

U.S. NATIONAL ARCHIVES & RECORDS ADMINISTRATION

www.archives.gov

October 7, 2002

Access to Archival Materials in the Context of Concern about Terrorism

1. What is NARA doing differently regarding access to archival materials?

In light of the terrorist events of September 11, we are re-evaluating access to some previously open archival materials and reinforcing established practices on screening materials not yet open for research. By identifying records of concern and measures that must be taken to prevent inappropriate disclosure, NARA seeks to reduce the risk of providing access to materials that might support terrorist activity.

2. What is the authority for these actions?

The Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, lists exemptions to the release of information that apply to records of concern. In addition, the Department of Justice recently instructed agencies that it is appropriate to protect information that could enable someone to succeed in causing harm to the Federal Government of the United States under exemption (b)(2). Other authorities are restrictions contained in deeds of gift, the Presidential Recordings and Materials Preservation Act, the Presidential Records Act, and Executive Orders.

3. What specific concerns are we addressing?

We want to minimize the risk that NARA-held archival materials might aid terrorists or their supporters with:

- a. Stealing a person's identity through access to names with social security numbers;
- b. Targeting or planning a terrorist attack on a public site;
- c. Exploiting information about security, evacuation, and other emergency planning to maximize damage following an attack; and
- d. Obtaining information about potential weapons for purposes of destruction.

4. How might concern about terrorism change the way we have been providing access to records?

Many archival materials of concern have been restricted in some way continuously since their transfer to NARA and have required screening before releasing for research. Others may have been open in the absence of an awareness that certain records relating to protection against terrorist attack and records providing detailed information about potential targets of terrorism may be used by terrorists or their supporters. To the extent possible, NARA is consulting with representatives of the agencies of origin and the Federal Emergency Management Agency (FEMA) to determine whether current circumstances warrant a change in access provisions for specific records of concern. These consultations with Government officials may result in screening records that have previously been open without screening. Additional measures, such as withdrawing a file from public access, may be required in rare cases.

Page URL: http://www.archives.gov/research_room/whats_new/notices/access_and_terrorism.html

U.S. National Archives & Records Administration
700 Pennsylvania Avenue NW, Washington, DC 20408 • 1-86-NARA-NARA • 1-866-272-6272