreement with a witness during an interview but to work with them based on mutual trust? For my current research I chose the latter option because my experience has showed me that this can be seen as very formal, administrative for some witnesses, and that it could create a less easy relationship with the witnesses (more difficult to start with trust, the agreement gives the impression that the researcher wants to protect his/herself against the witness, that there is a strong hierarchical relation between them […] – whereas oral history is rather a question of dialogue between several persons” (Respondent is a curator in Europe)

In my research interviews, a few participants discussed the possibility of helping oral history narrators to give consent that is as informed as possible and adapted to new modes of dissemination. Two generic methods were detailed to improve consent as early as possible: taking more time to explain the consent documents and dissemination options (mentioned three times) and sending the consent documents before the interview meeting but signing at the end of interview (mentioned once).

The worries expressed in my fieldwork sources about missing consent, re-consent and pre-Internet consent point to ethical and curatorial difficulties which are amplified by the digital context, and in particular by the new possibility and requirement of wide public availability of full interviews. The two tensions described below both relate to decision-making in the digital context. They suggest the new importance of taking into account two different components of informed consent: first, how the
information is understood to make a decision; and, second, how it is given to allow decision-making. These two components contribute to making informed consent meaningful.

2.4.2. Tensions around interviewees’ understanding of online dissemination

In their discussion of the quality of interviewees’ understanding of online dissemination, two of my research interviewees described opposite experiences when working with narrators who were in their 60s to 90s and hence born well before the Internet started to be widely used. The first one explained how she spent 20 minutes to talk about consent for Internet use before each of her dozens of interviews and 10 minutes at the end too. She found it difficult to make them understand what YouTube and online dissemination were and said “they didn’t really get it” and that it was perhaps because of “their age demographics” (Research interviewee 16, 2019). She compared this lack of success with her explanation of the other dissemination options and highlighted how her interviewees understood the exhibition option: “that tangible [experience], being in that exhibition, that day X, they get that”.

By contrast, my second interviewee found that his narrators understood well what the Internet is because they were very up to date with new technologies. He did not want to be “patronising” by using lengthy explanations and chose to only tell them that “people will be able to listen to the interview” (Research interviewee 9, 2019). Adapting the explanation of online dissemination to the interviewee’s age group or trying to anticipate their general understanding and use of the Internet is therefore not enough as a solution to improve interviewees’ decision-making in the digital context. In the next chapters I will analyse other strategies developed by practitioners.

The tension illustrated above relates to what Cummings et al. (2015) refer to as “meaningful consent” (pp. 7–8) and the question of what is actually understood by interviewees. The tension can be described as follows: how to respect their autonomy of decision (and not be patronising or too insistent), while making sure that they have really grasped what the online dissemination and possible re-use of their full recordings mean. A few survey respondents illustrated this tension when describing the following dilemmas:

“Have I checked enough that the witnesses have made an informed decision regarding archiving and dissemination?” (Respondent is an interviewer-curator working in Higher Education in France)

“Using extracts on a website while the release did not include use on the Internet or the narrators were not fully aware of the potential of the Internet” (Respondent is an interviewer-curator working in Higher Education in Europe)
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A total of 6 of my 21 research interviewees also discussed the contradiction of trying to get informed consent from interviewees about online dissemination when they do not fully comprehend what it is (Research interviewee 2, 2018; Research interviewee 9, 2019; Research interviewee 10, 2019; Research interviewee 11, 2019; Research interviewee 12, 2019; Research interviewee 16, 2019). Several gave examples of narrators asking to revisit their consent after better understanding how wide online access could be. As one of them put it, even if participants gave consent for open access, it is sometimes not clear “how valuable or strong that agreement was” (Research interviewee 12, 2019). An interviewer-curator told me for instance how an interviewee asked about online dissemination in the middle of the recording session and eventually refused to sign the consent form, even after receiving the transcripts. This led the project team to make much clearer before subsequent meetings how interviews will be used, instead of just posting or emailing the information sheet to narrators. They also systematically asked at the start of new interviews if the information was clear.

2.4.3. Tensions around the amount of information to share with interviewees

Three of my research interviewees described their worry about the details they were giving to interviewees concerning the risks of online dissemination. They wondered how to find a balanced way of explaining the pros and the cons of Internet open access when discussing consent. The danger they identified was of scaring interviewees if they were told about the worst-case scenario and given detailed descriptions of possible future misuses and even of real misuses.

This second tension relates to another component of informed consent: how much information is provided to interviewees to allow informed decision-making. The main danger explained in my research sources is that of alarming potential interviewees. They can indeed be worried by the very content and format of the consent documents they are asked to read and sign. One of my survey respondents, who works at a Higher Education institution in Europe, explained as follows the difficulty to reach the right level of written details:

“‘I was confronted with the legal issue of the copyright, because the detailed consent forms are usually very long and the legal terms they contain frighten and sometimes discourage some informants, especially those who are not acquainted with legal issues.’”

Yet, the same concern is relevant for the explanations needed to make sure that consent documents are understood. Three of my research interviewees pondered how much should be told and where to find the balance between the completeness and effectiveness of information. One interviewer observed that there is a lack of explanation given to interviewees when they are signing agreements and deciding about online dissemination. She acknowledged that if potential risks were explained well to narrators, it may “scare them off” and lead them to systematically ask for embargoes of their recordings. She
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suggested explaining the access options in a “kind and reassuring” manner, and being very open about all aspects of the decision-making and future curation processes (Research interviewee 1, 2018).

Two interviewer-curators furthermore pointed out that it was preferable not to be too honest with interviewees. One was still wondering whether he should mention the “worst case scenarios” to interviewees, and hence explain how the records could be misused online (Research interviewee 3, 2018). The other interviewer-curator said that he did not want to be explicit about the misuse that could happen and had already happened with online full interviews, “otherwise nobody would ever agree for their material to go online” (Research interviewee 9, 2019).

Respecting interviewees’ decisional privacy is a two-stage process: it involves seeking and recording their wishes, but also following them. Practitioners have to choose from a number of criteria to decide to what extent they can actually respect interviewees’ choices. These decision criteria often take the form of conflicting expectations facing interviewers and curators, as we will see below.

3. Managing conflicting expectations and privacy rights

An interviewer-curator working in a museum explained how he had to fulfil many requirements when deciding what he could disseminate: elements such as logistics, commercial rights, ethics, legal regulations, conservation state and educational interest “bump up against each other” to decide the right level of access to his tangible and intangible collections (Research interviewee 20, 2019). The solution proposed by another interviewer-curator based in a local archive centre was to acknowledge that “you can’t please everyone”; she thus highlighted the need to “manage expectations” (Research interviewee 18, 2019).

I will here offer an analysis of the changes brought about by the digital context in the decision-making processes of these practitioners and will consider the competing demands they are facing when it comes to respecting interviewees’ consent and disseminating oral history interviews. The difficulty of managing the contradictory expectations of protection and of openness of sources is described in the literature but also in many of my fieldwork sources. Similarly to issues surrounding informational privacy, difficulties about decision-making arise mostly at the dissemination stage of the interview lifecycle.
3.1. Amplification of interviewers’ and curators’ decision-making difficulties

3.1.1. Increased publicness and risks

I described earlier the difference between how consent is sought for pre-Internet and post-Internet open access. The precautionary step to seek consent again for interviews recorded before online open access can be partly explained by the increase of perceived risks associated with online dissemination. As analysed in Chapter 5, the risks resulting from wrong dissemination choices are present in many stakeholders’ minds: interviewees, interviewers, curators but also team managers. Because online dissemination increases the publicness and availability of interviews, errors are more difficult to repair and potentially more damaging for many stakeholders. One of the interviewer-curators I interviewed explained that the issues of re-consent and legitimacy were amplified by the digital context: “because it’s digitally available, it’s easier to access, these are issues that are coming up, more than if you had to travel to [the archive centre] to find a cassette, put it in a machine” (Research interviewee 2, 2018).

Increased publicness also creates a new danger of scaring or putting off several groups of interviewees: those less confident with or knowledgeable about digital technologies and the Internet; those less confident that their stories should be heard; those who are shy; those who are worried about potential consequences of speaking up about the events they witnessed or about their views on social or political changes.

3.1.2. Loss of control

The digital context indeed makes many actors lose control over their own personal information, the information they are looking after and the decisions they can make. From a technological viewpoint, this is explained by the new characteristics described in Chapter 3 of “greased” and “convergent” information which is shared through “interactive” digital media (Ess, 2014, pp. 10–16).

Four of my research interviewees pointed out that from an ethical, legal and curatorial perspective, they have far less control over the interviews they disseminate than in the analogue context. They explained the difficulty of checking who is accessing the material over the Internet, whereas archive reading rooms enable one to have contact with users; an interviewer-curator for instance said that he believes that we need to be able “to see the people who are using the documents”, “to meet them” to make sure of their intentions but also to help them find relevant collections (Research interviewee 7, 2019). Another acknowledged the power of digital technologies to improve the visibility and use of audiovisual archives; but she noticed that the “flip side” of a wider access is a greater exposure of the personal. She concluded that the Internet is “harsh” and “unforgiving” once records have been disseminated via the Internet in the wrong way (Research interviewee 3, 2018).
In her discussion of anonymising interviews with Vietnam War veterans, Martin Hobbs (2021) explains for instance that “the privacy problem is exacerbated with interview groups like [hers], a high-profile online group with low digital fluency. [...] Most of [her] interviewees had passive digital footprints, meaning that they created digital trails without meaning to do so”, in particular when using social media platforms (p. 75). She worried that publishing their full names would enable “strangers” to find their contact details and personal information related to their families and veterans communities (p. 75).

3.1.3. Slow workflows versus fast technological change and wider scale

Decision-making difficulties are also amplified in the digital context because of the contrast evoked earlier between the slowness of oral history workflows and the fast pace of change in digital technologies and their regulations and use.

This contrast was described in a survey response about the ethical and legal dilemmas created by the use of digital technologies in oral history activities. A curator based in an American Higher Education institution gave the following answer:

“Mainly with interviews that we don’t have deeds of gift for, but that we know would be valuable to researchers. We dealt with this in the analogue environment, as well, but it was one tape at a time – when I plan a digital project, I have to think about it on a larger scale, and copyright comes into play. And, as an archivist, I’d say restricting access unnecessarily is also unethical. My institution has been relatively risk-averse, but with time, experience, and the evolution of case law (such as it is), it has become more comfortable providing access to more ‘stuff.’”

3.1.4. Legal and institutional caution

Interviewers and curators are also constrained by increasingly restrictive and risk-averse regulations. Legal guidelines and data protection officers are required to better protect personal data. For example, an interviewer described how the GDPR “has kind of changed everything” in how interviews are recorded and could be seen as “blanket legislation” like the British Official Secrets Act: that Act could be interpreted as “you might have known a secret, so sign this”, and similarly “GDPR [means]: your data could be misused, so sign this” (Research interviewee 1, 2018).

Practitioners’ institutions also demand their employees to avoid taking risks; the main concern is reputation, as was already discussed in the previous chapter. A curator observed that, despite the open access trend, many “institutions are very adverse to data sharing and data publishing, [they] typically do not include these options in the consent forms”; the main driver of such risk aversion is regulations
such as the GDPR because they make institutions more liable in case of a data breach (Research interviewee 12, 2019).

### 3.2. Respecting individuals’ sense of responsibility and institutional demands

Anthropologist David Zeitlyn (2012) suggests that archive centres can be seen as institutions where records are looked after in a caring way. Focusing on the archiving of interviews, he likens archive centres to “orphanages” or “hospices”, where material is put under a “protective custody” or where “documents follow a managed path to oblivion” (pp. 468–469). These metaphors are helpful to give a sense of the responsibility felt at both individual and collective levels in these institutions.

#### 3.2.1. A strong sense of responsibility

The idea of being responsible for what happens to archives, and interviews in particular, was described by 10 of my 21 research interviewees. Four of them explained how they feel responsible for anticipating future issues beyond their own work and for preparing for potential problems. They considered what would happen after they would retire or leave their position and discussed their handing-over preparation and the importance of documenting all collections and consent decisions. Interviewers also discussed what would happen after they deposited interviews and the curation team would take over; some also evoked their own death and wondered what would happen in the future in case of future technology or policy changes. An interviewer-curator observed for instance: “I might be dead, and nobody will consult [my interviewees] then, and it will go on the web, 20 years later” (Research interviewee 10, 2019).

Another area of responsibility is the protection of narrators. Three of my participants described how narrators have to be protected against the collection depositor’s choices of dissemination but also against their own choices, such as when they talk about what they did not initially want to talk about or when their views may appear offensive because they are now seen as racist or sexist. An interviewer-curator based in a museum told me that, despite the rude language, “I don’t have to agree with it, it’s that person’s voice, it’s that person’s testimony. I may be careful how we use that” (Research interviewee 20, 2019).

Two of my research interviewees furthermore opened up about their feelings when their dissemination choices have unintended negative consequences. They explained the immediate emotional impact of a misuse of interviews and talked about guilt, anxiety and stress; they also described the effect on their subsequent dissemination choices and the fear of taking any new decisions to make more interviews available online. Because of the personal relationship which characterises many oral history interviews, as explained in Chapter 3, they also spoke about their fear of hurting interviewee or relatives if recordings are not shared as initially promised.
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However, this sense of responsibility also extends beyond the interviewees, as highlighted by two other research interviewees. They need to protect their own reputation and respectability, by ensuring that they keep narrators’ trust, in them and in their institution and in interviewers more generally, and by making the right dissemination choices. For instance, a curator explained how the review process of interviews before they are shared online was also designed to “live up to the standards that we set, and we have our reputation to uphold” (Research interviewee 12, 2019).

3.2.2. Individual responsibility in a collective setting

The sense of responsibility described above is clearly not just that of isolated individuals. As seen in Chapters 4 and 5, it is essential to take into account the context in which their decisions are made, and usually this includes a team and an institution. My survey shows that many actors are actually involved in finding solutions to the ethical and legal dilemmas which I have analysed in this research. As a reminder, question 14 of my survey was formulated as follows: “When we use digital tools in oral history, we are sometimes faced with ethical or legal dilemmas. When collecting, archiving or disseminating interviews, have you ever been confronted with such dilemmas?” A total of 90 respondents, out of 112, indicated that they had encountered such dilemmas. In the follow-up question I asked them “Who was involved in answering these dilemmas?” and 79 answered. They could choose one or several options in a list of 9 choices.

Among the 79 answers, the most common actors involved in answering their dilemmas were listed as follows: me (30% of the choices), the interviewee and their relatives (22%), and the project team (16%). The other options were chosen in the following order of importance: the project manager (10%), my institution’s legal team (8%), my institution’s ethics team (4%), I don’t know (2%) and my teacher (1%). Although a third of respondents said that they made individual decisions, these results indicate the weight of the team and institution in addressing dilemmas related to the use of digital technologies. Indeed, in 38% of cases, the institution, manager or team of the respondents was involved in decision-making.

Such a collective role in the decisions can be seen both as a source of help but also of constraints, as discussed by five of my research interviewees. They described their efforts (and requirement) to help reaching their institution’s and team’s collective targets; such targets focused on the digital presence of their collections, the increased quality and/or quantity of items available in open access, an improvement of user statistics through physical and online visits, etc. Achieving these targets is often necessary to renew or maintain their allocated budget, as explained by a repository manager: in their dissemination choices, archive centres staff need to balance risks with access but also with the “financial pressure” they are under; such pressure requires them to encourage “users to come and use their stuff”
(Research interviewee 15, 2019). The implications of these constraints will be explored further in Chapter 7 (pp.149–177).

As became apparent in my fieldwork sources, and especially through my research interviews, institutions unintentionally make concurrent demands on their employees. Sometimes one manager or one service pushes for online open access to collections, often in response to funders’ policies; but another manager or service concurrently recommends caution, out of risk aversion and fear for the organisation’s reputation and potential financial penalties.

3.3. Protecting and respecting as many stakeholders as possible

Interviewers and curators must anticipate possible consequences of dissemination choices. These consequences, and especially the risks detailed in the previous chapter, are borne by interviewees but also by their relatives, their communities and third parties mentioned in interviews. When it came to managing contradicting demands, one of the main difficulties expressed by my research interviewees was to find a balance between protection and respect for many stakeholders. In my research interviews, ten out of 21 interviewees described expectations of protecting individuals and avoiding risks associated with sharing personal information (Research interviewee 1, 2018; Research interviewee 2, 2018; Research interviewee 5, 2018; Research interviewee 7, 2019; Research interviewee 8, 2019; Research interviewee 9, 2019; Research interviewee 11, 2019; Research interviewee 12, 2019; Research interviewee 15, 2019; Research interviewee 20, 2019).

3.3.1. Interviewees’, interviewers’ and curators’ wishes

Interviewees themselves expect that their consent choices and testimonies are treated respectfully; an interviewer-curator explained how many narrators are aware that interviews are not accessed anymore by travelling to an archive centre, but through an online search. They are “very clued on that they don’t want anybody to take it and misuse that, or they don’t want certain people listening to it” (Research interviewee 2, 2018).

However, it is also interviewers and curators who put such expectations on themselves; this appears in the description of their strong sense of responsibility towards all of oral history’s stakeholders, and in the first instance towards narrators. For example, an interviewer-curator I met was faced with the situation of having to justify her caution to her interviewees, despite their wishes to share the interviews as they were recorded. She was trying to find a balance between protecting the third parties mentioned in the recordings and respecting the narrators without giving the impression that “their story has to be redacted or curated”. She had the impression that some interviewees thought she was being too careful and “massively over the top”; they told her “it’s fine, just stick it up [online]”. She nevertheless tried to
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make them “aware that it’s not just their data when they are talking about their lives” (Research interviewee 11, 2019).

One of my survey respondents pointed to a similar contradiction in response to question 14 about ethical and legal dilemmas caused by digital technologies. An interviewer-curator, based in France, put it this way: “Mainly the contradiction between the witnesses’ will about the dissemination of the interview content and my ethical and legal responsibility about what was possible and acceptable to disseminate”.

3.3.2. Complexity of the digital oral history interviews: four ethical dimensions

Discussions about the evolution of research ethics in the Social Sciences reveal two fundamental ways of viewing the interviewee and making ethical decisions (Association of Social Anthropologists, 2019, essay on Ethnography and Research Ethics). The opposition is summarised by Zeitlyn (2012) as a difference between “the ethics of the ‘human subjects’ and of the ‘social subjects’” (pp. 470–475).

My research shows that in the case of the digital oral history interview, these approaches should be reconciled (individual and social viewpoints) and that two additional ethical dimensions need to be taken into account (historical and digital viewpoints). Oral history interviewees are indeed individual subjects, similarly to the ethical approach used in the Medical Sciences and legislation: each subject is primarily seen as one body or one deciding person, and hence as one history and memory. However, they are also social subjects, in the Social Sciences sense: each subject is primarily seen as belonging to a web of present relationships and responding to the immediate context of the interview with a particular interviewer.

Moreover, oral history interviewees need to be acknowledged early on as historical subjects. I am here using a more Humanities-centric approach: each subject is the product of a historical context that is finite, past. A fourth ethical dimension should be taken into account, which is transversal to the other three: since the shift in the early 2010s towards wide digital dissemination (described in Chapter 3), interviewees have also become digital subjects. Detailed and lengthy information about them, their relatives and third parties is widely made available, for several years if not decades, with or without the complete understanding of these stakeholders. This increased publicness is different from that of an archival or museum object because the number of potential information recipients and users is much greater and the flow of information more difficult to control.

These four ethical dimensions of interviews force interviewers, project managers and curators to take into account the following elements:

- the individual agency, rights and expectations of interviewees, in terms of consent, data protection, freedom of speech, protection from being harmed;
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- the rights and expectations of their web of relations, including group and family consent, their protection from being harmed, and data protection of the third parties; and

- the duties to share historical information contained in the interviews with the wider society, for the sake of contemporary and future citizens’ knowledge.

3.3.3. The need to prioritise

In practical and ethical terms however, it is very difficult to abide by all of these rights, expectations and duties because they sometimes contradict each other. Therefore, practitioners need to assess which should be prioritised and to what extent. This may depend on the topic of the project or study, on its context and on the severity of risks; such an assessment can also change over time, as the project, dissemination technologies and regulations evolve (Chenier, 2018). The summary of solutions offered in the next two chapters will help practitioners better assess such priorities to address each of the main sources of concern in digital oral history.

3.4. Introducing the concept of plural privacy

Digital oral history practitioners may benefit from a conceptual shift in the way we think about privacy in oral history. If the social and historical dimensions of interviewees’ lives have to be taken more into account because of the digital context, and practitioners need to anticipate risks for many stakeholders, then they are not anymore faced with individual privacy dilemmas. Instead, they have to grapple with a more collective type of privacy, within which discordant opinions and wishes are expressed: a plural privacy.

3.4.1. Acknowledging the multiple stakeholders and clashing interests

Plural privacy is related to but different from the ideas of group consent, which will be explored in Chapter 7 (pp.149–177), and of “group privacy”. The latter refers to the right to share private information exclusively within a group of individuals (Ess, 2020, p. 59), and is in particular developed in the discussion around online group profiling by data technologies (Taylor et al., 2017). Indeed, when interviewers and curators are trying to respect the wishes and protect the personal information of several stakeholders, they have to satisfy people who may not have the same views and stakes in the use of an interview. My idea of a privacy which is plural highlights the possibility of conflicting interests and a lack of consensus; this is precisely where the difficulty lies and must be prepared for. As seen in the previous chapters, the ethical, legal and curatorial issues currently encountered in digital oral history relate to the effort not only to get the agreement of several stakeholders but also to respect their divergent stakes, decisions and priorities.
I am not suggesting that practitioners try to satisfy everyone by asking for all stakeholders’ permission for dissemination; such an approach is impossible in practice and undesirable because of its potential slowing and censoring effects for projects. A plural privacy approach rather requires balancing out the risks and opportunities for more stakeholders (not just the interviewee), at the outset and throughout the project, and potentially long after interviews have been archived. Preparing for such an ethical, legal and curatorial approach involves taking stock of the project’s or institution’s resources and ability to respect the informational and decisional privacy of the key stakeholders in the short and long term.

3.4.2. The impact of the digital context: increased publicness of individual life stories

This concept of plural privacy (and hence plural consent) can be seen as incompatible with the exercise that is an oral history interview. Usually, these types of interviews centre on one individual’s life, memory and opinions; inter-subjectivity (the rapport established between the interviewee and interviewer) is a key element of this interviewing method. Furthermore, testimonies are often recorded with the democratic ideal of making visible individuals who are underrepresented in historical accounts and giving them a chance to respond to collective narratives (Green, 2004). This concept also potentially challenges the design of the tools currently used to seek interviewees’ consent and to decide how to disseminate interviews. Nevertheless, the digital context and especially digital dissemination methods force practitioners to anticipate the potential effects of the increased publicness of heritage collections and research data; curators and interviewers hence need to take more into account the social and historical dimensions of digital oral history ethics.

As seen in previous chapters, these tensions are not novel; what is new in the digital context is rather the scope and durability of the consequences (exposure and harm) when the dissemination of sources has not been appropriately prepared or adapted. Widlock (2013) suggests that, in the field of digital oral literature, there are now more interlocutors. He notes a shift from a “dyadic negotiation between the researcher and the researched” to a situation where “more parties are involved: the funding agencies, with their open access policies, but also potentially community agencies, often following restrictive practices and potentially in conflict with one another” (p. 10). One of the impacts of digital archiving and dissemination of spoken language is that more parties are involved in negotiating property and access rights over these collections; he wonders if, in the future, there will be an increase in the number of problematic cases when both informants and researchers are dead. Similarly, in digital oral history, more stakeholders have to be accounted for.

The practical implications of a plural privacy approach have already been experienced by the practitioners I surveyed and interviewed. Several solutions are indeed already available for finding an alternative to individual written consent, as can be found in other disciplines using qualitative social
research. However, there are still gaps in the solutions allowing the respect of a plural informational privacy; I will explore these gaps in Chapters 7 and 8.

Such nuance shows the complexities of rights, advice and expectations that interviewers and curators have to navigate to decide what the right criteria are in dissemination choices. I will show below that what is at stake is not only the respect of plural privacy but also the quality of historical sources that will be used in the future.

4. **Conflict between wide digital access and the quality of historical sources**

Throughout this thesis I have demonstrated the benefit of analysing the impact of the digital context by looking at the types of technologies used, but also at how digital technologies are regulated and expected to be employed. This approach is also helpful to expose the web of expectations that interviewers and especially custodians have to deal with. The metaphor of navigating a “watery landscape” of expectations is used to analyse the restrictive effect of new regulations on qualitative fieldwork in social research (Association of Social Anthropologists of the UK, n.d., Ethnav, essay on Ethical navigation); it is also relevant in the context of digital oral history. A similar image was used by Larson (2013) to outline the ethical and legal considerations between which oral historians had to “steer” at the beginning of the second decade of digital oral history (p. 36).

This thesis contributes to exposing the conflicting demands that interviewers and custodians still have to navigate. My research shows that in their effort to “steer clear of the rocks” (Larson, 2013, p. 36), one key difficulty is to preserve the quality of historical sources being created with digital oral history. They are caught between the needs to share historical sources openly but also safely, respectfully and inclusively.

4.1. **Ambivalence towards the Internet as a tool to help democratise knowledge**

4.1.1. **Online open access as a double-edged sword**

The capacity and expectations to make oral history more public through online availability is described with mixed feelings in my fieldwork sources and in the literature. In particular, there is some ambivalence towards online open access to full interviews. My analysis shows that this is linked to the ideal of a democratisation of knowledge found in oral history but also in the Digital Humanities, as seen in Chapter 3. Online open access facilitates the creation of an open knowledge (accessible to all citizens) but also threatens the achievement of an inclusive knowledge (which represents all citizens, with their complex histories, views of society and wishes).
Several authors indeed explicitly use the metaphor of the “double-edged sword” (Larson, 2014, p. 160; Sheftel & Zembrzycki, 2017, p. 96) or a similar comparison (“assets”, “promises”, “solution” versus “worries”, “threats”, “issues”) when balancing the positive and negative impacts brought by digital technologies (for example Kuhn, 2012, p. 307; Perks & Thomson, 2016, p. 447; Sheftel, 2018, p. 280). These mixed views are usually expressed when discussing the online discoverability of and access to interviews.

4.1.2. Open access as a blessing?

On the one hand, online dissemination enables to reach a wide and diverse audience, hence reaching one of the objectives of public history (Schrum et al., 2012; Zahavi, 2014, p. 123). The “move beyond conventional boundaries of space and time” (Kuhn, 2012, p. 307) as well as the immediacy, non-linearity and multimedia publications offer an “unprecedented democratic opportunity for disseminating hidden voices and challenging stereotypes” (Perks, 2009, p. 74). Chenier (2018) agrees and asserts that, thanks to digital technologies and the Internet, “fulfilling oral history’s commitment to democratizing knowledge and helping to empower marginalized and oppressed people […] is easier than ever” (p. 304).

In my fieldwork sources, the online availability of interview collections is also often described as a chance to improve their discoverability and eventually the use of recordings for research, cultural or social purposes. In that sense, online open access can be seen as a continuity of the oral history practices established over the last decades. In the analogue context, dissemination took the form of radio programmes, exhibitions, academic publications, publications for the general public, films, etc. These practices have always been at the heart of the discipline.

4.1.3. Open access as a curse?

On the other hand, many authors like many of my research participants are concerned about the legal and ethical issues posed by such a wide visibility and the increased publicness of interviews. As seen in the last chapter, several authors and some of my research participants worry about a loss of diversity, increased risk aversion and blandness in the oral history projects and collections to be created in the future. They see a link between the increased publicness of interviews and the danger of restricting the types and nuances of testimonies made widely available in the long term.

Oral history interviewers and curators are indeed asked to follow contradictory criteria in the way they gather, prepare and share witness accounts of recent complex historical, social and political events. As we have seen, practitioners are expected to simultaneously provide open and reliable sources, protect and respect as many stakeholders as possible, and reconcile their own sense of responsibility with institutional demands.
4.2. Providing open and reliable historical sources

4.2.1. The expectation of wide availability

In my research interviews, the demand for open access to recordings was discussed in detail by 10 out of 21 interviewees (Research interviewee 1, 2018; Research interviewee 2, 2018; Research interviewee 3, 2018; Research interviewee 4, 2018; Research interviewee 5, 2018; Research interviewee 7, 2019; Research interviewee 9, 2019; Research interviewee 15, 2019; Research interviewee 19, 2019; Research interviewee 20, 2019). Interestingly, they reveal that such an expectation can come from many stakeholders: the interviewees, the practitioners’ institution and colleagues, their funders, the users, and practitioners themselves.

For example, an archive curator based in the United Kingdom explained how, until very recently, The National Heritage Lottery Fund recommended specific licences to encourage the re-use of material created as part of a project they funded. The Creative Commons licence CC BY-NC was the expected choice for the online dissemination of heritage material, including oral history interviews. The curator noted that this licence means that “anyone can alter the meaning of the interview”, but that it was a requirement part of the “standard conditions of grants” delivered by this funder (Research interviewee 4, 2018). The policy has since been updated to reflect the difficulty this could create for intangible heritage such as interviews.

Several curators also described how their institutions and sometimes colleagues expect audiovisual collections such as interviews to be made available online. One of them looks after collections comprised of digitised and born-digital interviews but the rest of his colleagues mostly look after analogue archives. As a result, “for some people [in his institution] it would be logical” to give access to the full interviews online; however, topics of the recordings were usually too sensitive for such a wide dissemination and he chose to restrict access (Research interviewee 7, 2019). We have seen earlier that several curators described the pressure they sometimes face to increase the number of users through online availability of collections.

4.2.2. The expectation of sharing reliable sources

Four of my research interviewees furthermore described the expectation of having to provide historical sources which are honest accounts, faithful to the original interviewee’s story and not censored (Research interviewee 9, 2019; Research interviewee 11, 2019; Research interviewee 18, 2019; Research interviewee 20, 2019). Here too, the expectation comes from a multitude of parties: historians and other users need to trust these sources to use them in their work; interviewees wish their story to be heard as they said it; while interviewers and curators aim to represent faithfully the narrators’ viewpoints and encourage them not to self-censor.
This worry and goal to share valuable and useable sources in the short and long terms is found across a range of institutional contexts, as can be seen in the following examples given to me by three interviewer-curators. The first one works in an archive centre and recalls how she had to disappoint a researcher who asked for the name of the narrator of an anonymised interview. She checked the consent form which specified “that they wanted to remain anonymous”. Because the identity of the narrator could not be revealed, the researcher decided not to use the interview in their work (Research interviewee 18, 2019).

Another interviewer-curateur explained his dilemma between the need to edit interviews in order to protect narrators’ reputation and his wish to avoid censorship. He tries to refrain from over-editing them so that users will be tempted to use them. He also strongly encourages his interviewees to give good interviews, “without self-editing too much” (Research interviewee 9, 2019). In a museum context, a similar worry was expressed about censorship and the authenticity of historical sources. The interviewer-curateurs’ difficulty there was about the contradiction between new data protection guidelines demanding to delete personal information where possible from museum collections and her own ethics about records integrity. As she stated, “I’m uncomfortable with it though, I’m not there to rewrite history” (Research interviewee 20, 2019).

4.3. Towards solutions to reconcile these contradictions

This chapter has shown how the use of digital technologies amplifies ethical, legal and curatorial issues in oral history, not only by making it more difficult to respect informational privacy but also decisional privacy. My analysis explained why several oral history stakeholders see a difference between pre-Internet open access and post-Internet open access and how meaningful informed consent is gaining a new importance in the digital context. Practitioners’ decision-making processes are furthermore complexified by the competing demands they have to face, both at the level of their institution and of their own workflows and ideal of a democratisation of knowledge, resulting in the need to take into account a plurality of stakeholders’ rights and demands.

As suggested by Nissenbaum (2010), it is not enough to explain and evaluate the changes and tensions brought about by new technologies; we also need to understand actors’ reactions and make prescriptions (pp. 189–191). Applying the analytical model she created with her framework of contextual integrity, I will now turn to oral history interviewers’ and curators’ reactions to the tensions triggered by the digital context. The next two chapters will offer an assessment of the solutions they found and the guidance and tools they used. This will be completed with my own prescriptions, aiming to fill the remaining ethical and curatorial gaps in digital oral history.
Part III Alleviating the tensions
Chapter 7. Anticipating the privacy challenges of digital oral history – recommendations before and during the interview

In the previous two chapters, I analysed how the current use of digital technologies in oral history alters the flow of information and increases the publicness of personal stories through online open access. As Chapter 6 showed, the digital context makes oral history interviews more complex to deal with and challenges the centrality of individual privacy in oral history ethics. All stakeholders in oral history are affected by these changes. This chapter and the next one will focus on the effect on interviewers and curators, and in particular on how they respond to the demands of interviewees and their relatives. I will describe the strategies developed by these practitioners and assess their novelty, efficacy and limitations.

Situational applied ethics is a helpful approach to prepare for the challenges of digital oral history. The practical and methodological approaches identified in this chapter can help tackle current difficulties, but also future major changes, as will be outlined in the Conclusions (pp.213–222). One of my goals is indeed to suggest a preventive approach; even if most issues arise at the dissemination stage, they can often be anticipated and budgeted for in advance.

To help me assess current approaches available to practitioners, I will rely mostly on my fieldwork sources and on an additional research source: grey literature. The latter is defined by the 1999 International Conference on Grey Literature as literature “produced on all levels of government, academics, business and industry in print and electronic formats, but which is not controlled by commercial publishers” (Lancaster University Library, 2021). In the context of my research on digital oral history, grey literature refers specifically to expert and practical information mostly produced by professional associations and institutions specialising in digital curation. It includes online guidance documents, ethical statements, step-by-step manuals, checklists, etc. It provides a valuable source of information on the processes and tools available to interviewers and curators to tackle the ethical, legal and curatorial issues I have studied so far.

I will explain that many ways around these issues are developed in this grey literature and already known to my survey respondents and interviewees; however, these ideas are scattered across several fields of professional expertise and are sometimes insufficient to address the difficulties analysed in Chapters 5 and 6. My analysis will show how digital privacy could be better protected without relinquishing oral history’s democratic ideal.

This chapter will first assess the current approaches used to address the difficulties of digital oral history. I will discuss to what extent they are adapted to the current needs in the digital context and show how
grey literature can complement them. Second, I will present the processes and tools available to help prepare for and respect the informational privacy of interviewees and third parties. Finally, this chapter will offer an overview of the processes and tools that enable practitioners to better protect decisional privacy and in particular obtain a more meaningful consent from interviewees.

1. Taking stock: current approaches and the need to better prepare for plural privacy

1.1. Approaches in the academic literature and their limitations

1.1.1. The academic literature as a starting point for identifying applied ethics strategies

Oral historians suggest a number of ideas for alleviating the difficulties amplified or created by new technologies. However, my review of the academic literature shows that few authors offer specific advice for addressing the particular issues of digital oral history. The nature of approaches currently available to oral history interviewers and curators varies greatly depending on what type of sources are consulted. In academic publications and key handbooks (such as Ritchie, 2012; Perks & Thomson, 2016; Thompson & Bornat, 2017), only a few ideas are mentioned to address the difficulties related to digital oral history. Two authors stand out. First, Robertson (2012) makes recommendations in The Oxford Handbook of Oral History to improve the processing times, preservation and financial sustainability of collections. She suggests that there is need to “change practices to meet changed circumstances” (Robertson, 2012, p. 396) along with using a series of tools, ranging from appraisal questionnaires and decision trees to performance measures (p. 401 and p. 405). Second, Chenier (2018) offers a practical description of her own efforts to address the difficulties of online dissemination, through project planning, preservation partnership and the careful “curation of materials for public consumption” (p. 305).

Yet, in most articles and book chapters, these ideas are usually generic and focused on the macro-level, rather than designed to address the applied ethics questions raised by digital oral history or to offer precise advice. They provide an interesting starting point but they need to be supplemented with more specific suggestions, which are rather found in grey literature, as we will see in this chapter. After reviewing some of the generic approaches, I will therefore turn to my own fieldwork sources and to grey literature to identify more detailed strategies.

1.1.2. Engaging critically with digital technologies

Addressing the very question of our use of digital technologies is critical; several authors in the academic literature encourage practitioners to reflect on current practices and motives, whether as
interviewers or curators (Borland, 2016, p. 414; Perks, 2009, p. 74 and p. 81). For instance, Larson (2014) is a strong advocate of renewing the discussions about ethical issues in relation to online dissemination. She regrets the “decrease in the overall level of conversation about ethics” and “the sense that [this] conversation has already taken place”; to her, “the questions have only evolved, not disappeared” (pp. 161–162). Sheftel and Zembrzycki (2017) suggest on the one hand that we should acknowledge that technologies are “here to stay”, and on the other hand we should avoid “fetishizing” them, for the sake of oral history’s integrity (pp. 95–96). Similarly, Benmayor (2012) advocates an “and/and” rather than an “either/or” approach when using digital technologies for pedagogical purposes (p. 496).

Few oral history practitioners comment on the progress of reflections with regards to digital technologies and their impact on oral history. When they do so, it is to acknowledge that such reflection is at an early stage. To Kuhn (2012), “oral history practitioners have only begun to consider and appreciate the attributes and implications of oral history in an online environment” (2012, p. 312). In a more recent publication, Sheftel and Zembrzycki (2017) lamented that there is still “little critique” about how we “embrace technological changes”; they suggest that one reason might be “trends in academic funding” encouraging the public dissemination of sources (p. 96). This role of research and cultural funders’ policies was highlighted in Chapters 3 and 4.

Several authors rightly identify the dissemination stage of the interview lifecycle as one of the most difficult stages. They observe that critical thinking about meaning-making is particularly required when creating online documentation and sharing interviews. Schneider (2014) invites practitioners to reflect on “what we are not capturing in the way of meaning” when producing documentation to accompany recordings (pp. 22–23). Frish and Lambert (2012) highlight the importance of exploring the implications of dissemination on a vast scale and how users could have a “meaningful access” if thousands of interviews are available to them (p. 347).

1.1.3. How grey literature complements academic sources

However valuable, these considerations are too generic to help practitioners on the ground. Detailed solutions are needed specifically to address and, if possible, anticipate the tensions around informational privacy, decisional privacy and the conflicting expectations described in the previous two chapters.

It is quite common in oral history for authors of academic publications to also write more practical documents such as online best practice guides. Key sources such as professional associations’ web pages dedicated to ethical and legal issues are usually written by a collective of experts based in academia and/or heritage institutions, and are subject to a form of (non-anonymous) peer-review. This reflects the practice-based and multi-professional nature of oral history mentioned in Chapter 3. It is also something that I observed in my fieldwork, where 65% of my 112 survey respondents are
interviewer-curators (they are involved in both recording and archiving interviews, and sometimes also disseminating them). It is therefore important to point out here that the boundary between academic and grey literature is porous in oral history, with many practitioners involved in authoring or reviewing for both genres.

To assess the solutions that practitioners are choosing to resolve the problems brought about or amplified by digital technologies, we need to understand which sources of information are the most consulted and regarded as the most helpful. I will rely mostly on my survey responses to do so. I also aim to understand why these sources either hardly touch on these questions at all (academic literature) or, as will be seen below, are still not informative enough to help practitioners prepare for them (grey literature). One hypothesis is that the topic of applied ethics of digital technologies is still a relatively new one outside of the spheres of Information Studies, Computing Studies and Internet Studies, where emerging ethical concerns have been discussed since the 1960s in the academic literature (Ess, 2008, pp. 89–90; Floridi & Taddeo, 2016, p. 2).

The almost total absence of this topic in oral history academic publications concurs with Larson’s (2014) observation several years ago about “the sense that [the conversation about ethics] has already taken place” (pp. 161–162). One of the research goals of this thesis is to show how using digital media ethics and digital privacy concepts can help fill the current gaps in the literature used by oral history interviewers and curators.

1.2. Sources of information on advice and approaches used in practice

1.2.1. Relevance of the grey literature

Grey literature is a key resource for identifying the ideas that are used in practice for solving the applied ethics problems of digital oral history. Among this genre, guidance documents produced by professional associations are the most frequent source of advice actually used by the practitioners I surveyed. My online survey included questions about respondents’ awareness of regulations and advice to use digital tools; Question 10 was open-ended and was phrased as follows: “There are various sources of advice available for using digital tools; please list the advice you were aware of when collecting, archiving or disseminating oral history interviews”. Eight sources of advice stand out from the 112 responses I received:

1. Professional associations’ publications (including by associations of Oral History, Sociology, Anthropology, Library, Archives, Digital Preservation) – Mentioned 52 times
2. Handbooks, how-to guides and other practical publications (focusing on topics such as oral history, ethics, qualitative research, information management standards) – Mentioned 40 times
3. Dedicated websites (including websites of academic Oral History departments and archive centres, and websites addressing ethical and legal questions or digital questions) – Mentioned 20 times
4. In-house training events by university staff (as part of postgraduate studies or ethics clearance applications) or one’s institution – Mentioned 18 times
5. A department in their own institution (legal services, ethics services or board, copyright experts) – Mentioned 12 times
6. Colleagues in their own institutions – Mentioned 11 times
7. National institution’s guidance (including Libraries, Archives, Data Protection Offices, Copyright Offices) – Also mentioned 11 times
8. Other practitioners’ advice – Mentioned 9 times

I also enquired into how they discovered these sources of information, whether when looking for advice about using digital tools or to understand how they are regulated. Question 11 of the survey asked: “Do you remember how you found out about these regulations and advice? Select any that apply”. I gave them seven options: Colleagues, teachers, students, local oral history networks, conference or seminars, online resources, other. The three main sources that respondents chose were as follows:

1. Colleagues (27% of responses, chosen 78 times)
2. Online resources (26% of responses, chosen 75 times)
3. Conferences or seminars (20% of responses, chosen 58 times).

The practitioners I surveyed are aware of this grey literature thanks to their peers and their own online research. However, the fact that they all experience strong tensions around informational privacy, decisional privacy and the management of conflicting demands suggests that there are still several gaps in the advice available and in its accessibility.

1.2.2. Limitations of the current approaches

The limitations of the solutions available in my respondents’ chosen sources of advice are twofold: they are mostly reactive, and they are not scalable because they are too time- and resource-consuming. These limitations are apparent in the survey responses given to Question 16, which asked respondents “Have you already modified a project following such ethical or legal dilemmas (questions asked, choice of interviewee, editing, erasure…)”. 79 practitioners responded to this question and among them, 63% have modified a project (50 respondents). The modifications described can be grouped in four categories, which correspond to different stages of the interview lifecycle:

1. Dissemination of the interview – mentioned 48 times:
   - Editing the dissemination version of the interview (editing the audio file or the transcripts) (22)
   - Using different levels of access for the whole or part of the interview (7)
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1. No dissemination at all or removing the interview from the Internet (7)
   Dissemination on hold or embargoed (6)

2. Describing and archiving interviews – mentioned 10 times:
   - Transcription reviewed by the team or the interviewee (3)
   - Documenting the interview: correcting the summaries, modifying the catalogue entries (3)
   - Destruction: erasure of a section or of the whole interview (3)
   - Anonymisation (1)

3. Collecting the interview – mentioned 9 times:
   - Consent/release forms: more options added or more effort made to explain them to interviewees (5)
   - Interview questions are amended, not used, or asked but the interviewee’s choice is respected when s/he refuses to answer (3)
   - Choice of interviewee (1)

4. Conducting the project – mentioned 5 times:
   - Learning to be more aware of risks (1)
   - Workflow modified (1)
   - Guidance for staff updated to help them deal with dilemmas (1)
   - Regular ethics meetings scheduled to review submissions (1)
   - Withdrawing from a part of the project because of ethical disagreement (1)

The dissemination stage in the interview lifecycle is the most frequently occurring stage at which respondents decided (or were forced) to address their ethical and legal dilemmas. The precise solutions they implemented during the dissemination, description and archiving stages were time-consuming and above all not scalable (file editing, modification of the access level, change in the online presentation of the interview, anonymisation), and/or they were purely reactive (withdrawing an interview from the Internet, interview dissemination or use on hold, destruction). The actions taken at the earlier stages of the lifecycle demonstrate the flexibility of the oral history and curation methodologies to adapt to ethical and legal issues. I will highlight this capacity throughout this chapter and the next one.

We have seen above that practitioners have many sources of advice at hand. Nevertheless, they still experience difficulties related to the digital context of their interviews and collections. Based on the sources listed by my survey respondents and outlined above, I have examined a sample of the tools and advice currently available to oral history interviewers and curators. Such an analysis enables me to identify the following key elements: why the advice is insufficient, what information is missing in the sources they are using, as well as what format and medium are the most efficient to convey the missing information.

My goal is to enable them to anticipate the current and potential future ethical difficulties arising in digital oral history and, as far as possible, to be proactive rather than reactive in dealing with them. This
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is essential for addressing the real-life problems of sustainability and scalability, especially in terms of financial, human resources and expertise constraints. One objective of such an analysis and applied ethics approach is to help practitioners to include time-consuming activities into their budgets and project planning, but also to argue for more institutional and/or national funding in the medium- and long-term for key tasks such as collections reviews, pseudo-anonymisation and interview editing.

1.3. The role of fieldwork sources and grey literature in identifying specific approaches

1.3.1. Grey literature as a key complementary research source

My fieldwork sources provide a range of solutions to address the challenges contextualised and analysed in the preceding chapters. The practitioners I surveyed and interviewed point to processes and guidance they have tested; they also explain the limitations of these aids when it comes to respecting informational privacy and decisional privacy.

In their survey responses, all of my respondents explained (in varying degrees of detail) how they found out about these processes and guidance. Because I had already obtained a lot of information in the survey on that question, I used my research interviews to encourage practitioners to reflect on the helpfulness and limitations of their sources of advice, and on the gaps that they wished to be filled. I have used the information my survey participants provided as a basis to develop my list of grey literature documents. My interviews enabled me to understand how these documents are used in practice.

My 112 survey respondents listed eight categories of sources of advice to help them using digital tools when collecting, archiving or disseminating oral history interviews (responses to question 10 of my survey). We have seen above that the most frequently cited categories were professional associations’ publications; handbooks, how-to guides and other practical publications; and dedicated websites. The fourth source of help, training events, would have also been highly relevant to study; however, time constraints stopped me from carrying out a participant observation of such events. With more time at hand, I would have analysed the content and dynamics of relevant training courses, such as those organised by the Oral History Society in partnership with The British Library.

Based on the first three broad categories of sources listed by my survey respondents, I selected 34 documents in 2020; they are listed in Appendix 4 (p.249). My list includes websites, blogs, reports and best practice guides that were published in the three countries on which I was focusing (United Kingdom, United States and France). I selected them on the basis of the following criteria: their content (practical themes, advice on best practices) and on their form (short, concise, relatively easy to browse, organised in bullet points or lists of questions, etc.). I have excluded long essays and long articles. When I could not easily find dedicated guidance in a country or on one professional association’s website, I used the following keywords to search their websites or technical publications: “ethic*”, “privacy”,

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“data protection” and “consent”. For instance, my list of grey literature published by French associations and French research groups is still limited to long and quite wordy best practice documents, namely *La diffusion numérique des données en SHS. Guide des bonnes pratiques éthiques et juridiques* (Ginouvès & Gras, 2018), *Guide des bonnes pratiques numériques* (Huma-Num, 2015) and the French Archivists Association’s *Ethical code* (Association des Archivistes Français, 1996). I used the above keywords to identify within these long documents the advice offered for dealing with issues around privacy and conflicting demands.

The authors of these documents are diverse; they include twelve professional associations, two research projects, two digital research support institutions and one centre of expertise in digital curation. I have chosen to expand my analysis beyond oral history and archive studies to follow up on my survey respondents’ ideas and to allow for a broader source of inspiration. I have therefore selected grey literature produced in three areas of expertise: oral history (12 sources); information management (9 sources); and finally, Social Sciences (9 sources). The latter category includes guidelines, statements and codes published by associations of sociologists, anthropologists and Internet studies researchers. Such sources are relevant since they deal with qualitative social research and fieldwork. As we will see, they provide inspirational advice, both in terms of format and content.

Due to the online format of these documents, it is sometimes impossible to give a precise reference to the information I am extracting; whenever a downloadable PDF or Word version was available, I have referenced the relevant page numbers.

1.3.2. **Practical advice and tools: preparing for plural privacy**

These documents provide practical advice; they also describe relevant tools, such as consent forms, decision trees and lists of key questions to review a collection. Throughout this chapter and the next one, I will highlight eight of these tools. My selection is based on their helpfulness for addressing the difficulties amplified by digital technologies in oral history. These tools, along with the rest of the grey literature I have analysed, are all available online and can therefore be accessed by most practitioners, providing they know about them. In practice, they cannot be used all at once; time- and resource-stretched teams are rather advised to pick the most relevant to their current needs.

Because practitioners have little time for training and for researching the appropriate guidance, sketchy information and the lack of proactive solutions are problematic. Scattered information and gaps in professional advice on applied ethics for digital technologies are also likely to contribute to choosing inappropriate modes of dissemination. This could increase the risks described in Chapter 5 for many stakeholders: interviewees and their representatives or communities; third parties; institutions hosting
collections; and finally, oral historians and qualitative social scientists (in relation to their future practice).

The integrity of current oral history collections is also at stake when last-resort solutions include the permanent editing or erasure of an interview (a measure that several of my research interviewees and survey respondents admitted to having already used). In addition, the visibility of collections suffers from the decisions to embargo or not to catalogue a whole set of interviews because no other process is known or affordable for dealing with problematic extracts in a few recordings.

One of the key changes that can be made to this reactive and short-term approach is to acknowledge at the outset of projects that digital oral history interviews are more complex to deal with than in the analogue context, as explained in Chapter 6 (pp.136–145). They are multifaceted and the solutions to the issues analysed in the previous chapters need to take into account the four ethical dimensions of interviews that are digitally recorded and/or disseminated: oral history interviewees now have to be approached not only as individuals, but also as social subjects, historical subjects and digital subjects. My concept of plural privacy enables practitioners to better understand how to adapt to that change and to find a balance in how to grant interviewees “respect without relinquishing our [own] responsibility” (Borland, 2016, p. 414). This chapter and Chapter 8 will help identify approaches that make interviewing, curating and dissemination still possible, both now and in the future.

I will show below what approaches, processes and tools help in anticipating issues around informational privacy and decisional privacy. Chapter 8 (pp.178–212) will focus on ways to address conflicting demands and the issues of responsibility and legitimacy. Throughout these two chapters, I will also assess the feasibility of these solutions along with the gaps identified thanks to the analysis of my fieldwork sources and of the grey and academic literature.

2. Anticipating and respecting informational privacy in the digital context

I will focus in this section on how practitioners can prepare for and deal with issues of informational privacy. As a reminder, this type of privacy can be defined as the ability to control the flow of one’s personal information (Tavani quoted in Ess, 2014, p. 72). It encompasses the rights to confidentiality, secrecy and data protection (Nissenbaum, 2010, p. 71). This source of concern is not only the one most frequently raised by the practitioners I surveyed and interviewed (as demonstrated in Chapter 5), but it is also the one for which I have found the highest number of proposed ideas, albeit scattered across the grey literature produced in the three areas of expertise that I reviewed.
According to my research participants, ways of addressing the issues of increased publicness, risks, informational norms and appropriateness are employed mostly at two of the stages of the interview lifecycle: archiving and dissemination. Improvements to archival processes mentioned by these participants include the following processes and related tools: assessing risks and stakeholders when reviewing what can be made public; deciding who is legitimate for reviewing collections; and carrying out proactive or retrospective reviews. At the dissemination stage of the interview lifecycle, practitioners can now choose from a large range of access levels and are advised to adjust the degree of publicness of collections and collection items, as we will see in detail in Chapter 8 (pp.178–212).

However, the grey literature I have analysed shows that it is also possible to anticipate informational privacy issues much earlier in the interview lifecycle: at the interview preparation stage and at the recording stage. Several tools and guides were updated or developed in the 2010s to allow interviewers to anticipate the amount and subject of sensitive information likely to come out in the interviews and then to flag this up just after the recording. These tools, guides and related processes are critical for preparing interviews so that plural privacy is respected, and for anticipating many of the ethical, legal and curatorial issues of digital oral history. I will therefore describe them in more detail in the next section.

2.1. Addressing the ethical questions amplified by digital technologies

In contrast with the academic literature reviewed above, the grey literature I examined frequently contained explicit discussions of both applied ethics and the use of digital technologies to collect personal research and cultural sources. Such discussions, however, seem to mostly take place in the Social Sciences. In particular, the topic of the increased publicness of qualitative research sources is tackled. This question was indeed already addressed in the Ethical Guidelines for Good Research Practice published online in 2011 by the Association of Social Anthropologists of the UK. Its authors discuss the boundaries of the “public domain” when research is done in “cyber ethnography” (p. 5), and they warn that data collected in online fieldwork may be private too.

Unsurprisingly, the Association of Internet Researchers is the most explicit and detailed about the new ethical considerations required when preparing a project. In their 2012 Ethical Decision-Making and Internet Research: Recommendations, they were already formulating a list of “Internet Specific Ethical Questions” to address (Association of Internet Researchers, 2012, pp. 8–11). These include the issue of “perceived privacy” and the warning that privacy can be expected even if the fieldwork takes place in a public context, such as when social media and data are collected from public accounts. They warn against the possible harm resulting from non-respect of privacy. The Ethics Questions Chart published by the same association in 2016 summarises in a practical one-page tool these new ethical questions; for example, its creators suggest planning for the ethical re-use of personal information collected online:
“Does the remixing/mashing of data enable identification of individual or group identities or enable any additional risks to participants?”.

Drawing on the work of the Association of Internet Researchers and of Nissenbaum (2010) among others, the British Sociological Association published their *Ethics Guidelines and Collated Resources for Digital Research* in 2017. This document alerts the researcher to the need to “resolve unprecedented tensions between the researcher and the researched” (p. 11). It explicitly calls for “situational ethics of digital research” in addition to more traditional deontology; the authors invite practitioners to “[take] very carefully into account the context and the implications of conducting this research rather than referring only to absolutes of right and wrong and to issues explicitly addressed in existing ethical guidelines” (p. 11). Such preparation should for instance include how the research will deal with the duty of care and informed consent.

### 2.2. Acknowledging the plurality of stakeholders

#### 2.2.1. The interview preparation phase: information-seeking and transparency

At the minimum, these new ethical considerations and privacy expectations should be discussed with interviewees. Such a strategy is present in the oral history academic literature: many authors suggest involving interviewees at the project preparation phase, during the interview itself or at the interpretation and publication stages (Borland, 2016, pp. 421–422; Larson, 2014, p. 163; Layman, 2016, p. 249). Early discussions can indeed be helpful in terms of information seeking; interviewers can enquire who is likely to be offended by the dissemination of the interview and whether members of the direct family or group are likely to object to that story being widely shared.

Self-censorship is a clear risk of raising such a topic at the interview preparation stage or when seeking consent before the recording starts. Interviewees may stay away from topics perceived as too sensitive, refuse to do the interview or to allow its archiving and/or use. Another stakeholder is the interviewer (and their team): they may decide to avoid some interview questions in response to these discussions. Yet, the scope of the project and its ultimate archiving or access goals should not be hidden. Transparency is a matter of honesty and is a way of showing respect for interviewees. Openness about the potential benefits and risks to witnesses themselves and their relatives also ensures that consent is as informed and meaningful as possible, as discussed in Chapter 6 (pp.133–136). As we will see later, each interviewer and team need to decide what their main short- and long-term priorities are, as early as possible in the interview lifecycle.
2.2.2. Identifying the other stakeholders

Although a few oral history authors remind us that project institutions, partners and potential users are also essential interlocutors (Berger Gluck, 2014; Larson, 2014; Raychaudhuri, 2021), the grey literature is more explicit about the need to take into account interviewees’ webs of social relationships. In its Core Principles updated in 2018, the American Oral History Association explains that the oral history process should be guided by “respect for narrators and the communities from which they come”; practitioners therefore need to be “vigilant about the possible consequences” for these stakeholders, of both the interview process and the access to recordings. Like interviewees, interviewers need to be protected from harm “to the greatest possible extent” (n.p.).

Ethical guidance published by archivists’ professional associations show an explicit acknowledgement of the plurality of stakeholders that needs to be taken into account and of the associated plural privacy that needs to be respected. The Association of Records and Archives UK and Ireland’s Code of Ethics (2020) urges practitioners to “have regard to the legitimate, but sometimes conflicting, rights and interests of these stakeholders, including employers, owners, community members, data subjects and users, past, present and future in line with current legislation.” (p. 6). The Code de déontologie du Conseil international des archives published on the website of the Association of French Archivists (1996) calls for the same multi-party and multi-temporal balancing exercise.

2.2.3. Tool highlight 1: the step-by-step ethics guide

The British Oral History Society offers excellent online guidance on applied ethics. The 2019 version of its guide Is Your Oral History Legal and Ethical? set of web pages is the latest update on this matter. It represents a practical and efficient combination of oral history and archiving expertise, since its group of authors includes both interviewers and curators. In particular, this comprehensive step-by-step guide (equivalent to 20 pages of text) highlights the importance of plural privacy. It deals with the expectations of a range of interviewees (such as children or vulnerable people) and with third parties’ data protection rights.

Overall, it succeeds in both setting high ethical standards and offering practical advice. It does not, however, tackles all of the applied ethics issues I have identified as being amplified by the digital context. Specifically, it fails to address: meaningful consent for online dissemination, open access for pre-Internet interviews, and the need to develop scalable review processes and layered access levels. This gap will hopefully be addressed by the guide’s authors and be filled by the next update of the document.
2.3. **Anticipating the amount and subject of personal and sensitive information**

2.3.1. **Interview practice and preparatory meetings**

Both my research participants and authors of the grey literature highlight the importance of trying to anticipate how sensitive the interviews are likely to be, even before contacting interviewees. One of the interviewers I spoke to explained how she had practised her oral history interviews by doing a mock recording with the grandparent of a colleague. This resulted in “un-expected, quite emotional personal things coming up” and forced the team to think further about such non-anticipated topics (Research interviewee 17, 2019).

The Oral History Society’s online guidance *Is Your Oral History Legal and Ethical?* describes the preparation steps of an oral history project. The authors’ first piece of advice is to think about the future use and dissemination of the recordings. Such questions should be discussed within the project team, but also during any pre-interview meeting with potential interviewees as suggested in the Oral History Association’s 2018 *Best Practices*. Such preparatory meeting (or phone, email or letter exchanges) offers an opportunity to discuss possible access options and hence contribute to the transparency around the project’s goals and the meaningfulness of interviewees’ consent.

2.3.2. **Training and benchmarking**

An interviewer explained to me how, looking back on one completed oral history project he regretted not having sought professional training to handle very sensitive topics and in particular “to work with people with a history of sexual abuse” (Research interviewee 16, 2019). This topic came up in several of his recordings. Although he saw that interviewees “gain[ed] so much by being part of this project”, he stated that “it’s a very tough subject” and he still was not clear about “what’s the right thing” to do during the interview itself, but also during the archiving and dissemination stages. Benchmarking other completed projects dealing with similar areas of research would enable planning ahead for some of these unexpected topics. Most professional associations’ journals and websites present a list of ongoing or completed projects carried out by their members; this renders possible a short exercise of information-seeking during the project planning phase.

Grey literature published by the American and British oral history associations suggest further principles to follow when preparing a project or study. The Oral History Association’s 2018 *Core Principles* describes workflow tasks to carry out before and after each interview, and invites “thoughtful planning and careful follow-through of the agreed-upon process” (n.p.). In their 2020 *Statement on Ethics*, the same association urges practitioners “not to make promises that they cannot keep” and highlight how their responsibility to “educate themselves about legal concerns” and in particular libel and invasion of privacy (n.p.).
2.4. Identifying risks with pre-interview assessments

2.4.1. Adapting existing tools to manage risks

Risk assessment tools are often recommended in grey literature produced by archivists, digital curators and data protection specialists. Oral history interviewers and curators would probably benefit from being more aware of these tools. A few of my research interviewees based either in archive centres or large heritage institutions mentioned such tools, referring to them as “risk registers”, “risk assessment chart” or “reputation risk assessment” (Research interviewee 13, 2019; Research interviewee 17, 2019; Research interviewee 15, 2019). As one of them described it, such tools aim to map out “what happens if you do this, what happens if you do that” (Research interviewee 13, 2019).

When used from a marketing and reputation management perspective, the process can be as follows: as part of the project plans, the team carries out an analysis of “potential opportunities and potential negatives” and “as the project goes on you refer back to these plans” to update them (Research interviewee 15, 2019). As an example, she described a recent series of interviews and how, for her institution, “this particular product that we created was seen to be a really positive thing, because it was telling a positive story about the archive collections and because a lot of the stuff that the interviewees told us… it wasn’t really anything that could be criticised in a way, from our point of view”. The same interviewer acknowledged that such a precautionary process was nevertheless necessary since “whatever you produce, there is always a chance that someone will find a criticism”.

Although the overall process is the same, such an assessment exercise needs to be used in a different way for most oral history projects and collections because of its much more nuanced outcomes: the question is less whether the project may be positive or negative for an institution, and more about who can be offended, now and in the long term. Furthermore, the UK Data Service reminds us in their online Guidance on Legal and Ethical Issues, that the assessment of information disclosure risks is “about managing risk, rather than removal of all risks” (n.d., n.p.).

2.4.2. Taking into account a plurality of harm

Although focusing almost solely on interviewees, grey literature produced in the Social Sciences describes the importance of taking into account different types of potential harm, as explained in Chapter 5. The American Anthropological Association’s 2012 Statement on Ethics highlights that harm can be caused to research participants’ dignity and to “bodily and material well-being” (n.p.); moreover, researchers need to anticipate both immediate and long-term harm. The Association of Social Anthropologists of the UK agrees, and its 2021 Ethical Guidelines for Good Research Practice also warn researchers about possible legal harm:
social research data are not privileged under law and may be subject to legal subpoena and […] laws vary by jurisdiction […] for example, the Data Protection Act, Race Relations Act, Official Secrets Act, and the relevant laws concerning child protection, prevention of terrorism, defamation, confidence, privacy, copyright and contracts.” (pp. 10–11).

The Oral History Society’s online guidance on ethics offers the same warning in a clear FAQ about the risk of access to interviews by the police if a recording refers to criminal activities under investigation. Such guidance was updated following the 2014 “Boston College case” discussed in Chapter 5.

Several associations highlight the importance of taking extra caution in risk assessment and protection when research participants are vulnerable. The Association of Social Anthropologists of the UK explains in their 2021 Ethical Guidelines for Good Research Practice how anthropologists may have to take radical action as a result of harm assessment, especially when working with particularly vulnerable communities. In these cases, it “may be necessary to withhold data from publication or even to refrain from studying them at all” (p. 7). Interestingly, the same association also advises about how to address the risk of misuse:

“All information is subject to misuse and no information is devoid of possible harm to one interest group or another. […] Researchers are often unable to prevent action based on their findings but should pre-empt likely misinterpretations and counteract them when they occur” (p. 11).

2.4.3. Situational risk assessments

The Association of Internet Researchers (2012) reminds researchers that risk assessment should also be situational. The second guiding principle of their recommendations on Ethical Decision-Making and Internet Research is as follows:

“Because ‘harm’ is defined contextually, ethical principles are more likely to be understood inductively rather than applied universally. That is, rather than one-size-fits-all pronouncements, ethical decision-making is best approached through the application of practical judgment attentive to the specific context” (p. 4).

This situational approach to harm assessment is well captured by risk assessments since they are specific to each project and carried out before interviewing starts and updated throughout the interview lifecycle.

One helpful model is the Data Protection Impact Assessment (often called DPIA), increasingly recommended by curators and research administrators as a result of the changes in data protection regulations in Europe in 2018. For instance, The National Archives’ 2018 Guide to Archiving Personal Data sees this tool as a “good framework to work in so that privacy issues can be identified and mitigated” (p. 29). They suggest that practitioners refer to national institutions for guidance. I will show below its relevance for oral historians, with reference to the DPIA produced by the British data protection authority.
2.4.4. **Tool highlight 2: the Data Protection Impact Assessment**

In 2019, the Information Commissioner Office published an updated *Data Protection Impact Assessments Guidance*. This comprehensive document offers detailed yet clear explanation on how to carry out a Data Protection Impact Assessment, along with checklists, a workflow chart and an eight-page customisable DPIA template. The guidance document recommends such an assessment at the beginning of any project that requires the processing of personal data and explains that it can be done for a single processing operation or a group of similar operations (such as the reviewing of several similar collections). Data processing is here understood as any activity requiring the handling of personal data. In the context of an oral history project, this involves all the stages between saving details about potential interviewees, to recording the interviews, archiving and sharing them.

Filling out the DPIA template invites practitioners to describe their future processing of documents containing personal information. It makes them identify and assess risks, and it helps them evaluate their compliance with legislation, describe measures to mitigate risks and clarify responsibilities in reviewing the assessment as the project develops. One of the key objectives of the exercise is to help unpack the different risks by inviting the writer to choose the possible levels of harm for the various data protection stakeholders; harm is here assessed through its likelihood (remote, possible or probable) and its severity (minimal, significant or severe). The combination of both factors gives a sense of the overall risk (low, medium or high).

Such a valuable tool could easily be shortened and adapted by oral history interviewers and curators. Although completing this document can be seen as an additional administrative task, it enables practitioners to map out at the outset of the project the ways chosen to address the plurality of privacy risks and will probably save time later on for projects where risks actually materialise.

### 2.5. **Flagging up potential issues just after the interview**

#### 2.5.1. **Making the most of interviewers’ knowledge**

So far I have given an overview of the steps that could be taken to try to anticipate plural privacy issues before even starting to record the interview. Before turning to what can be done to improve decisional privacy, I will now describe another suggestion made both by participants in my fieldwork sources and in the oral history grey literature I analysed. It involves flagging up elements of the recording that are likely to require extra caution at the archiving and dissemination stage. Two of my research interviewees have described how they are planning to develop material to train interviewers to alert the project team to personal data concerns and sensitive topics that they noticed when recording the interview. Such a report would be given to the curator when depositing the recording and before it is reviewed and/or accessioned.
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Such an approach was successfully implemented in the Generations oral history project led by the National Library of Australia in 2011-2016. Bradley and Puri (2016) describe the “traffic light system” they used to record and collectively address any tricky ethical and legal issues (p. 86). This process involved, for example, training the interviewers to “follow up any accusatory statement” (p. 86) made during an interview and to notify the project managers of sensitive recordings (such as narratives about domestic and sexual abuse). The “project’s attitude was shaped by the library’s preference to err on the side of access, but to consider the risk in each instance” (p. 86).

A similar process is found in the guidance for creating an Interview Information Form, as suggested in the article entitled Informed Accessioning that was published by Doug Boyd in 2015 on the Oral History in the Digital Age website. I have chosen to describe this tool in more detail below because of its great potential for anticipating difficulties around informational privacy.

2.5.2. Tool highlight 3: the Interview Information Form

The Interview Information Form is made of six questions which should be answered by the interviewer just after the recording (Boyd, 2015, n.p.; Boyd, 2019, pp. 161–162). Its objective is to quickly create “Interviewer Generated Metadata” to flag up sensitive information and adapt the curation workflow accordingly. Because it only contains a few well-chosen questions, it also helps address the issue of under-staffed and under-resourced curation teams by relying on the help of interviewers. The questions include the following: Are there any personal data in this interview, like an address or date of birth? Would you be comfortable putting this interview online tomorrow if it was yours? Is there any mention of abuse, of criminal allegations or of corporate secrets?

Each interviewer is invited to complete the form just after the interview. This tool can be used flexibly and can be used by other staff members than the interviewer to record such privacy metadata. For instance, if indexers are also part of the team, Boyd (2015) recommends asking them to answer the same questions, and later discussing any issue with the project manager. Therefore, the form can be used to quickly identify privacy issues in legacy collections and find the most appropriate mode of dissemination.

As seen in the previous chapters, respecting informational privacy is not sufficient to address the multiple ethical, legal and curatorial issues of digital oral history. It is also essential to better understand and record the decisions of the multiple stakeholders involved in creating and looking after interviews. I will therefore turn to the approaches available to better prepare for plural decisional privacy.
3. Respecting decisional privacy throughout the interview lifecycle and beyond

Oral historian Joanna Bornat (2016) rightly warns that “no consent procedure, however well drawn up, could ever guarantee a fully informed understanding of how the data will be used [once deposited] and concern about this may in fact inhibit the research design and interpretation” (p. 436). Yet, carefully planning for informed consent has become even more important in the digital context. As explained in Chapter 6 (pp.133–136), meaningful consent obtained before and/or just after the recording is an essential step for identifying the degree of publicness that interviewees find appropriate. To resolve the tensions of decisional privacy, it is essential to improve interviewees’ understanding of online dissemination options and to clarify how much information should be given to them. Because of the number of stakeholders directly or indirectly involved in a digital interview, views about the use of the interview have to be addressed in the short and long term. The grey literature I have analysed reveals a range of ideas to improve decision-making before, during and after the interview.

3.1. The relevance of social research methods for plural decision-making

The need to facilitate and respect the decisions of several stakeholders is not a new challenge for practitioners working with human participants. Several consent strategies developed in the analogue context are already available as an alternative or complement to individual consent.

One such strategy is used in longitudinal studies, during which consent is sought several times over the course of the project (often running over many years); this results in regular re-consent or the review of decisions already made (UK Data Service, *Guidance on Legal and Ethical Issues*, n.d., n.p.). Another interesting collective approach that could help develop family or group consent is that of the public consultation method. It involves asking a group to carry out a debate until its members manage to agree on a collective decision or opinion. Such a method has recently been used in the field of public policy, via the creation of national citizens assemblies as a way of seeking social consent on issues such as climate change (in France, in 2019-2020) or abortion (in Ireland, in 2019). On a smaller scale, panels of citizens are being consulted to alert and influence the British government and public authorities’ use of digital technologies and citizens’ personal data (Ada Lovelace Institute, 2020).

Qualitative social research methods are also a source of ideas for finding alternative interlocutors to make decisions in the name of individuals who are unable to consent (because they cannot be reached, or they are deceased, and no relatives can be found). Participant recruitment techniques include for instance the use of gatekeepers, key informants and community or group representatives. Because of their knowledge, they can be used to make decisions but also to identify the relevant stakeholders and to help map out risks (Bryman, 2008, p. 409). The Association of Social Anthropologists of the UK
indeed explains in its 2021 *Ethical Guidelines for Good Research Practice* that consent can be needed from both community gatekeepers and individuals (p. 4).

The authors of the same *Ethical Guidelines* suggest further ideas for acknowledging plural decision-making. These ideas were initially developed to address the difficulty of obtaining “advance consent” in ethnographic participant observation (Association of Social Anthropologists of the UK, 2021b, *ASA Ethical Guidelines: Additional Resources*, p. 1). The following suggestion can nevertheless be relevant in digital oral history: “discuss [participant’s] consent with friends, family, carers or other trusted acquaintances” (Association of Social Anthropologists of the UK, 2021a, p. 5). They highlight how, in ethnography, “consent is an ongoing process that must be negotiated throughout our fieldwork, rather than a one-off transaction at the outset of a research project” (Association of Social Anthropologists of the UK, 2021b, p. 1); consent in digital oral history may also have to be approached in such a fluid way.

Finally, the Association of Internet Researchers’ publications on applied ethics provide examples of how to balance out the risks, benefits and practicalities of seeking plural consent. For instance, they address the difficulty of obtaining informed consent when collecting big data such as social media posts. Because of the volume of information collected and the high number of social media users observed, researchers are unable to contact all of the people studied. The Association’s 2020 *Internet Research: Ethical Guidelines* suggest that the minimum expectation is to seek subjects’ consent for the dissemination of the research results; since such studies based on big data are unlikely to use more than quotes from the sources they collect, this is satisfying in terms of ethics. In practice, the research outputs usually only include a few dozen quotes from as many research subjects and contacting each of them is therefore a reasonable task, as long as this is planned well in advance of any publication (Association of Internet Researchers, 2020, p. 10).

### 3.2. Before and during the interview: better seeking and giving consent

#### 3.2.1. Essential dialogue to seek consent

The British Sociological Association’s 2017 *Ethics Guidelines and Collated Resources for Digital Research* tackle the issue of consent in online fieldwork and suggest a pragmatic approach. Drawing on the work of the Association of Internet Researchers, the *Ethical Guidelines*’ authors suggest starting with identifying exemptions to informed consent; such exemptions include observations in public spaces, use of images depicting illegal activities and the re-use of online work published under Creative Commons licences (British Sociological Association, 2017, pp. 9–10). They then encourage an assessment of how these exemptions affect practitioners’ research practice and ethical duty. They urge researchers in any case to have a dialogue about the topic of consent and dissemination with the research participants, even if this is not required legally or by the institution’s Ethics board.
Discussion can indeed prevent any “mismatch between the expectations of the researcher and ‘the researched’ regarding the public/private distinction” (British Sociological Association, 2017, p. 6). Another benefit of such good communication is linked to the evolving nature of digital research: “unexpected issues may arise, and having communicative relationships in place gives the research project a better chance of resolving any problems” (p. 8). With a focus on women’s interviews, Larson (2018) demonstrates the importance of listening to interviewees’ personal and political reasons for wanting (or refusing) online dissemination:

If an interviewee is “willing to get past her own discomfort in order to make a political point, the principle needs to be respected by the oral historian curating the material, either online or in an archive. Conversely, we may think that certain interviews need to be placed online to provide viewers with a fuller political context, but when a chronicler is reluctant to do so for personal reasons we need to allow her to privilege those reasons.” (p. 301)

Such an invitation to dialogue is also a key recommendation when recording interviews online. Due to the global pandemic and the ensuing national lockdown policies implemented from early 2020, many oral history practitioners have been recording their interviews by using free online tools such as Zoom and Skype, which have privacy policies incompatible with interviewers’ ethical and legal obligations. In reaction to the quick uptake of this interviewing practice and the growing need for guidance on a topic until then hardly discussed, oral history professional associations conducted reviews of tools and published their first recommendations (Oral History Association, 2020; Oral History Society, 2021).

One of the issues in using an exclusively online interviewing method in oral history is the lack of face-to-face explanation and discussion about the future use of the recording. Such an exchange indeed still needs to happen in some form, given participants’ lack of attention when signing online consent documents (Cummings et al., 2015). Chapter 6 has also demonstrated the need for explanation when seeking consent, especially to allow interviewees to fully understand what their dissemination options are and what online open access means. The approaches described below can hopefully be adapted for both face-to-face and distance interviewing.

3.2.2. Meaningful consent and the shift towards “process consent”

Oral history grey literature suggests that it is now best practice to seek consent before and after the interview, and even to get two different documents discussed and signed. The Oral History Association’s 2020 Statement on Ethics highlights the importance of recording explicit consent to take part in the interview, and to document consent before the interview itself. Neuenschwander’s (2014) article about “Major Legal Challenges” on the website Oral History in a Digital Age further encourages practitioners to always review recording agreements carefully with interviewees and to include a “recital clause: ‘I have read and understand this agreement’” (n.p.).
Although changes in data protection legislation have also introduced the idea of consent as a “lawful basis” for processing data, it is important to make a clear distinction between the ethical and legal use of consent. Their different purposes are explained in the guidance on data protection produced in 2019 by the Oral History Society in partnership with the British Library Legal team. This document emphasises that, even if a heritage or research institution chooses a different lawful basis for processing personal information (such as in the name of “public interest”, as is often recommended in such institutions), asking for participants’ informed consent is still necessary for ethical reasons (Oral History Society, 2019 Data Protection for Oral Historians and Organisations Holding Oral History Interviews). This document is the only one that I have found to highlight the different meanings of the term “consent”, which is now increasingly used by institutions in both legal and ethical senses as a result of changes in data protection regulations. This is a source of confusion for practitioners and more easily accessible clarifications are probably needed.

The Oral History Society (2019c) is now explicit in its call for a two-stage, two-document process for seeking informed consent. In its guidance, Is Your Oral History Legal And Ethical?, they recommend using a Participation Agreement before the interview begins, and then discussing and signing a Recording Agreement once it is over. The move towards a pre-interview document is a response to the changes in regulations which require institutions holding personal data to make explicit their legal basis for keeping and processing it; for Chenier (2018), this could help interviewees better understand that choices about participation and future use “are two separate issues and that donation to an archive is not required or even expected” (p. 308). The Participation Agreement should state on which basis the interview will be handled and therefore what the rights and duties of both the interviewee and the curation team are (Oral History Society, 2019a). Information sheets to give to potential participants when first contacting them are shown to be an additional tool to help with gaining meaningful consent. In the same vein, an interviewer explained to me that, as a result of data protection legislation, but also to improve participants’ understanding of the project, her team decided to ask them to sign the information sheet to make sure that it was actually read.

In practice, many of my own research participants were already moving away from consent seeking as a “one-off” exercise and towards seeing it as a “process consent” (although not in the sense of repeat consent used in longitudinal studies for instance). This process starts during the preparatory phase of the interview, extending to the beginning of the encounter with the interviewee and then to a post-interview review of the forms. This does not however categorically address the dilemma about the exact timing of consent, analysed in Chapter 6. Each project and team can assess when it is more appropriate to ask for a decision on the conditions of the recording and its use.
Practitioners I interviewed explained how they are starting the discussion around consent before the interview and carrying it on afterwards. This is done through documents sent in advance, via email or the post: usually only the sheet summarising the project information and key contact details, and the consent form which will be used, and sometimes also a list of topics and/or questions which may be asked. One interviewer observed that such early communication about consent facilitated the actual meeting: “we were pretty sure that when we would arrive at the interviewees’ houses, we knew that they were informed about what we were going to do, why they were doing it and therefore we wouldn’t have to have that conversation again there and putting them under additional pressure […] so it was kind of all sorted out beforehand, which I think seemed to help quite a lot” (Research interviewee 17, 2019).

In their pre-interview discussion, either as part of this document mailing, or at the beginning of the meeting with the interviewee, a few participants highlighted the types of possible use of the recording, including online dissemination. Several described reading and discussing the form with the interviewee but only signing it after the interview was over or, when explicitly asked, only after interviewees had reviewed the transcripts of their interview.

### 3.2.3. Tool highlight 4: Summary for participants in oral history interviews

As explained in Chapter 3, an oral history interview is an unusual experience for most interviewees; most do not know what such an exercise involves, nor are they familiar with archiving and curation processes. To address this reality and make sure that participants better understand what is required from them and what will happen to their recording once the interviewer leaves with it, the American Oral History Association has prepared a three-page description in plain English of what to expect, at different stages of the interview and beyond.

Available as part of its downloadable *Principles and Best Practices* (Oral History Association, 2018), this summary is explicitly aimed at facilitating interviewees’ informed consent. As stated in the introductory paragraph: “there are several key ethical responsibilities which oral historians of any background share. We have summarized these here to help you, the participant, make an informed decision about whether to contribute to an oral history project”. The text is organised around the broad stages of the interview (before, during and after). It explains the interview process, its benefits and potential risks; and it describes the choices available to interviewees to refuse to cover some topics, to edit or withdraw the recording, or to negotiate copyright (pp. 12–14). Because of its choice of addressee, style and content, such a document is more comprehensive than an information sheet and, once tailored to a different legislative context or specific project, can serve as a good basis for later face-to-face discussions about consent.
3.2.4. Meaningful consent methods: use of the interview

We have seen in the previous chapters that the interview dissemination stage is where most of the ethical and legal difficulties arise. To anticipate these, the Oral History Association highlights the importance of transparency and of explicit consent. Its *Core Principles* detail what interviewees’ rights are: they “should be given an opportunity to establish parameters for preservation, access, and use” and they “must grant explicit permission to make their interview public” (Oral History Association, 2019, p. 5).

In addition, the Association’s 2020 *Statement on Ethics* states that the information they are given should include the following: the goals, “potential risks” of participation and future use of the recording; and interviewers need to make sure participants are “fully informed” about “the many possible uses of the oral history once it is publicly available” (Oral History Association, 2020, n.p.).

Such explicitness should be repeated in the wording chosen in consent documents. For instance, the “future clause” describing how interviews will be used in the long-term needs to be informative and specific; Neuenschwander’s (2014) article about “Major Legal Challenges” on the website *Oral History in a Digital Age* warns that “overly broad clauses like ‘for such scholarly and educational purposes as the oral history program shall deem appropriate’ are simply too generic in the digital age.”. Instead, he suggests the following: “Potential uses of the interviews (in whole or in part) include but are not limited to research, Internet display, media productions, publications, educational curriculum, and museum exhibits” (n.p.).

My research interviewees explained the strategies they are using during their fieldwork and afterwards to ensure that consent to dissemination is as informed and meaningful as possible. One interviewer described to me his “back and forth exchange” with dozens of interviewees; although quite slow (some interviewees did not reply by the time the one-year project was completed), it is a very thorough process. It can be summarised as follows:

- the project decided that any recording published online would have to be transcribed and checked first; if interviewees refused online dissemination, only summaries would be published and the recording would be available in the institution’s search room;

- once transcripts were ready, the interviewer read them and highlighted what was needed to be redacted (such as third-party information);

- the redacted transcripts were then sent to interviewees with an explanation; they were given a chance to ask questions, discuss these choices and make further suggestions of extracts to redact;
- Interviewees responded differently; some thought he was being too careful, while others wanted to improve “how they sounded” by correcting how they had expressed themselves or what they meant; most of the extra edits interviewees asked for were not for data protection reasons.

As described above and in the previous chapters, online dissemination of whole recordings or transcripts is the cause of most of the difficulties I have analysed. Many practitioners worry about the amount of explanation that should be given to interviewees when asking them to consent to online open access. One of the curators I interviewed asserted that this was a short-term concern by observing that “online access is embedded in our everyday life” and even if there are “still a large proportion of elders who don’t use a computer [...] as time goes on, that issue will get less and less because we’re getting generations of people who don’t remember a time before computers” (Research interviewee 18, 2019).

Yet, digital access and open access to full, searchable interviews are different; interviewers’ responsibility is still to ensure that interviewees have understood what they are agreeing to. This is critical, whatever the digital literacy of interviewees, because curators in the future will rely on these consent decisions to choose the appropriate level of access for collections deposited in their institution. As an archive manager explained to me, her team does not have the time or resources to liaise with interviewees, it is up to the interviewer or collections depositor.

Getting meaningful consent at the time of the interview is therefore the optimal approach. Several participants have told me about the best ways they have found for informing interviewees. This first involves how the information is presented. I have found different strategies in my fieldwork sources. For instance, several of my research participants use the letters or emails they send to approach potential interviewees. The addressees are encouraged to look at the institution’s website and collections pages where recordings are already available and they are advised to listen to some extracts to better comprehend how their own story could be viewed and searched for if they accept online access. Cotera (2021) takes this approach further by encouraging her interviewees to use the digital collections they are contributing to: “we walk the women through how to access and use our digital platform”, hence showing that they are not “‘resources’ to be mined for information” but “collaborators” (p. 51).

Another strategy is to send an introductory video to the interviewee before the meeting, featuring the head of the institution who presents the collections website where the recording would eventually appear and describing the different options for dissemination. Such an idea echoes methods already used in ethnography to enable non-literate participants to understand what they are consenting to, by relying on “education and communication materials, descriptive videos or illustrations” as an alternative to information sheets (Bhutta, 2004, p. 775).
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In addition to improving how the information is presented, my research interviewees gave examples of effective phrases and descriptions to help interviewees make sense of what open access will mean. They include explaining that having one’s life story available online is “like being on TV”; and telling interviewees that “the details of your recording will appear on a computer” and “through a Google search” after cataloguing (Research interviewee 1, 2018; Research interviewee 10, 2019; Research interviewee 11, 2019). To allow each narrator to assess their own privacy priorities, an interviewer told me how he invites them to reflect on “what is at stake” with online open access and answer the question “what does it change if one more person hears your story?” (Research interviewee 1, 2018).

3.2.5. Tool highlight 5: Model consent form

The UK Data Service has developed a helpful template of a consent form that covers both consent to participate and consent for the use of the recording. It is GDPR compliant and should be used in conjunction with their online guidance on Ethical Issues (n.d.), which describes in plain English the principles of informed consent and the importance of adapting to the context of the project (including when working with minors, on Twitter, in medical research, or with people with learning difficulties).

Their Model consent form was updated in 2018 and is available to download as a customisable document. It is original and practical in its form: half of the document provides guidance on how to seek consent and what data protection considerations to take into account, while the second half is the form itself, with indication of what to tailor and examples of phrasing. It nudges the interviewer to read the guidance first and adapt the form via a judicious use of colours, font and text layout. Such a template could be adapted for oral history interviews, provided that guidance about the importance of explaining the document and the dissemination options is added. It could also easily be merged with the templates provided by the oral history professional associations.

3.3. After the interview: respecting consent choices in the long term

3.3.1. Missing consent: documentary effort to locate interviewees or representatives

Trying to re-contact interviewees or relatives to document their decisions is often a difficult but essential task for curators. When consent forms are missing or online open access was not included when consent was first sought, professional associations encourage practitioners to “make a good faith effort to obtain them” (Oral History Association, 2019, p. 11) by trying to locate interviewees “as far as possible” (Oral History Society, 2019, Is Your Oral History Legal and Ethical?, n.p.). Several of my research interviews and survey respondents described such an activity.

Working examples of the process to obtain consent long after an interview are available in the best-practice guide La diffusion numérique des données en SHS (Ginouvès & Gras, 2018). In a chapter on
the ethical and legal issues experienced by the University of Alaska’s *Fairbanks Oral History Program*, researcher and curator McCartney (2018) describes her team’s method of solving the issue of “orphan interviews”, for which no consent form or contact details exist (pp. 138–140). To try to locate interviewees or representatives to obtain consent to disseminate pre-Internet interviews, they carry out “three solid efforts” as follows: three documentary attempts are made to find close relatives, through searches in newspapers, obituaries or the interviewee’s workplace records for instance; these activities and results are logged in a spreadsheet. If they succeed in finding close relatives, they ask for the family's consent for dissemination and sign a new agreement; however, if they cannot find anyone, the interview is put online but the catalogue entry indicates that a new agreement is still needed.

In other case studies described in the same chapter, she explains how group consent can be gained through good communications with representative communities. Such collective consent can be used to help handle “culturally sensitive recordings” and decide whether online dissemination is appropriate; the resulting decisions can involve de-accessioning or transferring the collections to a different institution (pp. 134–136).

### 3.3.2. Level of potential harm and curators’ responsibility

Another approach to solving the issue of missing or outdated consent is to assess the risks and potential harms involved in disseminating the interviews without obtaining further consent. In its 2020 *Code of Ethics*, the Association of Records and Archives UK and Ireland acknowledges that there can be exceptions to using consent to decide how to share information, including situations where there are too many data subjects, they are deceased, they cannot be located, or they are not competent to give consent. If it is even “not possible to gain consent from proxies, such as parents or guardians”, then curators “should take particular care to avoid possible harm to information subjects” when choosing how to disseminate the records (Association of Records and Archives UK and Ireland, 2020, p. 6).

The Association des Archivistes Français (French Association of Archivists) highlights how such a situation creates a distinct responsibility for curators: “the archivist ensures respect of privacy for individuals who created or are the data subjects of the documents, especially for individuals who have not been consulted about the use or fate or these documents” (Association des Archivistes français 1996, *Code de déontologie, Principle 7*). One of the archive managers I interviewed also pointed out that this responsibility can sometimes be shared with other stakeholders, and in particular the institution’s

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13 The French version is as follows: “Les archivistes veillent au respect de la vie privée des personnes qui sont à l’origine ou qui sont le sujet des documents, surtout pour celles qui n’ont pas été consultées pour l’usage ou le sort des documents.”
ethics board: its members would be asked to “judge on the basis of what harm can be done if it’s re-used, if it’s published [...] that would ultimately be the deciding factor” (Research interviewee 12, 2019).

In its guidance on Consent for data sharing, the UK Data Service (n.d.) provides a helpful list of questions for assessing whether it is possible to share research sources even if consent documents are missing; these questions include “what level of harm could be caused?” and “is anything known about participants’ attitudes about having their data shared?” (n.p.). One of the examples given by the guidance’s authors is oral history. They state that with “older oral histories”, “consent was rarely sought, but the assumption of this genre is usually to share peoples’ life stories” (n.p.). Although this may be true from a disciplinary point of view, the analysis I have carried out shows that such an assumption needs to be far more nuanced based on each project’s context and the effect of increased publicnerness brought about by online open access.

Another question suggested by the same document touches on the difference between the legal and ethical angles: it invites curators to decide whether the information is still considered as “personal or sensitive data under current data protection laws? If people are no longer living, then data is not defined as personal” (UK Data Service, n.d., n.p.). Legally, access can therefore be given; however ethically, the decision is not as straightforward because of the specificities of oral history highlighted in Chapter 3 (pp.51–58) and the sense of responsibility that interviewers and curators usually feel, as analysed in Chapter 6 (pp.139–141). The decision tree which is the focus of my Tool highlight 7 in the next chapter addresses that very question and describes the range of possible outcomes.

3.3.3. Preserving consent forms and responsible appraisal

Guaranteeing that consent is respected starts with the preservation of the consent documents; one of the essential steps that curators can indeed take is to archive these documents, as recommended by the Oral History Society, the Oral History Association and the UK Data Service. The latter suggests the following steps: digitize, encrypt and store them; then destroy the original forms at the end of the project (UK Data Service, n.d., Ethical Issues).

In its 2019 Archiving Oral History: Manual of Best Practices, the Oral History Association further invites curators to make sure that they document any verbal agreements when receiving collections and warns that information will get lost otherwise (p. 17). The Manual’s authors call for realism: if no consent documents are available as part of the donated collections, the recommendation is to refuse the collections. In terms of human resources, they point out that a responsible appraisal requires the staffing resources to check the consent documents. Such a warning is even more important in the wake of the so-called “Boston College case” described in Chapter 5. One of the lessons for institutions is that they
“need to develop procedures to more closely scrutinize pledges of confidentiality.” (Neuenschwander, 2014, n.p.).

3.3.4. Interviewers’ responsibility when handing over interviews

Interviewers also have a role to play in the preservation of interviewees’ wishes. The Association of Social Anthropologists of the UK proposes the idea of a “continuity of consent” in its 2011 Ethical Guidelines for Good Research Practice (p. 2). Even if desirable ethically for all collections of identifiable qualitative sources, in practice this seems very difficult to ensure. Indeed, no institution has the resources to re-contact interviewees or depositors every year or every decade, or each time there is a new major technological or legal shift. A sustainable approach would entail acknowledging the context of each collection and prioritising the assessment of which interviewee will likely need to be re-contacted. For instance, several of my research interviewees described the impact of a change of technology or dissemination choice in the institution in which they deposited their interview. Such changes prompted them to warn a few contacts due to the sensitivity of records or the ambiguity of the consent given at the time of the recording.

However, such a strategy requires some knowledge about these major changes. To anticipate unknown future circumstances, a few interviewers and curators explained the measures they took when handing over the responsibility to look after the interviews. Actions can for example be taken when depositing a collection: not only the recordings and transcriptions can be given to the curation team, but also any “evidential documentation” such as correspondence with the interviewees and notes about the interview itself; in case of a future complaint by a relative, the curator can check what the notes say about the interviewee’s wishes.

Another key stage is when the interviewer or curator leaves their job, either because they are retiring or moving to a different workplace. One interviewer explained what she did one month before the end of her contract: emailing all of the interviewees who had not replied or sent their consent forms back and warning them that their interviews may not be put online after she had left because she would not be replaced. She also paid attention to filing the copyright forms, sensitivity check and transcripts with the original interviews so that when “a digital system does come up, everything can just be migrated rather than someone trying to find everything all over the place” (Research interviewee 11, 2019). She prepared a handover session to explain to the team how the relevant documentation is organised. Despite this good record-keeping, she still regretted in hindsight that she had not “planned a bit more early on”.

Retirement also requires careful planning. An interviewer-curator described to me his effort to review all of the consent forms and to “document the history of the archive” by writing to and asking a colleague to interview him so that he could transmit his unique knowledge of the interviewers and
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interviewees developed over decades (Research interviewee 7, 2019). The goal was to explain to future curators the context of each collection, including the ethical questions and information about the different co-creators.

In addition to informational privacy and decisional privacy, my research has found that most of the issues in digital oral history are linked to the difficulties of managing conflicting demands and establishing who is responsible to make decisions about dissemination. My next chapter will describe how these issues can be tackled through clearer responsibilities, flexible and nuanced workflows, and adapted support for practitioners. I will also make prescriptions to address the remaining gaps to better guide oral history practitioners not only to protect interviewees and third parties’ digital privacy but also to build historical collections of the highest quality.
Chapter 8. Enabling responsible curation and appropriate dissemination – recommendations after the interview

In this chapter, I will present the second part of my overview of the approaches currently available to address the tensions in digital oral history. I will here focus on what can be done and improved at the archiving and dissemination stages of the interview lifecycle; however, we will see that these solutions sometimes involve choices to be made before recording interviews, or even before starting the project or study.

I will highlight the importance of anticipating not only potential ethical and legal issues, but also the limitations of one’s own team or institution, both in terms of expertise and resources. Such awareness aims to avoid the deception of oral history interviewees, their relatives and communities by managing their expectations of information protection and visibility, in the short and long term. It is necessary to adopt situational informational norms and to accept that, ultimately, each project, study or institution defines what is appropriate in terms of dissemination. Yet, we will see that general guidelines are still essential, if only to save time and resources and to avoid too many ethical mistakes in how private information flows in public.

One of the goals of this chapter is to enable a better dialogue between curators and interviewers, so that each group is more aware of what the other is doing, of the constraints they have, and of the activities and worries they share. To a large extent, the curator is indeed the interviewer’s ally when it comes to respecting interviewees and addressing ethical issues; conversely, the interviewer is a key collaborator in the creation of valuable and useable historical archives. I also have the ambition to help practitioners better respect the case-by-case and human dimensions of oral history collections, and find a way of sharing the authority in dissemination decisions without asking interviewers (and interviewees) to also become curation experts.

As in Chapter 7, my fieldwork material and my sample of 34 documents from the grey literature will serve as key sources of information. I will highlight three more tools that are helpful to address some of the difficulties of digital oral history and will identify the limitations of current advice. I will also analyse my fieldwork sources to show the responsibilities on the ground, practitioners’ actual job remits and use of budgets, as well as how they collaborate and receive support in practice.

This chapter will contribute to enabling curators to give digital access to valuable, even if sensitive, historical sources. To do so, I will first explain the current responsibilities in disseminating oral history and show how these could be better balanced and clarified. I will then analyse how practitioners could make the most of slow curation workflows and of the current array of access options to address plural
privacy issues. The chapter will conclude with an assessment of the current limitations of guidance and support, and on my recommendations to fill these gaps.

1. Clarifying and rebalancing responsibilities: the “web of mutual responsibility”

In the introduction to its Statement on Ethics, the Oral History Association (2019e) highlights the diversity of stakeholders and their relationships in the creation and curation of oral history recordings: “Everyone involved in oral history work, from interviewers and narrators to archivists and researchers, becomes part of a web of mutual responsibility working to ensure that the narrator’s perspective, dignity, privacy, and safety are respected” (n.p.). In addition to reminding us that interviewees also have obligations towards the other stakeholders, this quote shows that oral history collections are built on more than the inter-subjective relationship between interviewees and interviewers. We have already seen that those creating and looking after interviews come from different professional backgrounds and institutional affiliations, yet there is a “convergence of [their] roles” (Boyd, 2019, p.144). Because their duties are not only plural but also interrelated, it can be unclear how their responsibilities should be delimited. It is therefore necessary to clarify the roles and terms of collaboration between interviewers, researchers, project assistants, museum curators, archivists, librarians and repository managers (to name but a few of the principal actors); as importantly, it should be acknowledged that most of these persons can only dedicate a fraction of their time to oral history projects or collections, and have large job remits.

Such a clarification should lead to a sharing of responsibility which is fairer and better supported, in particular for repository staff as we will see below. This, in turn, could help practitioners better deal with the competing demands analysed in Chapter 6: creating and sharing historical sources which are open but also reliable, respectful and inclusive.

1.1. Institutions and peers as sources of both expectation and support

The Association of Internet Researchers spells out a tension for practitioners caught between situational ethics and “regulatory-driven” decision-making: “The challenge for researchers remains: how to balance contextual requirements with disciplinary, institutional, legal, cultural, or other constraints.” (Ethical Decision-Making and Internet Research: Recommendations, 2012, pp. 7–8). This idea of “top-down versus bottom-up approaches to ethics” echoes the Association of Social Anthropologists of the UK’s analysis of a new “watery landscape” of research ethics that restricts researchers (n.d., Ethnav, n.p.).
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Such restrictions and sense of increased workload are also felt by practitioners looking after cultural and research collections as we will see below. Yet, I would like to nuance this stark opposition between top-down and bottom-up considerations by highlighting the opportunities for mutual influence between these poles and the reality of the support available to many practitioners within their professional communities and institutions.

1.1.1. Individual responsibilities aided by collective professional standards

One of the conflicting expectations revealed by my analysis in Chapter 6 is the need for practitioners to address the difficulties of situational, individual decision-making in a collective setting.

In its effort to help members “navigate both ‘the everyday’ and ‘exceptional’ circumstances”, the Association of Records and Archives UK and Ireland discusses this tension between individual and collective standards. Its Code of Ethics acknowledges that individuals’ terms of employment may conflict with professional standards and offers a discussion of the options available to its members. These include arguing for one’s own status and reputation as a professional, as well as seeking confidential advice from the association’s Chief Executive and Ethics Panel (Association of Records and Archives UK and Ireland, 2020, pp. 2–3).

Similarly, the Association of Social Anthropologists of the UK (2011) “can act as a forum for discussion among parties to a disagreement over ethics”, but the association cannot intervene in such a conflict (p. 3). Its Ethical Guidelines for good research practice encourage researchers to develop an ethical knowledge base, by seeking “illustrative examples and appropriate case studies” to supplement these collective guidelines (p. 3). The American Anthropological Association (Statement on Ethics, 2012) also reminds practitioners about their own responsibility for ethical decisions and advises them to pay attention to the details of the employment contracts that they sign.

Taking the right position can be especially difficult when it comes to choosing between interviewees’ data protection right and the availability of valuable historical sources. Some professional associations help practitioners draw a line, by highlighting the social role of interviewers and curators. For instance, the Oral History Society (2019c) asserts that “any immediate restrictions on access and re-use which the interviewee might request are far outweighed by the longer-term benefits to historians in the future of a full and frank interview” (2019c, section “After the interview”). Such a position reflects the association’s vision of a “democratic mission” of oral history conducted with as much respect as possible for the interviewees’ wishes, the ultimate ethical goal being for “first-hand personal testimonies [...] to be validated, valued and heard” (2019a, n.p.).
1.1.2. Individual responsibilities and institutional constraints: risk-taking

Institutional constraints can be illustrated by the degree of risk aversion that an employer is ready to take. Several of my research interviewees have described a risk-taking spectrum ranging from over-reluctance and a very cautious approach, to a model of open access by default, supported by resources to do more checks; I will present these options below. There are sometimes different models within the same institution. In practice, an archivist described the choice to me as follows: “keep everything closed if you’re worried about it […] or open and worry about it afterwards” (Research interviewee 15, 2019).

In my interviews, I was given examples of large cultural institutions willing to take risks thanks to their financial ability to take the risk of legal actions. In one of them, the institutional “risk-appetite” meant that pre-Internet oral history interviews were made available online when interviewees had not been found for re-consent. Such unilateral choice was accompanied by a clear take down policy which would lead to interviews being removed from the institution’s website, should their wide availability be contested.

A few of my participants have, however, observed an increased risk aversion among many institutions, due to financial constraints and fear for publicity reputation. Risk-averse institutions can include local authorities, charities and universities; in the latter category, research ethics committees classify more and more research topics as high risk, relying on more stringent data protection regulations. In turn, practitioners like researchers are increasingly aware of this institutional limit-setting and the risk of being guided by an “ethics as compliance”, rather than an “ethics as contemplation” (Proferes, 2020, p. 416). This raises the concern expressed by a few of my interviewees of the impact on disciplines like oral history and the danger of “becoming bland” by avoiding potentially controversial topics.

1.1.3. Individual responsibilities and institutional support: teamwork and steering committees

At the same time, working in institutional contexts also enables practitioners to rely on colleagues and committees’ support, which can be invaluable for addressing ethical dilemmas. The Oral History Society (2019d) indeed reiterates in its Oral History Workflow that project managers are responsible for approving individuals’ decisions to redact and edit some interviews. Such direct teamwork in making ethical and curatorial choices was illustrated by many of my research interviewees, whether the help came from their line manager or colleagues in a different department.

Steering committees further illustrate the porosity of the limit between top-down and bottom-up ethics. Sometimes also called “boards of advisors”, such committees can offer an expert viewpoint without being directly involved in running the project or study. In the examples detailed in two of my interviews with interviewer-curators, these committees are used to gauge stakeholders’ opinion on ethical and curatorial decisions. One participant described how the committee discussed the dissemination of the
oral history interviews and came to a collective conclusion that online open access was appropriate. The group was made up of a mix of archives experts and of interviewee representatives. The latter’s roles were twofold: to bring their knowledge about the topic researched and to act as gatekeepers to find more narrators.

In the second detailed examples I was given of such a forum, both a formal and an informal steering committee were involved. The first group of advisors had been set up by the institution running the oral history project and gave the interviewer-curator a “very difficult brief” to make dissemination choices by trying to represent all interviewees. This was complemented by the opinions of a “community steering committee”, made of interviewee representatives; this group was asked to also review the final project output, “to make sure that the content was right” (Research interviewee 16, 2019). Such a hybrid approach offers an interesting and original take on the role of gatekeepers: interviewees-turned committee members can be used for end-of-project gate-keeping, to vet any major dissemination choices and assess their degree of appropriateness.

1.2. Clear boundaries and fruitful collaboration between professions

1.2.1. The need for clearer lines of responsibility and mutual understanding

Perks and Thomson (2016) rightly point to the need for collections custodians and oral historians to work together better and improve their “uncomfortable relationship” (p. 446); however, my fieldwork analysis shows that such a distinction between professional groups can be misleading since the 65% of my 112 survey respondents were actually interviewers-curator. Being involved in recording, curating, and/or disseminating interviews can be a choice or a constraint; several of the interviewers I met for instance described the types of fixed-term work contracts they had, for which the job description also included curation and dissemination tasks.

Such multi-disciplinary requirements can result in the acquisition of valuable skills; yet, asking interviewers to also become archivists or librarians is both unfair and unprofessional, since they are not properly trained for such responsibilities. Similarly, requiring collections custodians to become grant administrators only adds to their large workload at the cost of other curation missions. Unintentionally, this seems to be the case in some National Heritage Lottery funded-projects as we will see later.

A better understanding between professional groups can be much more efficiently reached through communication and collaboration, rather than through the expectations of having multiple roles at once. Good communication can, for instance, involve interviewers consulting curation experts during the oral history projects, rather than at the end only; this can help interviewers better understand what can happen to their recordings once they are archived, including their legal status. Clear written transmission of interviewees’ wishes via detailed consent documents is another way of ensuring that there is no
ambiguity once custodians check such documents to make dissemination choices. As we have already seen, the meaningfulness and clarity of such documents is critical since they are often the only source of information available to custodians years or decades after the closure of the project.

1.2.2. Digital preservation and the curatorial and ethical risk of a digital divide

Collaborative work can also help address critical problems that concern all of oral history’s stakeholders. Digital preservation is one such area requiring the involvement of multi-disciplinary and multi-professional actors. For example, archivists and computer scientists’ ongoing experimentation aims, amid several research directions, to address the issues of bit preservation in the long-term. Bringing in their expertise to this collaborative effort, they tackle the reality that emerging technologies are not yet part of the “archivists’ tools of trade” (Goudarouli et al., 2019, p. 176), because custodians still use “archival theories and methods developed for paper records” (Marciano et al., 2018, p. 179). In this unique work led by the University of Maryland’s College of Information Studies, researchers and curators currently explore methodological and educational solutions. Their ambition is to create new skills and methods “at the intersection of archives, big data and analytics”, under the banner of a new transdiscipline and associated curriculum called “Computational Archival Science” (Marciano et al., 2018, p. 180 and p. 195).

However, such cutting-edge and resource-demanding work is far from being within the reach of most cultural and heritage institutions. Although the inequality of digital preservation, and of access to digital expertise more broadly, is too wide a topic to be covered in this research, its ethical consequences have to be mentioned. The “digital divide” is not a recent concern for digital ethicists and information specialists (as seen in Canelloupoulo-Bottis & Himma, 2008 for instance). Similarly, this issue has been discussed in the oral history community for over a decade (see Boyd, 2012c for instance) and led to a study in the United Kingdom commissioned by the (then) Heritage Lottery Fund (Mirchandani et al., 2013). It focused on the preservation and use of the large volume of audiovisual files created by Heritage Lottery funded-projects; one of the findings was the key role of preservation institutions in ensuring the sustainability and usability of the new digital collections. As we will see below, five of my research interviewees described their experience of such a preservation partnership and how this requirement at the grant application stage also had unintended negative consequences for custodians.

One of the main concerns for institutions looking after collections such as oral history interviews is the lack of continuity of resources to invest in digital curation systems. If even well-resourced institutions like The National Archives are still trying to grapple with the difficulties of ensuring the stability of large digital collections (Goudarouli et al., 2019), the challenge is even bigger for small or community-led institutions for which budget priorities are elsewhere and the managerial commitment is lacking. Programmes such as the British Library-led “Unlocking Our Sound Heritage” project (British Library,
2021) aim to tackle this issue for sound archives. Working with a web of ten heritage organisations across the United Kingdom, the ongoing 5-year project focuses on the digitisation, cataloguing and rights clearance of analogue audio collections, as well as on up-skilling archive centres’ employees.

Yet, a few of my research interviewees worry about the potential for a potential divide between well- and under-resourced institutions. The ethical and curatorial risk is a gradual decay and invisibility of oral history collections held by organisations unable to pay for, actively maintain and staff a good digital curation system. Another danger is that such institutions will refuse deposits of resource-demanding collections, either because of their large volume (such as video interviews) or because of the sensitivity reviews that they require, as will be analysed later. Such long-term risks would severely hinder the democratic mission of disciplines like oral history.

1.2.3. One solution: planned preservation partnerships

Five of the research participants I interviewed described the benefits of planning for preservation from the very outset of an oral history project or study. This is also recommended in the Oral History Association’s 2018 Best Practices and Boyd (2019) among other; it is now expected by most funders of research projects. Such partnership involves identifying an archive centre or repository where the future interviews could be deposited in the long-term and discussing their standards for file formats, interview documentation, rights ownership and consent procedures with the curation team.

A mature preservation partnership should be more than a “tick-box exercise”, as one of my participants observed: the discussions between interview creators and future custodians should be reflected in the practice throughout the project. Such early collaboration is an opportunity for the interviewing team to learn basic digital archiving skills and standards. It also ensures that their interviewees’ wishes will be better understood and followed up once the recordings are archived, since the collaboration involves an agreement on how consent is collected and documented.

An archives manager and a library curator described to me the requirements for a good partnership, from their institutions’ viewpoint: the importance of agreeing in advance on the activities that custodians will perform and of factoring these costs into the project budget. This follows a similar planning model to what is recommended for the digital curation of research data when drafting Data Management Plans. Since the mid-2010s, the European Commission’s funding bodies and most research funders in the United Kingdom and at the European Union level have agreed to cover the costs of data management and preservation, as long as they are anticipated at the beginning of research projects and often as early as the grant application writing stage (Digital Curation Centre, 2021).
Libraries, archive centres and museums that act as preservation partners have different degrees of capacity to accept deposits and specialise in diverse collection types and subjects. The following analysis aims to better understand their diversity, roles and constraints, of which interviewers should be aware when choosing where to preserve their (future) collections.

1.3. Repositories: diversity, common responsibilities and challenges

1.3.1. Diversity of institutions but shared “responsible custody” mission

Repositories are here understood to be institutions in charge of preserving cultural or research information. They can take the form of libraries, museums, archive centres or data repositories; they may have either educational, commercial or charitable status and are part of the broader category of “memory institutions” (as explained for instance in Tanner, 2020, pp. xxxii–xxxiii). Their size and status impact on the human and financial resources and IT systems available to the preservation team, their collections policies and priorities, and the institutional and regional networks to which they belong. These in turn will affect the time that employees can dedicate to oral history collections, the capacity to run their own in-house projects or to only receive donations, as well as staff members’ training opportunities and keeping up to date with new regulations and guidelines.

However, they all share the mission of “responsible custody”, which the Society of American Archivists (Core Values & Code of Ethics, 2012) describes as an institutional and social responsibility with the goal to “improve the overall knowledge and appreciation of the past within society”; this involves “making reasonable and defensible choices [...] to balance the sometimes competing interests of various stakeholders” (n.p.). The Oral History Association also summarises the key roles of repositories when it comes to handling interview collections: respecting narrators’ consent decisions, appraising donations responsibly, refusing collections when needed and ensuring the right staffing capacities (Archiving Oral History: Manual of Best Practices, 2019). In a recent essay on archive centres and museums preserving oral history collections, Fees (2022) emphasised the key role of such “physical institutions” and contrasted their reliability with the tendency of project websites to only remain available for a few years; he concluded that “the web is an uncertain partner” in this regard (p.133).

1.3.2. Expectation of wide access in the name of user outreach

However, being a responsible archives custodian in the current technological, regulatory and financial context comes with many challenges. One of them touches on the contradictory demands analysed in Chapter 6: the institutional, professional and social expectation to make collections as accessible as possible, while using short-term budgets, restricted human resources and little technical support. This difficulty was described in the research interviews I conducted with archive curators working in a large range of settings: three universities, two local authorities, two museums and a charity.
Many explained the pressure they are under to attract archives users in order to justify the costs of their team and services; one of the ways to meet users and visitors targets is to facilitate open access to collections, whether online or in the reading rooms. As one manager of a local archive centre observed, online access to collections or catalogue descriptions “has hugely increased the awareness” of their holdings, because online discovery acts as “initial access and locating”. Despite opinions that mass digitisation could empty search rooms, she noted that this does not deter most users (and especially researchers) from visiting the physical archives, because they want to get a “tangible feel” and “a full overview of the documents” (Research interviewee 18, 2019).

In that sense, the Internet can be seen as a hook to discover some collections. In the long term, however, such reliance on online access as an outreach tool may increase the risk of unfair treatment between collections, if some are seen as more attractive and potentially more popular, or easier to make available. As a few of my research interviewees admitted, digitisation and dissemination priorities are already somehow subjective because they are guided by the need to enhance collections which have “more value” for users and society in general. Given the difficulty of giving access to oral history collections, this could lead to a lesser visibility of complex sources. Assessing the (current) value for users could be especially discriminating for collections which contain controversial, complex or unorthodox stories, or which require meticulous sensitivity reviews and layered access.

1.3.3. Resource-intensive missions with restricted financial and human resources

According to a university archives manager I met, the lack of resources and time is the biggest challenge for fulfilling the responsible custody of digital and digitised collections. In particular, it affects good digital preservation because such a preservation mission does not rest on systems or file formats but on “how much time there is actually to understand what’s there and to build context around it”. He observed that there is no point in “building massive datasets” unless one can understand “how they were constructed and why they were constructed” (Research interviewee 17, 2019).

Another archivist described how she depends on one-off grants to prepare oral history interviews for wide dissemination. At the moment her collections are accessible on-site and described in the online archives catalogue. Ultimately, the team’s objective is to also make audio clips available, “but it’s very much down to funding” (Research interviewee 13, 2019). In some difficult financial circumstances, the Society of American Archivists (Core Values & Code of Ethics, 2012) even asserts that responsible custody also means that “archivists recognize the need to deaccession materials so that resources can be strategically applied” (n.p.).

One local archivist described to me how his management team expects him to write a business plan to obtain funds to develop collections and upskill staff members. One of his hopes is to train them in oral
history to better look after and enhance their interviews collections; however, this is “not an explicit element in our business plan, more a personal wish” (Research interviewee 18, 2019), and therefore dependent on the funding he can get for other projects. Critically, but not unsurprisingly, nine out of ten custodians I interviewed described how looking after oral history collections comprises only a fraction of their job descriptions and day-to-day activities. For example, a curator explained how this time constraint and her broad job remit impacts on her team’s review and dissemination methods: “we don’t have time [...] to make bespoke edits” and “so obviously there are some recordings which are so brilliant, so valuable, that we would go through the effort of making bespoke edits”, but other interviews are “a bit generic, and [...] it’s going to take half a day to do X, Y and Z to this recording, actually the value of that recording isn’t so strong so we’ll just take it offline” (Research interviewee 19, 2019).

Another curator in a small institution explained the difficulty of understanding the impact of new data protection regulations for their collections; at the time of the interview in mid-2019, the institution’s GDPR officer was also the finance officer. Such multi-tasking is also characteristic of the briefs given to project managers or interviewers hired on fixed-term contracts to carry out oral history projects. Two interviewers I met were hired on one-year contracts paid for by a National Heritage Lottery grant. One of them managed to recruit interviewees, organise and record 60 in-depth interviews (sometimes two a day), create an exhibition and edit a film “on a shoe-string” budget in such a short time. Although she “loved the job”, she was “so consumed by [it]”; despite enjoying the independence of being in charge of all aspects of the project, she regretted that the initial grant bid did not include funds and time to put the interviews online and do follow-up projects (Research interviewee 16, 2019).

Such a common situation, and in particular when short contracts come with a status of freelancer, is addressed in the Oral History Society’s (2020) guidelines aimed at independent interviewers and contractors’ employers. The guidelines cover key issues such as acceptable fees and missions of the employees. This employment instability, lack of staff continuity and the expectation of multi-tasking is concerning from an ethical viewpoint, not just for the interviewer’s welfare but also for the collections created in that way. It is unclear who would take on the responsibilities of preparing and following up consent procedures at the different stages of the interview lifecycle; this is especially worrying after the interviews are recorded and the project is concluded with one-off public outputs such as an exhibition or a short-lived website. The recommendation to identify and collaborate with a preservation partner should alleviate such risks, as long as the partnership avoids the pitfalls highlighted below.

1.3.4. Being a preservation partner: benefits and constraints

I was able to ask several custodians about their experience of being involved in short heritage projects, including those funded by the National Heritage Lottery in the United Kingdom. Five of them described the responsibilities and sometimes difficulties that came with being chosen as the repository partner. In
particular, my analysis of these interviews shows the need for such funding to be proportionate to the additional work required in curating the deposited collections once the heritage project is over.

One museum curator, for instance, discussed the pros and cons of accepting such partnership. He detailed several experiences, including one where the recordings were never sent to his team, despite the effort the museum team put into lending the equipment and preparing the project. He suggested that repositories being involved in similar collaborations should be aware that such a status does not provide extra funding or staff for the repository institution. He also highlighted the importance of giving enough support to the interviewers, in particular surrounding digital recording, and making sure that interviews will eventually be deposited. However, the benefits were still clear from his institution’s viewpoint, since such external projects leads to the archiving of new collections of interest for their users, without requiring staff members’ time to collate them. This, in turn, helps to meet the user outreach targets discussed above.

A university archivist also described the upsides of such an early preparation of preservation, and in particular she explained how a good partnership could improve the ethical processes for all stakeholders in the project. Describing several community projects for which her archive centre was chosen very early on, she observed: “it’s almost the perfect way of doing because you’re involved at the application stage” and “that’s when the whole process runs very well, you can get everything ticked off at the start of the project” (Research interviewee 14, 2019). She helped with the creation of consent documents and adopted a very tactful approach to offering dissemination options to the interviewers, by not being “too prescriptive at the start of the project. It’s not my project, it’s very much their project”. Nevertheless, she pointed to the same key problem as above: being a repository partner does not automatically mean receiving extra funding or time to work on such projects, whether before, during or after the interviews are recorded. This contributes to the time and resource shortages that curators experience when looking after their collections. As we will see later, these constraints are most strongly felt at the access-giving and sensitivity review stages.

1.3.5. Tool highlight 6: the partnership “shopping list”

Instead of the approach described above, obtaining additional resources is something that the preservation institution can commit to in their policy on supporting such short heritage projects, as was illustrated in another of my research interviews. Based in a local authority archive centre, a collections manager described her institution’s extensive experience of collaboration with external oral history projects and community archive projects. She offered a solution to the issues highlighted above, by explaining how her institution asks future interview partners to choose from and commit to a “shopping list” of activities that her team can perform to effectively support the project (Research interviewee 21, 2019). This metaphor is a useful one because it reminds partners of three key planning elements: what
they will need in advance; what support is actually available to them; and what they can realistically afford, based on the budget they intend to submit to the funding agency.

The activities range from running a few archiving training sessions (including on cataloguing, creating summaries and keywords, using Microsoft packages, etc.), to also lending recording equipment, attending steering committees, giving tours of the archive centre, organising end-of-project events and putting together a teaching pack. To agree on such roles, she tries to meet the future partner before the grant application is submitted. Crucially, the extra budget that her institution gets from such an agreement enables her to cover the costs of the training sessions and to partly pay for her salary.

Such a clear and fair share of responsibilities indicates a willingness on the part of her institution and project partners to play their role in the “mutual web of responsibility” advocated by the Oral History Association (2020, n.p). Consequently, this ensures that repository employees have the means to meet the ethical, legal and curatorial demands of oral history collections. This is a prerequisite for putting in place appropriate workflows and layered access which enable respect informational and decisional privacy, but also give access to valuable historical sources.

2. Making the most of slow workflows and layered access

Digital oral history retains the essential traits that characterised the practice in the analogue era. As we have seen in Chapter 3, in the academic literature, this “immutable core” is analysed at the interview recording stage only: several authors rightly observe that the dialogue between interviewee and interviewer still results in a linear and lengthy recording during which events are recounted with a long-term view (Boyd & Larson, 2014, p. 6; Sloan, 2014, p. 180 and p. 183; Zahavi, 2014, p. 119).

My analysis shows that another core feature can be observed at the archiving and dissemination stage: curating oral history interviews is still, and perhaps even more now, a slow process. Slowness indeed defines the workflows described to me by survey respondents and research interviewees who look after digital interviews collections; it is also acknowledged in the grey literature sources I have analysed. This section will examine how this slowness is explained by the need to balance risks, value and expectations of access on a case-by-case basis, while maintaining a personal relationship with stakeholders. Although inherent to oral history curation, this slowness creates many difficulties for custodians that need to be addressed.
2.1. Slow workflows: flexibility and personal relationships

2.1.1. The need for flexible and realistic processes

Using flexibility to navigate conflicting ethical expectations is an approach used across most qualitative social methods. For example, anthropologist Zeitlyn (2012) suggests that “protocols (rather than rules or laws) and flexibility” (p. 470) should be used. Other authors specialising in Media Studies, Sociology, Ethnography or Philosophy explain this idea through the fact that applied ethics is described as a process (Marchive, 2012; Villani et al., 2015; Coq, 2016). Sociologist Villani (2015) describes how flexibility and basic ethical principles have helped her and her colleagues to “stay close to their interviewees’ words” throughout their project, from recording interviews to disseminating their findings (p. 48).

Processes, rather than fixed and one-size-fits-all rules, also aid in choosing the relevant case-by-case curation solutions when dealing with privacy concerns; they help to avoid “irreversible actions” such as anonymisation (Szkely, 2014, p. 44) or erasure (Neuenschwander, 2012, p. 358). However, in practice it is less clear what is actually feasible technically and sustainable in the long term. Even if custodians aim to satisfy as many oral history stakeholders as possible, as we have seen earlier, constant adjustments of dissemination methods and access levels are not scalable for most preservation institutions.

The authors of the Oral History in a Digital Age website highlight that these limitations of ethical and curation processes have already been tackled to some extent. This has for instance led to the creation of “the popular archival concept of More Product, Less Process (MPLP)”, which “has emerged as the dominant workflow paradigm, infusing much needed efficiencies into cumbersome and inefficient archival processing workflows” (Boyd, 2015, n.p.). This archival concept was developed following a study published in 2005 that found that the processing of archive backlogs was too slow in archive centres across the United States (Greene & Meissner, 2005). The authors hence recommended a more realistic use of time and human resources, less attention to be paid to item-level descriptions, and an increased focus on making collections accessible quickly. This contributed to the creation of oral history-specific workflows and free open source tools such as interview indexing (instead of time-consuming transcription) via the Oral History Metadata Synchronizer developed by the University of Kentucky in 2008 (Louie B. Nunn Center for Oral History, n.d.) or the National Library of Australia’s online delivery system that can be used alongside Zotero (Bradley & Puri, 2016, pp. 79–81).

Yet, there are still gaps in the oral history curation guidelines. These will be explained below along with recommendations to bridge them.
2.1.2. Curation and personal relationships to the depositors or interviewees

We have seen in Chapter 3 that one of the characteristics of oral history is the personal link between the interviewer and the interviewee. The key role of this relationship is reflected in the content of the interview and the sense of responsibility that the interviewer feels afterwards. Such a link is also important at the archiving and dissemination stages since it contributes to respecting decisional and informational privacy.

First, this personal relationship (or at least its possibility) needs to be maintained in the communications systems used by curators. A few of my research interviewees highlighted the importance of narrators and interview depositors being able to directly contact the team looking after their recordings. A collections manager explained how her archive centre tries to stay in touch with partner institutions that donated collections. This is especially important when interviewees need to discuss again their consent choices or even want to withdraw their consent to archive and/or disseminate their stories. Although the narrators’ primary contact remains the interviewers in these cases, such a change in dissemination methods still requires a discussion between the narrators and the curation institution as well as sometimes lengthy negotiations to find the most appropriate and acceptable access levels (see for instance Stewart, 2013 on the fruitful relationship between archivists and interviewees’ families).

Taking the time for such dialogue and enabling interviewees, their relatives and depositors to easily contact the curation institution requires simple communications channels. These are sometimes hindered by more customer-focused systems where the user has to navigate online forms, automatic messages and ticketing systems. This is another benefit of the preservation partnership analysed earlier: because the curation team is involved early on in the interviewing projects, they can foster good communications with interviewers and potentially interviewees’ representatives. In contrast, large multidisciplinary data repositories such as the European Union’s Zenodo or the UK Data Service’s ReShare make it more difficult to contact individual staff members. However, they offer reliable long-term preservation services and an excellent visibility of research or cultural collections thanks to their participation in networks of repositories. Their reliance on depositors to carry out most of the curation tasks before uploading files further raises the question of the role of identifiable curators in the whole process. Indeed, this transfer of curation responsibilities makes it more efficient from the repository’s viewpoint but less adapted to expertise and resource-demanding collections like oral history. This question will be explored again when discussing the need for and possibility of automation to alleviate some of the difficulties of curating digital oral history.

Second, the appropriateness and flexibility of the curation workflows depends to some extent on the possibility of these direct personal links between interviewees, interviewers and curators. One of my research interviewees pointed out that this is especially important with oral history collections since,
most of the time, the interviewer is both the depositor and intermediary between narrators and custodians. Therefore, interviewees and their relatives have usually little idea who to contact in the curation institution. In turn, the curation team will often be left with little information available to contact interviewees, their relatives or representatives. This results, as we have previously seen, in the consent documents often being the only piece of information to decide how to give access to recordings. The criteria for assessing demands to change dissemination methods or visibility of recordings may, as a result, become less personal. Curation teams may have to prioritise the legal over the ethical, instead of taking into account the two elements, and risks of non-compliance take precedence over risks of upsetting, because the discussion and ensuing relationship with the individuals behind the life stories is removed.

2.1.3. Slowness at the core of oral history curation

A strong sense of responsibility as well as direct communications between interviewees, their relatives and custodians are optimal in terms of ethics but very time-consuming. One archivist for instance described to me a six-month in-house oral history project led by her small team. Because of the existing workload and ethical concerns, it took her 18 months to go through all the interviews to check what can be made public in a way that “both tells the story and is protective of the interviewees” (Research interviewee 14, 2019).

Even if this is an extreme case, this illustrates the choice of many oral history curators to use a case-by-case and dialogical approach when deciding on levels of access and sensitivity reviews. This is something recommended for other types of collections. For instance, all the Society of American Archivists’ Case Studies in Archival Ethics (2015) demonstrate the importance of discussions and time-taking in resolving dissemination dilemmas. These short essays cover varied issues but all involve a difficulty in respecting the privacy of several stakeholders. A balance is usually found after a slow consultation and information-gathering process that involves reaching out to depositors or information subjects’ representatives.

When looking after collections with as much sensitive information as oral history, some archivists also have to work directly with a multitude of stakeholders at the same time. In addition to deciding what access can be given, to whom, to what and how, archive centres can choose to make more or less explicit and transparent the very process of giving access to material. This is a consideration that was at the core of designing the Endangered Language Archive (ELAR), housed at the School of Oriental and African Studies (United Kingdom). The ELAR online interface makes visible the “access protocols” defined by the project team; these protocols are the “sum of processes involved in the formulation and implementation of language speakers’ rights and sensitivities, and the consequent controlled access to materials” (Nathan, 2013, p. 24). This “nuanced protocol system” enables custodians to “manage access
and provide security and accountability’’ via “a dynamic access process”, where access to a part of the collections is decided by the depositors and language speakers themselves (p. 26). However innovative and interesting, such processes are very resource-intensive and require a strong institutional commitment to maintaining the digital infrastructure and the human resources.

Because interviews are highly unstructured data, curating these audiovisual files and transcripts is inherently a slow technical process, involving many steps: listening and reading them, then preserving, editing, contextualising and displaying them. Some of these tasks may be automated in the future, with the help of new computer programmes and artificial intelligence. Speech recognition-based apps are for instance already available to quickly transcribe most genres of interviews, although currently for a restricted number of languages and accents. At the time of writing, these apps were still governed by privacy policies that make them inappropriate for transcribing confidential recordings. This is a reminder that not only is such automation unlikely to help answer the ethical dilemmas and assess the privacy risks I have analysed so far, but it could even amplify them.

Yet, some knowledge of existing workflows and time-saving processes is necessary to adapt to the time and resources constraints experienced by most cultural and research institutions. We will see in the next section to what extent this is available in dissemination guidance.

2.2. Offering the right access levels and restrictions

2.2.1. Layered access and restrictions

I have previously explained that despite a new expectation to give open access to research and cultural information, many oral history interviews are not adapted to rapid and broad public exposure. To answer ethical or legal concerns, curators can use a large array of access levels whenever appropriate, ranging from online availability of the full recording, to access for registered users only, or embargo for several years or decades. These three options are employed for access to Social Science and Economics research data in the UK Data Service’s repository, for instance, and are described in the institution’s 2019 Data Access Policy. If the local information management system allows it, different access levels can be used within the same collection.

In oral history curation, two broad methods are often used for dissemination: the “repository approach” in which the whole recording is accessible; and the “exhibit approach” which offers a curated selection of clips, transcript extracts and accompanying materials (Boyd, 2012b, n.p.); I will show below the many nuances that these two approaches can contain. One of the difficulties is to choose the right level for each interview or collection.
In its *Code de déontologie*, the Association of French Archivists (1996) asserts that one of custodians’ key principles is as follows: “archivists enable access to archives for the greatest number possible of users”. Therefore, they highlight that access restrictions are not encouraged if they are “not reasonable”; nevertheless, restrictions can be accepted and offered if they are a condition of acquisition, in which case they have to be “clearly defined and limited in time” (Principle 6)\(^\text{14}\). The Society of American Archivists (2011) further encourages practitioners to find a balance between access and privacy as two key priorities demanded by their professional values and by ethical principles. Their *Core Values & Code of Ethics* suggest the following: archivists “minimize restrictions and maximise ease of access”; but at the same time, they aim to “protect the interests of the donors, individuals, groups and institutions whose public and private lives are recorded in their holdings”. This is done by placing “access restrictions on collections to ensure that privacy and confidentiality are maintained” (n.p.).

2.2.2. **Spectrum of analogue and digital access levels: the current options**

All of my 112 survey respondents and 21 research interviewees spoke about their effort to reach a balance between knowledge and privacy; they described the access levels that they chose as a result. After analysing and abstracting their descriptions, I noted 11 types of access. Figure 4 below presents them in a table, from the most to the least restrictive types.

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\(^{14}\) The French version of Principle 6 is as follows: “Les archivistes répondent […] à toutes les recherches raisonnables portant sur les documents dont ils assurent la conservation, et encouragent leur usage par le plus grand nombre […]. Les archivistes découragent les limitations d’accès et d’utilisation des documents quand elles sont déraisonnables, mais peuvent accepter voire suggérer des restrictions clairement définies et d’une durée limitée quand elles sont la condition d’une acquisition.”
<table>
<thead>
<tr>
<th>ACCESS LEVEL</th>
<th>DESCRIPTION</th>
<th>PRIVACY IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total embargo</strong></td>
<td>• putting the whole interview under embargo</td>
<td>• allows worried interviewees to consent to access</td>
</tr>
<tr>
<td></td>
<td>• no access at all for a defined period of time (several years or several decades)</td>
<td>• protects the honesty and integrity of original interview</td>
</tr>
<tr>
<td></td>
<td>• release date is subject to review</td>
<td>• risk-free if worry for third parties</td>
</tr>
<tr>
<td><strong>Analogue access only</strong></td>
<td>• listening/viewing on-site, usually in the institution’s reading room</td>
<td>• little exposure</td>
</tr>
<tr>
<td></td>
<td>• options: for registered users; on stand-alone computers or on institution’s intranet</td>
<td>• use under supervision; little risk of unauthorised copying</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• allows full access to trusted users</td>
</tr>
<tr>
<td><strong>Highly curated extracts</strong></td>
<td>• sharing extracts in analogue public forms (e.g.: exhibition or printed book)</td>
<td>• selection of topics</td>
</tr>
<tr>
<td></td>
<td>• or, via digital outputs (e.g.: film available on YouTube or clips on Sound Cloud)</td>
<td>• targeted audience</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• controlled contextualisation and presentation of sensitive topics</td>
</tr>
<tr>
<td><strong>Online extracts with search tools</strong></td>
<td>• publishing online audio clips</td>
<td>• selection of topics</td>
</tr>
<tr>
<td></td>
<td>• choice of accompanying documentation (summaries, text commentaries, maps, keywords...)</td>
<td>• contextualisation to prevent misunderstanding</td>
</tr>
<tr>
<td><strong>Selected embargo</strong></td>
<td>• putting parts of the recording under embargo</td>
<td>• allows worried interviewees to consent to access</td>
</tr>
<tr>
<td></td>
<td>• release date is subject to review</td>
<td>• risk-free if worry for third parties</td>
</tr>
<tr>
<td><strong>De-identification of interview</strong></td>
<td>• pseudo-anonymising the whole interview (only the access version of the file is de-identified)</td>
<td>• protects the narrator and relatives</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• alternative to embargo</td>
</tr>
<tr>
<td><strong>De-identification of search tools</strong></td>
<td>• pseudo-anonymising the interview catalogue entry and accompanying documents</td>
<td>• reduces the high visibility of the interview online (cannot be found randomly via search engines)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• less risk of misuse (effort to find the record)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• alternative to anonymisation of full interview</td>
</tr>
<tr>
<td><strong>Edited interview</strong></td>
<td>• editing out or redacting problematic extracts of the recording or transcripts</td>
<td>• allows worried interviewees to consent to access; they contribute to the choice of edits</td>
</tr>
<tr>
<td></td>
<td>• only the access file is modified; the archive version is kept intact, along with the editing log</td>
<td>• risk-free if worry for third parties</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• alternative to anonymisation or embargo of full interview</td>
</tr>
</tbody>
</table>
Gate-keeping access

- filtering who can access the interview
- access via password, membership or contacting the rights owner (interviewer, repository...)

Online transcription only

- giving online access to full transcriptions only

Whole interview online

- putting the whole interview online in full
- usually with some accompanying documents or search tools (summary, index, finding aids...)

ACCESS LEVEL | DESCRIPTION | PRIVACY IMPACT
--- | --- | ---
Gate-keeping access | • filtering who can access the interview • access via password, membership or contacting the rights owner (interviewer, repository...) | • access for trusted users only • less risk of misuse (effort to apply for access; validation process) • allows worried interviewees to consent to access
Online transcription only | • giving online access to full transcriptions only | • sensitive topics less likely to be misused since no voice or image to be associated with them
Whole interview online | • putting the whole interview online in full • usually with some accompanying documents or search tools (summary, index, finding aids...) | • contextualisation to prevent misunderstanding

Figure 4: Spectrum of analogue and digital access levels

This diversity of access levels presented reflects the current creative use of Nissenbaum’s (2010) parameters of informational norms discussed in Chapter 5. Adjusting the information recipients (restricted audience or open access), content (whole interview, transcripts only, extracts only...) and mode of transmission (online, on-site, analogue exhibition...) enables practitioners to find a context-relevant balance in how the information ought (or not) to flow (pp. 141–145). Nissenbaum’s parameters, combined with my categories of risks and stakeholders, could be used to update the digital strands of heritage institutions’ access policies, and hence tackle the policy issues raised in Chapter 4 (pp.74–75).

To address the key issue of greater publicness in digital oral history, my order of access options in the below table is based on the degree of public exposure of the recordings. The gradation takes into account the findability of recordings, the potential number of listeners/users and the degree of custodians’ control over access. It does not, however, consider the degree of searchability of the files and metadata (this sorting criterion would result in a slightly different order), even if for some collections this is also an important factor in choosing the most appropriate mode of dissemination.

Many of these 11 types of access are also found in the academic and grey literature. For instance, Neuenschwander (2012) recommends a list of interventions to minimise the possibility of lawsuits and suggests to “start with the least invasive procedure” (p. 358). The Oral History Association (2019a) suggests the five following choices: full online interview, full online transcripts only, online catalogue records only, on-site access, on-request access via email or file sharing platform (Archiving Oral History: Manual of Best Practices, pp. 9–10). The Oral History Society (2019c) offers technical guidance to carry out several of the tasks involved in these levels of access. In its web pages Is Your Oral History Legal and Ethical?, the professional association provides advice on topics such as audio
cuts and restricted access options. Its *Sensitivity Review guidance* includes three practical guides on muting audio files, writing time-coded summaries and documenting embargoes in catalogue entries (pp. 15–23).

In complement to these recommendations, the overview above may help practitioners make the most of the large range of options currently available (providing that they have the technical infrastructure and human resources to implement them) and give them the flexibility to grant the wishes and respect the concerns of various stakeholders. These types of access were used by my participants either as a result of a retrospective review of their oral history collections or straightaway when disseminating the recordings. They were often used in a combination of two or more types of access. The most widely used arrangement I have found is to provide access on-site to full interviews along with displaying online audio clips.

2.2.3. **Tool highlight 7: the “Pathway to access” decision tree**

Each institution and custodian team eventually has to identify their own informational norms and appropriate flows of information. Nevertheless, this situational curation approach is compatible with clear guidance on what is recommended by professional and ethical values, but also on what decisional workflows have been successfully tested.

In her handbook on *Curating Oral Histories*, Nancy McKay (2016) points to the decision tree created in the United States by Milligan and Poindexter to identify the right “pathway to access” (p. 132 and p. 165). The four possible outcomes of using this decision tree combine several of the levels of access listed in my table and range from “regulated access” (on site or on request only) to “permission with caveats” (use-related restrictions with a degree of gate-keeping), “copy and disseminate” (open access and free use for selected users) and “on-line access” (full open access) (p. 165).

Reproduced with the permission of the two authors in the handbook’s appendices, this one-page decision tree offers a visual summary of the considerations for disseminating oral history recordings classified as orphan works. This label is given to collection items for which the rights owners cannot be identified or contacted (McKay, 2016, pp. 130–131). However, the slow but essential decision process depicted is also relevant for other types of oral history interviews. Indeed, it can help in solving the decisional privacy issues prominent in the digital context and balance the key ethical, legal and curatorial elements to find the appropriate levels of access.
2.3. Assessing de-identification in oral history

2.3.1. Definitions: anonymisation, pseudo-anonymisation and identifiable information

The online Glossary developed by the Oral History Association (n.d.) to complement its Principles and Best Practices offers useful definitions as a starting point to analyse the difficulties and benefits of de-identification in oral history. Anonymity is described as follows:

“while a narrator may choose to have their name disassociated from any interview, or choose to utilize a pseudonym, there can be no guarantee towards absolute anonymity in the oral history process. Information provided to an oral historian is only anonymous if there is no way for anyone, at any time, to determine the narrator’s identity from it; that is, there is no identifiable information [...]. This is a very high standard of information security that oral historians are rarely able to offer.” (n.p.)

Identifiable information is defined in the same Glossary as:

“This warning refers to the important added difficulty that identifiable information can be direct or indirect (Information Commissioner Office, 2021). For instance, a story may reveal where an interviewee went to school and then had an unusual job, leading those who know the narrator personally or professionally to identify her or him.

These two useful definitions highlight the conflicted relationship of many interviewers and curators with regards to de-identification. Although in theory available to interviewees, such radical transformation of a record is almost impossible and in practice discouraged in the grey and academic literature because it is antithetical to the individual-centred practice and democratic mission of oral history. I was therefore surprised to find among my survey respondents a high number of practitioners who admitted having used this method. In response to my questions on the topic, 43% said that they have already anonymised or pseudo-anonymised interviews. Furthermore, 80% of these respondents said that they did not encounter difficulties in de-identifying the recordings.

In my survey text, I explained as follows the significant difference between anonymising and pseudo-anonymising interviews. Anonymisation deletes all information enabling identification of the interviewee, whereas pseudo-anonymisation separates the identifying information from the interview which is given a pseudonym. In the latter practice, the interviewer or archivist keeps a log of the identifying information and the related pseudonyms. To encompass the two methods, I will therefore mostly refer here to the “de-identification” of recordings or accompanying materials and search tools;
however, in practice oral history interviews are mostly pseudo-anonymised since the archive copy of the recordings is rarely altered.

2.3.2. A complex and deprecated method

Analysing the disagreements around de-identification is relevant to better understanding current privacy issues. Although this curation method is not relevant for most oral history collections, as we will see, it is important to explore the topic. An effect of anonymisation is to retain only the social and historical dimensions of the interview, by masking the individual strand. This partly explains the unease and very limited discussion of the topic in the literature, at least in that produced in the anglophone and francophone oral history communities. The centrality of the interviewee’s identity in any oral history recording is also a trait that makes the practice distinct from other qualitative social research methods and from journalism. As we will see below, oral history is an example of a discipline where complete de-identification is almost impossible and thus cannot be used as the enabler for wide data sharing, a purpose for which it is often advised in open data policies.

In his unpacking of conflicting guidelines in Social Sciences ethics codes, Zeitlyn (2012) identifies anonymisation as the first area of tension. He analyses guidance around interviews archiving and observes a contradiction between, on the one hand, data protection legislation and archiving rules that recommend anonymising recordings and, on the other hand, researchers’ practices and the right of the public, the researched group and future researchers to identify the informants (pp. 470–475). To better understand this tension in the oral history community and to follow up on the findings of my survey, I added questions about de-identification in my interview questions list. The answers I obtained showed that, like my survey respondents, my participants disagree with each other on the appropriateness of (pseudo) anonymisation and on its usefulness for giving access to recordings.

The strong opposition to de-identification is usually justified by the importance of historical accuracy and the need for cultural and research sources to be named to allow both the verification and acknowledgements of historical actors. This is the case, for example, in research areas where “people want to testify”, as one curator put it (Research interviewee 6, 2018), or where there are few alternative sources of information. Therefore, several research interviewees explained that they prefer to offer the option to edit out or embargo the interview but keep it named. For instance, one interviewer-curator described the balance he was trying to reach between “preserving the integrity of the interview for researchers” and taking out “anything that is harmful” or that causes “lots of stress to the participants” (Research interviewee 16, 2019).

Respect for the oral history interviewee’s status as co-creator is also a key argument against de-identification. As we have already seen, the democratic and social missions embedded in the oral history
methodologies and practices require the clear identification of interviewees, not only by name, but usually also by their family and professional history, and if possible personal images. This is the “presumption towards naming”, as one of my research interviewees put it (Research interviewee 8, 2019). An interviewer explained that, with anonymisation practitioners would “lose the community purposes of the oral history” and would contradict the “express interest of [...] participants [to be] seen as part of their community” and recognised by their peers (Research interviewee 16, 2019). A curator gave me examples of how oral history interviews were re-purposed by the relatives of interviewees; such uses include finding new information to do research on the family history or playing the recording at funeral wakes (Research interviewee 6, 2018).

And yet, de-identification of the full recordings, transcripts or catalogue records could, in some circumstances, play an important part in the balance between knowledge and privacy. Requesting de-identification is a way of controlling the visibility of one’s personal information, not an attempt to erase one’s actions or opinions. This is similar to the new “right to be forgotten”, better understood as the right to be delisted from search engines results, introduced by the new European General Data Protection Regulations (Szekely, 2014, p. 32). Such nuance is explained by Tavani (2008) and Nissenbaum (2010) as we have already seen in Chapter 5; the “management of privacy” is expressed in choices, consent and correction about the way other people can access one’s personal information and how much of it (Tavani, 2008, pp. 141–148).

Granting such rights to narrators can sometimes be the only way to ensure that the interview is eventually archived, disseminated or even recorded in the first place, as we will see below. This can indeed reassure some narrators. I have directly experienced this in my own research fieldwork, during which three participants explicitly stated that they were sharing some information because I had guaranteed de-identification straightaway before our interview started.

2.3.3. The case for de-identifying some interviews: benefits and processes

De-identification can represent a useful alternative to other access options that would compromise the historical value of the interview, or delay its availability to users. The main reasons given by the practitioners I surveyed and interviewed were ethical. All 48 of my survey respondents (43%) who used this method explained in a free text answer their motivations for doing so. Two reasons stand out: either it was at the request of the narrator, their relatives or the rights owner (mentioned 22 times), or it was used to protect the interviewee, their community or both (mentioned 14 times). Details of the last reason include the need to protect the interviewee’s image or their psychological wellbeing; to shield them from racial abuse or problems with their employers; but also to stop other group members from discovering who said what. The contexts cited in the responses were varied but relate to the sensitive interview topics I have already highlighted in Chapter 5; they include illegal activities, vulnerable
communities, contentious histories, war, homosexuality, migration, health, prison, domestic violence and religion.

Raising the topic of de-identification in my research interviews enabled me to prompt my participants to reflect on the motivations of their interviewees for demanding anonymisation. These reasons concur with the ones cited in my survey responses: worry about their activity (for instance, prostitution), about their political views (for example, on local authorities) or about their future chances of getting a job if a potential employee googles their name. One interviewer-curatorial highlighted in this context the importance of assessing what the risks of disseminating the interviews are, and, as I have detailed in Chapter 5, which information recipients represent the main concern. When the main fear is being identified by neighbours, colleagues or peers, de-identification is not relevant for collections focusing on very specific locations or expertise, since many details about the narrator’s life can give them away to those who know her or him well. For the same reason, only changing direct identifiers, such as names and dates, is not a robust method.

This is where the rare guidance on anonymising qualitative sources also fails to cater to the specificities of oral history; even the UK Data Service’s step-by-step guide on anonymisation (UK Data Service, n.d., Anonymisation) would need to be completed with oral history’s plural risks and privacy issues in mind. Furthermore, one of their automatic tools recommended to help curators and interviewers, the “text anonymisation helper tool”, only focuses on removing capitalised nouns and numbers in transcripts, which is far from enough to de-identify complex sources such as life stories. This is an illustration of the current technical limitations of automation for curating oral history.

Nevertheless, this guide is probably the most complete for practitioners who need to pseudo-anonymise interviews. The advice covers the following aspects: various methods for blurring identities including removing, generalising, aggregating or distorting identifiers; use of anonymisation logs; discussion of over- and under-anonymisation; and suggestions to anonymise audiovisual files. Some of these methods were tested and described by Martin Hobbs (2021); she analyses the ethics of “un-naming” oral histories and explains why the risks of online publication forced her to identify her interviewees by their first names only, contrary to what they initially consented to (pp. 73–75).

My fieldwork sources also shine a light on the processes involved in the anonymisation and pseudo-anonymisation of interviews. Depending on where the main risk is found, the interviewee’s identity can be hidden at three levels: the interview metadata (including accompanying documentation), the transcripts, or the whole audiovisual recording. Several participants reminded me that it is not enough to de-identify interviews; the catalogue entry, the summary and any file names also have to be transformed. Two curators described how they rely on collections depositors to carry out the de-
identification of the interview itself, since the curatorial team only has the time to “spot-listen” or double check already-edited transcripts (Research interviewee 12, 2019; Research interviewee 13, 2019).

The UK Data Service’s guide *Anonymisation* (n.d.) shows de-identification as a “valuable tool that allows data to be shared, whilst preserving privacy” (n.p.). Although very complex to apply in practice for oral history interviews, this intervention on the recordings and/or transcripts can indeed offer a solution to some of the privacy dilemmas discussed in this thesis. A total of 46 of my survey respondents explained how anonymisation and pseudo-anonymisation benefitted their project(s). The first key benefit was to help disseminate or use the interviews (mentioned 16 times) in the following aspects: by providing an easier or quicker access to the interview; by avoiding the users’ biases around the interviewee’s identity; by enabling mass dissemination and publication; and by using a unified way of referring to the interviewees in publications. Importantly, 13 respondents explained that offering de-identification even before the fieldwork enabled them to collect the interview in the first place, because it allowed the following: researching new topics or groups; interviewing people who would have otherwise refused; and creating a wider range of voices.

2.3.4. **The limitations of de-identification: workload, technical and ethical difficulties**

Anonymising or pseudo-anonymising interviews can only be used as a last-resort method, because it is not scalable; the time-consuming process makes it impossible to be added to the curator’s toolbox, given the time and resource constraints discussed earlier. The difficulty and effort required to truly de-identify an interview was described by a few of my research interviewees, and this partly explains why they never offer this access option openly, or without the interviewee asking about it.

To better understand the reality of honouring the demands of anonymising a whole recording (instead of a few extracts), I have tested it on two of my own research interviews after transcribing them. As explained in Chapter 2, this process was demanding: it took me 4 hours for a 1 hour 30 minutes long interview and 6 hour 30 minutes for a shorter but more dense and ethically complex interview. Furthermore, the process required a lot of concentration and the availability of the interviewee to ask them to check and approve the transformed transcripts.

However, this exercise proved to me that it is possible to anonymise an interview, providing that the identity of the speaker is not central to the project or study. Therefore, the findings from that small-scale exercise could apply to research interviews, but not to oral history interviews used for a more social or archival purpose. Because I knew what type of information I needed for my analysis and research questions, I could remove what did not seem relevant to my current research project; such de-identification would be damaging and short-sighted if I had planned to deposit my recordings for others to use (an option I had excluded for methodological and ethical reasons, as explained in Chapter 2).
The difficulties of truly anonymising oral history include redacting a large part of the transcripts, pixellising a whole video interview and rendering the audio recording almost inaudible because the main speaker is so often muted. Beyond these technical complexities, it is now acknowledged that maintaining the anonymity of digitally available sources is increasingly unlikely in the context of online information triangulation and use of multiple open access databases; for instance, Sexton et al. (2018) describe how health data can be re-identified by linking government datasets (p.12). The British Sociological Association’s (2017) Statement of Ethical Practice rightly warns practitioners against the mistake “to give unrealistic guarantees of confidentiality” (p. 6). The debate around data anonymisation and privacy is, for instance, illustrated in Ginouves and Gras’ (2018) handbook on data curation in the Social Sciences, and in particular in the chapter written by Bendjaballah et al. (2018, pp. 207–221).

The oral history curation workflow hence represents an interesting alternative to anonymisation, since the large array of access options discussed earlier offers safeguarding measures which are safer and more ethical, as they can be guaranteed in the long term (with reliable institutional commitment).

### 3. Improving guidance and support: current gaps in provision

In the latest update of its ethical guidelines, the Association of Internet Researchers recommends a context-based, case-by-case approach, rather than strict norms to advise on how to ethically collect and share material online (*Internet Research: Ethical Guidelines 3.0*, 2020). Yet, several authors in the Social Sciences highlight the benefits of ethical codes to guide practitioners (Villani et al., 2015; Cocq, 2016). As Shaw (2014) puts it, such “well-established rules” or guidelines can be relied upon and help “deal with the no-time-to-calculate problems” and the “future-consequences-are-hard-to-foresee problems” (pp. 32–33).

Indeed, clear guidance and carefully selected tools can be essential to tackle ethical, legal and curatorial dilemmas, as we have seen in Chapter 7 and in this chapter. I will therefore conclude my analysis by presenting some remaining gaps in the guidance for practitioners to negotiate the current difficulties related to digital oral history. I will highlight gaps in practical solutions, guidelines and support; thus addressing some of these problems by encouraging professional associations and cultural and research institutions to pay more attention to them.
3.1. Gaps in practical solutions to applied ethics problems: the case of sensitivity reviews

3.1.1. General observations

Chapter 7 showed that ethical guidance for interviewers and curators rarely covers the pre-recording stage of the interview lifecycle. I therefore indicated how practitioners could be better guided to anticipate many of the privacy challenges of digital oral history before the interview has even begun.

When it comes to practical solutions, the main gap described by my research interviewees related to the curation stage of interviews, and mainly when the sensitivity of recordings and transcripts needs to be reviewed. Sensitivity review is a common stage for all types of cultural and research collections; however, the processes involved in doing so for oral history recordings appears to be most unsuitable given the custodians’ workloads and constraints, which I described earlier. Yet, such a curation step is becoming an even more essential activity in the current context of stricter data protection regulations and greater expectations of online open access.

Most research interviewees explained to me how they have re-assessed the dissemination options for oral history interviews, in reaction to the ethical and legal dilemmas explained in Chapters 5 and 6. In this chapter, I will first provide a brief overview of two review methods – light and comprehensive – and the labour involved in each. I will then discuss custodians’ motivations and constraints when carrying out such tasks.

3.1.2. The case of sensitivity reviews: unsustainable workflows

First, a collection review can involve a light sensitivity check at the point of deposit, prior to any online or on-site dissemination of the material. One aim of such a check is to ensure that the consent forms and any related documents match the interviews deposited. In an example of such a light review, a collections manager described how his team commits to reading or listening to ten percent of all the material received. If the curators “notice anything of concern”, such as the absence of permissions or a clear risk of unwanted disclosure, they would ask the depositor to improve the donation (Research interviewee 12, 2019). In this example, the institution only receives a few oral history collections annually; the reviews are carried out by one staff member with the help of colleagues. Another of my participants raised the question of the sustainability of such a commitment: if her institution were to receive a large volume of interviews, it would become overwhelming and “a danger” for her small team (Research interviewee 4, 2018). One of the solutions the team is currently considering is to train interviewers to do a pre-deposit check, in a similar vein to what is suggested in the “Interview Information Form” highlighted in the last chapter.
Other institutions adopt a different approach; any collection deposited or archived is fully reviewed before any cataloguing and dissemination. The check is part of the appraisal stage, which is described as a central activity by one of my research interviewees: “a large proportion of our time [is spent] exercising our professional judgement about what to keep and what not to keep” (Research interviewee 15, 2019). Such an appraisal is also done to capture and contextualise the stories behind the archives which are donated. When they receive a new collection, her team goes through everything, as far as possible; if they do not have the time to do this, they close the collection. They also rely on donors or family members to alert them to potential privacy problems.

In the case of in-house oral history projects, an institution will record, archive and also give access to the recordings. One of the interviewer-curators I interviewed described how he used the list provided by the Oral History Society (2019) for a comprehensive sensitivity check of the 30 interviews he recorded (Sensitivity Review Guidance). He went through all of the transcripts, relying on “a gut feeling” for what to take out and then “matching up to the list” provided by the professional association (Research interviewee 11, 2019). He assessed the risks with his team and with each interviewee, by explaining why some extracts were taken out in preparation for online publication. Examples of topics which were discussed include information about sexuality, trade unions or political activity. Overall, the review process took one to two hours for each interview; it was made quicker by the fact that he knew the material very well because he had also transcribed it and could re-contact the interviewees easily.

Because they are aware that new technologies develop fast, some of my research interviewees highlighted the privacy risk brought by data triangulation, which I mentioned earlier: despite current curation efforts, it is impossible to guarantee that confidential details of interviews will remain protected in the future. One archivist therefore suggested that reviews of clearly sensitive collections should be made on a continual basis, as part of a “continuous appraisal” (Research interviewee 15, 2019). It is, however, difficult to imagine how practitioners could find the time and human resources to commit to such a task, given the current practical guidelines and tools available.

3.1.3. Constraints and gaps in guidelines

Light and comprehensive collections review can be carried out at different stages. For instance, in The Digital Archives Handbook, Calahan (2019) explains her team’s workflow pre- and post-donation (pp. 10–13). Here are three of the most common approaches that were described to me: as soon as the interviews are received by the curating institutions; at the end of the embargo period under which a collection has been placed; or retrospectively, after recordings have already been published online. There can be different motivations for assessing the sensitivity of collections. My participants mentioned the following reasons: as part of the usual curation workflow; in response to a user request
to access closed items; to release collections after an embargo period; to adapt to major changes such as stricter data protection regulations or a new wide mode of dissemination, including online open access; or in reaction to part of their online collections being misused.

Reactive and retrospective methods are met with scepticism or unease by the majority of my research interviewees. They identify difficulties in two areas: the practicalities of reviewing many collections retrospectively, and most importantly the difficulty of assessing both the past and future sensitivities of each interview.

Identifying what is sensitive in the first instance is a complex task when the curatorial team lacks expertise in the topics of the interview or the resources to research them. Moreover, when the review is done several decades later, a topic that was viewed as controversial or sensitive at the time the interview took place may not seem so anymore. For instance, one of my participants discussed current dilemmas about a recording made in the 1990s during which the narrator revealed his homosexuality, at a time when it was still a taboo subject, and asked to keep it confidential. New plans for a sensitivity review and online dissemination raised the following concern: “of course to a modern sensibility it would seem amazing that anyone would want to hide [their homosexuality], 20 years ago it wasn’t that extraordinary […] particularly for somebody who hadn’t told their family” (Research interviewee 10, 2019). This worry of “shifting contexts and individuals” is also described by Chenier (2015, p. 134) and touches on the issues of legitimacy and decisional privacy, as was explored in Chapter 6.

A retrospective review also needs to assess what will likely be perceived as sensitive in the future. The effort of making a curatorial decision which is as future-proof as possible involves trying to anticipate what sources will become sensitive in the coming decades and how society or political regimes could evolve. Ultimately, the objective is to guess what, in the future, could be misused and could cause harm to the interviewees, third parties and/or the host institution. Examples given to me to illustrate this dilemma involve interviews about recent conflicts, religious minorities or medical discoveries.

The main method for making a decision based on the reviews is to re-contact interviewees or their relatives with one of the following objectives: asking for consent to a new access level for their interviews, or to renew or lift the embargo under which their recording has been placed. If interviewees or their relatives cannot be re-contacted because of the time and information constraints discussed in (pp.120–147), it is viewed as legitimate to reach out to interviewees’ representatives, the interviewer, the depositor or even a neutral adviser. Given these practical and knowledge-related difficulties, it is clear how the Oral History Association’s (2019a) advice about “responsible accessioning” and the need to refuse some collections could be increasingly followed in the future (Archiving Oral History: Manual of Best Practices, p. 2). Yet, this reality is concerning for material such as oral history collections, which could be seen as too difficult to review and archive, as several of my participants fear.
Chapter 8

3.1.4. Tool highlight 8: the “Interview Sensitivity Review form”

Little guidance is available in the literature to help curators (and interviewers) efficiently review the sensitivity of their oral history collections. As a good illustration of the unsuitability of current advice, the Oral History Society’s (2019a) *Dealing with GDPR* guide tackles the subject but in such a lengthy and dense way (32 pages) that it is difficult to imagine practitioners taking the time to read it. The association nevertheless provides a useful and concise tool, in the form of an Interview Sensitivity Review form, which can be downloaded as part of online guide *Is Your Oral History Legal and Ethical?* (Oral History Society, 2019c).

This one-page table is aimed at recording the information produced during a sensitivity review, the actions taken and the different outcomes over time if decisions are revisited. Although the table is simple, it covers key informational privacy issues: data protection concerns for both interviewees and third parties; tracking numbers and time codes of problematic extracts; levels of risk and actions needed. Decisional privacy is also partially addressed through the need to record the responsibilities in reviewing and making a decision and to require another colleague or superior to validate some of these outcomes.

This useful tool could therefore be a good starting point for guidance on scalable and sustainable review workflows. It could be paired with the advice on rights clearance processes recently developed by the *Unlocking our Sound Heritage* project and made available as brief information sheets and training courses (The British Library, 2021a). The Interview Sensitivity Review form would benefit from being available as a customisable template. Moreover, if interviewers are increasingly likely to be tasked with flagging up sensitive topics, this table could perhaps be merged with the Interview Information Form highlighted in the last chapter.

3.2. Gaps in guidance and support

3.2.1. Taking stock of the gaps: topics

Throughout this and the last chapter, I have assessed the approaches, solutions and tools available to oral history practitioners to answer the amplified ethical, legal and curatorial issues created by the digital context. Currently, my content analysis of the grey literature shows that user-friendly guidance is missing on the following five topics; all of which were developed in this chapter and in Chapter 7:

- efficient sensitivity review workflow;
- oral history de-identification;
- technical and ethical comparison of access level options;
- establishing clear and fair lines of responsibility between custodians and interviewers; and
informational and decisional privacy dilemmas, especially at the dissemination stage.

3.2.2. Taking stock of the gaps: audiences

Identifying the most important target audiences enables authors of guidance to choose the most relevant styles, levels of detail and communication channels to disseminate the information that will fill the gaps I have identified. There are three key audiences for such guidance: interviewers, curators and project managers. As already discussed in Chapter 3, sometimes a practitioner belongs to several of these categories. Before focusing on interviewers, I wish to highlight secondary audiences. Institution’s dedicated ethics and legal services could be targeted, since my analysis, in Chapter 5 in particular, reveals that cultural and research institutions often give contradictory instructions to their curation teams. This could be due to a lack of coordination between different services but also because institutions’ managers need some guidance to prioritise expectations and to find a balance in what they expect their employees to do. Second, staff members in charge of writing funding bodies’ grant conditions and output access policies could also benefit from having explanatory documents covering the topics listed above.

Interviewers, especially new ones, pay the price for the lack of discussion about the applied ethics of digital technologies in academic literature and in most oral history handbooks. Because of this gap, they are prevented from anticipating the issues they will likely face in the current digital context when recording new interviews. This is unfortunate since many of these issues could be prepared for even before interviews are recorded, as I detailed in Chapter 7 (pp.149–177). Given the reality of the employment conditions under which most practitioners record interviews (e.g. short-term contracts, freelance status, or one component of a broader job description), it is clear that most of them have little time to dedicate to ethics and planning. A quick browse of the job advertisements published on professional associations’ websites can illustrate these time and resource constraints, whatever the country.

A new gap can now be observed in the guidance around online interviewing; guidelines have been developed since mid-2020 to address the emergency created by the pandemic and the forced suspension of in-person fieldwork (Oral History Association, 2020; Oral History Society, 2021). To complement the recent technical advice on software and recording formats, it is important that future updates better address the issue of consent procedures for remote interviewing. Such guidance needs to discuss the impact of missing information usually obtained via non-verbal communications (gesture, hesitation, etc.) and via in-situ observations (home or workplace, socio-geographical environment, etc.).

Distance interviewing also reduces the number of opportunities to establish a relationship and hence trust (through small talk, exchange of gifts, welcome beverages, thank-you cards, etc.), as observed
recently by Loughran, T. et al. (2022, p.44). This is recognised in the latest guidance, which recommends that remote interviews should only be recorded if a rapport has already been established with interviewees (Oral History Society, 2021). All of these elements impact on the content of the interview itself, but are also crucial to obtaining meaningful consent to record and disseminate interviews. Failing to address this and to advise on alternatives to these face-to-face essentials could result in a future backlog of invalid consent forms and a rise in demands to withdraw online interviews.

Further reflection and analysis of the first wave of online interviews created en masse in 2020 and 2021 across the world should also focus on the effect of remote interviewing on the narrators’ understanding of online dissemination. My hypothesis is that such modes of recording could in theory help interviewees better grasp what an online user would experience when listening to their interview; indeed, it would be very similar to the interviewer’s experience (remotely via a screen and headphones, with the ability to hide a recording device or someone else listening in and with little contextual information and no previous relationship to the narrator). Such a hypothesis needs to be refined and tested since online interviewing only reproduces the medium through which information is accessed, not the publicness or multitude of potential recipients. Therefore, to make the most of the distance interview as a way to improve interviewees’ informed consent, it would be necessary to switch to several remote interviewers.

Given that such a situation is unlikely for most projects and institutions, my recommendations in Chapter 7, namely to better explain and be more transparent about the reality of online dissemination, is still the most realistic for obtaining a more informed and meaningful consent.

3.2.3. Guidance format and dissemination: recommendations

My analysis of grey literature has showed how guidelines for addressing the ethical, legal and curatorial issues of digital oral history are scattered. To help time-pressured practitioners, it would be valuable to aggregate advice produced by archivists, digital curators, data protection officers, social scientists, ethicists and oral historians. Alternatively, it would be helpful to have better signposting on specialist oral history websites, to aid interviewers and curators in locating the information more efficiently; because many community oral history projects are not labelled as such, at least in their initial planning phase (Melvin, 2021, p. 123), key heritage e-resources could also display better information. Indeed, several of my research interviewees explained how they found the advice they needed; similarly to survey respondents, their key sources are professional association’s websites but also “lots of googling” (Research interviewee 11, 2019). This thesis should provide a starting point for identifying the best guidelines and tools to signpost.

I suggest that several of the tools I have analysed could be merged or adapted to oral history specificities as follows. Ethical guidelines could be combined by simplifying the number of consent documents. For
instance, recording agreements and other consent forms could include an appendix, which aims to capture key information that only the interviewer will possess (on quality and circumstances of consent; on sensitivities, etc.). Another possibility would be to merge the “Interview Information form” and the “Interview Sensitivity Review form”. Based on the one-page Ethics Questions Chart produced in 2016 by the Association of Internet Researchers, a list of the questions analysed in this thesis could be assembled to help decision-making in digital oral history (and to anticipate future difficulties). Similarly the recommendations in Chapters 7 and 8 may be used to design a flowchart inspired by the “Pathway to access” decision tree in McKay (2016, p. 132 and p. 165).

Finally, the concise case studies produced by the Society of American Archivists (2015, Case Studies in Archival Ethics) and British Sociological Association (2018, Digital Research Case Study 1 and Digital Research Case Study 2) could serve as a model for writing oral history case studies aimed at illustrating digital ethics issues and the processes for addressing them. I propose that short thematic case studies would be most appropriate for dissemination through professional blogs and websites; these case studies may cover the following topics: obtaining informed consent in digital oral history; conducting efficient sensitivity reviews; curating digitised versus born-digital oral history collections; choosing the right levels of access; pseudo-anonymisation of interviews; informational privacy and oral history. These case studies could highlight the different roles of practitioners (interviewers, archivists, librarians, museum curators, project managers, repository managers) in an aggregated and anonymised way, using the example of Shepherd et al. (2021)’s description of records managers and archivists’ activities in giving access to open government data.

Guidelines need to be more user-friendly in two senses: they should be easy to find, but also easy to use. Based on my analysis of the grey literature, I have observed the following pitfalls which make a guidance document difficult to read: it is not downloadable; not easy to navigate, especially when it is quite long (a common mistake is that no clickable table of contents and no clear headings are used); forms and templates are not customisable (because no Word or OpenDocument versions are uploaded); and very long texts are presented without a summary at the start.

In terms of format, a mistake is also to separate ethical and legal guidelines. As I analysed in Chapter 7 (p.168), there is some confusion between the legal and ethical procedures around consent. To address this issue, ethics guidance should therefore deal with changes in data protection regulations and conversely, legal guidance should remind the reader about ethical considerations. Failing that, practitioners could choose to read the data protection guidelines only, at the risk of focusing solely on legal compliance.
3.2.4. **Institutional and financial support needed to improve access to interviews**

In addition to guidance, better IT infrastructure, and human and financial resources are the three key areas of support still needed by practitioners. One of my final survey questions asked respondents how their institution could help them to better give access to interviews (question 27). Of the 92 participants who responded, 29 said they were happy with the support they already receive, or that they did not believe that their institution could help with that issue. However, 63 participants said that their institution could assist them and they suggested the following seven areas of help:

- IT infrastructure (software, hardware, storage service, information management system, etc.) – mentioned 30 times
- Human resources (staff for their oral history project or collections, experts available to give advice, IT support staff, etc.) – mentioned 24 times
- Financial resources (especially to recruit more staff) – mentioned 14 times
- Processes and guidance (mainly around ethics and consent) – mentioned 8 times
- Attitude of their hierarchy (need to be more knowledgeable, understanding, committed, etc.) – mentioned 5 times
- Policies and rules (on access and consent mainly) – mentioned 3 times
- Training – mentioned twice.

My research interviews provide examples of technical infrastructure that is unfit for purpose and hinders efforts to give appropriate access to interviews and to preserve them in the long term. Two main issues were described: the limited storage space of information management systems used to host catalogues and their inadaptability for giving access to collections made of audio or video files; and, second, the absence or unreliability of digital preservation systems.

The need for better financial support is also a feature of my interviews; in particular, my analysis shows that there is a lack of dedicated funding for implementing workflows of scalable collection reviews and for layered access. Such sources of funding could be institutional but also national. New institutional funding is indeed unlikely in the current post-pandemic context, given the financial impact on all cultural organisations and the fact that many local and national libraries and archive centres’ budgets are already under review and subject to cuts. In the United Kingdom and at the European Union level, models could include the following annual grants: The National Archives’ grants for cataloguing collections as part of the “Archives Revealed” programme (The National Archives, 2021), the National Heritage Lottery Fund for creating heritage digital outputs (The National Heritage Lottery Fund, 2021) and the Europeana Foundation’s Research grants for connecting researchers and cultural heritage sources (Europeana Foundation, 2021).
The objective of such external funding, which could be referred to as “Access and Privacy grants”, would be to pay for existing or new staff to assess collections, define local sensitivity review workflows and propose a range of appropriate access level options. This would help sustain the up skilling effort started by programmes such as Unlocking our Sound Heritage across archive centres in the United Kingdom (The British Library, 2021b). In the short term, it would also help to make sure that, instead of funding the creation of even more new collections, existing ones are not automatically closed or kept hidden because of their sensitivity or unclear consent status (especially for pre-Internet interviews). Long-term benefits would be twofold: firstly, future oral history collections (and similarly sensitive material) would be less likely to be turned down by repositories; second, funded institutions could record sensitive and potentially controversial interviews in the future and knowingly take risks.

Despite the difficulties amplified by the digital context, oral history’s democratic mission can still be achieved with the right resources, approaches and guidance. Throughout this chapter, I have shown that what is at stake is not only respect for practitioners and interviewees, but also for future users. I have detailed the ways to give access to historical archives and sensitive material such as oral history interviews with two objectives in mind.

First, all interviews should ideally be accessible to some extent, at some point (even if in the long term after embargoes are lifted) and no interviews should be too sensitive to be collected, curated and used, as long as interviewees have given their meaningful consent. Second, we should aim to avoid the deception of future interview users; this entails preventing sudden closure and partial access to collections and collection items, through scalable and sustainable processes that enable the transparency and certainty of collections content. Given that users’ satisfaction is becoming a key decision-making criterion, interviewers and curators could thus argue successfully for the right resources and commitment.
Chapter 9. Conclusions

1. Taking stock: the project’s ambition

1.1. Starting point: from an individual experience to collective issues

This research project stemmed from my individual experience of ethical, legal and curatorial dilemmas over the last decade, first as an oral history interviewer and project manager and then as a library professional. The particular questions that started me on the course of this PhD cannot be fully answered by an attempt to understand them at a collective level, since they are context-specific. Yet, they led me to enquire to what extent other practitioners encountered similar issues when recording, archiving and disseminating oral history in the digital context. To do so, I made the most of my insider-outsider position, using it as a trigger for both challenging and understanding current practices.

This thesis is an attempt to describe and analyse the nuances and similarities I found across different countries, institutions and professional worlds. It also demonstrates the intellectual and practical relevance of applied ethics and privacy theories to better address these dilemmas. Because they are grounded in empirical research, my findings and recommendations have the potential to be used to tackle emerging issues such as online interviewing and to prepare for future technological and legal developments.

1.2. Research questions

My research questions were formulated to investigate and alleviate the ethical, legal and curatorial difficulties encountered by interviewers and curators of oral history recordings in the 2000s and 2010s. My focus was on both the extent and the novelty of these issues. To that effect, I was guided by the following two research questions.

First, what tensions are experienced by interviewers and curators, between the need to retain private information and the need to reveal historical sources? Are these tensions experienced during the process of preparing online access to interviews, or, also, at other stages of the interview lifecycle? Second, to what extent has the digital context exacerbated such tensions? Is it only by providing the technology to share interviews online and by blurring the boundary between the private and public spheres, or are other factors involved?
2. Research methods: relevance and limitations

2.1. Research approaches

Because of my vantage point as an oral historian, library professional and Digital Humanities researcher, this project was inherently multidisciplinary and multi-professional. I have been guided by the literature from the Digital Humanities, Oral History, Information Studies and Legal Studies. Although diverse, this set of approaches proved coherent and relevant for the topic I was studying since I needed to grasp, intellectually and practically, all of the dimensions of the tensions experienced by practitioners.

The comparative dimension of my project enabled me to put my findings in perspective. By looking at a diversity of countries, oral history traditions, sizes and types of institutions, and professional worlds, I made sure I understood the nuances but also the shared causes of difficulties. This enabled me to formulate practical recommendations that are generic enough to be relevant across these national and professional contexts. Understanding ethical dilemmas and tensions requires a qualitative and empirical approach. Therefore, my fieldwork was guided by the need to hear creators and curators explain in their own words and with their own circumstances the difficulties they face when recording or looking after oral history interviews.

2.2. Limitations of my methodological choices

For financial and professional reasons, I chose to carry out this research project mostly part-time and it therefore took seven years to complete. Such a timespan impacted on the comprehensiveness of my literature review since I was not able to analyse all of the publications written while I was doing my project. Instead, I focused on essential publications to update my literature review in the last year. I also took the time to analyse grey literature in my penultimate and last year and this effort yielded good and original results.

In terms of fieldwork, I have identified weaknesses in the representativeness of my sources. Although I paid great attention to my communication channels, both my survey and my interviews offer a self-selected sample of interviewers, curators and services managers since they voluntarily responded to my survey call and my invitations to be interviewed. I tried to redress some of the imbalances of the survey respondents by extending my survey deadline and targeting more small institutions. Even if I only gathered the experiences of 126 practitioners in total, I was able to identify common concerns and tensions that to some extent matched what was hinted at in the academic and grey literature. Therefore, this sample is still relevant to answer my research questions within the scope of a PhD project.
The potential pool of research interviewees was quite small and my interview panel even smaller (21 participants). This led me to make the decision to not give participants a choice surrounding identity and publicity; indeed, it would have been impossible to hide the identity of only a part of my informants in this thesis. My Methodology chapter discussed the ethical implications of this decision and how it benefitted my project. Crucially, promising anonymity to all of my interviewees (and imposing it on them) even before the recording started resulted in a few very honest accounts of ethical mistakes and fears. Based on what a few of my participants explicitly told me during our encounter, I do not believe that I would have been able to access such material had I chosen to make all or some of my interviews identifiable and accessible.

Finally, my project would have been more complete if I had extended its scope to also study oral history interviewees and users; this was not possible because there was insufficient time. However, I have tried to include interviewees’ viewpoints by giving voice to their interviewers who explained to me the personal stories they hear, how they seek witnesses’ consent and negotiate privacy worries with them and their relatives. As for analysing users’ point of view on digital technologies, issues of privacy and access, this would be a research project in itself. I have nevertheless shown in Chapter 8 how ethical and legal concerns paired with inadequate resources can lead to partial and unreliable access to valuable historical sources.

3. Research outcomes: answers, nuances and findings

3.1. Answering and nuancing my research questions

My first research question dealt with the ‘what’ and the ‘when’: I asked what types of ethical, legal and curatorial tensions are experienced by interviewers and curators, and at what stage in the interview lifecycle these tensions are the most acute. The four main sources of concern that I have identified answer the first part of this question. They can be summarised as follows: the difficulty of respecting informational privacy, the difficulty of respecting decisional privacy, the effort to manage (conflicting) expectations, and the legitimacy and responsibility issues that arise throughout the lifecycle. In addition, my analysis confirmed my initial hypothesis about the central role of dissemination in triggering and revealing these concerns. This answers the second part of my first research question.

Regarding my second research question about the role of the digital context in exacerbating tensions, I have both found an answer and revised my initial position. First, I have shown how in digital oral history, like in other social areas, digital technologies do not create new ethical challenges but rather magnify existing ones. Contrary to simplifying views that digital technologies “revolutionise” all
information and research practices (as stated in LIBER’s [2015] *The Hague Declaration*, for instance), I identified a more nuanced reality in the experience of interviewers and curators in the last two decades. Among the three categories of ethical challenges created by digital media that Ess (2014) has identified, oral history indeed belongs to the second one: my research confirms a complexification and amplification of old ethical worries around the digital dissemination of oral history recordings.

Furthermore, my fieldwork and review of literature on privacy and technologies have enabled me to refine my views on the role of new technologies in the blurring of boundaries between the private and public spheres. Here too, digital oral history is a good example of areas where we need to nuance simple contrasts since interviews have always been “private in public” information (Nissenbaum, 2010, p. 113). Indeed, giving wide public access to interviewees’ personal information through print publications, exhibitions or radio programmes was already a practice and an area of reflection in analogue oral history. However, my research shows that digital technologies, related regulations and expectations amplify previous worries about this question of privacy in public. I have explained the ensuing concerns created by an increased degree of publicness and the growing fear of misuse and of potential consequences for the many stakeholders of oral history.

Perhaps what is new is the unsustainability of expectations faced by interviews custodians. I have analysed the many conflicting demands they have to satisfy. These include quick open access to reliable historical sources; protection of narrators, relatives and third parties’ personal data; and long-term digital preservation. Yet, it is too early to answer the following questions about the effect on time and resource-constrained teams and institutions: will this unsustainability change repositories’ policies on creation, acquisition, de-accessioning, and access-giving for oral history collections? And consequently, will this impact the quantity, topics and formats of interviews commissioned by funders and recorded by interviewers in the future?

### 3.2. Key findings for the applied ethics of digital technologies

#### 3.2.1. Relevance of the situational analysis

My research demonstrates the relevance of Nissenbaum’s (2010, pp.129–230) framework of contextual integrity for disentangling the privacy concerns expressed in the research, cultural and heritage sectors. Digital oral history exemplifies the importance of a situational approach to identify the factors, effects and solutions for addressing the impact of digital technologies on informational privacy. I am proposing that practices used in the creation and curation of similar identifiable qualitative sources would also benefit from this approach, with the aim of “balancing […] public goods (the public good in enabling research and the public good in protecting data)” (Shepherd et al., 2019, p.158). The results of this research could indeed be relevant for the fields of Ethnography, Sociology, Socio-Linguistics, Oral
Chapter 9

Literature, Psychology, Medical Research, and any field relying on qualitative sources and human participants.

Contrary to what I initially thought, the context that matters the most for understanding tensions around the rights to privacy in digital oral history is that of the interview lifecycle and of the project or study itself. Before gathering and analysing my research sources, one of my hypotheses was that the professional sector of practitioners or their relationship to interviewees would be more significant. Throughout this thesis, I have explained how each team needs to prioritise which stakeholders and which dissemination risks matter the most, based on the topics, stakes and potential recipients of the interviews.

3.2.2. Relevance of analysing interviews as digital information

My findings also prove the usefulness of observing the ethical practices applied to digital media through the lens of their distinguishing characteristics. In his analysis of the changes in flows of information, Ess (2020, pp. 12–22) describes digital media as convergent, greased and highly interactive. Digital oral history interviews share these traits. The binary format of audio files, video files and transcripts facilitate their initial dissemination and wide sharing through various digital means such as online catalogues, social media accounts and digital repositories. The full recordings, extracts or summaries can spread very quickly with little control of the custodians, including in results of search engines. Moreover, audiovisual and written files can be easily copied, edited and shared again, whether with good or bad intentions. Focusing on these characteristics of digital media enables us to observe more closely the central role of digital dissemination in triggering ethical difficulties.

3.2.3. Choosing the right ethical framework

Finally, Ess (2020) asks whether existing ethical frameworks are sufficient to adapt to the new technological context, its related uses and ethical quandaries, and whether we need to create new frameworks. In this thesis, I have sought to assess existing approaches and tools, and to propose how to develop and complement them; I have thereby used my findings and adapted to the reality of curators and interviewers who do not have the time or expertise to radically change their ethical frameworks and workflows. Nevertheless, my PhD also demonstrates the fruitfulness of borrowing elements of other frameworks. In particular, digital oral history benefits from using approaches developed in other disciplines such as Privacy Studies, Internet Studies and qualitative Social Sciences.
3.3. Key findings for digital oral history (and similar qualitative methods)

3.3.1. Continuities

My critical analysis has highlighted the many similarities between analogue and digital practices in oral history; I identified continuities in the content, format and context of interviews. First, oral history recordings are still dialogic and linear in nature, made of personal stories and often sensitive topics. Second, oral history archives are inherently multimedia; they combine sound or video recordings (e.g. captured on audio tapes, minidisc, VHS cassettes or digital files), text (e.g. paper or digital transcripts, summaries and indexes) and visual information (e.g. pictures and maps). Third, the context in which such interviews are created is still shaped by the unique relationship between the interviewee and the interviewer, and the centrality of trust and consent; when they record and/or curate, practitioners are still aiming at long-term preservation and wide access.

3.3.2. Complexification and contextualisation of ethical quandaries

My main findings deal with the multiple influences of digital technology on oral history creation and curation. These changes can very briefly be summarised as follows. The increased publicness created by digital dissemination practices and expectations amplify existing privacy worries. Two key norms for dealing with oral history interviews are respect for interviewees’ informational privacy and decisional privacy. These norms are being challenged by the new norm of broad and fast dissemination.

These findings were obtained by analysing my research sources in light of Nissenbaum’s (2010) framework of contextual integrity, as detailed in Chapter 4. I have also shown the relevance of this framework to identify and prioritise the relevant stakeholders and risks when making decisions about dissemination. Chapter 5 explained how situational approaches should be used by interviewers, custodians and project managers.

Furthermore, oral history interviews are becoming more complex ethical objects than in the analogue context. Accordingly, the solutions to the issues analysed in this thesis take into account the following four ethical dimensions: oral history interviewees should be treated as individual subjects, social subjects, historical subjects and digital subjects. My concept of plural privacy (and plural consent) aims to address this ethical finding and the impact of the increased publicness of individual life stories on a large range of stakeholders. I propose that there is a need for curators and interviewers to take more into account the social and historical dimensions of oral history ethics. In Chapter 7, I showed how many of the ensuing issues could be anticipated early on with the right approaches, processes and tools.
3.3.3. Changes in consent-seeking approaches

Although most issues around informational privacy are only amplified by the digital context, some issues around decision-making are new. In particular, I have observed changes in consent-seeking procedures and a shift towards “process consent”, where interviewees’ consent is obtained in two stages instead of one. This change has been driven by the difficulty in getting meaningful consent for online open access and by the need to comply with new data protection regulations.

I have shown in Chapter 6 (pp.133–136) that informed consent is comprised of two components: how interviewees understand information when making a decision and how interviewers give such information to allow effective decision-making. The combination of these two components ensures meaningful informed consent for recording and disseminating the interview. This shift towards process consent and the related need to pay more attention to meaningful consent for online dissemination represent perhaps the biggest change in consent-seeking in oral history since the 1990s, when written consent forms started to be used.

3.3.4. Interviewers and curators: shared experiences and responsibilities

I have demonstrated throughout this thesis that, when it comes to bearing the brunt of digital oral history’s tensions, the line between interviewers and curators is blurred. My initial hypothesis was that the type of dilemmas encountered depended on the closeness to interviewees; however, the analysis of my fieldwork sources has shown that all profiles of practitioners experience these tensions, including around meaningful consent. Therefore, the boundary between interviewers and curators is far less clear than what I initially thought. I have represented this finding by creating the category of interviewer-curator, for whom the separation of roles, skills, dilemmas and expectations is not relevant. This finding has consequences for our understanding of these practitioners and their practices, but also for the solutions offered to them in terms of future guidance and training, as I explained in Chapter 8.

Despite these shared experiences of ethical and legal tensions, custodians are more exposed to difficulties around conflicting expectations. Because they intervene at the latter stages of the interview lifecycle, they are responsible for striking the right balance between access and protection and for finding the time to make interview collections useable (through contextualisation, documentation and communications with interviewees, their representatives or the depositors). My analysis indeed shows that demands to open up knowledge may lead to restricting access or even closing down many collections and interviews. This is caused by inadequate human, financial and IT resources, stricter data protection rules and the unsustainability of some of oral history curatorial workflows. Although it is not possible to quantify this, I believe that in the long term, such trends may affect the quality of oral history collections, in terms of topics covered and continuity of access, and therefore their useability as historical sources of knowledge. I have shown in Chapters 7 and 8 how such situations could be avoided.
3.3.5. **Gaps in the literature**

The analysis of the academic and grey literature has led me to identify the gaps that are yet to be filled to address the ethical, legal and curatorial difficulties of digital oral history. In Chapter 7, I explained that (new) interviewers pay the price of the almost total absence of a discussion around the applied ethics of digital technologies in the oral history academic literature. My assessment of the grey literature also revealed encouraging efforts, sources of inspiration and remaining gaps in practical guidance and resources. Chapter 8 addressed these topics.

3.4. **Key practical recommendations for interviewers, curators, their employers and their associations**

3.4.1. **Anticipating and preparing for digital oral history’s heightened privacy issues**

As I explained in Chapter 7, many informational and decisional privacy issues could be anticipated even before interviews are recorded. When it comes to respecting informational privacy, such ethical preparation involves the following propositions: acknowledging the plurality of stakeholders at the outset of any oral history project or study; trying to gauge the possible amount and subject of personal and sensitive information that recordings could unveil; identifying context-relevant risks with pre-interview risk assessments; and finally, asking interviewers to flag up any issue just after their meeting with narrators.

Decisional privacy can also be better prepared for through improved informed consent-seeking planning, before fieldwork starts and later while interviews are being recorded. Obtaining more meaningful consent can be achieved in several ways: a substantive dialogue between interviewer and interviewee; transparency about dissemination options and actual institutional capacities; and plain English, explicit explanations of how visible the interviews could be if they are accessible online. Moreover, it may be necessary to accept that, in some contexts, consent-seeking needs to become a process rather than a one-off task; process consent requires seeking interviewees’ ascent to the uses of their recording more than once, for the sake of all stakeholders’ understanding.

3.4.2. **Improving interviewers and curators’ mutual understanding and share of responsibilities**

Throughout this thesis, I have shown the many dimensions of the (direct and indirect) working relationship between interviewers and curators. One of my objectives was to demonstrate how interview custodians, whether they are based in a library, archive centre, business or museum, are the allies of interview creators. Indeed, curators ensure the contextualisation, visibility and preservation of
interviews; they also inherit, through their core mission of responsible custody, the duty to respect interviewees’ privacy rights and consent decisions in the long term.

The final chapter has explained the importance of better balancing and clarifying responsibilities, especially that of repository staff, to make the most of the “web of mutual responsibility” in oral history (Oral History Association, 2019e, n.p.). Acknowledging the slowness of oral history workflows and their inherent case-by-case and human dimensions also helps to better prepare for the curation of these highly sensitive research and cultural sources. These characteristics explain why automation is still unlikely in this field; therefore, easily findable and relevant guidance is crucial to supporting time- and resource-short curation staff to look after interviews as efficiently as possible and to choose the most appropriate of the many access options currently available.

3.4.3. Bridging the gaps in guidance provision

I have addressed the challenge posed by the scattered nature of current ethical, legal and curatorial guidance. To that effect, practical documents were assessed in my last two chapters. The highlighted eight tools can help to prepare and address digital oral history’s main difficulties, mostly at the preparation and recording stage, but also during the curation and dissemination phases.

To complement these tools and my analysis of the current grey literature, I have identified remaining gaps that should be filled by professional organisations, institutions hosting oral history collections and national bodies. The main gaps are as follows: ethical guidance needs to deal with the pre-recording stage of interviews, when many ethical issues could be identified and prepared for; practitioners would benefit from better guidelines on de-identification and workable workflows to carry out scalable sensitivity reviews; and finally, financial support is needed to implement and sustain workflows for sensitivity reviews and layered access.

3.5. Limitations and relevance of my findings

In spite of the strengths of my research, my findings are limited by their untested nature. With more time, I would have liked to have seen how my research findings and related practical recommendations would have been received by the actors discussed in this thesis. In particular it would have been important to check their adaptability and relevance to both interviewers and curators, but also to make sure that I was not merely adding to an already abundant choice of guidance on ethics, data protection, privacy and digital curation. Although I have been able to verify through my fieldwork and two conference papers the accuracy of the ethical, legal and curatorial concerns I have identified, I have not had the opportunity to test in practice the solutions I am offering to address them.
Because this project took me seven years to complete, I was able to observe the questions around digital oral history before and after the introduction of new data protection regulations in May 2018. My literature review was mostly undertaken before that year and my fieldwork carried out between the summer 2018 and autumn 2019. I was able to analyse the effect of these changes in legal and institutional expectations. However, I concluded my fieldwork before another major change took place: even if perhaps temporary, there was an almost total shift to online interviewing in 2020 and 2021. With more time and resources, I would like to lead a follow-up project that would involve, at the minimum, another survey to get a first glimpse of the emerging ethical, legal and curatorial questions that this new interviewing practice is raising.

Yet, my findings are still relevant since they highlight the key questions of informational privacy, decisional privacy, and conflicting and unsustainable demands that curators are still experiencing. These issues will probably also be at the core of ethical, legal and curatorial challenges in the new context of online interviewing.
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References


Appendices

Appendices

Appendix 1. Data Management Plan

Data Collection and methods
- data re-use: review of academic literature and grey literature
- online survey: designed in three languages, created with Jisc tool Online Surveys; tested; 112 complete responses collected and merged; all responses translated into English and analysed
- research interviews: semi-structured interviews, 40 minutes to 1h45 long, conducted with 21 participants in three countries, in English or French; audio-recorded with a digital recorder; transcribed and/or summarised; the transcripts and/or detailed summaries were translated into English and analysed
- analysis methods of fieldwork sources: qualitative analysis, manual coding and basic statistics; the categorisation of themes was guided by Helen Nissenbaum (2010)’s framework as explained in Chapter 4 (see especially pp.88–89).

Data storage and back-up
- back-up: survey responses backed-up on KCL desktop, personal laptop and personal hard drive every week when the survey was live; once the survey was closed I stored a copy of all of the responses and my ongoing analysis on the same three devices
- interviews, transcripts and anonymisation logs encrypted and backed-up immediately after recording/writing on KCL desktop, personal laptop and personal hard drive; for the two de-identified interviews, the recording, transcripts and logs were stored in different folder for security’s sake
- grey literature database backed up on KCL desktop, personal laptop and personal hard drive

Data protection
- survey responses: these were anonymous (no personal data was collected as part of the survey)
- research interviews: as explained to interviewees in the consent form, I have maintained the interviewee’s anonymity in writing up this thesis and in subsequent dissemination (including during the viva and conference presentations)

Data deletion
- research interviews: as explained to interviewees in the consent form, I will not keep the recordings or transcripts or more than 5 years after their creation; consequently I will deleted these by September 2023.
Appendices

Appendix 2. Survey questions

Digital tools and ethical dilemmas in oral history

This survey is part of my PhD research on digital oral history at King’s College London (United Kingdom). I wish to understand how you currently deal with digital tools and ethical dilemmas in oral history. You are invited to respond if, during your studies or employment, you have already:

- recorded oral history interviews
- archived oral history interviews
- and/or disseminated oral history interviews.

An oral history interview is here defined as an audio or video recording of the memories of people who were eye-witness participants in the events of the past.

This survey is open until the 31st of July 2018. It will take you approximately 20 minutes to complete (depending on how much you wish to write). At the end, you will be invited to take part in an optional follow-up interview if you are based in the United Kingdom.

Your responses to this survey will be anonymous and securely stored in EU-based servers. By selecting “Next” you are consenting to taking this survey.

About you

1. In what country are you mainly based?
   (options given)

2. In what type of institution do you work? Select any that apply.
   (options given: Higher education/ library/ archive centre/ museum/ third sector/ business/ other: please specify)

3. Do you know roughly how many people currently work in your institution?
   (figure only)

4. Your oral history activities have mainly involved: Select any that apply
   (options given: recording interviews/ archiving interviews/ disseminating interviews/other, please specify)
Appendices

5. How many years of experience do you have in RECORDING oral history interviews?
   (options given: less than 1 year/ 1 to 3 years/ 3 to 5 years/ 5 to 10 years/ 10 to 20 years/ More than 20 years)

6. How many years of experience do you have in ARCHIVING oral history interviews?
   (options given: less than 1 year/ 1 to 3 years/ 3 to 5 years/ 5 to 10 years/ 10 to 20 years/ More than 20 years)

7. How many years of experience do you have in DISSEMINATING oral history interviews?
   (options given: less than 1 year/ 1 to 3 years/ 3 to 5 years/ 5 to 10 years/ 10 to 20 years/ More than 20 years)

Digital tools: regulations and advice

8. Please select the main digital tools that you have already used when collecting, archiving or disseminating oral history interviews.
   (options given: recorder, editing software, transcription software, indexation software, analysis software, website, blog, social media, information management system, online catalogues, video camera, other)

9. There are various ways in which digital tools are regulated*; please list any regulations you were aware of when collecting, archiving or disseminating oral history interviews.
   *Such regulations include policies, codes and legislation on matter such as data protection, open access to interviews, digital information security, copyright responsibilities of the internet user, etc.
   (free text)

10. There are various sources of advice* available for using digital tools; please list the advice you were aware of when collecting, archiving or disseminating oral history interviews.
    *Such sources of advice include best practice guides, FAQs and training resources on matter such as data protection, open access to interviews, digital information security, copyright responsibilities of the internet user, etc.
    (free text)

11. Do you remember how you found out about these regulations and advice? Select any that apply.
12. Have you been involved in writing, reviewing or sharing these regulations and advice?
   (options given: Yes, no, please explain.)

13. Do you know anyone else who writes, reviews or disseminates these regulations and advice in
    your institution or country?
   (free text)

Digital tools: ethical and legal dilemmas

14. When we use digital tools in oral history, we are sometimes faced with ethical or legal
    dilemmas*. When collecting, archiving or disseminating interviews, have you ever been confronted
    with such dilemmas?
   *Such dilemmas can be related to the privacy, security, confidentiality, copyright, access to interviews,
    etc.
   (options given: Yes, no, not sure, please explain)

15. If yes to 15: Who was involved in answering these dilemmas? Select any that apply.
   (options given: Me, my teacher, the project manager, my institution’s legal team, my institution’s ethics
    team, the project team, interviewees or their relatives, I don’t know, other)

16. If yes to 15: Have you already modified a project following such dilemmas (questions asked,
    choice of interviewees, editing, erasure...)?
   (options given: Yes, no, not sure, please explain)

Access to interviews in the digital context

17. Have you already anonymised or pseudo-anonymised* oral history interviews?
   *Anonymisation deletes all information enabling to identify the interviewee. Pseudo-anonymisation
    separates the identifying information from the interview which is given a pseudonym; the interviewer
    or archivist keeps a log of the identifying information and the related pseudonyms.
   (options given: Yes, no)
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18. If "Yes" to 24: What were the reasons for anonymising or pseudo-anonymising these interviews?
   (free text)

19. If "Yes" to 24: What were the benefits for the project?
   (free text)

20. If "Yes" to 24: Did you encounter any difficulties?
   (options given: Yes, no, please describe)

21. If "No" to 24: Why not?
   (free text)

22. Have you already given access* to oral history interviews to people who were not among your team members or teachers? *Access is here understood as the possibility to listen, read and/or re-use an interview.
   (options given: Yes, no)

23. If "Yes": What were the reasons for giving access to the interviews?
   (free text)

24. If "Yes": What were the benefits for the project?
   (free text)

25. If "Yes": Did you encounter any difficulties?
   (options given: Yes, no, please describe)

26. If "No": Why not?
   (free text)

27. Is there anything that your institution could provide to help you better give access to interviews?
   (free text)

28. How has access to interviews changed since you started collecting, archiving or disseminating oral history recordings?
   (free text)

**Other comments**
Appendices

29. Please add any other relevant comments.

(free text)

Thank you for completing in this survey!

I now need to interview professionals like you to better understand how you currently deal with digital tools and ethical dilemmas in oral history. As my budget is limited, I can only meet or phone you if you are based in the United Kingdom and are available between August and November 2018.

If you are interested in taking part in this follow-up interview, please send a short email to [email address] with the subject line “Follow-up interview”.

I won’t be able to link your survey answers to this email. I will keep the interviews confidential by anonymising any quotes and analysis which I will use in my thesis and future publications.
Appendices

Appendix 3. Interview question guide

This guide was used to help me conduct my semi-structured interviews, as described in Chapter 2 (pp.26–48). The 9 questions were usually used during my first wave of recording; I then mostly asked the first three questions and adapted the rest of the interview to my research interviewee’s answers and experience.

1. Could you introduce yourself (name and job title)?

2. How did you start working with oral history interviews?
   ➢ when and for what type of project/collections?
   ➢ Did you receive any training?

3. Digital tools: when did you start using them and in what context?
   ➢ Did you receive any training?

4. Have digital tools brought you new ethical questions?
   ➢ What are the questions about? (consent, curation, access…)
   ➢ Evolution since the 90s/00s? how did you adapt?
   ➢ Who answers these questions? Did you get any help?

5. Risks management – ethical and legal risks
   ➢ Which risks did you identify? In the short or long term?
   ➢ Evolution? Adaptation?
   ➢ Are risks specific to your collections?

6. Consent to record and use interviews: your ways of asking for it
   ➢ Who defines/refines your consent procedure?
   ➢ Is it different for legacy collections/pre-Internet interviews?
   ➢ Interviewees/relatives changing their mind: have you experienced that? Why changes? How did you manage?

7. Digital preservation
   ➢ Do you collaborate with other institutions to preserve interviews?
   ➢ Benefits? Reasons?

8. (reserve question) How do you think that oral history will evolve in the next 10 years?

9. Conclusion: is there anything else you would like to add, what else should I have asked you?
Appendices

Appendix 4. Grey literature reference list

Chapter 2 (pp.26–48) describes the purpose and methods used to develop this reference list; Chapter 7 and Chapter 8 (pp.150–213) present an analysis of all of these documents.


Association of Social Anthropologists of the UK (2011) *Ethical Guidelines for Good Research Practice*.


Appendices


Appendices


