

# The Case for RIM Ethics

## Professional Ethics for Records and Information Management

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### Professional Ethics for Records Managers

The last decade has presented a number of ethical challenges for business and governmental organizations. While most private and public sector organizations operate ethically, there have been a number of prominent failures. The Enron and Tyco scandals started the decade. The financial crisis ended it. Government has also had its scandals. In response to these failures, new statutes and regulations were passed (SOX, and the Financial Reform Act of 2010). Not surprisingly, governance, risk and compliance (GRC) have become a major concern of organizations.

For records management the climate of ethical crisis presents challenges and opportunities.<sup>1</sup> It presents challenges because the types of unethical acts perpetrated by organizations usually implicate information and records in some way. They often involve improper destruction, disclosure, alteration, or withholding. Records managers face the risk that they might be caught up in the wrong doing if they do not have a clear understanding of how to manage information and records ethically. From the same risks, however, spring a number of opportunities. Because ethics and compliance are increasingly important concerns, and because ethical records and information management are a necessary component of an ethically managed organization, records managers have an opportunity to play an important role in the GRC initiatives of their organizations.

Given the challenges and the opportunities, the time is right for the records profession to develop a distinctive ethics to deal with the emerging problems surrounding the management of information. Records, as a profession, should have a professional ethics. A professional ethics for records managers will share many of the issues of other areas of business and professional ethics, but it will place the perspective of records at its center. Such an ethics is developing. ARMA's professional code and GARP are a starting point. A full blown ethics, however, will require codifying principles, rules, practices, and experiences in order to provide sufficient guidance to members of the profession. What is envisioned can be called an ethics of records and information management or RIM ethics.

This article will briefly answer the following questions: What is professional ethics? Why is it important for records management to have a professional ethics? And what would be the central issues of such an ethics? The article will illustrate the answers to these questions by focusing on the issue of whistle blowing.

#### **What is professional ethics?**

A professional ethics for a particular field addresses the moral responsibilities of members of a profession as they practice in their fields. These responsibilities are based in part in the particular role the professional plays. They are also based on the defining aspects of professionalism: knowledge, trust/authority, and autonomy. Professional ethics provide guidance on ethical issues faced by the profession. One can think of professional ethics as a system of ethical rules dealing with specific issues. These ethical rules develop over time, through individual and collective deliberation and debate, as well as through empirical evidence and direct experience. After a while, they become codified and well understood.

There are a number of examples of well developed professional ethics. These include medical ethics, legal ethics, engineering ethics, and others. These specific ethics exist because they are needed to address the specific problems faced in their respective disciplines. For example medicine faces problems concerning the use of biotechnology, the proper balancing of risk and benefit, treatment options for end of life situations, etc. Specific principles and concepts have slowly developed to provide guidance and a basis for deliberating when making decisions or developing policies

### **Why is it important for RIM to have its own professional ethics?**

There are a number of reasons why it is important to RIM to develop a professional ethics. First and foremost, records professionals play a distinctive role in advancing the ethical management of organizations by providing authentic records of its activity. This role is becoming increasingly complicated however through the emergence of new technologies and business models. Without a mature ethics of its own, RIM is likely to be relegated to a passive role as organizations address present and future challenges. Second, and also important, having a professional ethics is one of the marks of a profession, as are specialized knowledge, promotion of the public interest, standards of competence, and a professional community. As RIM matures as a profession, its ethics should mature as well.

### **What are the central issues of RIM Ethics?**

As a professional ethics, the issues of RIM Ethics will evolve with the profession. New issues are sure to arise. Among the issues facing RIM today, the following are at the center: Truth/deception, whistle blowing, confidentiality/disclosure, information privacy, and intellectual property. These issues are shared by other professions, but each has its own specific problems. Records management has its own perspective as well, as its central task is the creation of an authentic and complete record of organizational actions. One important aspect of RIM ethics is that it has two sides: It is inward and outward facing. On the inner side, records professionals need to manage the ethical challenges they face in their roles. They need to know how not to violate someone's right to privacy or someone else's right to information. They need to know when they have a conflict of interest or whether they should "blow the whistle." In short, they have to be ethically competent themselves.

On the outer side, records managers need to be able to develop policies and procedures for ethical information and records management (if they want to play a key role in their organizations). They therefore need to have broad knowledge in order to help influence the ethical performance of the organization and its members. So, for example, in addition to worrying about whether or not they have a conflict of interest or a duty to "blow the whistle" on a wrongful activity, they need to be able to play a role in developing policies, procedures and programs for disclosing potential conflicts and managing internal communications regarding complaints of wrong doing. To do this, records professionals will need to understand the ethics and legal rules surrounding such topics.

### **The case of whistle blowing.**

The two sidedness of Rim ethics is well illustrated by the case of whistle blowing. Whistle blowing refers to the situation in which an insider or member of an organization discloses to

officials of an organization, the appropriate regulatory authorities, or the general public that the organization is committing a harmful, illegal, or unethical act or acts, and these acts are not widely known within the relevant context (i.e., internally or externally). The ARMA Professional Code of Conduct correctly recognizes whistle blowing as a core responsibility of records managers: "Recognize illegal or unethical RIM-related actions and inform the client or employer of possible adverse consequences." As records professionals are exposed to a tremendous amount of information, there is a likelihood that they will come across information which reveals illegal or wrongful action. Also, they might witness illegal or wrongful actions taken with respect to information (e.g., falsification, destruction). For these reasons record professionals run a risk of finding themselves in the position of being would-be whistleblowers. This is not an easy position to be in, as whistle blowing brings serious adverse consequences to the whistleblower. By the same token, records professionals are also well positioned to manage internal complaint processes and to ensure that an adequate record is kept of concerns raised and the steps taken to address them.

To play these dual roles, records professionals will need to understand the conditions of justified or obligatory whistle blowing. According to most ethicists, justified whistle blowing requires that (a) a significant harm be present, (b) the whistle blower has sufficient evidence of the harm, (c) blowing the whistle is likely to reduce the harm and finally, (d) the whistle blower has exhausted the internal reporting channels before going to the public or higher authorities. But these are general conditions that need to be applied to a particular organization context. Also, there may be justified exceptions to these conditions in a given situation. Finally, there may be other conditions such as avoiding complicity in wrong doing that justify whistle blowing.<sup>2</sup> Sorting all this out within an organizational context will be a challenge, but records professional have a distinctive role and responsibility to do so. For example, they can and should take a prominent part developing policies and procedures for internal communications regarding potential wrong doing. Such policies and procedures will reduce the need and justification for blowing the whistle. For this to be the case, however, they have to be in force. And who better than records managers to make sure that communications take place unimpeded and that they are recorded and preserved without alteration. This, after all, is their core competence. It is also their responsibility, and, if they are prepared, it is an opportunity to raise the visibility of the records profession in their organizations and in society at large.

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<sup>1</sup> For a description of the changing ethical environment of records managers and archivists, see: Cox, Richard J. *Ethics, Accountability, and Recordkeeping in a Dangerous World*. Facet Publishing: London (2006).

<sup>2</sup> See Davis, Michael. "Some Paradoxes of Whistleblowing," *Business and Professional Ethics Journal* 15 (1) 1996, for a review of the conditions of justified whistle blowing and an analysis of the role of complicity.