

Annex C: Guidelines on Access to UNHCR Archives

The Archives of the United Nations High Commissioner for Refugees exist to make the experience of UNHCR, as it is embodied in the records of the UNHCR and related materials, available to guide and assist 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.

UNHCR is committed to making research materials available to users on equal terms of access subject to considerations of protection of data of persons of concern to UNHCR and confidentiality for the protection 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 types of information or designated classes of materials, wherever they may be found among the holdings. Specific restrictions are specified by UNHCR or the donor to apply to a specific body of material, sometimes for an established time. There may be exceptions to these restrictions to provide flexibility, depending on the circumstances.

The following principles guide access to UNHCR archives:

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 after 20 years, unless they fall under one of the restriction categories and would not fall within any exceptions to those restrictions.
3. Records remaining restricted after 20 years will undergo declassification reviews at five-year intervals.
4. Staff members will have access to the records necessary to conduct their official business, subject to the terms and conditions established by UNHCR policies¹.

General Restrictions

The following is a list of the general restrictions that apply to the materials held by the UNHCR Archives. These restrictions must be read with the necessary flexibility to ensure that UNHCR can meet its internal and external demands. In particular, UNHCR is under a duty to cooperate with appropriate national authorities to facilitate the proper administration of justice, secure the observance of national law and prevent the occurrence of any abuse in connection with the privileges and immunities of UNHCR under Section 21 of the 1946 Convention on the Privileges and Immunities of the United Nations.

¹ Policies includes, but are not limited to: IOM/FOM/076/2010 UNHCR's Information Classification, Handling and Disclosure Policy and UNHCR/HCP/2015/6 Policy on the Protection of Personal Data of Persons of Concern to UNHCR.

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. subject to redaction of the records to avoid disclosing personal information or information that would constitute a libel of a living person; or
 - ii. to regular employees of the UNHCR Archives in the performance of normal archival work on such materials; or
 - iii. 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; or
 - iv. 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; or
 - v. if UNHCR has received a request for the disclosure of information and would be under a duty to provide information to facilitate the proper administration of justice, secure the observance of national law and prevent the occurrence of any abuse in connection with the privileges and immunities of UNHCR, under Section 21 of the 1946 Convention on the Privileges and Immunities of the United Nations.

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 confidential business and financial information has been redacted; or
 - ii. if the information consists of statistical totals or summaries and does not disclose the source of the information or identify individual parties; or
 - iii. if the party with whom the confidential relationship has been established agrees to its release; or
 - iv. if, in the judgement of the Head of UNHCR Archives, 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.

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 confidential employment or personnel information has been redacted; or
 - ii. if the information is a summary statement of service, or
 - iii. if the information does not identify particular individuals, or
 - iv. if the individual or his legal representative agrees to its release, or
 - v. 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 confidential information that may prejudice the investigation or threaten the security of witnesses has been redacted; and
 - ii. if the release of the information does not interfere with ongoing proceedings; and
 - iii. if confidential sources and information are not revealed, and
 - iv. 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 confidential information may be redacted; or
 - ii. if the decision has been made public and the nature of the determinations leading to the final decision is known, or
 - iii. if the passage of time is such that release of the information would not impede current decision-making, or
 - iv. 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.

- a. *Definition.* Materials that UNHCR has expressly agreed with donors in writing to restrict.
- b. *Restrictions.* Such information may be disclosed only:
 - i. With the written consent of the donor.

Specific Restrictions

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

Specific Restriction 1. Individual case files on persons of concern to UNHCR (including refugees, asylum-seekers, returnees and internally displaced persons), refugee registration forms, and related documents concerning specific individuals or containing their personal data are closed. Requests by persons of concern or their legal or other duly authorized representatives to access their personal data and legitimate requests from third parties shall be dealt with in accordance with UNHCR Data Protection Policy.

Exceptions: The information can be made available to researchers:

- a. Subject to a non-disclosure agreement if the proposed use is purely statistical and/or no personally identifiable information (names, unique identifiers etc) will be used in the research;
- b. With the permission of the individual, or
- c. If the individual is known to be deceased or the passage of time is such that the individual may be presumed to be deceased, unless in the judgement of the Archives the release of such information would invade the privacy of living individuals.

Specific Restriction 2. Materials originally classified as Confidential or Strictly Confidential

- a. *Definition:* Materials that were originally classified as *Confidential* or *Strictly Confidential* and which were not declassified when transferred to the UNHCR Archives.
- b. *Restrictions.* Such information may be disclosed:
 - i. Subject to any necessary redactions of confidential information; or
 - ii. at any time by the authority responsible for restricting them in accordance with UNHCR's Information Classification, Handling and Disclosure Policy;² or
 - iii. after 20 years, if in the judgement of the Head of UNHCR f Archives, closure of the information is no longer required to preserve the interests of the Organization or its stakeholders.

² Issued under cover of IOM/076-FOM/76/2010 UNHCR Information Classification, Handling and Disclosure Policy.