

ACCESS POLICY

ARCHIVES, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

The Archives of the United Nations High Commissioner for Refugees exists to make the experience of UNHCR, as embodied in its records and related materials, available to guide and assist the UNHCR in planning and conducting its activities and to provide information to meet the research needs of the persons of interest to UNHCR, the scholarly community, and the general public.

The UNHCR Archives is committed to making research materials available to users on equal terms of access. Equal access does not mean that all materials are open to research use. It is the responsibility of the UNHCR Archives to balance the researcher's need for access with the needs for confidentiality of persons and institutions whose activities are reflected in the records. Consequently, the use of some materials in the UNHCR Archives, especially those of recent date, is subject to restrictions imposed by UNHCR and by donors of personal papers and other historical materials.

Two types of restrictions exist. Restrictions on access that apply to more than one group of materials are termed "general restrictions." They are applicable to particular kinds of information or designated classes of materials, wherever they may be found among the holdings. The other kind of restrictions are known as "specific restrictions." These are restrictions specified by UNHCR or the donor to apply to a specific body of material, sometimes for a specific length of time.

The following principles guide the UNHCR access policy:

1. Documents created for public dissemination or that are subsequently officially publicly disseminated are and continue to be available for research use.
2. Documents not publicly disclosed will be made available when they are 20 years old, unless they fall under one of the restriction categories.
3. Staff members of United Nations bodies engaged in official work that requires the use of UNHCR records will be given access in accordance with the Rules of Access for UN Bodies.
4. Former staff members of UNHCR will be given access to those records they made, received, or reviewed while an employee of UNHCR.

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GENERAL RESTRICTIONS

The following is a list of the general restrictions that are applied to the materials held by the UNHCR Archives.

General Restriction 1: *Materials containing information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy or a libel of a living person.*

- a. *Definition.* Materials containing information about a living person which reveal details of a highly personal or libellous nature which, if released, would constitute a clearly unwarranted invasion of privacy or a libel, including but not limited to information about the physical or mental health or the medical or psychiatric care or treatment of the individual, and which personal information is not known to have been previously made public.
- b. *Restrictions.* Such records may be disclosed only:
 - i. to regular employees of the UNHCR Archives in the performance of normal archival work on such materials.
 - ii. to the named individual or his authorized representative, provided that access will not be granted if the records are restricted pursuant to any other general or specific restrictions.
 - iii. to researchers for the purpose of statistical or quantitative medical or related research when such researchers have provided the Archives with written assurance that the information will be used solely for statistical research or reporting and that no individually identifiable information will be disclosed.

General Restriction 2: *Materials containing confidential business and financial information.*

- a. *Definition.* Materials which contain commercial or financial information which was obtained with an expressed or implied understanding of confidentiality.
- b. *Restrictions.* Such information may be disclosed only:
 - i. if the information consists of statistical totals or summaries and does not disclose the source of the information or identify individual parties, or
 - ii. if the party with whom the confidential relationship has been established agrees to its release, or
 - iii. if, in the judgement of the Archivist, the passage of time is such that release of the information would not result in substantial competitive harm to the parties identified in the materials.

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General Restriction 3: *Materials containing confidential employment or personnel information.*

- a. *Definition.* Materials containing information on appointment, employment, performance evaluation, disciplinary action, and similar personnel matters.
- b. *Restrictions.* Such information may be disclosed only:
 - i. if the information is a summary statement of service, or
 - ii. if the information does not identify particular individuals, or
 - iii. if the individual or his legal representative agrees to its release, or
 - iv. if the individual is deceased or the passage of time is such that the individual may be presumed to be deceased.

General Restriction 4: *Materials relating to investigations.*

- a. *Definition.* Materials containing information related to or compiled during an investigation of individuals or organizations.
- b. *Restrictions.* Such information may be disclosed only:
 - i. if the release of the information does not interfere with ongoing proceedings, and
 - ii. if confidential sources and information are not revealed, and
 - iii. if the passage of time is such that:
 - (a) the safety of persons is not endangered, and
 - (b) the public interest in disclosure, in the judgement of the Archivist, outweighs the continued need for confidentiality.

General Restriction 5: *Materials containing information regarding confidential decision-making.*

- a. *Definition.* Materials which contain information that was given in confidence in the period before a determination was made, including but not limited to advice given by attorneys, accountants, and staff advisors.
- b. *Restrictions.* Such information may be disclosed only:
 - i. if the decision has been made public and the nature of the determinations leading to the final decision is known, or
 - ii. if the passage of time is such that release of the information would not impede current decision-making, or
 - iii. if, in the judgement of the Archivist, the public interest in disclosure outweighs the continued need for confidentiality.

General Restriction 6: *Materials specified by donors to be restricted for a certain period of time or until a specified event occurs.*

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SPECIFIC RESTRICTIONS

The following specific restrictions apply to distinct bodies of UNHCR records:

1. Individual case files on refugees, refugee registration forms, and related documents concerning the care or treatment of specific individuals are closed for 75 years.

Exceptions:

- a. The refugee, his heirs or assigns or his legal representative, may have access to information related to himself.
- b. For tracing purposes, the names may be shared with the International Committee of the Red Cross.
- c. For purposes of providing services related to the refugee status, the files may be shared with partner organizations.
- d. If the proposed use is purely statistical and no names or unique identifiers are needed for the research, the records can be made available.
- e. With permission of the refugee, the information can be made available before the expiration of the closed period.
- f. If the refugee is known to be deceased, the file can be made available, unless in the judgment of the Archives the release of such information would invade the privacy of living individuals.