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The Provenance of Social Work Case Records: Implications for Archival Appraisal and Access

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Privacy became a public issue during the 1970s to an extent that was unprecedented in American history. In retrospect it now seems inevitable that an information society, with its new-found ability to store, manipulate, link, and retrieve vast quantities of information, would have to contend with abuse of information. Threats to and concerns about privacy predate the computer, of course, but it was the emergence of massive machine-readable data systems that gave rise to the recent wave of legislation, at both the federal and state levels, designed to regulate the collection and use of personal information.

For archivists the concept of confidentiality and restricted access to certain records is not new, but traditionally it applied primarily to government records that were classified for security reasons or to the personal papers of prominent individuals. In both cases the persons or institutions in potential harm by disclosure of information were usually in a position to control the terms on which the records concerning them were released to archival custody. It was not until 1974 that an archivist, Virginia Stewart, addressed in a systematic way the confidentiality problems posed by archival administration of personal case records. In her article she noted the proliferation of such records, particularly in the health and welfare field, and outlined the necessary elements of an archival policy that would address the legal and ethical issues involved.

As Stewart and other commentators on the subject have noted, the responsibility to balance the competing norms of respect for privacy and free access to information in a proper manner takes on special urgency when
the responsibility resides with persons other than those who have a direct personal stake in the matter. The clients on whom sensitive personal information is assembled (with the understanding that it would be treated in a confidential manner) will likely be unaware that the agency executive and the archivist have agreed on a policy that authorizes the transfer of case records to an archives and provides researchers with access to them on the basis of specified conditions.

Relevant archival literature of the past decade is limited to a few articles which have taken their cue from emerging privacy legislation in focusing on public records and on legal issues. As a result, the literature lacks a broad perspective, particularly an ethical one. In order to get beyond the legal issues, it is necessary to analyze the conditions under which the records were created, the purposes for which they were intended, and the assumptions that controlled their development.

This should be a natural approach for archivists. The principle of provenance holds that records are to be viewed in relation to their origins in an organic body or activity. For the most part the application of this principle has been to specific cases, i.e., records emanating from a particular "office of origin" have been preserved as an entity and arranged and described in terms of the activities out of which they emerged. Archivists have, however, generally failed to recognize the utility of applying the same logic to entire categories of records, whether or not they are produced by the same administrative unit. This article, then, analyzes social workers and their attitudes toward case records. For reasons described below, it focuses on the case records of private social agencies although not to the exclusion of social work as practiced in governmental programs.

This is not to argue that archivists should be controlled solely by the values and wishes of the individuals or institutions who created the records. But in the matter of social work case records—and an analogous case could certainly be made for other forms of case files on individuals that developed in comparable circumstances—there are good reasons for coming to terms with those values. The case records are the result of an extremely
self-conscious professional activity. The caseworkers who compiled the information and the executives who administered the records were acutely aware of the same basic issues that confront the archivist at a later stage in the life cycle of the records; and they resolved those issues in a way that, to a greater or lesser extent, they communicated to their clients.

In addition to the logic of deferring to the controlling ethical standards of the social work profession, it should be noted that, as a practical matter, any success in acquiring sets of case records will likely depend on satisfying a social work agency executive that the records' administration in an archival setting will not compromise the ethical standards of the social work profession. Ultimately, the appraisal of the case records of a particular agency—to determine their value and establish an appropriate access policy—will be aided by an understanding of the common external factors that shape all such records. ¹

The Development of Social Casework

Life's most important truths are usually the simplest. In order to have a case record, there must be a case. That, in turn, requires that an agency or institution define and offer services in terms of individuals or families. Without the assumption that each person and each situation is different, there is no incentive for accumulating more than minimal information. Case work is the specialty within the social work profession that, in contrast to group work and community organization, focuses its efforts on individuals and families. The development of social casework theory and practice provides the key to understanding the records created to document its clients and also the context within which to understand the social workers' attitude toward confidentiality. ⁵

Casework had its origins in the private sector, emerging in response to the unsystematic and often politicized outdoor relief—assistance provided to people living in their own homes, outside of institutions—dispensed by public charities. ⁶ The charity organization movement of the late nineteenth century sought to raise philanthropy to a more efficient and scientific level by eliminating duplication and assistance motivated only by
sentiment. The agents and friendly visitors of a charity organization society (COS) tried to determine that applicants for assistance were deserving and that the help offered was appropriate to the specific need. For all of their moralistic assumptions about worthiness, COS leaders came, in time, to recognize that poverty and dependency resulted from social and economic forces as well as moral weakness.

Mary Richmond's *Social Diagnosis*, published in 1917, represented a major benchmark. Drawing on the experience of COS workers, she assembled the first systematic treatise on how social work should be undertaken. For Richmond, method consisted of defining the situation meticulously so that particular problems could be understood in their proper context. *Social Diagnosis* was essentially a handbook on how to find, weigh, and use all kinds of evidence. It dealt almost exclusively with objective facts and gave little attention to treatment, sharing the widespread assumption of the time that identifying the true nature of a problem would lead logically and directly to its solution.

Although Richmond continued to be viewed as one of its towering figures, social work theory quickly moved beyond her. During the 1920s Freudian and other schools of depth psychology provided caseworkers with a framework within which to understand mental processes and emotions. Adherents to the old school tended to be dismissed as offering amelioration rather than cure because they mistook symptoms for causes. In this heady atmosphere the social worker's role shifted, at least in theory, from one of assembling objective facts about the social environment and interpreting them for the client to one of trying to see things as they appeared to the client. It remains an open question how rapidly theory was translated into practice at the agency level. A recent study of a Chicago agency—the only such study based on extensive analysis of case records over time—concludes that the psychiatric deluge was not felt until the 1940s and that the vast majority of caseworkers continued to follow the strategies laid down by Richmond.

The depression of the 1930s required that attention be returned to external conditions as, in the absence of
public relief programs, private social work agencies con-
centrated on dispensing relief to the unemployed. Once
governmental assistance and social insurance programs
were established in the New Deal and social programs of
the post-World War II era, private agencies were freed
to return to casework services, with an emphasis on
counseling, relationships, and personality adjustment.
Such services attracted a constituency distinctly more
middle class than that of the COS days when economic
dependency defined most of the cases. Public agencies
also began to transcend their original, depression-era
function of determining eligibility for financial assistance.
The Social Security amendments of 1956 and 1962 rede-
defined public assistance to mean something more than
money payments, and thus public agencies moved more
into the casework field as well.

This brief review should suggest to archivists that
case records are not now, and never were, a uniform and
static form of documentation. Over a period of approxi-
mately one hundred years, the purposes served by
agencies who created them varied, the persons providing
the services redefined their roles and their philosophies,
and the characteristics of the clientele being served
changed. Some agencies do little more than determine
eligibility for assistance and thus do not leave a record
as intimate and penetrating as those whose contacts with
the client are more sustained and intense. A caseworker
imbued with Freudian or Rankian insights would seek and
record different information than one committed to Rich-
mond's diagnostic approach.

*Evolution of Case-Recording Practice*

Attitudes toward case records, the purposes they
should serve, and the standards that would best meet
those objectives evolved in relation to developments in
casework methodology. The earliest lists of names and
"memoranda of various sorts" gave way to more detailed
accounts necessary to distinguish between the "worthy"
and "unworthy" poor. As records accumulated,
agencies began to observe the emergence of recurring
patterns and looked for ways to structure the records
accordingly. By 1900 the basic format had been estab-
lished that has, with relatively minor modifications,
characterized social work case records ever since: a printed face sheet, generally filled out at the initial interview, to present the basic facts to which the social worker would most likely refer; a narrative account added to by the social worker after each contact with the client; an occasional summary account, either when the case was closed or at periodic intervals; correspondence related to the case, usually seeking information about the client from a collateral source; and, sometimes, medical and household budget forms.

What was missing from these early records was any sense of discipline or focused purpose. Richmond recalled the visit in 1896 of Charles Loch, leader of the charity organization movement in Britain: "I saw for the first time a case record--one brought from England--which marched from definite premises to a definite conclusion...[H]e made me see, as I had not seen before, that we had been faithfully recording many aimless visits; that the constructive, purposeful mind was not behind our entries."

The 1920s and 1930s represent the high point of enthusiasm for the potential believed to be contained in proper recording, although even then almost every treatise on the subject acknowledged that caseworkers universally regarded it as a necessary evil at best. A consensus had been reached as to the purposes served by case records. The immediate purpose, of course, was to further the effective treatment of the individual client, not only by leaving a record for subsequent workers but also by "establishing the case worker herself in critical thinking."

None of the early proponents of recording limited their vision to the interests of the individual client. They went on to laud broader purposes served by recording that helped to justify the time and effort invested. Richmond observed that case records "are not the waste of time that some social workers think them, for we are going to have to depend largely upon the study of full and accurate case records for our own advancement of skill, in the first place, and for the advancement, in the second place, of the body of knowledge that we social workers hold in common. Her
Social Diagnosis was itself based on analysis of case records provided by agencies in five cities. Education of social workers, both in-service training and formal academic instruction, relied heavily on disguised case records. Similarly, case records could provide the basis for effective interpretation of the agency's program to the public on whose support it relied.

Social workers were not reticent about promoting the value of case records for policy-oriented social research. In the words of one of the early social work texts, "the facts which may be derived from a study of many records constitute an index of general social needs. That is, they are at once data for social research and guides to new legislation." Amelia Sears, a Chicago social work administrator and educator, saw as one of the three primary reasons for case recording "to accumulate data concerning poverty, disease, social exploitation and industrial abuse--data that may be effective in securing wider knowledge and hence amelioration of the conditions, social, industrial, and economic, that produce dependency." According to Richmond, "Under analysis which is thoroughly competent and careful case records may become the basis of statistical studies or, more often, of social discovery arrived at by nonstatistical methods."

This eagerness to realize the full research potential of case records led on at least two occasions to symposia where social workers and social researchers discussed ways that records could be shaped to enhance their value still further. In neither instance of discussion by major figures did any of the participants question the appropriateness or validity of utilizing such sources or in any way acknowledge the confidentiality of the worker-client relationship as an inhibiting factor. One agency executive argued that "the statistical value of such information as the case worker does secure is enhanced and not decreased because it is an incident and not the direct object of the investigations." Another suggested that an awareness on the social worker's part that her record was intended for a wider audience would have a salutary effect on the quality of the case work itself.
As previously noted, casework theory underwent a major transition during the 1920s and 1930s, and this was reflected in the guidelines for case recording that emerged in the latter part of that period. Gordon Hamilton's *Principles of Social Case Recording*, first published in 1936, reflected the transition to a psychoanalytic orientation. The advice for recording placed far more emphasis on attitudes and perceptions than on objective facts: "Always the person's attitude toward his situation, his emotional involvement, must be considered as part of the situation itself...The task of reproducing and analyzing this dynamic configuration of person-situation is very difficult." Left behind in this transition was the earlier enthusiasm for social research with public policy implications. It was not a matter of declaring case records off limits for researchers; case records continued to serve as a basis for social work theory building, but the new model simply seemed less suited to supporting socio-economic inquiry.

Enthusiasm for recording waned perceptibly during the 1940s and 1950s. Much of this had to do with a recognition of the cost and inefficiency of recording. A study of a Philadelphia family service agency demonstrated that one third of the costs of providing casework service to the client (or 17 percent of the total agency budget) went toward the costs of recording. Conceivably the sheer volume of case records that had accumulated over the years may have helped persuade administrators to seek ways of reducing the rate at which additional records were created. In this atmosphere it was natural to define the purpose of case records more narrowly in terms of serving the individual client. It was at least arguable that the potential for other uses had never been fully realized, at least to the extent that they had been touted by earlier proponents.

One way to streamline case records was to stress selectivity and summary recording. What was known as *process recording*, in effect attempting to write down everything from an interview that a tape recorder could have captured, had long been the means by which clients' perceptions and the treatment process had been recorded. This method is now viewed as of value chiefly
to enhance students' learning during their field experience, and even then, it is often supplanted by videotape equipment. Computers and word processors are a part of the contemporary recording scene, employed most often to supplement rather than replace the traditional social record, to amass statistical data for use in research, accountability, budgeting, and other administrative purposes. As such, their presence in social agencies has yet to contribute substantially to the realization of fears about the threat that they pose to personal information privacy.

Confidentiality of Case Records

Two general observations about social workers' attitudes toward confidentiality can be made with assurance: First, they have unfailingly asserted the confidentiality of their relationships with clients and have applied that to information in their case records; and second, they have seldom if ever claimed that the confidentiality was absolute. Within those parameters there has been considerable variation over time in regard to whom access to information should be granted, for what purposes, and under what conditions. Contributing to the complexity of the issue has been the recognition that the social worker's responsibility to the client is, to some degree, balanced against a concurrent obligation to the agency and to society as a whole. It is not possible here to undertake a comprehensive analysis of the evolution of social workers' attitudes toward confidentiality, but the extent to which social workers have been willing to sanction research use of their case records should be noted. This is directly relevant to the archivist's quest for an appropriate access policy.

COS leaders were hardly preoccupied with confidentiality, but it is significant that one of their chief tools was the confidential exchange, a clearinghouse of information intended to prevent applicants from receiving simultaneous assistance from more than one charitable society. Even when the avowed purpose was the negative one of discouraging abuse of charitable endeavors, they preferred to distinguish between the appropriate and inappropriate use of the records. Information in the central exchange was purposely minimal so that the
individual agencies retained control of the more detailed
records, and it was released only to accredited inquir-
ers.26 As case records became more detailed and sen-
sitive, the potential for their misuse increased corres-
pondingly, a development observed by Richmond. As
already noted, she placed great value on case records
for training social workers and advancing professional
knowledge, but she observed that "the problem of re-
conciling their use with the highest case work ethics
has been a puzzling one."29 The solution of deleting
names and identifying information before making records
available was impractical, for, she wrote, "We are con-
fronted at the very start by the fact that it is almost
impossible to conceal the identity of a social history
subject without suppressing essential data."30 Richmond
edited numerous case records that were printed between
1911 and 1918 in Charity Organization Bulletin, a cir-
cular that was distributed among charity organization
societies with stern admonitions not to let copies fall
into unauthorized hands. The disclaimer that appeared
on each issue—"printed but not published"—exemplified
the ambivalence of social workers toward the dissemin-
ation of case record material, even after identities had
been concealed.

During the 1920s social work reached the stage of
development when a profession aspires to a formal code
of ethics. Although a single code endorsed by the en-
tire profession was not to be achieved until 1951, sev-
eral local chapters of the American Association of Social
Workers drafted statements on ethics which provided
the basis for discussion. All of them featured a com-
mittance to honoring the client's confidences. Much of
this commitment derived from the fear that the client
would not readily confide in the social worker if the in-
formation volunteered were spread around indiscreetly.
There is some basis for believing that disclosure which
escaped the client's notice posed less of a problem. A
1929 survey of Chicago social workers showed strong
approval (94 yes, 20 no) of newspapers publishing dis-
guised case histories if the client remained unaware of
the publicity. There was equally strong disapproval
(12 yes, 90 no) for the same scheme if the client knew
and disapproved of the publication. According to the same survey, a majority believed that the social worker's first responsibility was to the community rather than the client. There was almost unanimous agreement that records should be made available for research by social workers, students, and scientific investigators.  

Up to this point confidentiality had generally implied that social workers were free to share information with third parties for what the worker believed to be valid reasons, but the decision to do so essentially resided with the social worker or agency and there was little that could compel them, legally or professionally, to release information. This attitude began to change in the late 1930s, at least in part because of the emergence of public welfare and economic security programs, which brought with them the first statutory basis for the confidentiality of case records. The Social Security amendment of 1939 made federal grants to state public assistance programs conditional on the provision of safeguards to restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of the program. Veterans Administration (VA) regulations included similar provisions for records maintained by VA social services and medical care services.  

The trend in casework theory toward client centeredness had, as a corollary, the effect of acknowledging the client's right to a greater degree of control over use of records about him or her. Although no one yet seriously considered granting clients access to their own records, they were recognized to be entitled to know about and consent, at least in general, to reports about them being sought or shared. It was in this context that social service exchanges (the successors to the confidential exchange) came under attack in the 1950s for facilitating the exchange of information in a way that was no longer widely accepted.  

At this point, then, social welfare organizations began to develop comprehensive policy statements on confidentiality, again reflecting the increased attention the subject was receiving. One of the first and most extensive of these, "Confidentiality in Social Services to
Individuals," prepared by a committee of the National Social Welfare Assembly (NSWA) in 1958, attempted to interpret and apply the sacrosanct principle in a way that responded to the public perception that social workers were using it as a shield to keep the public from knowing what social agencies really do. In a sense, it anticipated the conflicting values that would emerge later with the passage of freedom of information and privacy legislation. The NSWA statement argued that the way to "promote trust on the part of the client" was "by holding the agency to a disciplined seeking and constructive use of information on his behalf." This meant that information added to the record should be more rigorously evaluated in terms of its relevance and whether it served the client's best interest. It identified situations where the client's explicit consent was required to share information, suggesting that "when information goes beyond representatives of professions bound by ethics or policies requiring the protection of confidentiality, the client's consent is required." It acknowledged that research often must have access to original material. "Undisguised case records may be made available for studies and research activities which seek to advance social work objectives if they are carried out under direction that assures protection of case information."34

And then came the computer. Profound and widespread concern over the threat to informational privacy posed by electronic data systems has given rise to new standards and regulations, and these have been applied to social work case records well beyond, or in advance of, the extent to which they have actually been converted to machine-readable form. A Department of Health, Education, and Welfare committee recommended the establishment of standards for record-keeping practice appropriate to the computer era and saw most of them enacted by Congress in the Federal Privacy Act of 1974. Although the provisions of the act apply to the record-keeping practices of the federal government (and, in general, corresponding state laws apply to state agencies), private social agencies were quick to anticipate the need to bring their practices into substantial
compliance, even before the U.S. Privacy Study Commission intimated as much. 35

Some of the principles of the Federal Privacy Act were not new to social agencies. The idea of limiting the collection of data to what was necessary, of limiting disclosure of information to third parties, and of the subject's right to know of the existence of data files were already part of recommended policy if not necessarily practiced by every agency. Unquestionably, the most profound change for social agencies was that of granting subjects access to records about them. There is some evidence to suggest that this has had the effect of limiting the information contained in the file and, therefore, the very utility of the record. 36 Another innovation whose origins can be attributed to the law is the area of records retention. Not before the 1970s was explicit reference made to the need for a policy to dispose of records within a given time after the case is closed or discontinued. None of the statements offered by national social work organizations attempts to specify the length of time, and some of them acknowledge the possible exception of cases to be preserved for teaching or research purposes. 37

The recent policy statements offer less support for research use of case records than was true in the past. Some statements omit any reference to research while others acknowledge its importance but attach more provisions and restrictions than previously. The "Position Paper on Confidentiality" of the Family Service Association of America (historically one of the most important organizations in the casework field) observes that records can provide understanding of clients' problems, agency services, and gaps in service but goes on to emphasize the client's right to prevent the use of his or her records for research and to require the client's express permission when the possibility of identification exists. A similar statement by the National Assembly for Social Policy and Development recommends that identifiable personal information is not needed for research and should be deleted from records used for that purpose. 38 One senses that the tightened restrictions on research result not so much from actual abuses by
researchers as from a weakened sense of the records' research potential—a sort of atrophy. Given the overall trend toward greater limitations, there has been little incentive to maintain a notable exception for research. 39

Implications for Archivists and Archival Research

Archivists in recent years have generally, if uncritically, accepted the idea that case records represent a potentially valuable source of information on an otherwise underdocumented segment of the population, although problems associated with bulk and confidentiality have limited archival acquisition of such records. For example, according to a 1977 survey of state archivists, 76 percent of them perceived public welfare records as having value but only 15 percent had accessioned any. 40

Roy Turnbaugh and John Daly of the Illinois State Archives have registered a dissenting view, noting that the case files of the Illinois Department of Public Aid comprise little more than a proliferation of forms required to certify eligibility, that they "do little to document the lives of the twentieth century poor," and that tabular and statistical reports generated by the department present the same information more concisely 41. It may well be possible to accept the validity of the latter point of view without discrediting the former. As has already been noted, an agency whose role is confined to determining eligibility for assistance will provide records distinctly different from one engaged in more intensive casework.

The value of case records for historical researchers should derive from the social workers' determination to differentiate one individual's circumstances from the next. They should be valuable for precisely the same reason that Richmond found them so difficult to disguise: the volume and complexity of information on a unique interplay of circumstances, events, and persons literally defined each individual or family to a degree that eliminating or changing the names could not disguise. They also are unique in that in many cases they afford a continuous record over an extended period of time in contrast to the static census portraits at ten-year intervals. 42 The individuality of the records poses a challenge as well as an opportunity to researchers. At
least two analysts have noted that case records do not lend themselves to quantitative statistical analysis as readily as do, for example, census manuscripts. The population recorded is not nearly as broad, the arrangement not as systematic, the frequency and duration of contacts between agency and client more unpredictable, and the information recorded more varied in form and content. All of this may discourage some research use in that full exploitation of the intricacy and intimacy of the information will often require that the researcher take into account the selectivity and biases of the case-workers who created the records.

The range of research that could be expected in an archival setting would be wider than that assumed by the social work profession in its internal considerations of confidentiality and access. Added to the studies of the helping process--analyses of agencies, services, and client populations--will be research projects that exploit the informational rather than evidential values of the records, seeking a way of documenting the lives of ordinary people with no particular emphasis on their status as clients of social agencies. The published results of most of this inquiry should not threaten the privacy of individuals because the focus is on patterns and aggregates.

A policy to govern access to case records held in an archives, such as the policy developed by the University of Illinois at Chicago Circle, is already employed in various places. Typically, it requires that the researcher identify himself and demonstrate the legitimacy of his research interest and agree to refrain from disclosing the identity of persons named in the records in note taking, conversation, or eventual publication. The researcher may be required to "indemnify and hold harmless" the archives and its parent institution against any loss or damages arising out of use of the records. In some instances, permission to use case records requires the consent of a representative of the agency from which they were obtained. Such requirements are obviously not a foolproof guarantee that once access is granted the privilege will not be abused, whether maliciously or inadvertently, but they do serve as a deterrent to
misuse and as an educational tool to convey to researchers the importance of respect for privacy.

The requirement that researchers make no notation of names appearing in the case records guards against certain types of disclosure and could conceivably prevent a researcher from being compelled by subpoena to testify in relation to information contained in a case record. At the same time, though, it prevents the researcher from linking information found in the case record with additional information contained elsewhere. Linkage of data stored in contemporary files is, of course, one of the chief concerns in the debate over information privacy of recent years. The implications of linkage and its prohibition for historical research in archival records needs more investigation.

Use of case records by genealogists and family historians poses a different set of issues. Such individuals want information about a particular person or family. Often they come, in effect, as representatives or agents of the person on whom the files was created, although there could be intrafamily disputes about who represents whom. They should be required to attest to their relationship to the subject of the record before being permitted access. The problem then becomes a practical one of identifying the file they are entitled to see in order to preserve the confidentiality of surrounding files. Most agencies maintain their case records roughly in chronological order according to the date the case was opened. A separate alphabetical list—either a card file or a bound register—serves as a cross-reference to name access. Because of the complexity of name changes and variant spellings, this finding aid will be limited—if it has been preserved at all. Adult adoptees seeking information about their biological parents present issues similar to those posed by genealogists, complicated by their legal rights to see such records as defined by the particular state.

The effect of the passage of time on the confidential nature of personal information is a profound issue that requires more consideration than it has received. The social work profession, with its concern for current needs and active records, has had no reason to address
it. Indeed, from its perspective many potential problems, including storage, can be eliminated by identifying the interval at which current needs are exhausted and records can be responsibly destroyed. Those involved in creating privacy legislation generally have not addressed the issue either, although the Federal Privacy Act of 1974 does create an exception to some of the limitations on disclosure for records transferred to the National Archives. 48

There is obviously precedent for preventing access to records for a period of time. Personal papers of notable figures are often accepted with the understanding that all or parts of them will be opened only at, or some specified time after, the individual's death. Census records in the custody of the National Archives become available after seventy-two years, a figure arrived at with reference to actuarial tables. In Canada a policy is emerging of closing case records until ninety years after the birth of the youngest child documented in the record. 49 All of this has developed on a case-by-case basis, although precedents are taken into account in establishing a policy for a new collection. The Society of American Archivists code of ethics and its standards for access recognize the need to protect the privacy of individuals, "particularly those who had no voice in the disposition of the materials" (code of ethics), but provide no guidelines more specific than "reasonable restrictions" and "limited duration." 50

The international archival community has attempted to develop some more specific standards. The 1968 Madrid Congress of the International Council on Archives (ICA) urged a closed period of no longer than thirty years for both public and private papers. The ICA/UNESCO Draft Model Law on Archives, published in 1972, permits no period of closure longer than fifty years for any type of archival records and provides that any records, public or private, older than forty years may be designated a cultural asset and appropriated by an archives. 51 Given the value that American society attaches to personal privacy, it is inconceivable that such standards will be enacted legislatively or adhered to voluntarily by records creators in the
foreseeable future. The underlying premise that preservation of and access to broad categories of records should be addressed systematically is, however, worth pursuing.

The case has been made previously that archivists must play a more active role in determining the destiny of sensitive records by helping shape privacy legislation. That strategy will be incomplete unless accompanied by a parallel activism directed toward the profession that creates and controls the records. Refusal to transfer inactive case records to archives and provide for their preservation is always a "solution" to the problems raised by their confidentiality, and, absent a case for their enduring value, it is a logical one. Archivists, with the help of researchers, are in the best position to make the case that with the passage of time the balance between the competing values of individual privacy and free access to information for societal understanding and enrichment is altered. They will also need to demonstrate a willingness and ability to adhere to and enforce explicit ethical guidelines on information use.

Based on the foregoing analysis of social work ethical standards in regard to confidentiality, it would appear that, given adequate procedural safeguards, case records could be placed in an archival setting in a manner consistent with the longstanding tradition of viewing the records as appropriate for research use. Doing so would not be inconsistent with the provisions of the Privacy Act of 1974, the federal legislation that serves as the standard. There are unresolved problems, to be sure. A strict interpretation of requiring express consent of all data subjects, for example, would obviously paralyze historical research, but policies to overcome this difficulty in a responsible fashion have already been recommended. To the extent that social workers have acknowledged research use as a legitimate basis for access to their case records, they think in terms of applied research. The idea of opening the records for the wider range of historical research, not necessarily tied to the aim of improving the delivery of services, might meet some initial resistance.

Ideally the approach to the social work profession
should proceed at two levels. It should be directed toward the national associations who develop the statements of standards for member agencies and individual professionals. This, in turn, could provide a basis for negotiations between local archival and social work agencies in regard to specific sets of case records. Such interaction among archivists, researchers, and social workers, should result not only in the transfer of particular sets of records but also in greater mutual understanding of each other's values and objectives, to the benefit of all parties.

NOTES


3The author acknowledges the precedent of his University of Minnesota colleague, Alan Lathrop, in allowing the principle of provenance to transcend specific time and place. Lathrop applied it to the development of the physical form of architectural records in "The Provenance and Preservation of Architectural


5 Social work terminology reduced case work and case worker to casework and caseworker ca. 1950. The single-word form is used except when quoting directly or indirectly from the two-word era. Although this account emphasizes casework as practiced in charity organization societies (later family, and family and children's agencies), it can just as well be extended to casework as practiced in connection with institutional settings by medical social workers, visiting teachers, and parole and probation officers.


7 Mary Richmond, Social Diagnosis (New York: Russell Sage Foundation, 1917).


20 Bruno, "What a Case Record Is For," 454.


Helen Harris Perlman, perhaps the foremost casework theorist of the past quarter century, noted in 1954 that "happily the belief that records may serve some remote purpose and that, therefore, they should be as detailed as possible is on the wane." Perlman, "Of Records and Supervision," *Social Service Review* 28 (1954): 83-85.


See, for example, the National Association of Social Workers Code of Ethics (passed by the 1979 NASW Delegate Assembly), which is organized in terms of the social worker's ethical responsibility to clients, to colleagues, to employers, to the social work profession, and to society.


Richmond, *Social Diagnosis*, 352.

*Charity Organization Bulletin* 3 (December 1911): 1.


National Social Welfare Assembly, *Confidentiality in Social Services*, 5, 14, 39, 29. The committee that prepared the statement included representatives from public and private national organizations and local agencies.


Policy statements, guidelines, and analyses of the new reality from a social work perspective are available in: National Assembly for Social Policy and Development (NASPD), *A New Look at Confidentiality in Social Welfare Services* (New York: NASPD, 1973), unpagedinated; Family Service Association of America (FSAA), "Position Paper on Confidentiality" (FSAA, New York,


37NASPD, New Look at Confidentiality, unpaginated; FSAA, "Position Paper on Confidentiality," 6-8; NASPD, New Look at Confidentiality, unpaginated. The NASW "Policy Statement" makes no reference to research use. Cf. Wilson, Confidentiality in Social Work, 75-78. The Federal Privacy Act permits disclosure "to a recipient who has provided the agency with advance adequate assurance that the record will be used solely as a statistical research or reporting record and that the record is to be transferred in a form that is not individually identifiable." 5 U.S. Code, Section 552a(b)(5).

39One case where names were disclosed by a researcher is reported in Mary McCormack, "Privacy: A New American Dilemma," Social Casework 59 (1978): 216.


the Illinois Department of Public Aid model.

John Modell, Department of History, University of Minnesota, introduced the author to the longitudinal value of case records.


According to the Society of American Archivists' legal counsel, an archival agency may transfer liability to the researcher in this way. Alex Ladenson, "Legal Problems in Administering Confidential Case Records," SAA Newsletter (May 1978), 10-11.

This article has not addressed the issue of subpoenas directed toward archivists to produce case records in their custody. For that, see Stewart, "Problems of Confidentiality," 392-94. A number of states have accorded privileged-communication status to social workers, but this has not always effectively prevented the courts from compelling them to testify. See Wilson, Confidentiality in Social Work, chapters 7-8. By no means does any degree of privileged-communication protection extend to the archivist.

U.S. Code, Section 552a(1)(2).

Parr, "Case Records as Sources," 135.


54 Oscar Ruebhausen and Orville Brim, Jr., "Privacy and Behavioral Research," American Psychologist 21 (1966): 434, suggest as an alternative, the knowledgeable concurrence of those responsible for the research project and for the well-being of the data subjects.