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**What a Pistarckle!
Access to Caribbean Records for Family History Research**

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Abstract

The Dutch Creole word “pistarckle” means confusion and refers here to issues of access to Caribbean genealogical information resources. Colonial powers created most of the documented history of the Caribbean. Enslaved and indentured populations compensated for the lack of a written historical record by developing storytelling and other cultural customs. When Caribbean colonizers withdrew, most took their records with them. The practical result was to bar intellectual access by family history researchers to Caribbean colonial records. Digital access to remotely housed records of genealogical value may be the only economically viable solution to reclaiming historical identity, but the immediacy of regional economic development challenges are suddenly forcing privacy of information issues to the fore. Will the Caribbean use its limited information technology resources to discover its complex historical identity in the records of its colonizers? Will historically ingrained access barriers to genealogical resources influence the Caribbean’s information policy decisions as data protection takes center stage?

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There is confusion in the Caribbean.

Some of it is inevitable, some of it is endemic and some of it may even be contrived. What we know for certain is that it is pervasive, and whatever its source, and whatever its guise, this confusion—this *pistarckle*¹—has been and remains one of the greatest and most effective barriers throughout the region to access to information of genealogical value.

Most of the present-day population of the Caribbean has little or no access to primary evidential records of its history. Events that were recorded and documented for that region over several centuries are overwhelmingly a reflection of colonialism that drove settlement and development. Over time, as colonial powers changed and withdrew, the creators of information often withdrew their records as well.² Preserved for safekeeping in the government archives and libraries of a colonizing homeland, these records have been isolated from the interests and needs of Caribbean researchers who might make the most use of them. When apportioning dear financial and staff resources for processing, arrangement, description and preservation, archival repositories take into consideration, among other things, levels of patron use and interest. Infrequent consultations and interactions by Caribbean researchers with remotely-held colonial records has the undesirable effect of indicating apathy and disinterest; thus, any efforts by a repository to dedicate resources to make such records available to Caribbean researchers would likely assume a lower priority.³

¹ Valls, Lito. *What a Pistarckle! A glossary of Virgin Islands English Creole*, (St. John, USVI, 1981). Valls defines the Virgin Islands use of “pistarckle” as: “A boisterous performance. Confusion. Said of a group gathering gone out of control. Also a person acting in a boisterous manner and otherwise making a spectacle of himself.” According to others, the origin of the word *pistarckle* is Negerhollands (a Dutch Creole), derived from the Dutch word “spektakel” meaning “excitement.” Cefas van Rossem and Hein van der Voort, *Die Creol taal, 250 Years of Negerhollands Texts*, (2007), p. 317, viewable online at: [digitale bibliotheek voor de Nederlandse letteren \(translation: Digital Library of Dutch Literature\)](http://www.dbnl.org/tekst/ross026creo01_01/ross026creo01_01_0021.htm)

² Bastian, Jeannette A. “A Question of Custody.” *The American Archivist*, Vol. 64 (Spring/Summer 2001) : 96-114. “After the actual transfer of the [Danish West Indies] islands to the United States in 1917, a final large shipment of records was made in 1921. The records of the Danish West India Company, some two hundred linear feet, had already been sent to the Royal Archives in 1754 upon the dissolution of the Company. In all there are currently approximately four thousand linear shelf feet of West Indian Archives in the Danish National Archives. Over half of these are the West Indian Local Archives, or, records created in the colonies. The remainder consists of records created in the colonial offices in Denmark.”

³ Author’s interview with Vernon Paul Rood, Ph.D., Staff Archivist, Initial Processing and Declassification Division, Civil Group (NWMDC-A), National Archives and Records Administration, College Park, Maryland, January 2007.

In the past, too few of these archival collections were fully processed and even today few have been preserved digitally or on microfilm.⁴ Useful finding aids for researchers unfortunately were a rarity, as described in 1970:

A problem which cannot be passed over, however, is the difficulties of access to the records of the Colonial period. All of the records of the period when Trinidad, for example, was in the hands of the Spanish Government, are lodged in the Archives in Spain and Venezuela, while most of the records of the British period are in the Public Record Office in England. Despite these drawbacks, however, the immense value of a comprehensive index to the material not locally accessible, cannot be disputed. Such an index would be invaluable to research workers and also to libraries as an aid in acquisition.⁵

In the anemic absence of access to a written history for the Caribbean's displaced, enslaved or indentured populations, Africans, East Indians and Europeans alike developed a vibrant oral, aural and visually driven tradition.⁶ Storytelling, music, dance, food, dress, spoken language and the visual arts reflected the times for these racial and ethnic groups and coalesced with the passage of years into the cultural heritage and identity that now typifies the Caribbean and is still passed down with reverence from generation to generation. Even when universal education put the written record within the grasp of most, Caribbean griots and tradition bearers retained their elevated status within their communities, having firmly established a validated connection to a more authoritative Past.⁷

⁴ Rigsarkivet Informer, No. 35. "The Danish West Indies" viewable online at [http://www.sa.dk/media\(467,1030\)/RAFolder35_Danish_West_Indies.pdf](http://www.sa.dk/media(467,1030)/RAFolder35_Danish_West_Indies.pdf). This online guide to Danish West Indian materials held in the Rigsarkivet (Danish National Archives) and other repositories states "[r]ecords on microfilm include among others: West India and Guinea Company, Censuses, Matriculs, Maps and Drawings" yet a list of that microfilm is not yet available online. A list requested in March 2008 by the author from the National Archives Filming Centre at the Rigsarkivet, was provided in Danish, under cover of an email indicating that since 2007 only 100 rolls had been produced to-date but "[t]he filming will go on for at least the next three years." Email from *Statens Arkivers Filmingscenter* transmitted March 28, 2008 to author.

In the U.S., the National Archives and Records Administration holds over 4 million pages of government documents on the Danish West Indies. These were not described in a finding aid until 1960, [see, H. Donn Hooker, comp. "Preliminary Inventory of the Records of the Government of the Virgin Islands of the United States," PI 126 NARA (1960).] and then only generally by series. In 2001, an online finding aid compiled by Paul Rood, Ph.D., (*ref., fn 3*) as *Record Group 55 Records of the Government of the Virgin Islands Danish West Indies, 1672-1917*, viewable online at <http://www.virgin-islands-history.dk/nara/danmark1.pdf>, now describes these records with much more particularity, although some of the collection remains to be processed. To-date only 182 rolls of microfilm have been created from this collection: NARA Microfilm Series M1883 "Essential Records Concerning Slavery and Emancipation" (11 rolls), M1884 "Records with Genealogical Value" (130 rolls), NARA Microfilm Series T952 "Records Relating to the Danish West Indies 1672-1860 Received from the National Archives" (19 rolls) and NARA Microfilm Series T39 "Customs Journals of the Danish Government of the Virgin Islands" (22 rolls).

⁵ Comissiong, Barbara and Espinet, Shirley. "Indexing Commonwealth Caribbean Government Publications," in the Papers of the Second Conference of the Association of Caribbean University and Research Libraries. (1970). *See, fn. 22.*

⁶ Bastian, Jeannette Allis. *Owning Memory. How a Caribbean Community Lost Its Archives and Found Its History.* (Westport, CT : 2003), p. 9-12.

⁷ Hale, Thomas A. "From the Griot of *Roots* to the Roots of *Griot*: A New Look at the Origins of a Controversial African Term for Bard." *Oral Tradition*, 12/2 (1997): 249-278. Viewable online at: http://journal.oraltradition.org/files/articles/12ii/2_Hale.pdf.

Now, in the globalization of the 21st century, the Caribbean must learn to grapple with the exigencies of privacy of information and data protection legislation even while its “native” population still seeks basic freedoms to pursue its own historical and genealogical beginnings in the cloistered and sterilized records of its colonial masters. These opposing priorities may be difficult and confusing concepts to reconcile, given the tradition of a largely undocumented Caribbean history and limited experience with access to primary sources of genealogical information in colonial records.

The history of documentary records creation and retention in the Caribbean also influences the perception of privacy protection. Use of the term “data protection” is more likely to be interpreted by Caribbean family history researchers as data obfuscation or data preservation, i.e., protecting the interests of the creators of data (the colonial view) or the form and substance of the data itself (the goal of the records hoarder who seeks to preserve without regard to access), rather than the privacy rights of the person to which the data pertains. With the region’s increased dependency on global communication technologies, banking and finance to sustain economic development, it is anticipated that in the near future rights of access to information issues will hinge less on social customs and practices and more on the imperatives of budgeted scarce resources. The world’s fiscal crises of rising oil and fuel prices, large-scale transactional reliance on the Internet, and limited natural resources in the Caribbean are some of the major economic issues propelling political units in the region headlong into a 21st century approach to information access and the protection of privacy.

But where does this leave the Caribbean that does not yet know itself, that has not yet discovered its recorded history, that does not yet fully own its memory?

Without the ability for ... reassessment of its history by local historians, a community’s history is vulnerable to outside interpretations, and its collective memory is fragile. There are areas, such as family history, in which research and reconstruction is impossible without records. A community without its records is a community under siege, defending itself, its identity, and its version of history without a firm foundation on which to stand.⁸

The power of the Information Age is that researchers now have the potential to remotely access, interpret and extract ancestral genealogical information from Caribbean colonial records in ways never before possible. This possibility comes with a price—among them, start-up costs for technology and technological infrastructure support, professional education, trained personnel, archival facilities, translation services. The confusing irony is that contemporary Caribbean data of genealogical value containing information on the living—or the actuarially-defined living—are now competing for the same information technology resources. The significant difference is that today’s records and data are being scrutinized and redacted, removed from public access or not created in the first place, all in the name of serving the privacy protection needs of the same Information Age.

What a pistorckle!

BACKGROUND

Information and recordkeeping have a long history in the Caribbean, but rights and access to information have been much more strictly interpreted, reflecting as they did the

⁸ Bastian. *Owning Memory*, p. 87.

historical lack of freedom afforded to more than three-quarters of the Caribbean population—most of it enslaved or indentured—during the better part of the 17th to 19th centuries. The creators of written information during that time were the colonial powers whose political and administrative ink recorded the logs of voyages, cargo manifests, weather reports, military engagements, geographical and maritime features, the business of government, the government of business, plantation management statistics and crop yield analysis, the importation of slaves and the exportation of goods produced by their labor, comings and goings, births, baptisms, marriages and deaths. The fundamental purpose of these records was to serve the colonial power, and not the greater population that was described with anonymous and industrial precision.

Even if information rights and access to colonial records had been universally extended, few in the too-often nameless and faceless Caribbean-in-bondage were ever afforded the reading skills or education to interpret what has come to be known as the region's recorded history; fewer still would have recognized their own personal stories in the tediously ruled ledgers and procedural protocol minutiae of colonial administrations that make up most of the records still extant.

For these same reasons a different sort of history grew out of the Caribbean experience, one which paralleled the written word of the colonizers but expressed the beginnings and experiences of the parallel universe of the unfree. This story was recorded and handed down through the storyteller and a host of cultural customs. This is not to say that the tradition of griots as history and culture-bearers originated out of mistrust or rejection of the written word; rather that oral history was expedient and met the needs and limited resources of the population that it served. At the same time, however, such alternative methods of preserving tradition and memory that were prevalent did little to foster the development of the written record for those in bondage. What resulted over time were irreparable gaps and gores in the genealogical metes and bounds of the Caribbean.

DEFINING IDENTITY

The confusion begins with every genealogist's fundamental charge: Know thyself. This axiom of practical wisdom is a textbook starting point for any family history research project, for who knows better than oneself one's own birth, baptism, marriage and other significant life events. Documenting these primary events that help to form identity builds a solid research foundation from which to proceed. The problem is that in applying this principle to the Caribbean, the process of self-definition falls short on every premise.

As a geographic entity, the Caribbean is neither a true archipelago, nor a static continental land mass.⁹ Some 7,000 major islands, islets, cays and reefs are scattered throughout the Caribbean Sea, but to limit the definition of Caribbean to these would ignore the maritime and geological connections of its bordering ocean, straits, gulfs and land masses, all of which have influenced and shared its history.

In fact, the Caribbean is still in a process of "becoming," geologically speaking. Five miles off the coast of Grenada in the southern Caribbean the newest member of the geological brood incubates, about to be foaled from the volcanically active floor of the Caribbean Sea where it intrudes on the Atlantic Ocean. Like many proud progenitors who anxiously await the arrival of an offspring, the Caribbean community has already named its

⁹ "Archipelago" is defined as: "1. a large group or chain of islands.... 2. any large body of water with many islands." The Random House Dictionary of the English Language (2nd ed.) Unabridged (New York: 1987), at p. 109.

newest member, even though the submarine presence is still surging about 180m (590 ft) below the surface of the tropical waters. The new island-to-be is “Kick-‘em-Jenny,”¹⁰ a name that belies its female gender and temperament but does not give us a hint of its ultimate size (which will be a product of its geologic DNA, after all). We do know that the last major eruption was reported on December 4, 2001, and that one theoretical model expects that the sighting of the first hint of the tip of the volcano’s peak will manifest yet another form of Caribbean pistarckle.¹¹

Attempting a description of the Caribbean based on geo-political boundaries fares no better. Almost every Caribbean island and nearby land mass has changed ownership multiple times since first being sighted and claimed by European explorers in the 15th century. Consider the island of St. Croix in the U.S. Virgin Islands which has been under the flags of seven different nations since it was first settled.¹² The record, however, appears to be held by the small island of Tobago. This 300 km² (116 mi²) island, which is now part of the independent nation of the Republic of Trinidad and Tobago, has changed hands some 22 times in 400 years and holds the distinction of being the only colony of Poland ever!¹³

The Caribbean simply defies being distinguished by any one characterizing feature, except perhaps its confused beginnings. The birthing bed of European New World explorations as far back as the 15th century, the region remains to this day resistant to

¹⁰ U.S. Department of the Interior, U.S. Geological Survey, Cascades Volcano Observatory, Vancouver, Wa, viewable online at: http://vulcan.wr.usgs.gov/Volcanoes/WestIndies/KickEmJenny/description_kick_em_jenny.html .

¹¹ John B. Shepherd, “Marine and Coastal Hazards from Kick ‘em Jenny Submarine Volcano, Southern Grenadine Islands,” Seismic Research Unit, University of the West Indies, St. Augustine, Trinidad (2000), viewable online at: <http://www.cavehill.uwi.edu/bnccde/grenada/grendoc/KickemJenny/kickemjenny.html> . “A major tsunami conceivably could affect the whole of the eastern Caribbean region as far south as Venezuela and as far north as the Virgin Islands.”

¹² St. Croix was discovered by Columbus on his second voyage to the New World in 1493. The island was first settled in 1625 by both the Dutch and the English who co-habited the island until the Dutch governor general rudely killed his English counterpart. The English obliged by killing the Dutch governor in turn, and in 1645 the Dutch abandoned St. Croix altogether for St. Eustatius and St. Maarten, with a few French settlers leaving for Guadeloupe. In 1650 the Spanish repossessed St. Croix by surprise attack on the English, killing many and ejecting the rest. Thereafter the islands were seized from Spain and held in the name of the la Compagnie des Îles d’Amerique, an entity formed in 1635 by Cardinal Richelieu during the period he served as chief minister to France’s King Louis XIII for the purpose of furthering French colonization in the Antilles. In 1651 La Compagnie des Îles d’Amerique executed a Contract of Sale for St. Christopher and other dependencies (one of which was St. Croix) to M. le Commander Philippe de Lonvilliers de Poincy of Malta and in 1653 St. Christopher and St. Croix were conceded by France to the Knights of Malta. In 1665 the Order of Malta executed a contract of sale to the Compagnie des Indes Occidentales (the French West Indian Company) for St. Christopher and its dependencies (once again, including St. Croix). After only 7 years, control of St. Croix was returned again to the French Crown. In 1695-6, St. Croix was abandoned for St. Domingue (which would later become the Republic of Haiti). In 1733 the French sold St. Croix to the Danish West India and Guinea Company but this did not deter Mathias de Abadia, Governor of Porto Rico, who in late 1734 wrote to both the French Governor of St. Croix and Frederik Moth, incoming Danish Governor of St. Croix, to assert claims over St. Croix for Spain. Puerto Rico’s claims were summarily dismissed by both parties. In 1747 St. Croix established its own government under Company rule, apart from its sister islands of St. Thomas and St. John. The Danish West India and Guinea Company assets were sold to the Danish monarchy in 1754 and St. Croix became a crown colony. In 1917 Denmark sold St. Croix to the United States, along with the other Danish West Indies, for US\$25 million. What a pistarckle indeed! *See, generally*, “St. Croix, Virgin Islands: Facts & History” viewable online at: <http://www.vinow.com/stcroix/history/> .

¹³ WorldStatesmen.org entry on Tobago, viewable online at: <http://www.worldstatesmen.org/Trinidad.html#Tobago>.

geographic or political generalizations. It is the case that the Caribbean celebrates its cultural traditions with jubilation, yet even these must be described as a mixture, a blend of many.

The Mediterranean: cradle of Judeo-Christian civilization, birthplace of European culture, inner sea, etc. . . . And a parallel: the Caribbean—inner sea, gateway and cradle of America, the so[ft] underbelly of the New World whereby Europe burst in, surging over this part of the globe, impregnating it, creating a new civilization The Caribbean: the gateway through which Africa likewise came, brought against its will, and swarmed, suffering, on a new continent, a *terra incognita* where it contributed to the birth of a type of human being in whom every possibility dwells. The Caribbean, proud heart, glorious heart of our America of the mixed bloods....¹⁴

How will this social memory of shared experiences and culture inform access to Caribbean records for genealogists? Will access serve merely to restore custodial or intellectual rights or will it provide meaning and identity?¹⁵

ACCESSING IDENTITY

There are many difficulties for the Caribbean family history researcher beyond defining a Caribbean identity. At some point the researcher must make a reasonable determination of the universe of records that may have been created by, about or for the research topic and in this regard naming conventions for records creators do nothing to alleviate confusion.

The Antilles—both Lesser and Greater—, the Caribbean, the Leeward Islands, the Windward Islands, the French West Indies, the Dutch West Indies, the British West Indies, the Danish West Indies, the Netherlands Antilles, Federation of the West Indies, associated state, republic, empire, *status aparte*, *département*, *collectivité*, colony, dependency de jure, *comandancia*, *audiencia*, Organization of American States, Association of Caribbean States, the Caribbean Commonwealth, the Commonwealth of Nations—like dance partners in a quadrille Caribbean islands and nations have paired and coupled on and off with others in Europe and the Americas for any number of motives and imperatives: for political hegemony, for ethnic patrimony, for shared histories, for geographic identities, for economic gain or advantage, for glory, for domination, and for survival.

This dance has a distinct movement, a flow, as real and tangible as the Atlantic Ocean and Caribbean Sea currents that tug and pull through the interstitial fabric of the Caribbean islands. It has been a flow of people to, between and away from islands and shorelines. It has been a flow of colors, and backgrounds, and nationalities and beliefs that to this day makes the Caribbean one of the most tolerant—nay, welcoming—areas of the world. But the subliminal current that pulses in a resurgent flow is the African Diaspora.

¹⁴ Phelps, Anthony. "Black African Literature from America, Myth or Reality? Extrapolating from an Imaginary History, a Story of the Imagination, and an Anecdote" in *Research in African Literatures*, v25 n2. Indiana University Press. (Summer 1994): pp. 141-150; retrieved online July 22, 2000 from OCLC using ArticleFirst.

¹⁵ Yakel, Elizabeth and Torres, Deborah A. "Genealogists as a 'Community of Records'," in *The American Archivist*, Vol. 70 (Spring/Summer 2007) : 93-113. "Although genealogists promote increasing physical access through both political and social mechanisms, the focus of genealogical activities is on gaining understanding through interpreting archival records and family narratives." at p. 111.

So to what strategies does the genealogy researcher resort when seeking repositories that may hold keys to Caribbean history or ancestral identity? How can a collection of records of potential interest be identified? This quandary was recognized by the Middle American Research Institute of Tulane University of Louisiana when it undertook a study of libraries and archives in the West Indies, Bermuda and Central America, visiting over 538 institutions during 1937 and 1938, and documenting 507 more, for the purpose of compiling and disseminating its findings. Among the observations reported by the Institute's Librarian are the general conditions of the region's archives:

The archives in the Central American and West Indian areas have been preserved in a remarkable state, despite serious earth tremors, revolutions, fires and floods. But there have been casualties. . . . The archives of the government of Trinidad were partially destroyed in the fire of 1903. The archives of Montserrat suffered from the 1928 hurricane, and again from the earthquakes during the years 1933-1935. The archives of Guadeloupe were largely destroyed in the 1928 hurricane. The Historical Archives of Puerto Rico were destroyed by fire in 1926.¹⁶

In 1959, Enid M. Baa, Chief of the Bureau of Libraries & Museums, Department of Education, U.S. Virgin Islands, and Berthe Canton, Librarian for the Caribbean Commission,¹⁷ prepared a compendium of libraries in the Caribbean, briefly describing country/island/nation statistics, the location of each library, the name of its librarian and its means of support, or as much information as was then known.¹⁸ The report pointed up the need for a conference of librarians of the West Indies and a seminar for information officers to better assess user needs.

How these books and libraries are used by their people is perhaps the most important of all factors and also whether some portions of the population are without adequate access to information.¹⁹

¹⁶ Gropp, Arthur E. *Guide to libraries and archives in Central America and the West Indies, Panama, Bermuda, and British Guiana supplemented with information on private libraries, bookbinding, bookselling and printing*. (New Orleans: 1941), at p. ix.

¹⁷ Formerly known as the Anglo-American Caribbean Commission, it was established December 18, 1942 “[f]or the purpose of encouraging and strengthening social and economic cooperation between the United States of America and its possessions and bases in the area known geographically and politically as the Caribbean, and the United Kingdom and British Colonies in the same area, and to avoid unnecessary duplication of research in these fields Members of the Commission will concern themselves primarily with matters pertaining to . . . territories under British and United States flags within this territory, and on these matters will advise their respective Governments.” See, <http://hansard.millbanksystems.com/commons/1942/mar/18/anglo-american-caribbean-commission> .

¹⁸ Baa, Enid M. *Libraries of the Caribbean Area with A statement on the reasons why a West Indian Library Conference is necessary, and the comparative status of library services which exist today. A plea for more improved library and information services in all islands, particularly in the French territories of the West Indies*. (St. Thomas, VI: June, 1959). N.B., Ms. Canton died before the final report was compiled and published.

¹⁹ *Ibid.*, at p. 2.

Other researchers found indicators of Caribbean library services incriminated a fundamental and historical lack of government support: inadequate legislative authority for public library service, non-existent funding, and a lack of trained personnel for recruitment.²⁰ To design and implement solutions to these concerns and shortcomings, Caribbean information professionals began to turn to non-traditional strategies and found strength in their own numbers.

In the late 1960s the benefits of Caribbean library collaboration for information exchange were explored, first at the university library level, and then among a wider professional librarian audience to include public, private, special and school libraries. In 1968 the Association of Caribbean University, Research and Institutional Libraries (ACURIL) formally organized, exhorting its spirit of regionalism.²¹ Compiling papers from the first two years of ACURIL conferences, Alma Jordan, Deputy Librarian of the University of the West Indies, in St. Augustine, Trinidad, summarized in 1973 the chief recurring points of concern for Caribbean information professionals:

1. The acute limitations imposed by inadequate staff and finances on libraries of all kinds in their efforts to acquire and preserve appropriate material for posterity as well as to serve their several publics adequately by modern standards. Special projects of cooperative interest have suffered in this context.

2. The need for improved knowledge of individual library resources in the area through better communication channels of all kinds including union lists, catalogues and guides to special collections, etc., to facilitate sharing these resources regionally.

3. The undeveloped state of local printing and publishing with the consequent elusiveness, and yet crucial importance to research, of local publications of all kinds and therefore the importance of library acquisition programmes designed to triumph over the problems encountered.

4. The complete interdependence of acquisition programmes, national bibliography and inter-library loan.

5. The urgency of preserving existing rare material and unique records in original form and/or in microform.²²

Thirty-five years later, these concerns are still challenging the libraries and archives of the Caribbean, and the patrons that strive to use them for family history research. Yet, there have been significant advances in Caribbean information exchange.

²⁰ Knight, Phyllis. "Patterns of Library Service in Latin America and the Caribbean." *Library Trends* 8 (2) 1959: "Current Trends in Newly Developing Countries": 209-228, at pp. 210-211.

²¹ Among ACURIL's major objectives is "to facilitate development and use of libraries, archives, and information services, and the identification, collection and preservation of information resources in support of the whole range of intellectual and educational endeavors throughout the Caribbean area." "ACURIL 2008, About ACURIL" viewable online at http://www.nlj.org.jm/acuril/about_ACURIL.htm.

²² Jordan, Alma (ed.). *Research Library Cooperation in the Caribbean, Papers of the First and Second Conferences of the Association of Caribbean University and Research Libraries*. American Library Association. (Chicago: 1973). pp. x-xi.

The advent of the Internet and Web publishing in the form of guides to research collections and archival finding aids must be acknowledged and lauded.²³ Technology advances are spawning other opportunities for digital cooperative library projects in the Caribbean, as well.²⁴ One example is the United Nations Economic Commission for Latin America and the Caribbean (UN/ECLAC) Caribbean Digital Library project which “includes full text of documents produced by governments, regional organizations, non-governmental organizations, and the private sector, for which unrestricted circulation is a desired objective.”²⁵

There is ripe potential for serving the Caribbean genealogy research community through the efforts of UNESCO’s Information for All Programme (IFAP), dedicated to “promote and widen access to information in the public domain through the organization, digitization and preservation of information.”²⁶ IFAP workshops with regional appeal like the recent Andean “Documenting Technologies for International Cultural Heritage Collections” will result in the preparation of a UNESCO Manual on Document Processing for Cultural Heritage Collections to guide automation processes for documentation centers, libraries, and archives in that area of concern, and to serve as a model for others.²⁷

The IFAP effort complements the UNESCO Memory of the World (MoW) Program’s Latin America and the Caribbean Regional Committee which has worked through its Regional National Committees to identify at-risk documentary collections in archives such as in Trinidad and Tobago and Barbados. Recognizing the scarcity of resources allocated to the region’s libraries and archives, the Regional Committee emphasized in 2004:

[I]t is even more urgent to formulate regional projects to coordinate efforts with . . . other organizations that contribute to the search for funds to preserve collections and train technicians and competent professionals that can assume with responsibility and enthusiasm the preservation of the documentary heritage and the use of appropriate new technologies for information and communication.²⁸

²³ See, e.g.,: “National Archives of Trinidad and Tobago, Finding Aids” viewable online at http://www.natt.gov.tt/load_page.aspx?id=67; “Archives Départementales de la Guadeloupe, Les Fonds” viewable online at <http://www.cg971.fr/archives/fonds.htm> but is only a series list and location guide; “Archives Départementales de Martinique, Fonds et Collections” viewable online at <http://www2.cg972.fr/arch/html/pagecoll.htm> ; “Archivo General de la Nación de la República Dominicana, Consulta in Línea” viewable online at http://www.agn.gov.do/albala_consulta.htm; and “The National Archives, The Catalogue” for the UK and its possessions viewable online at <http://www.nationalarchives.gov.uk/catalogue/>.

²⁴ Ferguson, Stephney. “An Overview of Library Cooperation in the Caribbean” in *Models of Cooperation in U.S., Latin American and Caribbean Libraries, The first IFLA/SEFLIN International Summit on Library Cooperation in the Americas*, Bruce Edward Massis, ed. IFLA Publications 105. (München: 2003).

²⁵ See, also: “Caribbean Digital Library” viewable online at: <http://www.eclacpos.org/cdl/> .

²⁶ “Information for All Programme, Objectives” viewable online at http://portal.unesco.org/ci/en/ev.php-URL_ID=21291&URL_DO=DO_TOPIC&URL_SECTION=201.html .

²⁷ “UNESCO.org News Archives: ‘Strengthening the automation of cultural heritage archives’ (April 14, 2008)” viewable online at http://portal.unesco.org/ci/en/ev.php-URL_ID=26415&URL_DO=DO_TOPIC&URL_SECTION=201.html .

²⁸ Vannini, Margarita. “The Memory of the World Program in Latin America and the Caribbean,” in IFLA Journal 30 (2004) 4, 293-301, at p. 300.

The challenges of 21st century globalization in the Caribbean have often resulted in strategies involving regional integration, but internal governance, political stability and social connectivity must be the foundation for regional identity and reliance for these to work. “To be regional will imply discovering shared identity and interests and acting in function of those.”²⁹

Regional projects have been the focus of the Caribbean for economic development, but can they also work for archival and cultural heritage projects to increase accessibility to records for Caribbean researchers? At least one organization thinks so. The Association of Commonwealth Archivists and Records Managers (ACARM) was founded in 1984 as a medium for sharing solutions among the Commonwealth of Nations for archives and records management. The founding principle for the organization was that a shared history, legal and administrative tradition, and language, though globally diverse would serve to link archives and records management professionals in the UK and countries of the Commonwealth.

In 1999, ACARM embarked on a study of existing public records and archival legislation in the Commonwealth countries. The objectives of the study were to encourage the sharing of best practices within the Commonwealth, especially targeting countries contemplating archival legislative reforms or freedom of information and privacy legislation. Results released by Dagmar Parer, Project Co-ordinator, in the online publication “Archival Legislation for Commonwealth Countries,” (hereinafter referred to as the “ACARM Report”) are at once revealing and all too familiar.³⁰ The reported Caribbean region included 18 political units: Anguilla, Antigua and Barbuda, Bahamas, Barbados, Belize, Bermuda, British Virgin Islands, Cayman Islands, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, and Turks and Caicos Islands. The ACARM Report found that permission for public access to records in the Caribbean Commonwealth varied between twenty-five and fifty years³¹ where legislated, but that

[m]any countries of the Caribbean do not yet have [archives] legislation, since they do not have established archival repositories. In the majority of these instances, the nation’s archives is part of the central or National Library and is not a separate entity. The Librarian acts as the custodian of the archival collection but scarcely ever performs the duties of an archivist as would be set out in archival legislation.³²

²⁹ Girvan, Norman. “Reinterpreting the Caribbean,” *New Currents in Caribbean Thought*, Brian Meeks and Folke Lindahl (eds.), Mona: UWI Press, 2001. Reprinted in Dennis Pantin (ed.) *Caribbean Economy: A Reader*. Kingston: Ian Randle Publications, 2005. Spanish version “Reinterpretar el Caribe”, *Revista Mexicana del Caribe*, No. 7; January 2000. Version dated February 9, 1999, viewable online at <http://www.acs-aec.org/About/SG/Girvan/Speeches/rei1.htm>

³⁰ “Archival Legislation for Commonwealth Countries,” compiled by Dagmar Parer, Project Co-ordinator, Association of Commonwealth Archivists and Records Managers (ACARM), 2000, viewable online as: <http://www.acarm.org/publications/Legislation.pdf>.

³¹ “The date of the archival period can be determined from the date of ‘last dealing’ or be measured from the end of a calendar year during which a record came into existence.” *Ibid.*, at Section 8.2.1.

³² *Ibid.*, at Annex 2, Section 2 Regional Reports, Area 3: The Caribbean (CARBICA), Overview.

The ACARM Report goes on to emphasize that best practices have little meaning unless public access can be equitably controlled, and sensitive information protected.

Equitable public access and reliable protection of sensitive information derive from consistent, informed and soundly based decision making regarding access. This may best be achieved if access is centrally authorized by an archives with core responsibility for access clearance. It is appropriate that consultation with agencies over particularly sensitive access issues be in place but overall responsibility for access decisions should be with the archives. Legislation should contain a clear statement outlining who has responsibility for access decisions.³³

Genealogy research requires access to and reliance on primary source materials whenever possible. Genealogy resource materials that have not been digitized are typically housed in archival and library special collections. What the ACARM Report implies generally is that Caribbean nations have little or no legislative authority in place for either maintaining custody and control over such records, or for establishing—and enforcing—policies for access and privacy protection. This lack of government support for a tradition of archives and record-keeping, and public access to government documents, adds yet another layer of complexity to access for family history researchers in the Caribbean region.

It is reasonable to expect that Caribbean archivists and librarians will continue to cooperate with each other to demand and perform best practices, and to raise the visibility of their collections.³⁴ But in today's world of economically-driven government decisions, archives and research advocates also need to convince lawmakers that access to information has an economic consequence as well as a socio-cultural one. Without due consideration for both, the need for archives reforms at the insular level will have very little impact when weighed against the competition for resources for regional information and knowledge management.

One strategy for persuasively encouraging reform might be to better understand the characteristics and needs of researchers in archival institutions that presently serve the Caribbean. In 2002 the Caribbean Regional Branch of the International Council on Archives (CARBICA) did just that by surveying its own members. It found that “[w]hen addressing the question of public demand in archival institutions of the Caribbean one has to keep in mind the different archival traditions and the short archival history in this region.”³⁵ The four traditions identified in the survey analysis were differentiated by language: English, French, Dutch and Spanish (Latin American), but the survey results decidedly bore out a consensus on user needs: use of Latin American and Caribbean archives centered on genealogy and family history. The survey results indicated that most users were genealogists, the most frequently used sources were genealogical records, government archives, maps and photographs, and the favored topics of interest, though equally varied, accentuated family

³³ *Ibid.*, at Section 8.1.

³⁴ Richards, Alex. “Library Cooperation for Social and Cultural Development within the Caribbean Area.” 60th IFLA General Conference – Conference Proceedings, August 21-27, 1994, viewable online at <http://www.ifla.org/IV/ifla60/60-rica.htm>.

³⁵ Römer-Kenepa, Nolda. “Public Demand in Caribbean Archival Institutions, Archives, modern information centers for the general public,” presented at the XXXVIth CITRA (International Conference of the Round Table on Archives) in Marseille, 2002. Viewable online at: http://www.carbica.com/carbica_public_demands.doc.

history and history of the country.³⁶ Identifying action items for genealogy research, the CARBICA survey confirms that more material—especially archives in the custody of “the former mother countries in Europe”—must be made accessible and “[n]ew access tools can make this material available for more people. It is costly and we have to make choices.”³⁷

It is daunting to realize that almost 50 years after Baa’s report to the Caribbean Commission, access to and use of Caribbean information remains a pervasive regional concern.³⁸ Then, as now, lack of government support, legislation, funding and dedicated personnel resources are the principle access barriers. What are the choices that will determine whether the Caribbean decides to “go back and fetch”³⁹ its identity, or use “new access tools” for a different purpose? Which choices will prevail?

DE-IDENTIFICATION

In the 21st century the Caribbean’s economic heterogeneity presents its own bundle of challenges to regional identity and the future of access to records by researchers. Despite the fact that more than half of the countries of the Americas are located in or bordering on the Caribbean Sea, the members of the Caribbean community of nations include virtually all of the smallest economies in the Western Hemisphere—and when it comes to economy, size matters. According to the Caribbean Rim Investment Initiative (CRII) of the Organisation for Economic Co-Operation and Development (OECD), relative population and land mass size, a poor investment climate and the political and social diversity in the Caribbean region have created a barrier to “knowing.”

The fact that the Caribbean Basin represents such a mosaic of economic, political and social diversity explains in part why this region has been less studied relatively to other regions of Latin America.⁴⁰

What *is* known is that poor economic development in the emerging states of the Caribbean has hindered growth in political and social sectors as well. This in turn inadequately positions these states for remedial economic improvement. Caught in an unalterable cycle, weakened Caribbean nations have had little power to compete with or within new global economic paradigms—that is, until these nations recognized the consensus for goals born of their shared histories, attributes and interests. Now, there is an awakening underway that economic success in the Caribbean’s global Information Age requires forging alliances built on strong affiliations and meaningful relationships.

Speaking before the Conference on the Caribbean in 2007, Dr. the Honourable Ralph E. Gonsalves, Prime Minister of St. Vincent and the Grenadines, and Chairman of the

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *E.g.*, ACURIL’s 2007 Conference in Puerto Rico explored the theme of “Equal Access to Information and Knowledge: An Inalienable Right For All.”

³⁹ The phrase “go back and fetch it” is a translation of the African symbol “sankofa” meaning the wisdom of learning from the past to build for the future. *See*, <http://www.sankofaipher.com/home.html> .

⁴⁰ CRII, at http://www.oecd.org/document/35/0,3343,de_2649_34529562_2750243_1_1_1_1_34529562,00.html.

Caribbean Community (CARICOM), recognized these stirrings but reinforced to his audience that good governance in a global context must reflect both individual and shared identity.

[T]his generation of post-colonial peoples and leaders are confident, though not complacent, in achieving successfully, and simultaneously, the transitional tasks inherent in the movement from a colonial to a post-colonial economy **and** the actual construction of a modern, competitive, post-colonial economy which is at once national and regional. . . . The very modern globalization which has challenged us, has enabled us to find and speak in our own voice. In that sense, modern globalization has helped us to venture more assuredly beyond our seascape and landscape **and** also to come home decisively. . . . [W]e ought never to be defensive about the central role which the State has to play.⁴¹

It is precisely the way in which societies are now governed, administered and public services delivered that has driven the Caribbean to embrace—to celebrate—the Information Age as its economic catalyst for change. In many ways, the history of the Caribbean makes it remarkably well suited to capitalizing on this challenge. Its bureaucratic and technologic infrastructures have been so inefficient and poorly developed in the past that they present very little resistance to implementing and substituting new models and standards. Until recently, its most serious developmental challenges have been resources and funding. Now, most resources for information technology are non-native and can be developed with adequate financial supplements. Through a shared history the Caribbean has firm ties with many developed nations, but historically it has been frustrated by limited access to global capital markets. Now, with demand for information and e-resources far exceeding supply, there is increasing worldwide funding for development, infrastructure and training. In a more North to South flow, developed countries are also coming to the realization that the dynamics of global economics may depend as much on their own economic strength as their ability to address the inadequacies of the lesser developed nations.⁴²

All of these factors, along with increasing security concerns worldwide, have set the stage for new and renewed multistakeholder modalities—this time less colonial in nature, but as assuredly cross-cultural in character and transnational in effect. The designated engine for 21st century Caribbean economic growth and development is the CARICOM Single Market and Economy (CSME). The need for integrated information networks, systems for connectivity and information exchange, e-commerce and regulatory frameworks to support the CSME is precisely what is driving the CARICOM nations toward establishing Information and Communication Technologies (ICTs).

⁴¹ Gonsalves, Dr. The Honourable Ralph E. Gonsalves. “Our Caribbean in the 21st Century: A Way Forward,” an address delivered on June 19, 2007, at the “Conference on the Caribbean: A 2020 Vision,” viewable online at http://www.caricom.org/jsp/speeches/conf_on_caribbean_world_bank_meet_gonsalves.pdf. (Emphasis in the original)

⁴² Forde, Jacqueline Wiltshire. “Legal and Regulatory Issues Relating to e-Commerce: Basic Principles and Approaches in CARICOM Jurisdictions” (June 2002). Paper delivered at the United Nations Conference on Trade and Development Electronic Commerce Branch Regional High-Level Workshop on Electronic Commerce and ICT for Central America and the Caribbean June 25, 2002, and viewable online at http://r0.unctad.org/e-commerce/event_docs/curacao/forde.pdf.

The improvement of ICT and e-government systems in public sector management can be a powerful engine for economic growth, competitiveness and jobs, while at the same time improving citizens' quality of life. It will facilitate communication between public authorities and citizens, and between businesses and clients. It also has the potential to increase citizen participation in the democratic process and can, in ultimate analysis, improve the position of Caribbean countries in the global political economy.⁴³

As the organization and business of governance responds to these new information and system demands, national infrastructures to facilitate communications must be designed and planned with capacity for growth and compatibility for regional and international linkages. This pressing need for e-government-wide information technology (IT) strategies creates yet another Caribbean development node within which ICTs can flourish—and, of course, be regulated.

Security concerns and seamless inter-jurisdictional data flows transcend territorial borders in this age of globalization. These new world conditions demand privacy-protective solutions that are either non-territorial in nature or, at the very least, are premised upon collaboration between authorities across territorial divides. Such collaboration, however, is not without its challenges as representatives from nations with differing cultures and values sit across the table from one another striving to develop tools for taming (if not slaying) dragons for whom borders bear no meaning.⁴⁴

The principle dragon the Caribbean researcher must tame is the perceived need for data protection (also called privacy protection) legislation in the ICT-charged environment.⁴⁵

As plans and strategies for ICTs proliferate throughout the Caribbean,⁴⁶ various models are being proposed and constructed for data protection. Whether intentional or not, these proposals represent a variety of standards. If enacted they will regulate access to public

⁴³ United Nations Department of Economic and Social Affairs, Working Group on e-Government and Information Technology in Public Sector Management. "e-Government Strategy and Action for the Caribbean States Project Proposal 2002" (2002) viewable online at <http://unpan1.un.org/intradoc/public/documents/caricad/unpan022650.pdf>.

⁴⁴ Bailey, Jane. "A Report on 'Terra Incognita': The 29th International Conference of Data Protection and Privacy Commissioners," a paper commissioned by the Office of the Privacy Commissioner of Canada and delivered at "Confronting the Dragons Without and Within: Privacy's Final Frontier, the The 29th International Conference of Data Protection and Privacy Commissioners," held September 25-28, 2007. Viewable online at http://www.privacyconference2007.gc.ca/workbooks/Terra_Incognita_summary_E.html.

⁴⁵ Organisation for Economic Co-operation and Development. "OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data." (September 23, 1980), viewable online at <http://www.oecd.org/publications>. "[I]t is common practice in continental Europe to talk about 'data laws' or 'data protection laws' (*lois sur la protection des données*), whereas in English speaking countries they are usually known as 'privacy protection laws'. *Ibid.*, at I.4.

⁴⁶ UNDESA/CARICAD 4th Caribbean Ministerial Consultation and High Level Workshop on Public Sector Management: Strategies for E-Government. "Note on the Compendium of Existing ICT and E-Government related Documents in the Caribbean Region." (2003) (follows the "Conclusions and Recommendations" reached), viewable online at <http://unpan1.org/groups/public/documents/caricad/unpan009780.pdf>.

See, also: Appendix A (attached) ["A Sampling of Legislation in the Caribbean Affecting Data (Privacy) Protection and Access to Information," compiled by the author (2008)].

records for genealogical research specifically, and public records of genealogical interest generally. For example, Trinidad and Tobago has released a final version of its National Policy on Data Protection,⁴⁷ which includes a statement of principles and provide, *inter alia*, for when personal information may be disclosed, disclosure of personal information for research or statistical purposes, and for archival or historical purposes.⁴⁸ A memorandum accompanying the policy proposal adds further commentary on the principles behind the foregoing provisions:

Limitations on protection of personal data about persons who have been dead for more than twenty years are intended to ensure that historical and genealogical research can be conducted and are a compromise between the needs of individuals and historians for this type of information and the privacy interests of the deceased individual.⁴⁹

Compare these provisions to the Cayman Islands Freedom of Information Law enacted in 2007 but not yet fully implemented, which “for the first time provide[s] a right of access to government records for members of the public.”⁵⁰ The law provides, *inter alia*, that “a public authority shall not grant access to a record if it would involve the unreasonable disclosure of personal information of any person, whether living or dead” and that such exemption shall not be limited by time with respect to records of personal information.⁵¹ The disparity of access for research provisions in these two Caribbean entities points up the problems associated with such regulatory controls that are conceived in a geographically defined landscape.⁵² Imagine the consequences when data flow across national borders, or are aggregated in international data banks for retrieval and other purposes. In such cases, developing safeguards at the national level may not be enough or, alternatively, the national interest may be subsumed to a greater international interest which permits or inhibits disclosure.⁵³

Of greater concern, however, is the movement towards de-identification as a method of avoiding the risks of privacy loss. “De-identification of data involves its modification to

⁴⁷ Trinidad and Tobago Ministry of Public Administration & Information. “*fastforward* Trinidad and Tobago. Accelerating into the digital future. National Policy on Data Protection” (December 2005), viewable online at <http://www.fastforward.tt/files/cms/Data%20Protection%20-%20Final%20Document.pdf>.

⁴⁸ *Ibid.*, at Section 3.0 and Parts III.18 – III.20, respectively.

⁴⁹ Trinidad and Tobago Ministry of Public Administration & Information. “Explanatory Memorandum Data Protection Policy and Bill” (2003) viewable online at <http://www.fastforward.tt/files/cms/Explanatory%20Memorandum%20Final%20Document%20-%20Data%20Protection.pdf>.

⁵⁰ “Cayman Islands Government Implementation Plan for the Freedom of Information Law, July 2007- November 2010” at p.2, viewable online at <http://www.foi.gov.ky/pls/portal/docs/PAGE/FOIHOME/DRAFTBILL/DRAFTIMPLEMENTATIONPLAN11JAN08.PDF>.

⁵¹ Cayman Islands, “The Freedom of Information Law, 2007 (Law 10 of 2007), Supplement 1 published with Gazette No. 23 dated 13 November, 2007,” Part II, Sections 23(1) and (3), viewable online at <http://www.foi.gov.ky/pls/portal/docs/PAGE/FOIHOME/DRAFTBILL/FREEDOMOFINFORMATIONLAW2007.PDF>.

⁵² *Ibid.*, fn. 43, at III.C.2.

⁵³ *Ibid.*, fn. 45, at I.7.

ensure that the data cannot be connected to an identifiable individual. . . . A foundational problem with de-identification is the absence of a single set of heuristics for predicting whether de-identified data could lead to re-identification of the individual with whom the data is associated.”⁵⁴ Other alternatives for “protection” include delimiting communities of sharing by narrow definition; providing a mechanism and control for independent oversight; levying sanctions for misuse (and delegating the requisite authority to enforce them); and a more consent-based model such as requiring legal privacy notices which affirmatively yield access rights.

Whether pursuing de-identification or consent-based models, each alternative has a cost and a benefit to be measured. As planners, strategists and legislators in Caribbean countries weigh such factors within the scope of their respective roles, it will be important to have the needs of genealogical researcher/users—including potential users—considered as well. Barbados has made such a provision in its National ICT Strategic Plan by acknowledging the critical role played by libraries and archives, among others, to bring focus to the impact of traditional sources of information on ICT policy development.⁵⁵ The Barbados model approach to implementation of its ICT plan, unlike many others, is to have as an affirmatively stated ultimate goal “enlightened access’, which is the creative exploitation of ICTs for national development.”⁵⁶ Sadly, the enlightened access model is an exception but its appearance signals some hope of remediating the Caribbean’s cultural de-identification.

CONFUSION OR CONCLUSION?

Identifying viable financial resources within the CSME framework remains essential for moving forward on ICT development goals but to do so effectively, to benefit Caribbean genealogy researchers, and to benefit generations who do not yet even realize they must reclaim their history, the library and archival communities must be advocates for change. Researchers must find ways to collaborate across borders to have impact on a wider audience. Librarians and archivists must be decision planners and decision makers in this globalization process, and they must prove their work product to be both relevant and economically stimulating to the region if they wish to remain at the decision table. Their decisions, as well as those of others, must be both nationally and regionally informed to best represent the priorities of the displaced as well as the described. Decisions made on ICT development and planning for a digital information-infused future will also inform the genealogy community to better plan and serve its community of users and to progress in step with advancing technology to identify, secure and preserve information to make it more accessible. Fundamentally, this will be a shared process and there is ample opportunity on both sides to participate, to lead, and to learn from the past.

⁵⁴ *Ibid.*, fn. 44, at II.C, which goes on to say that “[a] study using 1990 U.S. Census summary data by Latanya Sweeney showed that 87% of Americans ‘had reported characteristics that made them unique based only on’ their zip code, gender and date of birth.” (*N.B., Abstract for L. Sweeney. “Uniqueness of Simple Demographics in the U.S. Population,” LIDAP-WP4. Carnegie Mellon University, Laboratory for International Data Privacy. (Pittsburgh, PA, 2000), is viewable online at <http://privacy.cs.cmu.edu/dataprivacy/papers/LIDAP-WP4abstract.html> ; access to full article for members only.*)

⁵⁵ Babb, Dr. Annalee and Anius, Dr. Diana, Consultants. “Barbados’ National ICT Strategic Plan Mobile Barbados: Building the Networked Nation Draft Report” (August 19, 2005) viewable online at: http://www.commerce.gov.bb/Downloads/DRAFT_StrategicPlanFinalV.pdf , at p. 162.

⁵⁶ *Ibid.*, at p. 155.

The process of defining the Caribbean's identity is sure to continue, as will the confusion of its heritage and its present. The Caribbean has no choice but to coax the stories of an otherwise undocumented past out of the records it has and those it can yet identify. For all that, the identity of the Caribbean will likely remain as much about what is known as is unknowable.

The future, though, lies in the fresh paradigm of information exchange possibilities and the freedoms, privileges and burdens associated with them. As the Caribbean embraces its new economic model, what will redound to the benefit of the genealogy researcher? Will the Caribbean fall prey to further confusion and risk cultural de-identification or will it at last dedicate its information resources to establish for itself a recorded identity? Will there be a pistarckle or enlightened access?

APPENDIX A
AN INFORMATION SAMPLING OF LEGISLATION IN THE CARIBBEAN
AFFECTING DATA (PRIVACY) PROTECTION AND ACCESS TO INFORMATION

UNIT	STATUS	DATA PROTECTION/ PRIVACY LAWS
Anguilla	UK dependent territory ⁵⁷	1998 Data Protection Act (UK) ⁵⁸ http://www.dca.gov.uk/ccpd/dpsubleg.htm
Antigua & Barbuda	Independent sovereign state within the Commonwealth	As of 2006, a bill on Data Protection to allow individuals to access, correct and control their personal information held by public and private bodies was pending in the Parliament. ⁵⁹
Aruba	Status aparte (Kingdom of the Netherlands)	Wet bescherming persoonsgegevens (Wbp; Personal Data Protection Act) 1 September 2001. The Wbp relates to every use - 'processing' - of personal data, from the collection of these data up to and including the destruction of personal data. http://www.dutchdpa.nl/indexen/en_ind_wetten_wbp.shtml
Commonwealth of The Bahamas	Independent member of Commonwealth of Nations	The Data Protection (Privacy of Personal Information) Act, 2003 (11 April 2003) http://www.bahamas.gov.bs/bahamasweb2/home.nsf/vContentW/DPC--Resource+Centre--PDF/\$FILE/DATA%20ACT%202003.pdf Chief Justice has power to make regulations for admission to The Bahamas Archives. See The Public Records Office Act, 1971 (No. 26 of 1971) (Chapter 189, revised 1985). http://laws.bahamas.gov.bs/Statutes/statute_CHAPTER_189.html
Barbados	Independent sovereign state within the Commonwealth	“5.7 Develop a comprehensive national information and communications policy.” (Goal from “Global Excellence. Barbadian Traditions. The National Strategic Plan of Barbados 2006-2025”) http://www.barbados.gov.bb/Docs/NSP_Final%202006-2025.pdf Draft National ICT Strategic Plan http://www.commerce.gov.bb/Downloads/DRAFT_StrategicPlanFinalV.pdf
British Virgin Islands	British Overseas Territory	1998 Data Protection Act (UK) ¹ http://www.dca.gov.uk/ccpd/dpsubleg.htm
Cayman Islands	British Overseas Territory	The Freedom of Information Law, 2007 (Law 10 of 2007); Supplement No. 1 published with Gazette No. 23 dated 13 November, 2007 (target date for implementation is January 1, 2009). http://www.foi.gov.ky/pls/portal/docs/PAGE/FOIHOME/DRAFTBILL/FREEDOMOFINFORMATIONLAW2007.PDF <i>See, also:</i> 2008 Proposals for FOI Regulations http://www.foi.gov.ky/pls/portal/docs/PAGE/FOIHOME/DRAFTBILL/FOICONSULTATIONPAPER.PDF
Cuba	Republic	Decreto Ley No. 221 (de los Archivos de la Republica de Cuba) 8 August 2001 ⁶⁰ http://www.arnac.cu/webxtras/leyarch.htm

⁵⁷ Although the local legislature and courts are independent from the United Kingdom, the British Government deals with all international relations on behalf of the Territory.

⁵⁸ *But, see:* “An independent review of the ‘30-year rule’” at <http://www.30yearreview.org.uk/>. “It is time to look again at whether historical records can be made available for public inspection much more swiftly than under the current arrangements.” Prime Minister Rt. Hon. Gordon Brown MP, “Liberty” speech, October 2007.

⁵⁹ Banisar, David. “Freedom of Information Around the World 2006, A Global survey of Access to Government Information Laws.” (2006: Privacy International) Viewable on line at http://www.freedominfo.org/documents/global_survey2006.pdf.

⁶⁰ Government agencies send documents to archives after 25 years (Capitulo II, Seccion Cuarta). *See*, fundamental functions (Capitulo II, Seccion Tercera).

Commonwealth of Dominica	Republic within the Commonwealth	Refers to 1998 Data Protection Act (UK) ¹ <i>See, also:</i> House of Lords Papers: HLP 214. Merits of Statutory Instruments Committee. 39th Report. Drawing special attention to: Draft Data Protection (Processing of Sensitive Personnel Data) Order 2006. http://www.publications.parliament.uk/pa/ld/ldsess06/119.htm
Dominican Republic	Independent	Does not have comprehensive data protection legislation. ⁶¹ Law on Access to Information approved 28 July 2004. FOI law enacted February 2006. ⁶² http://www.privacyinternational.org/article.shtml?cmd%5B347%5D=x-347-559544
Grenada	Independent sovereign state within the Commonwealth	May refer to 1998 Data Protection Act (UK) ¹
Guadeloupe	Département et région d'outre mer (France)	COMMISSION NATIONALE DE L'INFORMATIQUE ET DES LIBERTÉS (CNIL) Act of 6 January 1978 The Commission nationale de l'informatique et des libertés or CNIL is an independent French administrative authority whose mission is to ensure that data privacy law is applied to the collection, storage, and use of personal data. Created by the law n° 78-17 on 6 January 1978 about computers , files and liberties (data privacy). http://www.cnil.fr/ <i>See, also:</i> LOI n° 2004-801 du 6 août 2004 relative à la protection des personnes physiques à l'égard des traitements de données à caractère personnel et modifiant la loi n° 78-17 du 6 janvier 1978 relative à l'informatique, aux fichiers et aux libertés (1). http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000441676&dateTexte=
Haiti	Republic	None
Jamaica	Independent sovereign nation	Access to Information Act, adopted July 2002. ⁶³ Access to Information Unit of the Jamaica Archives and Records Department in the Office of the Prime Minister formed January 2003; The Archives Act 1982 provides for access to documents over 30 years old.
Martinique	Département et région d'outre mer (France)	<i>See, Guadeloupe</i>
Montserrat	British Overseas Territory	1998 Data Protection Act (UK) ¹ http://www.dca.gov.uk/ccpd/dpsubleg.htm
Nederlandse Antillen (Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten)	Constitutional monarchy (Kingdom of the Netherlands) ⁶⁴	<i>See, Aruba</i>

⁶¹ However, privacy is protected in various laws, decrees, and in resolutions issued by different state organizations. The Ombudsman has the faculty to intervene, representing the collectivity interests, in matters related to human rights, environment, women, children and adolescent affairs and in topics related to consumer protection. According to Privacy International, he Ombudsman has had no had practical effect yet, as no one has been appointed to the position.

⁶² The Freedom on Access to Public Information provides that when an individual requests information from a State Institution and this "affects supreme interests or private rights", such as the "disclosure of personal data that could infringe personal privacy... personal data can be handled only when there is specific and unambiguous evidence that the individual affected consents to the processing of the data or that the law compels its disclosure." The Act also includes two exceptions that would permit disclosure: i) the personal data is of public interest; or ii) disclosure is necessary to an investigation carried out by a Public Administration Body.

⁶³ The law allows any person the right to demand information in any form from national and municipal bodies, state enterprises, and private organizations that receive public money to conduct state business.

⁶⁴ The Netherlands Antilles was scheduled to be dissolved as a unified political entity on 15 December 2008, so that the five constituent islands will attain new constitutional statuses within the Kingdom of the Netherlands. This dissolution is still planned, but has been postponed to an indefinite future date.

Puerto Rico	Commonwealth of the US	Chapter 40B, Title 3, Laws of Puerto Rico: Electronic Government. Federal records covered under various US laws.
Saint Barthélemy	Collectivité d'outre mer (France) ⁶⁵	<i>See, Guadeloupe</i>
Saint Kitts and Nevis	Independent Federation with a parliamentary democracy ⁶⁶	ICT Strategic Plans calls for development of a Data Protection policy (2006) http://unpan1.un.org/intradoc/groups/public/documents/TASF/UNPAN024901.pdf
Saint Lucia	Independent parliamentary democratic Commonwealth Realm	None found. ⁶⁷
Saint Martin	Collectivité d'outre mer (France) ⁸	<i>See, Guadeloupe</i>
Saint Vincent and the Grenadines	Independent parliamentary democratic Commonwealth Realm	Refer to 1998 Data Protection Act ¹ Under consideration (as of 2002): Draft model Bill on the Protection of Personal Information <i>See, http://uk.vlex.com/vid/449180</i>
Trinidad and Tobago	Independent parliamentary republic	“National Policy on Data Protection,” December 2005, Ministry of Public Administration and Information (under the National ICT Strategy: “ <i>fastforward</i> Trinidad and Tobago. Accelerating into the digital future.”). ⁶⁸ http://www.fastforward.tt/files/cms/Data%20Protection%20-%20Final%20Document.pdf <i>See, also: “Explanatory Memo Data Protection Policy and Bill.”</i> http://www.fastforward.tt/files/cms/Explanatory%20Memorandum%20Final%20Document%20-%20Data%20Protection.pdf
Turks and Caicos Islands	British Overseas Territory	None. <i>But, see:</i> mention of Electronic Transactions Ordinance 2001 (not yet implemented) at http://www.worldservicesgroup.com/guides/Doing%20Business%20in%20Turks%20and%20Caicos%20Islands.pdf
United States Virgin Islands	Unincorporated, organized territory of the United States	Chapter 33, Title 3, Virgin Islands Code re Public Records; Chapter 2, Title 3, Virgin Islands Code covers the confidentiality of library patron records. Federal records covered under various US laws.

⁶⁵ (as of February 22, 2007). LOI organique n° 2007-223 du 21 février 2007 portant dispositions statutaires et institutionnelles relatives à l'outre-mer (1)

<http://admi.net/jo/20070222/DOMX0500203L.html>

⁶⁶ Based on the British model with Queen Elizabeth II of the United Kingdom as the Head of State. It is the only Federation in the Caribbean.

⁶⁷ “The Laws of Saint Lucia were last revised in 1957 – (nearly forty years ago)” [http://www.stlucia.gov.lc/features/agchambers/law_revision_for_saint_lucia.htm] prompting the Attorney General to issue an announcement of a new updated edition to be issued within 3 years.

⁶⁸ “In 1999, the Attorney General instructed the Law Commission of Trinidad and Tobago to prepare a legislative package on electronic commerce. To date two of the three bills comprising that package are now Acts Two additional policies and bills are necessary at this stage to facilitate social and economic development through the use of ICT: the Electronic Transaction Policy and Bill and the Data Protection Policy and Bill.” Section 1.0. Derived from a North American Model, with compliance intended to more rigorous standards for the protection of personal data per EU’s Data Protection Directive, this final version, which will inform actions to be taken by Parliament to introduce a Bill, takes into consideration the objectives of *fastforward* while focusing on the need to be compliant with the target market laws, including compliance with the US HIPAA Act.