

National Archives

Policy on Online Access to Archival Photographic and Audiovisual Materials Depicting Human Anatomy

This policy outlines the National Archives' strategy for providing online access to archival photographic and audiovisual materials depicting human anatomy, original created and used for medical or scientific purposes. This policy does not address access to archival materials depicting human anatomy or sexually explicit content that were collected or created by the Federal government to make determinations about pornography or obscenity.

This policy makes a distinction between previously published or released and not previously published or released materials; imposes no special restrictions on the former; and for the latter, requires careful review and adherence to access and use restrictions.

The National Archives shall place no restrictions based on content on web access of published materials. The Archives will only impose access and use restrictions, such as copyright or when the items are subject to a deed of gift which outlines these restrictions. Online access shall be allowed under the same conditions that are in effect for access to the materials in the research room.

For unpublished or unreleased materials, regardless of whether the materials are being digitized or were born-digital, the Archives will review and restrict materials in accordance with its screening guidelines in NARA 1601, Screening Federal Records for Information Covered by FOIA Exemptions. The screening guidelines protect the privacy of living individuals, setting requirements for redaction of names or other personally identifiable information. The guidelines in NARA 1601 apply to all modes of access. If the materials have been redacted and released via a Freedom of Information Act (FOIA) request, a complete set of the released materials will be accessible online.

In the case of online access to photographic and audiovisual materials depicting human anatomy originally created and used for medical or scientific purposes, a message will alert the researcher to the nature of the content. For example:

Advisory

The National Archives and Records Administration has reviewed these historical records for release, and has redacted only information identifying each patient.

This file contains graphic medical images of the effects of untreated sexually transmitted diseases (STDs), including syphilis, which may not be appropriate for all audiences. We have made this file available to preserve the completeness of the historical record in this important area of research.

You have the option of opening the file or returning to the previous page.

While the Archives will provide online access to photographic and audiovisual materials depicting human anatomy originally created and used for medical or scientific purposes, it will not share them on third party sites, such as social media platforms, where their archival and historical context may be less readily apparent. Likewise, such images will not be available on education-oriented NARA sites, such as digitalvaults.org or docsteach.org, given the audience these sites target.

Definitions

“Published” is defined according to the International Association of Sound and Video Archives Cataloging Rules definitions of publication and published item, to include as well as broadcast and broadcast item:

Publication (Issue, Release). Usual use of term is for commercially issued, mass-produced items [including photographs]. The terms *issue*, **release**, *commercial issue* or *commercial release* are synonyms for publication and usually apply to mass-produced sound recordings available for purchase by the public.

Published item. Includes: 1. Mass-produced and commercially issued sound and video recordings, laser discs, interactive multimedia and local electronic resources, etc.; 2. Sound recordings generated as part of the (commercial) production process such as acetate masters, production masters, back up production masters (industry safety tapes), metal parts (mothers, masters, stampers, direct metal masters) and test pressings; 3. Releases of *private*, *processed*, *custom* or *personal pressings* for limited circulation, such as school speech nights, edited ethnographic field recordings, etc.; and 4. Other items produced for commercial public distribution (e.g. prints for cinema screenings, intellectual and artistic content released through the Internet and other remote electronic resources).

Broadcast. To transmit via an electronic signal via radio or television; also known as radiocast for radio and telecast for television. In the context of *The IASA Cataloguing Rules* broadcasting is recognised as a form of publication. Based on RTAV Draft Glossary, 19 July 1994

Broadcast item. Includes sound recordings, films, kines or videos: a) prepared as the source for a broadcast; b) made by a radio or television station at the time of transmission; c) audiovisual recording of a received radio broadcast or television transmission. An item that has been used as an *insert* during a radio broadcast or television transmission (e.g. published sound recording or video) is not a broadcast item unless it was specifically prepared as the source for a broadcast. However, a recording

that was made by a radio or television station at the time of transmission and that includes such inserts is a broadcast item. Likewise, an audio visual recording of a received radio broadcast or television transmission (i.e. *off-air* recording) with or without such inserts is also a broadcast item. Definition based on RAD p8-10

“Unpublished” is defined as an item that does not fall into the above categories. In particular, according to the IASA Cataloging Rules definition of “unpublished item,” the term can include “unedited, unpublished, non-processed, unissued, unreleased or not broadcast audiovisual items.”

Unpublished may also include records which have not been previously released by the agency in which they originated or which would be withheld in full or part under FOIA.

And, in distinction to the definition of “published item,” definition 3, above, limited circulation releases of private, processed, custom or personal pressings that take place in strictly medical settings, such a medical conferences or Grand Rounds, shall be considered “unpublished” for the purposes of this policy.

<http://www.iasa-web.org/content/appendix-d-glossary>, accessed March 15, 2011.

Justification

This policy provides one standard for researchers to obtain access to the contents of photographic and audiovisual materials while outside the Archives, in that the same requirement currently applies for researchers to obtain access to a physical copy of the materials.

Similarly, the policy safeguards reasonable expectations of personal privacy with respect to previously unpublished or unreleased materials, and enforces a uniform treatment of such materials regardless of their format.

This policy is in alignment with the code of ethics for the archival profession, specifically the SAA standard on access that notes: “Archivists recognize their responsibility to promote the use of records as a fundamental purpose of the keeping of archives”; as well as the ALA Code of Ethics which enjoins equitable access to library materials. In alignment with those codes, the policy acknowledges and respects rights-holders’ interests, both for copyright and for confidentiality.