



## **ALERT : CONFIDENTIALITY OF ORAL HISTORY INTERVIEWS CHALLENGED BY THE COURT**

The recent concerns and issues regarding the Boston College Belfast Oral History project are important to oral historians everywhere. In this project oral history interviews, conducted with the promise of confidentiality, were subpoenaed and eventually released. You can read the about the issues in the responses made by both the Oral History Society UK and Oral History Association USA here:

### **Oral History Society UK Statement on the Boston College Belfast Project, May 2014**

UK: <http://oralhistorynoticeboard.wordpress.com/2014/05/19/ohs-boston/>

### **Oral History Association USA response to developments in the Boston College Belfast Case May 5 2014**

<http://www.oralhistory.org/2014/05/05/oral-history-association-response-to-developments-in-boston-college-case/>

Oral history collection should always follow best practice and be mindful of ethical, moral and legal procedures. For your projects please always follow the Oral History Australia Guidelines of Ethical Practice 2007 found on this website. These have been developed to provide guidance to practitioners to foster high standards in the conduct, curation, dissemination and interpretation of oral history interviews.

**Oral History NSW Committee June 2014**

## **UPDATE: August 2014**

[Statement by the Oral History Network of Ireland on the Boston College Belfast Project, August 2014](#) by Arlene Crampsie on H-Oralhist Network

Oral history allows both academics and non-academics alike to enter into conversation with eyewitnesses of historical events and to create meaning from this dialogue. The contemporary nature of oral history provides an opportunity to understand our recent past in a way that is not otherwise possible, but its use requires sensitivity as well as both a legal and an ethical rigour as our sources are living and are referring to events within living memory. The controversy surrounding the Boston College Belfast Project is a cautionary tale for oral historians and those engaged in all types of interview-based research both inside and outside Ireland.

In summary, the Police Service of Northern Ireland (PSNI) secured court orders granting them access to interviews that were carried out during the Boston College Belfast Project. Their request was made on the grounds that these recordings might contain material of relevance to the ongoing

investigations into unsolved crimes that were committed during the Northern Ireland Troubles. These orders were granted despite opposition from the Boston College Belfast Project who argued that they had given categorical undertakings to interviewees that their interviews would remain closed until their deaths. The release of these recordings has serious personal implications for both the researchers and the participants involved as well as for the broader oral history community.

This case emphasises the importance of conducting oral history projects to the highest legal and ethical standards and, in particular, the significance of ensuring that all parties (collectors, curators, academic institutions, and funding bodies) involved adhere to the principle of informed consent. From the outset of a project, all parties must endeavour to guarantee that the proper procedures and safeguards are in place. It is only by doing so that due care and protection may be provided to all. If potential risks are identified, these must be discussed in advance in an open and frank manner with all parties involved, but most particularly with the research participants, in order to inform them fully about any potential consequences of their participation.

The Boston College Belfast Project case highlights the fact that no confidentiality agreement or deposit agreement supersedes the law of the state. Participants may be offered closure only within the confines of the law and, as illustrated clearly by this case, the law is subject to change. Participants must be apprised of the possible implications of the information that they are providing in order to make informed decisions about participation, anonymity, closure periods, and the type of future access or dissemination that they will allow. Oral historians must look beyond the individual interviews and towards the collection as a whole when planning overall access and dissemination rights. In some cases, it may be necessary to close entire archives for pre-agreed, set periods of time so as to prevent potentially harmful disclosures. These decisions must be communicated clearly with all parties involved and must be thoroughly documented and preserved within the project's administrative records.

The issues raised by this case continue to generate commentary from across the humanities, leading to sustained calls for better protection for researchers who are engaged in a range of qualitative methodologies and their respective participants. These are important conversations. They illustrate the fact that there is a precedent for these types of incursions into closed research materials and that the Boston College Belfast Project case is not simply a highly publicised anomaly.<sup>[1]</sup>

Inevitably, the PSNI's actions have had an impact on the future of oral history, in particular the collection of personal narratives that concern what may be perceived as 'difficult' or 'sensitive' topics. Rather than preventing the collection of post-conflict narratives, the Boston College Belfast Project case challenges practitioners of oral history to engage in more ethically sound and more legally aware oral histories in order to ensure the preservation of a rich, detailed archive that both illuminates and preserves our history and our heritage for future generations. The best way to achieve this is to adhere to the highest internationally recognised standards of both legal and ethical principles.

### **The Steering Committee of the Oral History Network of Ireland**

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[1] There have been a number of other instances where research materials have been used or have been sought for in legal battles and/or criminal investigations. For details see M. Israel (2014) 'Gerry Adams Arrest: When is it right for academics to handover information to the courts' and associated links available at <http://theconversation.com/gerry-adams-arrest-when-is-it-right-for-academics-to-hand-over-information-to-the-courts-26209> [Accessed 14th July 2014].